DEBATES

OF

THE SENATE

OF THE

DOMINION OF CANADA

1905

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HOLLAND BROS.

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FIRST SESSION—TENTH PARLIAMENT

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1905

SENATORS OF CANADA

ALPHABETICAL LIST

1st SESSION, 10th PARLIAMENT, 4-5 EDWARD VII.

1905.

SENATORS.	DESIGNATION.	POST OFFICE ADDRESS.
The Honourable		
BAIRD, G. T.	Victoria	Perth Centre, N.B.
BAKER, G. B.	Bedford	Sweetsburg, Que.
BÉIQUE, F. L	DeSalaberry	Montreal.
BERNIER, T. A	St. Boniface	St. Boniface, Manitoba.
BLACK, T. R.	Amherst	Amherst, N.S.
BOLDUC, J	Lauzon	St. Victor de Tring, Que.
BOSTOCK, H.	Kamloops	Monte Creek, B.C.
BOUCHERVILLE, DE C. E., C.M.G	Montarville	Boucherville, Que.
BOWELL, SIR MACKENZIE, K.C.M.G	Hastings	Belleville, Ont.
CARLING, SIR JOHN, K.C.M.G.	London	London, Ont.
CARTWRIGHT, SIR RICHARD, K.C.M.G.	Oxford	Ottawa.
CASGRAIN, J. P. B	DeLanaudière	Montreal.
CASGRAIN, C. E.	Windsor	Windsor, Ont.
CHOQUETTE, P. A	Grandville	Quebec.
CHURCH, C. E	Lunenburg	Halifax, N.S.
CLORAN, H. J	Victoria	Montreal.
COFFEY, T	London	London, Ont.
COX, G. A.	Toronto	Toronto, Ont.
DANDURAND, R. (Speaker)	De Lorimier	Montreal.
DAVID, L. O	Mille Iles	Montreal.
DAVIS, T. O	Prince Albert	Prince Albert, N.W.T.
DOBSON, J	Lindsay	Lindsay, Ont.
DOMVILLE, J.	Rothesay	Rothesay, N.B.
DRUMMOND, SIR G. A., K.C.M.G	Kennebec	Montreal.
EDWARDS, W. C.	Russell	Ottawa.
ELLIS, J. V.	St. Jonn	St. John, N B.
FERGUSON, D.	Queen's	Charlottetown, P.E.I.
FISET, J. B. R.	Gulf	Rimouski, Que.
FORGET, L. J	Sorel.	Montreal.
FROST, F. T.	Leeds and Grenville.	Smith's Falls.
FULFORD, G. T.	Brockville	Brockville, Ont.
GIBSON, W.	Lincoln	Beamsville, Ont.
GODBOUT, J.	La Salle	St. François, Beauce, Que.
GOWAN, J. R., C.M.G.	Barrie	Barrie, Ont.
HINGSTON, SIR WILLIAM, Kt.	Rougemont	Montreal.
JONES, L. MELVIN	Toronto	Toronto, Ont.
KERR, W	Northumberland, O.	Cobourg, Ont.
KERR, J. K.	Toronto	Toronto, Ont.
KING, G. G.	Queen's	Chipman, N.B.
KIRCHHOFFER, J. N.	Selkirk	Brandon, Man.
LANDRY, A. C. P.	Stadacona	Notre Dame de Quebec, Que.
LEGRIS, J. H	Repentigny	Louiseville, Que.
LOUGHEED, J. A	Calgary	Calgary, N.W.T.
LOVITT, J.	Yarmouth	Yarmouth, N.S.

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

THE DEBATES

OF THE

SENATE OF CANADA

IN THE

FIRST SESSION OF THE TENTH PARLIAMENT OF CANADA, APPOINTED TO MEET FOR THE DESPATCH OF BUSINESS ON WEDNESDAY, THE ELEVENTH DAY OF JANUARY, IN THE FIFTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD VII

SENATE.

Ottawa, Wednesday, January 11, 1905.

The Senate met at 2 p.m.

Prayers.

The Members of the Senate were informed that a Commission under the Great Seal had been issued, appointing the Honourable Raoul Dandurand to be the Speaker of the Senate of Canada.

The said Commission was then read by the Clerk.

The Honourable the Speaker then took the Chair at the foot of the Throne, to which he was conducted by the Honourable Messieurs Scott and Templeman, the Gentleman Usher of the Black Rod preceding.

NEW SENATORS.

The following newly appointed Senators were introduced :

Right Honourable Sir Richard Cartwright, G.C.M.G.

Honourable Philippe Auguste Choquette.

Honourable James Hamilton Ross.

Honourable Thomas Osborne Davis.

The Honourable the Chief Justice of Canada, Deputy Governor General, being seated at the foot of the Throne.

The Honourable the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons and acquaint that House that,—'It is the Deputy Governor's desire that they attend him immediately in the Senate.'

Who being come,

The Honourable the Speaker said,

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

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

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

The Senate adjourned until to-morrow afternoon at a quarter to three o'clock.

SENATE.

Ottawa, Thursday, January 12, 1905.

The Speaker took the Chair at 2.45 p.m.

PRAYERS.

At three o'clock p.m., His Excellency the Governor General proceeded in state to the Senate Chamber, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was pleased to command the attendance of the House of Commons. The members of that body, preceded by their Speaker, appeared at the Bar.

The Hon. Robert Franklin Sutherland, Speaker of the House of Commons, said :—

MAY IT PLEASE YOUR EXCELLENCY :

The House of Commons has elected me their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

If, in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who, through me, the better to enable them to discharge their duty to their King and country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to Your Excellency's person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable consideration.

The hon. the Speaker of the Senate then said :—

Mr. Speaker,—I am commanded by His Excellency the Governor General to declare to you that he fully confides in the duty and attachment of the House of Commons to His Majesty's person and government ; and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges. I am commanded also to assure you, that the Commons shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction.

THE SPEECH FROM THE THRONE.

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 :

I desire on this occasion to assure you how sensible I am of the great honour conferred on me by the King, in appointing me to the distinguished position of Governor General.

My pleasure in being called upon to represent His Majesty in the Dominion has been heightened by the cordial welcome I have received on all sides and from all classes.

This favoured land, with its vast resources and improving facilities for transportation, is attracting people on an ever ascending scale, not only from the United Kingdom, but also from the United States and from many other countries.

As the opportunities for settlement under the advantageous conditions which exist are better known, this Dominion will become the home of an increasing number of happy and contented people, whose character and prosperity will add strength to the great empire of which you are so important a part.

It is gratifying to note that the trade of the Dominion, which in recent years has so steadily increased, is not diminishing, the aggregate trade for the last fiscal year being the largest on record. The revenue for the past six months is also greater than for the corresponding period of the preceding year.

On the invitation of the President of the United States, my government has joined in the formation of an international commission composed of three representatives from each country to investigate and report upon the conditions and uses of the waters adjacent to the boundary line between the United States and Canada, and to make such recommendations for improvements and regulations as shall best subserve the interest of navigation in said waters.

The rapid growth in the population of the Northwest Territories during the past two years justifies the wisdom of conferring on these territories provincial autonomy. A bill for that purpose will be submitted for your consideration.

The surveys necessary for the location of the line of the National Transcontinental Canadian Railway are being vigorously prosecuted, and it is confidently believed that tenders for the construction of several sections may be invited during the coming season.

The display of Canadian products made last year at the St. Louis exhibition proved such a marked success in attracting emigrants to the western prairies, that it is proposed to accept the invitation of the government of Belgium to send samples of our products and manufactures, to the exhibition to be shortly held at Liège.

Gentlemen of the House of Commons :

The accounts of the last year will be laid before you. It will be satisfactory to you to learn that the expenditure has been less than the revenue, leaving a surplus over all charges.

The estimates for the coming year will be submitted at an early date ; they have been prepared with a due regard for economy consistent with the development of the resources of the Dominion.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

I invite your best attention to the subjects I have mentioned and invoke the Divine blessing on your deliberations.

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

Hon. Mr. SCOTT moved that the Speech of His Excellency the Governor General be taken into consideration by the Senate on Monday next.

The motion was agreed to.

The Senate adjourned until Monday next.

THE SENATE.

Ottawa, Monday, January 16, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know if the official who has charge of the minutes and proceedings of the Senate could inform the House why the order which has hitherto been followed in introducing new members in this House was changed in the printing of the minutes of the proceedings when the new members were introduced last week? We are all aware that the first new member who was introduced on the opening day of the session was the Right Hon. Sir Richard J. Cartwright. Then came the Hon. Mr. Ross, then Mr. T. O. Davis, and then Mr. Choquette. As we read the minutes of the Senate, that order has been changed, and the Hon. Mr. Choquette has been placed second on the list. I think he has a right to that position, because the 'Canada Gazette' placed the Hon. Mr. Choquette second in the appointments. All four members were appointed on the same day, September 30, and the 'Journal' of October 1, printed the names, first, Sir R. Cartwright, second, Hon. Mr. Choquette, third, Hon. Mr. Ross, and fourth, the Hon. Mr. Davis. But the introduction into this chamber did not take place according to the nomination of the new senators, and I think it was by a mistake that the Hon. Mr. Choquette was placed last. That does not mean to say he is the least, but he was left until the last. If it is in order, I should like to know who gave the orders to correct our minutes in that respect? There are two points in question here : There is first the relation of the facts as they took place in the House, and in the order in which they took place, and the other point why the Hon. Mr. Choquette, who was introduced second, was left until the last ?

Hon. Mr. SCOTT—Because Mr. Choquette was the last appointed.

Hon. Mr. LANDRY—How was he the last appointed ?

Hon. Mr. SCOTT—He was the last one appointed by the Crown.

Hon. Mr. LANDRY—The 'Canada Gazette' shows to the contrary.

Hon. Mr. SCOTT—I do not know about the 'Canada Gazette'; I only know what occurred in the Privy Council.

Hon. Mr. LANDRY—If there is a minister who ought to know something about the 'Canada Gazette' it should be the hon. Secretary of State.

Hon. Mr. YOUNG—There are other minutes which require some slight correction. For instance, in the case of the Hon. Mr. Davis, it is stated that he was introduced by the Hon. Messrs. Scott and Tessier; he was introduced by the Hon. Mr. Templeman and myself. In the case of Mr. Ross, the minutes state that he was introduced by the Hon. Messrs. Watson and Young. He was introduced by the Hon. Messrs. Templeman and Watson. These are two corrections which can be very easily made in the minutes.

The SPEAKER—I understand the reason for the alteration in the recording of the introduction of the new senators lies in the fact that I read the certificates which were put in my hands, and the certificate of the Hon. Mr. Choquette was the second, and instead of recording them as they were in-

troduced, they were recorded in the same order as the certificates were read.

Hon. Mr. LANDRY—That is a good reason. I suppose the corrections suggested by the hon. gentleman from Killarney (Hon. Mr. Young) will be made ?

Hon. Sir MACKENZIE BOWELL—As I understand it, the senator who signs the roll takes precedence over those who follow him. Are you going to change that ? It will make no difference until it comes to a question of precedence, when the roll will be referred to, and of these four gentlemen the one who signed first will take precedence of the other three. I noticed by these commissions that they were all appointed on the same day, the whole four of them, so it becomes a question of which one signed the roll first. A similar thing occurred several years ago, when two hon. gentlemen on this side of the House were introduced; it was simply a question which signed the roll first.

The SPEAKER—The hon. gentleman is not suggesting that there should be an alteration; he is merely asking that there should be a correction in the cases referred to by the hon. gentleman from Killarney.

THE STRIKING COMMITTEE.

NOTICE OF MOTION.

Hon. Mr. SCOTT gave notice of the following motion :

That on Wednesday next he will move, pursuant to rule 79, that the following senators be appointed a Committee of Selection to nominate senators to serve on the several standing committees during the present session, i.e., the Hon. Sir Mackenzie Bowell, K.C.M.G., and the Hon. Messrs. Templeman, Miller, Power, Ferguson, Gibson, Watson, Loughheed, and Casgrain (de Lanaudière) and report with all convenient speed the names of the senators so nominated.

Hon. Mr. LANDRY—This is a notice of motion ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—The hon. Secretary of State is repeating an error committed last year.

Hon. Mr. SCOTT—The names are the same as those of last year, with two changes only. Mr. Power takes the place of the Speaker, and Mr. Casgrain the place of Sir Alphonse Pelletier.

Hon. Mr. LANDRY—This is the same thing I complained of last year. The province of Quebec is represented on that committee by one member only.

Hon. Mr. SCOTT—The hon. gentleman will have an opportunity of contesting it when it comes up. This is a notice of motion only.

Hon. Mr. LANDRY—I shall postpone my remarks until then, but I call the hon. gentleman's attention to the fact that he had to correct it last year and the year before, and he will have to correct it this year again.

THE ADDRESS.

MOTION TO POSTPONE CONSIDERATION.

Hon. Mr. CLORAN—Before the Orders of the Day are proceeded with, I should like to suggest that the debate on the address be adjourned until to-morrow. A number of senators present this afternoon desire to attend the debate in the other House, and I believe one of the two gentlemen entrusted with the task of moving the consideration of the address, if not both of them, would be pleased to have the debate take place to-morrow instead of this afternoon. I simply propose it as a matter of courtesy, and if the honourable House will entertain the motion I shall move it, sceonded by the Hon. Mr. Montplaisir. It is a matter of courtesy to the hon. gentlemen who are to move the adoption of the address and friends who would like to be present to hear the debate in the other chamber.

Hon. Mr. POWER—We are breaking the record here. This is the first time I have ever heard it suggested that the consideration of the speech from the Throne should be postponed because some hon. gentlemen wish to go to the gallery in the other House.

Hon. Mr. CLORAN—We are getting young.

Hon. Mr. POWER—We should have a little more regard for our own dignity than to adjourn for any such reason as the one which has been given. I have no objection to an adjournment. We have had, perhaps, our usual quantum of discussion already, and if the hon. gentleman who has been selected to move the address in reply to the speech from the Throne is desirous that the

discussion should be postponed until to-morrow, I have no objection at all. What I object to is the reason given, that hon. members want to listen to the debate in the other House. We should have some little respect for the Senate and for ourselves.

Hon. Mr. DAVID—Some hon. members of this House expressed the wish that the consideration of the address should be postponed until to-morrow, and in view of the bad condition of my throat this morning, though I am better now, I thought proper to acquiesce in that desire, but I am ready to proceed if that is the desire of the House. I do not want to inconvenience any one, or to ask hon. gentlemen to do something which they do not approve of. I have too much respect for the hon. members of this House to ask them to postpone the debate because of my indisposition, so I am ready to go on.

Hon. Mr. POWER—I do not object to the postponement, but I do object to a postponement on the ground given. The hon. gentleman's indisposition is another thing, and it is only usual courtesy to postpone a debate under such circumstances, but it is not usual to postpone a debate on the other ground, in order that hon. members may go to the gallery of the other chamber and listen to a debate.

Hon. Mr. CLORAN—The hon. gentleman closed his hearing to the other reason which I gave.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman who is to move the address spoke to me this morning on this subject. I said that as a matter of courtesy to himself—I think I used the same expression that was used by the late Speaker—as far as I was concerned, I should have no objection to his doing it; but I do take objection to the manner in which it has been brought before the House. I quite agree with the hon. gentleman from Halifax that we should not adjourn this debate or any other for the reasons given by the hon. gentleman who has suggested the adjournment. I go further: I think that an intimation of this kind should have emanated from the hon. leader of this House, and not from an individual member, and, if he will permit me to say so, I think he ought to assume his own power and dignity in this case and not allow private members to take it away from him. There is a certain amount of respect due to the hon. leader of the House, no matter who he may be, or what party he represents, and when a request of this kind is made, or when there is any change to be made in the order of business, if it comes from the hon. leader of the House it comes with greater force and with greater dignity, and members of the House will acquiesce in any request of that kind much more readily than when it is taken out of his hands. I occupied that position myself, years ago and I used to feel very sensitive when members of my own party assumed my role and occupied the position which I thought I ought to occupy. The hon. Secretary of State will excuse me for saying what I do, and I think the hon. gentleman from Victoria will acquiesce in the suggestion I have made. If the hon. gentleman from Mille Isles desires to proceed, we should be much pleased to listen to him, but if for the reasons which he gave me this morning he would rather have the debate postponed till to-morrow, as a matter of courtesy I am sure the House will acquiesce in such a request

Hon. Mr. DAVID—I am quite ready to go on, but if nobody objects I desire to move that the Order of the Day be discharged and that it be placed on the Orders of the Day for to-morrow.

Hon. Mr. CLORAN—I cannot allow the remarks of the hon. leader of the opposition to pass unnoticed, as they are very personal.

Some hon. MEMBERS—Order, order.

Hon. Mr. CLORAN—I rise to a question of privilege. I am entitled to place my position properly before the House. I had only one or two seconds' consideration before I rose to move the adjournment of this debate, and when the hon. leader of the opposition wanted to insinuate that I did it out of disrespect to the position held by the hon. leader of the House, I tell him that he is mistaken. I had no such idea. I did so after a consultation with the hon. gentleman who was to move the address, so that the hon. leader's remarks with regard to want of respect and want of dignity are quite out of order, and made without knowing all the facts. If he had come to me and asked me how I came to make the motion, I would have told him, but he had no

right to accuse me of acting with disrespect for the proper dignity of the hon. leader of the House. Before the hon. senator takes me to task, he should ascertain the facts.

Hon. Mr. POIRIER—I decidedly object to the House adjourning in order to give members a chance to go to the other House and listen to the speeches there. I believe that the debate in this House will be fully as interesting as the debate in the Commons. When hon. members of the other House set the example of adjourning to come in a body to this chamber to listen to our speeches, then I will be prepared to acquiesce in the present motion, which seems to me utterly unexplainable on the part of an hon. gentleman who very properly calls himself a young member in this House. As far as I am concerned, I would insist that we should know the reason why we are adjourning, and rather than that reason should go to the public we should insist upon going on with the business to day, especially as the hon. mover is ready to proceed.

Hon. Mr. DeBOUCHERVILLE—I have no objection to this motion on one condition: I think it is a very bad precedent, but I shall vote in favour of the motion if this House will order that the statement that we were going to adjourn to allow members an opportunity to hear the debate in the Commons be struck out.

Hon. Mr. POIRIER—Hear, hear.

The motion was agreed to

The Senate adjourned.

SENATE.

Ottawa, Tuesday, January 17, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE SEAT OF HON. RUFUS CURRY.

NOTICE OF MOTION.

The SPEAKER—I beg to inform the House that I have received from the Clerk of the Senate a report with reference to the absence of the Hon. Mr. Rufus Curry, which reads as follows:—

Honourable Raoul Dandurand,
Speaker of the Senate.

Sir,—In compliance with rule 99, I have the honour to report for the information of the Senate, that on examination of the records of the Senate, they fail to show that the Honourable Rufus Curry, a member thereof, and a senator for the province of Nova Scotia, has given his attendance in the Senate during any part of the last two consecutive sessions of the last parliament.

I have the honour to be, sir,
Your obedient servant,
SAMUEL E. ST. O. CHAPLEAU,
Clerk of the Senate.

Hon. Mr. SCOTT—My recollection—although I should like to verify it before taking any action, is that the Hon. Mr. Curry was appointed during a session of parliament and that, therefore, he will not have been absent during two consecutive sessions. It has just occurred to me at this moment, and I speak subject to correction hereafter. If that is found to be the fact, it may be worth while to consider whether he comes strictly within the rules. In the meantime I move, seconded by the Hon. Mr. Templeman, that the report of the Clerk of the Senate respecting the absence of the Hon. Mr. Rufus Curry during two consecutive sessions of parliament be referred to the committee appointed to consider the orders and customs of the House and the privileges of parliament, the committee to meet at the call of the Speaker.

Hon. Mr. DeBOUCHERVILLE—As there is no urgency about this matter, why should the hon. Secretary of State not give a notice?

Hon. Mr. SCOTT—That is practically a notice to refer to the committee. There is no action taken on it other than to refer it to the committee.

Hon. Mr. DeBOUCHERVILLE—But no motion should be presented unless there is a notice. There is no urgency in this case, and we are going to have a committee to revise the statutes. Probably they will find that we have proceeded contrary to the rules in this very habit of disregarding the rule requiring notice.

Hon. Mr. SCOTT—I have no objection to let my motion stand until Thursday, but I was simply following precedents of the past.

The SPEAKER—Shall this be taken as a notice of motion ? It is simply a motion to refer to the committee. It does not require any notice. However, I suppose it may go as a notice for Thursday next.

Hon. Sir MACKENZIE BOWELL—It is not strictly in order. According to the notice of motion which the hon. gentleman has given, if I understand the question, the Hon. Mr. Curry was appointed and his commission was signed by the government, but he has never taken his seat and has never been sworn in. Is he de facto a member under the circumstances ? I suppose this is the only mode of vacating his seat. Is that the reason this course is adopted ?

Hon. Mr. CASGRAIN (de Lanaudière)—He has not signed the roll.

Hon. Mr. SCOTT—That would make no difference. He was appointed by Order in Council and the Order in Council was approved by His Excellency. He was gazetted as a senator.

Hon. Mr. MILLER—Has the hon. gentleman asked the opinion of the law officers of the Crown on the matter ?

Hon. Mr. SCOTT—I did not. I think my own experience of parliamentary law is quite sufficient for the occasion. I thought at first he was not a senator ; but when we come to consider that he was appointed by the only authority that could appoint a senator and we could not appoint anybody else in his place, he certainly remains a senator until he is excluded by our own rules, because at any time last year he could have come and signed the roll and taken his place. We could not have appointed anybody in his place. That would be one of the tests.

Hon. Sir MACKENZIE BOWELL—I do not suppose the fathers of confederation ever contemplated such a case.

Hon. Mr. FERGUSON—It seems extraordinary that his resignation has not been obtained. Surely if we are qualified to deal with him as a senator, it would be competent for him to resign.

Hon. Mr. SCOTT—I asked repeatedly for a year if we were going to obtain his resignation, and he said he had not accepted the appointment and was not bound to give any resignation.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to direct attention to a report of our proceedings of yesterday which appears in the government organ in Montreal.

Hon. Mr. POIRIER—What paper is that?

Hon. Mr. LANDRY—'Le Canada.' In reporting the proceedings of yesterday the organ says :

> The Hon. Mr. Landry complained of the manner in which the presentations of the new members in the Senate had appeared in the Minutes of Proceedings. He objected to the name of Mr. Choquette coming immediately after the Hon. Sir Richard Cartwright's, when he had been the last presented.

That was not the objection I took. My objection was that the Minutes of Proceedings were not in accord with what had taken place, but that I was satisfied they were in accord with the 'Official Gazette', which put the Hon. Mr. Choquette second on the list. When I made that remark the Hon. Secretary of State told me that the Hon. Mr. Choquette had not been named second, but had been the last named. I referred him to the 'Official Gazette,' in which it appeared that Hon. Mr. Choquette had been named the second.

Hon. Mr. SCOTT—I am glad the hon. gentleman has called my attention to this matter. I had intended to-day, before the Orders of the Day were called, to have explained that I made a great mistake yesterday inadvertently. Having been present when the appointments were made, I was under the impression that they were made in the order I have mentioned. In order to ascertain whether my memory was correct or not, I made an examination after leaving the chamber and found that I was in error, that Mr. Choquette came immediately after Sir Richard Cartwright. The four gentlemen were appointed on the same day, Sir Richard Cartwright first, Mr. Choquette next, then Mr. Ross, and then Mr. Davis. I felt it my duty to take the earliest opportunity to make this explanation to the Senate and apologize for my error of yesterday.

THE ADDRESS.

MOTION.

The Order of the Day being called :

> Consideration of His Excellency the Governor General's speech on the opening of the first session of the tenth parliament.

Hon. Mr. DAVID—(in French): The speech from the Throne informs us that a new governor has arrived to preside over the destinies of our country, and that he bears a name dear to the English nation, a name rendered illustrious by many generations of brave soldiers and celebrated statesmen. Once more His Majesty's government has been happy in the choice of the one sent to represent him in Canada. He has chosen a member of one of the most illustrious families of England, of a family in which the traditions of honour, of loyalty, and of patriotism, have been transmitted from father to son.

Lord Grey has already proved that he bears nobly the weight of so great a name, and that he is equal to the high obligations imposed upon him by such glorious traditions. The clear insight of His Excellency cannot fail to interest him in the works of our young nation, in the efforts which she is making to develop, under the beneficent tutelege of England, the immense resources of the country, to harmonize its sincere and profound sentiments of loyalty with the exigencies of its commercial and industrial progress, with its aspirations and its legitimate ambition to attain the highest destiny.

His Excellency arrived among us under happy auspices, in an era of remarkable prosperity, in the midst of a happy people contented with their lot. A happy people are easily governed and well disposed generally towards the leaders of the state.

We have good reason to thank Providence, for it has been good to our country for several years, has loaded us with his favours and given us in abundance the fruits of the earth and the blessings of peace.

Happier than many other peoples, who are crushed with ruinous armaments and live constantly in an enervating dread of war, our young nation may employ all its strength to make of Canada one of the most prosperous and happy nations of the earth.

We have a right to be proud of Canada, proud of its origin, of its past, proud of those who have governed it up to the present time and of whom some sit amongst us with such distinction, and we have good reason to be full of confidence in its future and its destiny.

Providence has generously given us all the elements of strength and of success which assure the greatness of a country. They are visible throughout Canada, those elements of strength and of grandeur, in the same immensity of its rivers and its lakes, in the richness of its forest and its mines, in the glorious fertility of its blessed soil, in the moral character and the physical and intellectual strength of its inhabitants, as also in the diversity of their tastes, of their aptitudes, and of their religious and national sentiments.

For a long time it was believed that this diversity of nationalities in our country was an element of weakness, but it is generally recognized now that, on the contrary, it constitutes an element of strength and of greatness, contributing to the general interests, the talents, the aptitudes and the characteristic faculties of each race, of each nationality.

Variety exists everywhere in the moral, as well as in the physical order, and it is thus that God's work is accomplished in the world.

History teaches us that the great cathedrals of Europe, which have been objects of admiration for centuries, were built by the religious enthusiasm of many, each one being happy to bring to it perhaps a rough stone, perhaps a mosaic. We are constructing, we also, a monument—more than a monument, a nation, and each one ought to contribute to that great work in bringing to it his stone, his part of the work according to his faculties and his means.

Now, it is impossible that the descendants of two great nations who have made Europe so great, should fail to form here, by uniting their forces and the special aptitudes which characterize them a remarkable people, a civilization—full of strength and charm.

Their forefathers fought each other for centuries, the earth trembled under the tread of their powerful battalions and shuddered at the sight of their combats, but their very struggles served the cause of humanity. If their descendants find themselves united on this American soil by strange and heroic events, it is because God so willed, in order that he might present to the world the spectacle of what may be done when the genius of France and the genius of England work to develop one of the largest and richest countries on the earth, a country whose riches appear to be incalculable.

Sir Wilfrid Laurier, speaking on one occasion on the future of Canada, compared it

to a star rising in the west. Permit me to say that it will be more than a star, it will be a constellation in which each brilliant star shall contribute to the splendour of all.

The division of the Northwest Territories into provinces of the confederation constitutes an important chapter in the history of Canada.

There was a time when it was thought by many—and, I must admit, by myself—that the annexation of those territories to Canada was premature, that the old provinces should retain for their own benefit all their revenue, their customs and excise duties. Of course, it was to be expected that the young provinces would be very jealous of their natural progress, but the older statesmen, Conservative and Liberal alike, were probably wiser than some of us when they decided that the development of the Northwest would build up the whole country, and they spared nothing to attain that end. While we must admit that these provinces have cost us very many millions of dollars, we are proud of the result. We do not regret what we have done. We are proud of the sacrifice which we have made for those provinces; we are proud of them, proud of their products, and proud of their men. Everything which comes from British Columbia and the Northwest is strong and solid. But in order that those elements of progress and of prosperity and those sacrifices which we have made may make our country greater, many conditions are necessary.

Firstly, the government should in the political organization of those provinces remove all causes of friction, of national and religious discontent.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—The winds which blow from the northwest are violent, and sometimes they bring storms which more than once have shaken the foundations of confederation. Experience is a lesson and a source of wisdom for statesmen.

Secondly, the different provinces of confederation should be united by the cement of self-help and protection, and should always be prepared to do whatever is necessary for their individual development and for the progress and prosperity of each of them. Therefore, if we make such great sacrifices for the Northwest, if we direct towards that part of Canada a flood of immigration, and if we construct for them railways destined to carry their natural products to all the markets of the world, they must in return do for the old provinces what is necessary to put them in a position to supply them with the manufactured products. Otherwise, what will be the effect of all our efforts and of those sacrifices that we have made to increase their population? The only effect will be to provide a market for the manufactures of our neighbours in the United States. After all, we have the lessons of history before us, it is as true to-day as it has been in the past, that a patriotic policy is the most beneficial to a country, much better than a policy of selfish sectionalism. The strong nations are those in which each man, each society, each city, each province, is always prepared to make sacrifices for the general interests of the country.

Thirdly, I may add that in order to promote the moral and material development of the provinces and place them in a position to meet the pressing needs of colonization and education, the Dominion government should readjust the federal subsidies and increase them. There is no doubt that these subsidies were based upon erroneous hypothesis and inaccurate calculations, and that as years roll on the disproportion between the customs and excise duties ceded by the provinces and what they receive as compensation becomes more evident and striking. Notwithstanding the fact that the customs and excise duties are being tripled, quadrupled, and that the population is constantly increasing, the compensation remains the same, and while surpluses are accumulating ino the federal treasury the provinces are unable to carry out works most urgently required for their material advancement. They recall to my mind Lazarus suffering at the door of the rich man, and as Lazarus, they would content themselves with the crumbs which fall from the federal treasury. It must be remembered that by helping the provinces to increase their population the Dominion authorities would take back with one hand what they would give with the other, for it is the federal government who would chiefly profit by such increase.

Lastly, not only the provinces should be patriotic and seek to harmonize their private interests with the general interests

of the country, but the different nationalities of the Dominion should feel that the welfare, the happiness and the future progress and prosperity of our country will depend upon their spirit of harmony and fraternity, and the path which we should follow to attain that end is indicated by the history of our country. In the last conflict which took place between French and English on the Plains of Abraham for supremacy in Canada, a dramatic fact which strikes the mind of every one who reads the history of that memorable period, is the death of Wolfe and Montcalm, of the conqueror and the conquered, of those two heroes so worthy of the admiration of the two great nations they represented. It seems at the very moment when new France was to pass under British domination, it was the will of God that French and English should learn to appreciate their respective qualities and mutually respect themselves, and it was under the influence of that noble feeling that France and England agreed to erect a monument to those two heroes, Wolfe and Montcalm, and proclaim that they deserved to be united in the same immortality by a common memorial. In the great struggles which took place for the establishment of constitutional government and parliamentary liberty, French and English joined hands, and even in 1837 and 1838 the two principal leaders of the insurrection of the province of Quebec, it is very extraordinary to know, were Englishmen—Wolfred and Robert Nelson. Without their speeches, I doubt if the province of Lower Canada would have taken up arms. But it was especially noticed in 1842 that that feeling of union and fraternity achieved remarkable success. It was really through the auspicious alliance between Baldwin and Lafontaine that we won constitutional government and the glorious consecration, under the constitution, of political equality for men of all races and all creeds. That feeling of union and fraternity has prevailed in times of religious and national friction. It has not disappeared. It continues to inspire our statesmen and to guide them, and on different occasions we have seen the two great parties of this country comprising the great majority of gentlemen belonging to the Anglo-Saxon race accepting men as leaders without questioning their nationality, and here I have the right to say that that sentiment received its decisive and solemn consecration when one of those two parties accepted as leader, first of the opposition and afterwards of the government, a man belonging to the French and religious minority, a French Canadian, but the most eminent representative of his race, a man whose talent and character are admired even by his adversaries—Sir Wilfrid Laurier. That evidence of fraternity and toleration had the best affect upon the minds of our population, upon those who, like myself, I must admit, were not very enthusiastic about confederation, fearing that it might prove disadvantageous to the minority and produce many national and religious conflicts. It produced the impression that there was a common ground in this country on which all nationalities could unite in the general interests of the Dominion without ceasing to cherish the glorious traditions of our history, without renouncing our religious or national traditions. After all, fidelity to the past and to the memory of ancestors must be respected, because it is a noble feeling which cannot produce anything but good. We have had an example of what that feeling can produce in the glorious achievements of the Japanese in the present war. I have no hesitation in saying that veneration for the past is a source of poetry and of patriotism, of heroism and noble inspirations, and is much less to be feared than the subversive doctrines of those people who threaten the peace and progress of the world.

At a time when the worshippers of the Golden Calf are so numerous, when materialism exercises so dangerous an influence, let us take great care not to demolish the altars upon which pious hands keep up the fire of self-denial and sacrifice. The spirit of union and fraternity which enabled our great statesmen to achieve such noble deeds will also enable us to continue their good and patriotic work and to give a noble and comforting sight to those who never cease to proclaim and to repeat the sublime words which greeted the birth of Christ: 'Peace to men of good will.' This spirit will, moreover, make Canada one of the most remarkable fields of human activity, a truly promised land where all the nations of the world will come to live happy and prosperous, to enjoy the benefits of liberty and the

respect of their national feelings and religious belief.

I beg to move :

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 Albert Henry George, Earl Grey, Viscount Howick, Baron Grey of Howick, in the county of Northumberland, in the Peerage of the United Kingdom, and a Baronet ; Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., Governor General of Canada,

MAY IT PLEASE YOUR EXCELLENCY :—

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

Hon. Mr. BLACK—Through the courtesy of the hon. Secretary of State, it is my privilege to second the motion to adopt the address in reply to the speech from the Throne, and, although for many years engaged in public affairs, in attempting to speak before hon. gentlemen who have been distinguished by successful public careers and have earned for themselves a prominent place in the history of their country by their industry and their talents and their patriotic achievements, I may be pardoned if I feel a degree of diffidence only partially overcome by a sense of duty. The hon. mover of the address has delivered, I am sure, an eloquent and admirable speech, but unfortunately for me, not having acquired the use of the French language, I was not able to enjoy the full pleasure of an appreciation of its merits ; but from the synopsis of his remarks, which he gave us in English, I am safe in saying that if we could have understood it in the French language and appreciated the eloquence of his sentences, the patriotism, the enthusiasm and the poetic touches which he gave his address, we would all be filled with admiration. If it were my misfortune to lose the use of the English language, and I were permitted to acquire any other, it is the French language I would be most happy to be possessed of. I made a great mistake in my earlier years in not having acquired a knowledge of French. Many hon. gentlemen, no doubt, have had the same experience as mine, that they did not expect in their earlier years to occupy a position in which a knowledge of French is so convenient and important.

His Excellency the Governor General expresses his pleasure in being permitted to represent His Majesty in the Dominion of Canada. From what we know of the character, the sterling worth and distinguished ability of His Excellency, we are sure that we are voicing the sentiments of the Canadian people when we say that they experience equal, if not greater pleasure, in recognizing His Excellency as the representative of His Majesty the King.

In the speech we find an expression which is very forceful in connection with this happy country of ours. It is referred to in the speech, and very properly so, as 'a favoured land.' Let a Canadian traverse the whole world in search of a better country and he will come home satisfied that, all things considered, there is no land that offers larger opportunities for freedom, liberty, prosperity, peace and happiness ; and no country can produce stronger men both in body and mind and finer women, proof of which was amply and substantially shown at the opening ceremonies of the first session of this the tenth parliament, when so many of the fair mothers and daughters of our country graced the occasion by their presence, displaying a wealth of health and beauty, seldom witnessed in any country.

The honourable mover of the address has taken a good deal of latitude, traversing, as I understand it, not only the present but a good deal of the history of the past, and of course we were filled with pleasure when we heard his forceful remarks in regard to bringing together these two nations in a union so happily consummated. When we look a little further back than the hon. gentleman did when he referred to the strike at Quebec, when we look back to a time in the memory of many of us when the great struggle of the battle of Waterloo took place and contrast the strike and dissensions between those two great nations, with the spectacle that we have before us in this country of the two races sitting down together in peace and happiness and prosperity to work out the destiny of this new country as best they can with an unselfish purpose before them, it is something to fill every heart with admiration for what has been accomplished.

Now, the next we find in the address—and we find it often in this country, for it is very applicable to the condition which surrounds us—is the expression 'resources and transportation' and 'development.' Those are the words that meet us at every turn. We find that the question of transportation in this country has been a difficult problem to deal with. On account of the geography of the country, stretching forth four thousand miles from the Atlantic to the Pacific, with its varied products, with its wonderful resources, requiring a large expense in transportation facilities, at the present time as in the past, is a very difficult problem to deal with. But the very thing which retarded our progress years ago, will be, in the future, the thing that will make for our greatest prosperity, growth and greatness, because we have in this country what is to be found in very few countries. If we for one moment take into consideration the vast resources of this Dominion, and look at it as it was a very few years ago, when the buffalo roamed over the great prairies and when the Rockies were unknown, and when it took a very difficult and tedious journey to reach the coast; and when we see in a few years what has been accomplished within the experience of some who have in the past predicted this future to the country, we cannot fully forecast the future. I refer to a remark made by one of our Nova Scotia statesmen, over fifty years ago, when the Hon. J. Howe made the remark : 'Gentlemen, I want to tell you the time is coming when the iron horse will span the continent of America in five days.' I say that if we had the forecast to-day, if we had the vision that that man possessed, to look into the future and see what this country is going to be fifty years hence, we would be amazed. I do not think our fondest desires or expectation can predict the greatness of the country in another half a century, for various reasons. It does not depend to-day, as it did in the past, upon the population of a country to mark out its progress, because whether we go, in the printing offices, in the factories, in the machine shops, on the farm, in the coal mines, the facilities for accomplishing desired results have increased at such a rapid pace that in most instances one man is accomplishing what it took in some cases a dozen, in some cases a score, and in some cases fifty men, to accomplish a few years ago, and we cannot limit the progress of achievement, because a few years ago when a settler went out on the prairies, he went out with his horses and a crude plough and turned over an acre in a day. When a settler goes out into that country, which is capable of producing bread for the world, at the present time, he goes out with a steam gang plough, that turns over as much soil in one day as would, a few years ago, have been considered a very fair-sized cultivable farm. How are we to know what power will be brought into operation in years to come ? Even electricity may be harnessed to the machines that are going to turn over the soil, and when that vast prairie country is brought into a productive state, it is destined to produce bread for the whole world. Then, when we go into the lower strata of the earth, and when I call attention to the dwarf province of this great Dominion, Nova Scotia, and tell you that, in the last year, out of one of the companies' mines, over three millions of coal was raised by modern facilities, it can readily be supposed that Nova Scotia alone has coal enough to supply the whole world for a large number of years. In every section of this country we find developments unheard of and unlooked for in previous years. We not only have coal and gold, but we have oil and the products of the field and forest. Then when we come up to the great interior provinces, we find they have every product of the farm and of the garden. They can even make wine to gladden the heart of man, and they have everything in the shape of fruit that would supply a nation from one province. I merely mention these things to show that the thoughtful man, having an interest in our public affairs and the destiny of this country, should feel that we are here occupying a very responsible position. Every statute that goes out to the country from either House comes before us, and we need wisdom, and, of course, as I said before, having had something to do with the local statutes, local enactments and local affairs, we come here as young men—I suppose I speak for others as well as myself—and we look to these men who have vast experience and we come here to aid them in their

superior judgment, to do all that we possibly can to carry out in this House what will be in the best interests of the Dominion of Canada. In regard to the various clauses of the speech with which we have been favoured, some hon. gentlemen may think that it is not quite extensive enough, and that it does not contain all that they would like to see put in the speech, but we are quite sure that all the useful statutes that are to be placed on the statute-books of our country are not foreshadowed by this synopsis that we have here. It is a good deal better to accomplish more than is promised than to fall short of what may be predicted.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. BLACK—And I presume that will be the result in this instance, that legislation will be very much more important than is indicated by the speech. I think it is the general opinion of all public men, both in the Commons and in the Senate, that the present session will be a short one, that the labours of the past few sessions were so prolonged that the members become worn and weary in the hot season of the year, and probably, from what I learn, that when the earth begins to make the grass green again we shall be wending our way home to engage in the rural delights of the country. Now, in regard to the Northwest Territories and its growth, it is apparent to every hon. gentleman present when they see that for the last five or six years nearly one half a million population have gone into that country, that in order to form a correct opinion or in any degree grasp the situation in the prairie country it is necessary for our public men to travel its length and breadth. I have been fortunate enough to have been across the continent and up and down the coast, and it is wonderful to see the great riches of the country in agriculture and minerals. When we leave the fisheries, that I have not referred to on the east coast, we come to the fisheries of the west, and we cannot say too much in respect of the natural resources of this great country of ours. Therefore, I have no doubt that all legislation in the direction of increasing the local powers of the Northwest Territories will be considered in the best interests of that section of the country. There is a clause in the speech which refers to the St. Louis exposition. I am sure that any hon. gentleman who had the pleasure of visiting that exposition and going through the various departments, had no reason whatever to be ashamed of the products of Canada in competition with those of other countries. In fact, you could spend hours there and be delighted to feel that you belonged to a country, so new as ours, which could produce an exhibit such as could be seen there. I have not thought it necessary to extend my remarks, because the mover of the address has covered all the ground in a much more eloquent and forceful manner than I could, and I shall close my remarks by seconding my hon. friend's motion.

Hon. Sir MACKENZIE BOWELL—The mover and seconder of the reply to the address have set me an admirable example, and I shall endeavour to follow it by occupying the time of the House for a very brief space indeed. Before referring to the address permit me, Mr. Speaker, to compliment you on the honour which has been conferred upon you by the government in selecting you to preside over this body. I think I speak the sentiments of every hon. gentleman on this side of the House, and with whom I act, when I express the belief that your duty will be performed in a fair and impartial manner. It is true we may differ upon many points when questions of order arise. That is incident to human nature, but I am quite convinced that whenever those difficulties do arise, that they will be treated in that courteous manner that should obtain between members of the Senate. I take this, my first opportunity, to express my own sentiments, and I believe the sentiments of the Conservative party, with whom I generally act, upon this point. The speech from the Throne is more important, shall I say, in what it does not contain than in what is really contained in it. I frankly admit that I concur in the remarks made by the hon. seconder of the address, that it is very much better to perform what you promise than to make a number of promises and never carry them out. That is the position my hon. friend has taken and he thinks it is a good policy. I acquiesce in that. We have had many and many promises upon very great and important ques-

tions in the past, which have not only not been realized but no attempt has been made to fulfil them. That certainly cannot be laid to the charge of the government at the present moment, so far as this address is concerned. In reference to the Governor General and his accession to the position which he now holds, I am fully in accord with the remarks of the mover and seconder, and I only regret that I have not the eloquence of the mover of the address in order to couch my remarks in such a manner as to convey really what I should like to say to the Senate upon this question. The best evidence that the British government can give of their appreciation of the importance of this portion of the empire, is the fact that they select—and as time rolls by they are pursuing that course in a more direct way—the most experienced and influential man that they have in the country to preside over our destinies as Governor General. When we look at the history and the ancestry of the present Governor, we cannot but congratulate the imperial parliament, if I may use that expression, on having made a selection of a gentleman with the practical and statesmanlike qualities that have characterized Lord Grey in the past, and I have no doubt will be continued in the future. Canada has always welcomed her Governors General, never more heartily probably than the present one, and that may arise from very many causes. Canada of late has shown a disposition in all her public acts and through her public men, her statesmen, and those who are not public men or statesmen, and has evinced a desire to knit closer together the mother country and the outlying portions of the empire. What has taken place in the past has convinced the home government that there is a feeling in this portion of the empire of a character that indicates a desire to continue and to unite and cement to a much greater degree than in the past, the empire itself, and the feeling of each portion of the empire individually as well as collectively, and I do not know that any gentleman could have been selected who will fulfil that portion of his duty more acceptably to Canada or to the empire than the present Governor General. I could not, even if I felt inclined, follow the line adopted by my hon. friend who moved the address, in the eloquent manner in which he referred to the history of the country, and therefore I shall confine myself to what is contained in the address, and, having said that, the Senate will come to the conclusion that my remarks will be short. The favoured land to which my hon. friend referred so eloquently and its growth and its immigration is beyond doubt. There are many reasons and causes which might be given for the prosperity which exists at the present moment. But I do not deem it at all necessary to occupy the time of the House in referring to them on the present occasion. I am, however, rather surprised at the wording of this portion of the address, when it refers particularly to the immigration which is coming from the United States. Why immigration from the United States was selected so pointedly I am somewhat at a loss to know. There are many reasons which might be advanced why I think it is somewhat objectionable. While the statement in the speech is quite true, what is more gratifying to those who have watched the current of events and the immigration which has taken place from the United States, is the fact that a large portion of those who left Manitoba and the Northwest during the drouth that prevailed there for some years, have learned not only to appreciate the value of that country, but those of British birth or descent have come back to what might be termed their home, not only the older members but the younger ones, and that is one reason why every Canadian will repudiate a feeling that apparently exists from remarks that I have heard made, that this country was to be flooded with Yankees, and by that means the tie that exists between the mother country and Canada would be weakened. I have no such fear. All intelligent men who know anything about the British constitution, its free institutions and the manner in which we are governed, must have learned the fact that we are more liberal and that the people control the government of the country to a much greater extent and more directly than even the republic to the south of us. Immigrants from the United States will learn that when they come to this country they have all the liberty that they enjoyed under the republican form of government, and they will thereby become good citizens and ultimately good loyal subjects of the em-

pire. That is the view I take of this matter from long experience in watching events and studying the character of those who came from the United States years and years ago. We find them just as loyal and just as true to the country as if they were born here or came from the motherland. There is plenty of room in this Dominion, as the address very properly points out, for millions of settlers, and I re-echo the remark of the hon. gentleman who seconded the motion, that there are very few who have travelled over other portions of the globe and studied the character and condition of the people who inhabit other countries and compare them with the people and the prosperity that exists in Canada, but must admit that there is not a country under the sun where the people are more contented or more prosperous or progressive than they are in Canada. The growth of the country has proved that every day. I may not live for many years, but I predict that the population of our northwestern provinces will be quadrupled in my day, and I trust that the time is not far distant when the output of that country will be such as to provide the food supply of the mother country. It is rapidly reaching that point, and when that position is attained, perhaps the objection which exists so strongly in England at the present time among English statesmen, to preferential trade relations between us, will vanish. That cannot be accomplished in a day. It requires time, perseverance and study. It requires certain concessions and give and take trade relations between the two countries before that can be brought about. Confederation proved that. The union began with all kinds of tariffs; different tariff policies in different provinces, and when, as the country grew, the necessity for more money became apparent, every portion of the Dominion acquiesced in the action of the government when they raised the tariff, and the people of the various provinces identified themselves as citizens of one great country. In the same way in the working out of an imperial policy, the people of Great Britain will be willing to surrender certain strong views which they have upon a commercial policy in order to meet the wishes and the feelings of other portions of the empire. You could have no better illustration of that than in the United States, where a diversity of opinion exists to a greater extent in the west and in the east and in the central portion of that country. The tariff which is particularly adapted to one section is not acceptable to the fullest possible extent to another, but they learned as they became blended together that it is necessary for each to make certain concessions in order to make their country prosperous, and such I believe will be the case within the empire in the very near future. So far as the increased trade between Britain and Canada is concerned, I notice in another paragraph that the increase of trade and the increase of revenue is referred to. Just in proportion to the growth of the country and just in proportion to the lowering of the tariff will the imports become greater. I know that there is a difference of opinion about that. If the government intend to reduce the tariff the revenues will continually crawl up, but it will have another effect upon the material industries of the country which I shall very much regret to see brought about. I do not propose, however, to deal with that subject at the present moment, but I would say to my hon. friends opposite that there is no period in a man's life individually, and there is no period in the history of a country, when there is a greater necessity for caution, than in the large expenditures which are entered into on account of the increased volume of revenue at any particular time. It very often occurs with an individual that during a very prosperous period he rushes into extravagance that he afterwards has to suffer for. Countries do precisely the same thing, and unless the government exercise due caution and a more economical policy, the country may find itself in precisely the same position as the individuals to whom I have referred. The next paragraph in the address refers to waters and navigation. I confess I am not fully informed, nor do I understand what is to be accomplished by the invitation which has been given, as indicated in this address, by the President of the United States, that the government of Canada should form a portion of an international commission composed of three representatives from each country to investigate and report upon the condition and the uses of the waters adjacent to the boun-

dary line between the United States and Canada. Whether that is to prevent the destruction of water-power, or whether it is for the purpose of deepening the channels and thereby increasing the facilities for transportation, I am unable to say. Probably the government, when they refer to this question, can inform the House. Neither the mover nor the seconder of the address in reply to the speech from the Throne gave us any information upon that point. There are other points which I think should be considered in connection with the water, which are incident to both countries, and that is particularly the preservation of the fisheries.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Here we are expending hundreds of thousands of dollars for the purpose of stocking the waters of the country that belong as much to the United States as to Canada. And yet the destruction that is being made by the United States fishermen nullifies to a very great extent the action and policy of the Canadian government in stocking these waters. I need not point out the different rivers where this state of affairs exists, and unless the United States government —because, I believe it pertains to them and not to the Dominion government—are willing to enter into some agreement for the protection of the fisheries, I think it is time for the Canadian government to stop expending money in stocking the Detroit river and many other rivers that separate the two countries. While we are protecting the fish, United States fishermen are destroying them ; while we are protecting and increasing the product, they are reaping the benefit without any cost to them. The next paragraph is perhaps about the only one—and I do not say that disrespectfully, because the premier in the remarks he made to the House the other day used almost the same expression—that the only important measure indicated in the address is that which proposes to grant provincial autonomy to the Northwest. Those who have given this subject any study will readily admit the difficulties that present themselves in granting the rights which the western provinces are now claiming, and have been claiming for some time. I might, I think, parenthetically say that had it not been for the election which has just taken place, it is a grave question whether we should have had this paragraph in the speech. All who have kept themselves posted on current events know that the demand from the Northwest Territories for provincial autonomy has been denied them over and over again. They were going to the elections upon this question, and in order to head them off, a declaration was made by the premier, or a telegram rather, that if the government were returned to power they were going to grant what the Territories had been asking for for some time. It was well for them that an election was to occur at once, for otherwise this paragraph would not have appeared in the speech. The remarks made by the hon. mover of the address suggest a thought to me in connection with this matter. He referred particularly to the duty of government and parliament. When the French and English came together after the battle on the Plains of Abraham, it was the duty of the government, in all cases of this kind, to remove those questions which arise that create disunion and dissatisfaction between religion and race. I quite concur in the remarks made by the hon. gentleman. When the hon. gentleman attempts to make a provision of that kind, I think the same difficulties will present themselves to him as presented themselves to those who have been governing the country since confederation. You may make provision in the statutes to remove every difficulty to which he has called the attention of the House, but, as the country grows and the population is of a different class and of a different character and have different ideas of local self government, then the difficulty arises as it did in the past with Manitoba. There is no use of our hiding the fact that though provision is made in reference to these vexed questions when the Bill is introduced granting provincial autonomy to the Northwest, how it will work out is still in the womb of the future. We know nothing about it. When the Bill is presented to the House we will find the same difficulties arising from that question as have presented themselves in the past. My hon. friends opposite will remember the difficulties in 1874, when the Manitoba constitution was framed and given to Manitoba. It was then thought that no question could arise in the

future which would divide the parties and create the dissensions which have since arisen in that province. It is unnecessary to say how the hon. Minister of Trade and Commerce voted on that occasion. My impression is that I voted contrary to the vote which he recorded. But in recording that vote, he did exactly what he told us—at least, I think so—would be accomplished, as indicated by the hon. gentleman who moved the address in reply to the speech. I voted the other way at that time. It is not very often that I agreed with what we term the radical element of that day, and in that case I followed the late Hon. John Sandfield Macdonald. However, I am only referring to these things to point out what we may anticipate in granting local government to the Territories: no matter what the intentions may be of the government to-day, there is no telling what twenty years will bring forth. The next paragraph deals with the surveys of the Transcontinental Railway, and we have this promise, or rather it is said:

> It is confidently hoped and believed that tenders for the construction of several sections will be invited during the coming session.

I am at a loss to know how that is to be accomplished. We have no information as to the extent of the surveys which have been made. We know not the character of the country through which this road is to be built. How are you to give out contracts unless you are going to lump them, or to say so much per yard and have specifications of that kind? How is the contractor to be able to bid for his contract? My hon. friend is smiling. I have no doubt he will be able to tell better than I can, because he has had a great deal of experience in it. How can a contractor form his tender or fix his prices until he has seen the country through which the road is to run, and knows the gradients and curvatures and everything connected with it, and where the material is to be procured in order to build the road? However, I suppose this paragraph is based on information supplied by some engineers, and they probably will be able to tell us, or perhaps my hon. friend who will follow me, will be able to give this information to the country. I have seen it stated, however, that there had been a good route found through portions of New Brunswick. Whether it is of the character indicated in the newspaper reports, I am not prepared to say. But there is one point I have noticed, that in order to secure a route which is at all feasible, you will have to go within a very short distance of the line that divides New Brunswick from the State of Maine. I do not understand how my hon. friend, who gave as a reason why he supported the transcontinental road, that it is a military necessity, is going to reconcile that with the views he held and the jingo propensities which evidently characterized him at the time he gave his vote in favour of the project. But we pointed out this fact at the time, and I have no doubt, from all I can learn, that it will prove to be the case, that it will be utterly impossible to get through that country with gradients that will be of any use at all for transportation unless you do go very close to the boundary line. While on the question of transportation, I take this opportunity of expressing my very deep regret at the death of one of the commissioners, Mr. Bertram. I knew the gentleman for many years, and sat with him in parliament twenty-five years ago. I do not believe there was a man in the whole of the Dominion better qualified for the position to which he was appointed, than Mr. Bertram. Politically, Mr. Bertram and I were always opposed to each other in parliament, but his thorough knowledge of the question would have made him, had he lived, a very useful man to the country. I know from those who were intimately acquainted with him, that he was preparing a scheme which I believe would have been of great benefit to the Dominion. I am sorry to say that I do not hold the same opinion of the gentleman who has been appointed to succeed him. He may disappoint me, and he may disappoint others. In my judgment he has not the same ability or knowledge of the subject, and is not so well qualified for the position as Mr. Bertram was. Every one who knew Mr. Bertram will regret his demise.

The St. Louis exposition, I have no doubt, brought to the notice of a large number of people in the United Staes, the advisability of settling in our Northwest. I am very glad to see also that it is proposed to accept the invitation of the government of Belgium

to send an exhibit to the international fair to be held in that country. There is a class of people in Belgium who might very profitably be induced to come to Canada, and by a good exhibit of the products of the Dominion showing its agricultural, mineral, timber, and fishing resources, which make a country great, wealthy and prosperous, no doubt we would be able to induce a very desirable class of people to come to Canada, a much more desirable class than many who have been brought to this country in the past.

The reference to the public accounts is a stereotyped expression. We will see, when the estimates come down, what economy we may expect. If we were to judge of the policy of the government by past experiences, I am afraid we shall be sadly disappointed. We have heard promises of the same kind before. We were told in the past that if they should obtain power they would reduce the annual expenditure some three or four million dollars yearly. How that promise has been kept, the Minister of Trade and Commerce can tell us if he thinks proper to discuss the subject. I have not a very vivid imagination, I am rather more practical than imaginative, but I can fancy that hon. gentleman's expressions, had the Conservative party been in power and brought down such estimates as have been presented to parliament for the last three or four years, amounting to an annual expenditure of over sixty millions of dollars. Why the House—I might say the parliament buildings—would have rung with his protests, and you might easily have gone down to the club and stood on the balcony and heard denunciations from him as loud and possibly as honest as one could expect. However, the country grows. I have read with a great deal of interest the speech delivered by the hon. gentleman in Toronto, and was forcibly reminded of another little incident which occurred when Sir Charles Tupper was contesting the elections as head of the government in 1896. Great objection was taken by the 'Globe' and by nearly every Liberal speaker in that campaign, of the use of the personal pronoun 'I' by Sir Charles Tupper. Have any of you read the report of the speech delivered by Sir Richard Cartwright in Toronto lately? If you have, I ask you to count the number of 'I's.' Perhaps you will be surprised when I tell you that in that speech alone there are just 280 capital 'I's.' I counted them twice and marked them all with a black mark. It brought forcibly to my mind the campaign literature that was put before the people of this country, and impressed them with the belief that Sir Charles Tupper had no idea of government or any consideration for anybody except the great 'I.' Great minds run in the same channel, and I take it for granted that both gentlemen had an exalted opinion of their own importance.

There are some points on which I should like to have had information as to the policy of the government. One is with respect to the Halifax dockyard. If newspaper reports are correct, the imperial government has come to the conclusion to withdraw all the imperial forces from Canada and close the naval dockyard. It has also been intimated that it is the intention of the Canadian government to substitute Canadian troops for the regulars who are to be taken away. Perhaps my hon. friend can give us some information on this point. I do not hesitate to say that under all the circumstances I should like to see Canada assume that responsibility. I think it is due to the empire that we should do so. The British navy is to Canadian commerce what an insurance company is to the merchant who insures his goods; it is the protection of our commerce, and while it may not be advisable to go as far as has been demanded by some British statesmen, I think we might safely go to the extent indicated by the press, and assume the responsibility of maintaining a garrison and the dockyard at Halifax. I should like to see also the same system established in different portions of the Dominion that exists in New South Wales. They have training ships, where the waifs of the cities are taken and made first-class sailors of, and as they grow up they are distributed either to the warships or the merchant ships of the country. It is an admirable way of reforming a certain class of boys who have no protection other than that which the law gives them. A training ship in the maritime provinces, one on the lakes and one on the Pacific coast would not cost this country, with its present revenue, more than it could well afford, and would meet to a very great extent the demands which have been made by English statesmen upon Canada.

There is nothing in the address referring to the great question of transportation. Whether that is to be met by the construction of the National Transcontinental Railway I do not know, but if the experience of the past is to be any indication of what we are to expect in the future, the construction of that road will do very little to solve the problem of transportation, for the simple reason that the distance is so great that the cost will, to a very great extent, absorb the profits which otherwise should go to the farmer.

I thought there was to be a tariff commission. There is nothing about that in the speech from the Throne. I have a distinct recollection of hearing, before the change of government, thundering condemnation in the House of Commons of myself and other members of the government because we used to go occasionally into the different manufacturing sections to ascertain for ourselves the requirements of the country and the effect which the tariff had upon the different interests. The present government, notwithstanding the condemnation of their predecessors who tried to acquire that knowledge themselves, indicated last session that they were to have a tariff commission to inquire into the different industries of the country, thereby relieving themselves of the trouble and responsibility of making an inquiry for themselves, and that they would accept the report of the commission. I think my hon. friend, who has had some experience, will come to the conclusion that that report will be just of the character of the minds that have guided them in making the investigation. The high protectionist will come with the statement that the industries are being ruined because the tariff is not high enough. The free trader will say you are bleeding the consumer because you are taxing him so much. If I were to give the hon. gentleman any advice, I would say to him: 'Go and inquire for yourself. As you take the responsibility, you should have the knowledge to enable you to defend whatever position you may assume.' Are we to have that tariff commission? Will the Secretary of State, when he rises to reply, tell us whether it is to be appointed or not; and if so, when and how many sessions are to pass before we are to have a revision of the tariff? Or are we to have any revision at all?

A large sum of money was placed in the estimates last year for a survey of the Georgian Bay canal. What has been done in that respect? I believe there are surveyors on the route. Have they made any report, and if they have, what is the character of that report? What is the probable cost of the construction of that work? Is it to be a ship canal twenty feet deep or only a canal fourteen feet deep? All this information we are entitled to. Then we have that most important of all canals, of which my hon. friend the Minister of Trade and Commerce heard a good deal some time ago—the Trent Valley canal. During the late elections we had a telegram sent by the premier to Port Hope, indicating to the minister who had been appointed without portfolio—I do not know whether he was ever sworn in—that Port Hope was likely to be the southern terminus of that canal. And then we had a similar declaration on the part of the officials in reference to Trenton being the terminus. The distance between the two places is about forty miles, and the question was whether the outlet of the canal should be the open lake or a Bay of Quinté. Probably my hon. friend will say that was done for election purposes—no, I would not expect him to admit that, but that is what I would say, and very properly so. The project of that canal has been on foot for the last hundred years, and the work has been partially constructed. It has been extended for some distance westward, and as far south as Rice lake, but has never been completed, although a large amount of money has been spent southward and eastward of that point. I do not want to be disrespectful in referring to the actions of the government, but this is one of the little dodges they adopted in order to carry constituencies. I am very glad to know that in this instance it had very little effect upon Port Hope and the county of Durham, as was indicated by the fact that the minister without portfolio was defeated by a respectable majority.

These are points we ought to know something about before we are asked to legislate upon these different questions. The most important, I admit, from a Dominion standpoint, is the question of the withdrawal of the British troops from the country and the substitution of Canadian troops. However, I shall leave that with the government.

I may be permitted to say that while I could not follow, as I should have liked to follow, the remarks of my hon. friend who moved the address, there were one or two points to which he referred in the French version of his speech that he did not mention when he spoke in English, and one of them particularly was increased subsidies to the provinces. I think I am correct in saying that he referred to that subject and that he did not wish the provinces to occupy the position of Lazarus who fed on the crumbs from the rich man's table. My own view of that matter is, and I think you will find it the view of the country, except of those who want it, that the continued application on the part of the provinces for further aid and subsidies from the Dominion to cover their outrageous extravagance will ultimately place the Dominion in an unfortunate position. The provinces should learn to keep within their income and, if it be necessary to make larger expenditures, let them tax the people to obtain the revenue. The Dominion assumes the responsibility altogether of Dominion works, and the money has to be divided for that purpose, but we should not listen to demands from the provinces for larger subsidies to meet their extravagant expenditures. If they cannot keep within their income, let them do as the municipalities do when they incur extraordinary expenditures—provide the money by taxing the people. By direct taxation the people will know how their money is being spent and how to appreciate the governing bodies that impose the taxation.

I am in accord with the hon. gentlemen who hope that this will be a short session. If we are to accept the premier's declaration, we will be through in time to attend the sugaring off of the sugar bushes.

Hon. Mr. DeBOUCHERVILLE—And get the sugar plum.

Hon. Sir MACKENZIE BOWELL—We shall all be glad if we can leave in time to partake, as my hon. friend says, of the sugar plums. We had a long session last year—unnecessarily long—and as we have a very meagre bill of fare this time, we should get through as rapidly as possible in order that we may return to our homes and visit the sugar bushes and get the sugar plums to which my hon. friend refers.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—It is very gratifying to my colleagues and myself to hear the complimentary remarks that the hon. gentleman expressed, as a preface to his speech, on the selection of you, Mr. Speaker, to preside in this chamber. I am sure that we all concur in the observations he made that the duties of the office will be discharged with dignity, courtesy and impartiality. Hon. gentlemen, I am sure, concur in the complimentary allusions also that he made on the speeches of the mover and seconder of the address. It is not often that the task alloted to gentlemen in that position has been so well discharged. The hon. gentleman who moved the answer to the speech has been in this chamber now for two or three sessions, and his utterances have always been listened to with very great respect. He addresses the House with a degree of candour and fairness that invariably commends his observations to the just judgment of the House. The hon. gentleman who seconded the address is one who has more recently been introduced into this chamber. He became a member of the Senate towards the end of last session. In the utterances that he has from time to time favoured us with, evidence was given that he was a gentleman of large mental capacity, who speaks with a very great knowledge of the subjects he undertakes to discuss, and who, I feel satisfied, will be regarded as a valuable addition to the members of this chamber.

I have no complaint to make of the observations of my hon. friend in his criticism of the speech. It has been very fairly carried out: perhaps it was because there was so little to challenge criticism. Under our constitutional system of government, the practice has been, in speeches of this kind, to follow the lines of least resistence, to introduce those paragraphs which will create the least controversy, and I think we have succeeded very well in the present speech that His Excellency delivered on Thursday last. The first two paragraphs are those which are personal to His Excellency the Governor General. He came to Canada not as a stranger, having visited us once before, perhaps on two occasions. He came with a full knowledge of the great resources which Canada possesses and with a full knowledge of the loyalty that pervades the Dominion towards the mother

country. I was very glad to hear the remarks with which his name was coupled by the various speakers when addressing this chamber, and alluding to his distinguished lineage. They might also have gone further and added that he is one among the peers who have taken the deepest interest in the practical subjects that affect the great body of the people. Anything that tends to the benefit of the people has met with the warmest sympathy of His Excellency.

My hon. friend in commenting on the speech seemed to think that the remark in reference to the settlers from the United States was rather out of place. It was introduced after special consideration. It was one of the four paragraphs that are personal to His Excellency, as will be observed, and was predicated on the assumption that the effect in Europe would be very marked when it is known that settlers from the United States are coming to Canada. In Europe, as we all know, the United States, is very much more widely known than Canada, and is regarded as the happy land for all refugees from the older countries. When it is known abroad that the United States is sending settlers to Canada it will be evidence that there is more to attract the settler in this country than even in the favoured land south of us.

One of the most important paragraphs in the address is the reference to the international waterways. Hon. gentlemen will recollect that interference with the waterways dividing the United States from Canada has frequently been a subject for comment. A few years ago we were considerably exercised over the fact that at Chicago they were building a canal which was diverting the waters of Lake Huron into the Mississippi and taking them on to the Gulf of Mexico instead of discharging them into the St. Lawrence. Commissions of Inquiry were started and remonstrances were sent in, I believe, at the time without effect. Another very important diversion that affects Canada is that east of Sault Ste. Marie, where the waters of the St. Mary's river have been diverted south to what is known as the Hay Channel, a distance of about ten or twelve miles entirely through the United States. Then, again, recently attention has been called to the fact that in the State of Minnesota attempts are being made to divert the waters that are now tributary to Rainy lake and Rainy river to the southward, the object being to construct a water-power with a view to developing electric energy. Then, again, hon. gentlemen will probably remember a few years ago complaints were made that dams were being built on the St. John river before it reached the New Brunswick boundary, disturbing and interfering with the waters that would naturally have their flow through Canadian territory. These are facts which show that we, in Canada, are deeply interested in the preservation of the waters that divide the two countries, and it is very fortunate for us that the proposition for a commission on the present occasion emanates from the United States. Congress at a recent session authorized the president to invite Great Britain, through the Dominion of Canada, to unite in appointing a commission, consisting of three persons on each side, to consider this question of the waterways, and to report on the best method of preserving intact the waters that are common to the two countries. The proposition, under the Act of Congress, was that one of the commissioners should be an officer of the engineers of the United States, another was to be a hydraulic engineer, and a third a lawyer having some knowledge of international law, and the rights of riparian proprietors. We have appointed as our three, Mr. King, who is the geographer of the Department of the Interior, Mr. Coste, who was for a long time engineer of the Public Works Department, and who had been recently employed as a hydraulic engineer in the vicinity of the Welland canal, and Mr. Mabee, of Stratford, Ontario, now of the city of Toronto, a lawyer of some eminence.

Hon. Sir MACKENZIE BOWELL—Is that the Mabee that Sir Oliver Mowat dismissed for being an annexationist ?

Hon. Mr. SCOTT—I do not think so ; he was made a K. C. recently.

Hon. Sir MACKENZIE BOWELL—That does not make any difference.

Hon. Mr. FULFORD—Myers is the one he dismissed.

Hon. Mr. SCOTT—The next paragraph of the address refers to the proposed autonomy for the Territories. The Bill is now

in course of preparation and in due time will be submitted for the consideration of parliament. The subject, of course, is now under discussion. A gentleman who represents the Northwest Territories, that is, the Premier of the Territories, and a member of the government are now in frequent communication with ministers, endeavouring to agree upon a measure, modelled no doubt upon the Manitoba Act, as the conditions are very similar to those that prevail in that province.

My hon. friend made some comments as to the propriety of inviting tenders for the National Transcontinental Railway. Several parties who are entrusted with the survey from Winnipeg to Moncton, have been in the field since the end of October, and it is believed that at all events for a portion—only certain sections—their reports may be sufficiently advanced before the end of the present year. We are now in the middle of January ; we have eleven months to go on, and before the end of the present year tenders may be invited for some of the sections. Hon. gentlemen may rest assured that until a thorough and exhaustive survey has been made and a line has been located that will be all that is hoped for, no premature action will be taken in the granting of any contracts or inviting tenders for the construction of the work. The hon. gentleman asked that the government should convey to him some information as to the Halifax dock yards. My hon. friends know just as much about that subject as we do. Our information is gathered entirely through the press. No positive course has yet been taken, I believe, at Halifax. It is evidently in contemplation. No doubt the government of Canada will be advised in due time and until we are informed what the actual proposal is, and what Canada has been invited to undertake, it would be premature for us to even discuss the subject. No official correspondence has been received that I know. The hon. gentleman thinks that the bill of fare is somewhat meagre. Well, it does seem to me that where the conditions are such as prevail in Canada, with the unexampled prosperity we have had for many years, it would be unwise to disturb it. I am not aware that any particular section of the people are suffering. Certainly the farmers have been enjoying a degree of prosperity quite unequalled in the past. Our merchants are not complaining. They are all doing very much larger business than they ever did before. Even our manufacturers, of whom my hon. friend speaks so frequently, as needing some additional protection, are extending their factories and doubling their output.

Hon. Sir MACKENZIE BOWELL—Some of them.

Hon. Mr. SCOTT—Well, 95 per cent of them. Possibly outside of the woollen industry, the evidences of expansion are, of course, self-evident. The very fact that we are exporting now a larger amount of manufactured products than we ever did in the past, is proof that our manufacturers are succeeding. It is quite natural, I presume, that they should ask for further protection. You never knew a manufacturer yet that had sufficient protection ; but they are prospering now even to a greater degree than they did under the national policy. Ask any manufacturer whether his business has not expanded since 1897, since the new tariff came into operation, and he will tell you it has. The evidences are abundant on every side. The facts and figures that one can give afford the most positive evidence that a degree of prosperity has prevailed in Canada in the last seven or eight years that has no parallel in any other country. I have under my hand here the figures that are absolutely unanswerable, which show that the prosperity of Canada is beyond that enjoyed by any other country at any other time. I do not hesitate to say so. I take that as proof that it is better to let well enough alone, and not disturb the present order of things, not to interfere where all sections of the community are prospering so wonderfully as they are to-day. I bring forward evidence that cannot be controverted. Take the savings in our banks ; since 1897 they have actually more than doubled in amount. The savings on deposit with notice and without notice are more than double the amount in 1897. The excess is greater than the accumulation from the time of confederation down to 1897, which is a startling statement to make—that in the long period from confederation down the accumulations in the banks were not equal to the increased accumulations during

the last seven or eight years. The aggregate trade has more than doubled in the last seven or eight years. What other country in the world can present a statement of that kind? The exports have doubled. The imports have run up from $118,000,000 to $259,000,000. The duty paid has increased from $20,000,000 to $40,000,000; everything has practically doubled, giving all the evidence of extraordinary growth of wealth with all classes of the community. No one can say that the farming population are not in a better condition than they ever were before. That is quite evident, and if all classes are enjoying that extraordinary prosperity, why should any fiscal changes be made? The hon. gentleman has alluded to the proposition to issue a commission. Something was said about it, but it was quite impossible at the time the announcement was made that anything of the kind could have been attempted before the meeting of parliament, because any commission that is appointed will necessarily cover a good deal of time, and it would have been quite impossible that any practical result could have been presented at the present session. Now, another reason why the bill of fare is practically meagre is that during the sessions of 1903-4 there were more public measures passed by parliament than in any four sessions since confederation. The public Acts alone in those two years covered between seven hundred and eight hundred pages. So that I think we have rather an excess of legislation in past years, and the country is not really requiring any additional legislation. The hon. gentleman has not pointed out any industry that is suffering that we could help. It is quite true that he could name industries which would make more money if they had a higher tariff, but they would only represent a mere fraction of the community; three or four per cent, and what would the other 97 per cent say to it? It is to be presumed that our legislation should be for the largest number—the greatest good to the greatest number. That is a principle we ought all to recognize, and when Canada is prosperous, as the evidence that prevails about us shows, it seems to me rather unwise and indiscreet to check or disturb the present condition. I am glad to hear the hon. gentleman foreshadow a short session. We have had several long sessions of late, and I think hon. members on both sides of the House will be gratified to know that this has a promise of being a short session. All the returns of parliament will shortly be in the possession of parliament, and it is to be hoped that no time will be lost in pushing the affairs through to an early end.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns, could the hon. Secretary of State inform us when he intends to bring down the answers to the motions that were made a year ago, and two years ago, for the return giving the names of the crews in the 'Arctic' and in the 'Neptune,' and all the correspondence. One motion was made last session and the other the previous session?

Hon. Mr. SCOTT—I will endeavour to revive the memories of the gentlemen whose duty it is to furnish those returns. I was not aware that the returns were in arrears. I shall let the hon. gentleman know about them at an early date.

THE STRIKING COMMITTEE.

Hon. Sir MACKENZIE BOWELL—I respectfully suggest that when the hon. gentleman moves for a committee to be appointed to name the standing committees, he substitute the name of Sir John Carling for mine, as I shall not be here. I propose going west this afternoon and may not be back when the motion is made. The hon. gentleman might make the motion now with the consent of the House.

Hon. Mr. SCOTT—Then I will move that the committee be appointed now, substituting the name of Sir John Carling for that of Sir Mackenzie Bowell.

Hon. Mr. LANDRY—Before the motion is adopted, I shall for the third time call the attention of the hon. leader of the government to certain facts. We have now 81 Senators—in fact we have 83. The province of Ontario is represented by 24 members, Quebec 24, the maritime provinces 24, and the remainder come from the west, comprising Manitoba, the Northwest Territories, and British Columbia 9—now 11. In the list of names proposed to-day, the province of Quebec is represented by one member of the

24 from that province in this House. The different provinces of the Northwest Territories, represented by 11 senators, have three members on the committee, the province of Ontario 2, the maritime provinces 3. But there are two in Nova Scotia and none in New Brunswick. I ask the hon. leader of the government to do justice to the different provinces. The province of Quebec should have two members at least, like the province of Ontario, and if the hon. gentleman wants to give a larger proportion to the provinces of the west we have no objection. But I think, in all fairness, the representation should be adjusted differently. Last year the hon. minister made that motion. I objected to it, and he was good enough to meet the objection by striking out one or two names, giving a fairer representation to the province of Quebec. I suggest that the Hon. Mr. Beique be named in the place of Mr. Power. The province of Nova Scotia has two representatives, Hon. Mr. Miller and the Hon. Mr. Poirier. Mr. Power was added to the list because the present Speaker having been appointed to the chair, his place was taken by the Speaker of last year. That might do from one point of view, but not from another, because it is doing an injustice to the province of Quebec. I suggest that the list be further amended by striking out the names of the Hon. Mr. Power and the Hon. Mr. Watson, because there are three members from the Northwest, and substitute the names of the Hon. Mr. Beique and the Hon. Mr. Ellis. I am asking in all fairness to the province of Quebec for a better distribution of members on the striking committee.

Hon. Mr. SCOTT—I had not heard any fault found with the striking committee last year. I understood they performed their duties fairly well, and to-day I counted the number of gentlemen from Quebec and Ontario, on the important committee, the Railway Committee, and I found each of those provinces had fourteen on that committee. I had not been aware that there would be any criticism on the composition of the committee and I should prefer leaving it as it is. The Hon. Mr. Power has left the chamber. If he were here I should ask him to withdraw. If it is the feeling of the House to substitute the Hon. Mr. Beique for the Hon. Mr. Power, I should be glad to do it. Mr. Power having been one of the oldest members of the House and Speaker for the last four years, it naturally occurred to me to change places and put the Hon. Mr. Power on the committee.

Hon. Mr. LANDRY—You are giving to Nova Scotia the place belonging to Quebec.

Hon. Mr. SCOTT—Well I did not consider that. I thought the nine gentlemen named would act fairly. It has not been pointed out in the past that they acted unfairly. In order to convince myself I took the trouble to count the number last year on the Railway Committee, and found fourteen from each province. We might make the one change if the House desires it.

Hon. Mr. LANDRY—Substitute the Hon. Mr. Beique for Hon. Mr. Power and Hon. Mr. Ellis in place of Hon. Mr. Watson.

Hon. Mr. SCOTT—The Hon. Mr. Watson has been an active member of that committee.

Hon. Mr. LANDRY—Well there are three members from the Northwest. However, if we cannot get the full loaf, let us take a half a loaf. So the hon. gentleman will substitute the name of the Hon. Mr. Beique for that of the Hon. Mr. Power.

The motion as amended was agreed to.

The Senate adjourned.

SENATE.

Ottawa, Wednesday, January 18, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

COMMITTEE OF SELECTION.

FIRST REPORT ADOPTED.

Hon. Mr. TEMPLEMAN, from the Committee of Selection, presented their first report: He said—As we contemplate an adjournment to-morrow or the next day, I presume there is no objection to the adoption of this report to-day. I might state that we have a second report from the Committee of Selection recommending that the Committee on Banking and Commerce shall be increased by two additional members, and

the Committee on Railways, by five additional members. That report will be presented, and, I hope, adopted also, to-day. I thought it was only right to make that explanation in view of the fact that I am asking that the House adopt the first report without objection in order that the committees may meet, appoint their chairmen and get ready for work before the House adjourns.

The motion was agreed to.

Hon. Mr. TEMPLEMAN presented the second report of the Committee of Selection and moved that the rules be suspended.

The motion was agreed to.

Hon. Mr. TEMPLEMAN moved that the report be now adopted

Hon. Mr. POWER—I do not propose to move against the adoption of the report but I wish to express the feeling that the committees which are named are already too large. As it is now, the Committee on Railways is composed practically of two-thirds of the members of the House. The object of sending any measure to a committee is that it shall receive that careful and detailed consideration which it could not have in a large body like the House; and when the committee is enlarged to the degree to which it is now proposed to enlarge the committee it is practically almost the House itself dealing with the matter which has been referred to the committee. I wish to express the view that the change is not a desirable one, and that the Committee on Railways is already too large. In former years when that committee numbered thirty or thirty-five members, the members of the committee sat around the table and did business in the business-like way in which the directors of a railway or an insurance company or other business organizations do business, but with a committee of fifty it is impossible to do that; and every hon. gentleman who wishes to make no matter how small a comment on the matter before the committee, is obliged to stand up and make a speech. When that is the case we know that business does not advance with the rapidity with which it ought to advance, and it practically comes to this, that in order to secure careful consideration for any bill which is before the committee, the measure must be referred to a sub-committee; and to call the Railway Committee a committee is merely a misnomer.

The motion was agreed to.

DISPOSITION OF ROOMS TO SENATORS.

MOTION

Hon. Mr. SCOTT moved :

That the disposition of the rooms attached to the Senate Chamber to members having no rooms, be referred to the Committee on Internal Economy and Contingent Accounts, when constituted, for allotment to senators, without report.

He said : If this resolution meets with the approbation of the House, I shall move it now. It is necessary that the control should be somewhere. The Contingent Committee are a representative body, and they can select three or five gentlemen who will make the necessary arangements for those members of the Senate for whom no provision has been made up to the present time. I presume it will be a direction to the committee that hon. gentlemen who are already in their rooms will not be disturbed. It is not the intention to interfere with them.

Hon. Mr. WATSON—Before the motion is adopted I think the House will agree with me that it ought to be made a little broader, because I think arrangements could be made by a sensible committee in the allotment of rooms that would be agreeable to all honourable gentlemen.

Hon. Mr. POWER—I do not think it is necessary to make any change in the resolution. I have no doubt when the committee go to work they will find no difficulty in making arrangements for senators who have no rooms without disturbing senators who have rooms, unless the senators who have rooms are willing to go elsewhere, and if a change is made with the consent of the senators who now occupy places in the rooms, there is no necessity for any authority from the House.

Hon. Mr. BERNIER—If I may be permitted I would suggest that the matter be referred to the hon. Speaker of the House. He is the proper authority.

Hon. Mr. LANDRY—I think the suggestion made by my hon. friend is a very good one.

Hon. Mr. SULLIVAN—There is no use appointing a committee if you do not give them power to re-arrange.

Hon. Mr. GIBSON—I do not think the motion of the hon. leader of the House should be disturbed, because it refers the matter to the committee and they will appoint a sub-committee to deal with it. Why should we ask the hon. Speaker to do the work we should do for ourselves ?

Hon. Mr. ELLIS—I think it would be better to let the resolution go as it has been prepared, and if it cannot be arranged the committee can come back for instruction.

Hon. Mr. GIBSON—I move that the words 'to members having no rooms' be struck out.

The amendment was lost.

Hon. Mr. YOUNG—We should be willing to trust the committee with the management of the affair and let them make a disposition of the rooms which would be agreeable to all.

The motion was adopted.

PRAYERS IN THE SENATE.

Hon. Mr. GIBSON moved :

That a special committee of the Senate be appointed to consist of the Honourable Messieurs Templeman, De Boucherville, Sir Mackenzie Bowell, K.C.M.G., Lougheed, Robertson, and the mover, to confer with His Honour the Speaker respecting the prayers to be used at the opening of the Senate.

He said : When the former prayer book was given to the Senate, I believe the intention of the committee who selected the prayers was that the hon. Speaker might select from time to time some of the prayers that the book contained. I do not think it was ever mentioned that the whole of them should be read, and my idea is that certain portions of them should be read occasionally —have them varied and not have them all read every day.

Hon. Mr. DOMVILLE—I should like to call attention to the fact that although the prayers are largely taken from the Church of England prayer book, there is not a member of the Church of England on the committee.

Hon. Mr. GIBSON—With the consent of the House, I will add the name of the hon. gentleman from Rothesay.

Hon. Mr. LANDRY.

Hon. Mr. CLORAN—Before the resolution is adopted, I should like a little further explanation than the hon. senator has given. To what does he object ? Is it to the length of the prayer or simply to the sentiment contained therein ? If it is simply to the length of the prayer, I do not know that it would make much difference whether we prayed five minutes or three minutes. I do not think it is proper to ask for a change in the prayers. They have done very well in the past few years and they will do for the coming years.

Hon. Mr. LANDRY—I think since my hon. friend's party has come into power we should say long prayers.

Hon. Mr. FERGUSON—I presume the names of hon. gentlemen have been inserted in this motion because they are regarded in some way as expert in this matter Therefore it would be perhaps interesting to know what experience they have had in the framing of prayers.

The motion was agreed to.

REVISION OF THE RULES OF THE SENATE.

MOTION.

Hon. Mr. POWER moved :

That a special committee be appointed to consider and revise and if deemed necessary to add to the Rules, Orders and Forms of Proceeding of the Senate, and that such committee consist of His Honour the Speaker and the Honourable Messieurs Sir Mackenzie Bowell, Miller, Ferguson, Lougheed, Young, Tessier, Ellis, Béique, Kerr (Toronto), and the mover ; with power to report from time to time.

He said : The rules under which the Senate now does business have been in existence for about eleven years, and, as is very generally the case, experience has shown that certain changes are needed. That is a thing which happens even in the most conservative body. In the House of Lords, after whom our proceedings are modelled, there are occasional changes in the rules. Those changes may be rendered necessary from two causes. One cause is that when the rules come to be put into practical operation it may be found that there is some doubt as to the meaning of a rule, and that has been the case, as hon. gentlemen know, with more than one of our rules. It is necessary that the exact meaning of the rules should be made clear. Another

reason for altering the rules is that circumstances change. The volume of business, the methods of transacting business, have all changed somewhat during the past few years. Hon. gentlemen should recognize the fact that it is desirable that our rules should be revised. I do not need to labour that at all; and in making this motion, I have followed the precedent established in 1894, when the hon. gentleman who now leads the opposition led the House. I have practically adopted the wording of his resolution, and I have also inserted in the resolution the names of all those gentlemen now in this House who were on the committee which was appointed on the motion of the hon. leader of the opposition. The committee is the same in number as the committee which the hon. gentleman moved for, and the names are as far as practicable, also the same. Of course there has been such a very marked change in the personnel of the Senate during the last eleven years, that it has been necessary to insert several new names. I may say that these names have not been inserted haphazard, but the effort has been to insert the names of gentlemen who have experience and who have devoted particular attention to the subject of our rules.

The SPEAKER — Before putting the motion, I should like to draw attention to the fact that the name of the Speaker appears among the names of members of the committee. As the increasing of the powers of the Speaker may be discussed, I thought it proper that the Speaker should not be on that committee.

Hon. Mr. POWER—The Speaker is more interested in the rules than almost any one else.

Hon. Mr. POIRIER—I have the honour to move in amendment that the names of Senator David and Senator Landry be added to those mentioned in the motion.

Hon. Mr. POWER—There is no objection.

The SPEAKER—Then the motion should read with those two names added.

Hon. Mr. JONES—Is it the intention that this committee shall have power to make additions to the Rules, Orders, Forms, &c., and that that will be a final decision ?

Hon. Mr. SCOTT—Oh, no ; the report of the committee has to be adopted by the Senate.

Hon. Mr. JONES—As I read the motion that appears to be the intention. They are to report what they do; but they are herein given power, it appears to me, 'to consider and revise, and if deemed necessary to add to the Rules, Orders and Forms of Proceedings of the Senate.' That would seem to take it away from the Senate.

Some hon. GENTLEMEN—Oh, no.

Hon. Mr. YOUNG—The procedure will be that they will have to report to the House, and then the House will have to be specially convened to consider the report. Special notice must be given.

The motion as amended was adopted.

A PROPOSED ADJOURNMENT.

NOTICE OF MOTION.

Hon. Mr. SCOTT—It has been usual, after the committees have been struck and are ready for work to take an adjournment. There has been a very generally expressed wish on the part of the Senate that the adjournment should be about the average length of adjournments on occasions of this kind. I therefore give notice that I shall move to-morrow that when this House adjourns it do stand adjourned until Wednesday, February 8.

Hon. Mr. WATSON—I think I express the sentiments of the majority of the House when I say that the adjournment should be early in the session and as long as possible, to suit the convenience of those who live a long distance from the Capital. I would therefore suggest that the adjournment be for three weeks from Tuesday next. There is not much work before parliament this session, and the session is likely to last until some time in May.

Hon. Mr. SCOTT—If this is to be a short session we surely cannot adjourn for a whole month, because that is practically what the hon. gentleman's suggestion means. I cannot go beyond the time I have mentioned.

The Senate adjourned.

SENATE.

Ottawa, Thursday, January 19, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE COMMITTEE ON STANDING ORDERS.

FIRST REPORT ADOPTED.

Hon. Mr. YOUNG from the Committee on Standing Orders presented their first report. He said: I move that this report be now received.

Hon. Mr. FERGUSON—We have now the reports of the organization of all the standing committees of the House except the joint committees. I have no observation to make further than to congratulate hon. members of this House from Quebec and from Manitoba on the somewhat fair distribution of the chairmanships of the various committees that they have made between themselves, to the exclusion of all the other provinces.

Hon. Mr. LANDRY—Before the report is adopted, I should like to know if there was a quorum at the meeting of the Standing Orders Committee?

Hon. Mr. YOUNG—Supposed to be.

Hon. Mr. LANDRY—I want to know, as a matter of fact, if there was really a quorum of that committee? Is the hon. gentleman from Killarney chairman of that committtee? Is the report signed by the chairman?

THE CLERK OF THE HOUSE—Yes.

Hon. Mr. LANDRY—I should like to know on what authority? Could the hon. gentleman give us an explanation?

Hon. Mr. YOUNG—I will leave that to the other members, who are present, to speak for themselves.

Hon. Mr. LANDRY—That is not giving an answer. This House should know if that committee sat this morning—if there was a regular meeting of the committee.

Hon. Mr. YOUNG—No, they adjourned until two o'clock for want of a quorum. They did not sit this morning.

The motion was agreed to.

BILL INTRODUCED.

Bill (A) for the relief of Edward Albert Murphy.—(Hon. Mr. Kerr, Cobourg.)

AN ADJOURNMENT.

MOTION.

Hon. Mr. SCOTT moved:

That when the Senate adjourns to-day it do stand adjourned until Monday the 13th of February at three o'clock.

He said: After the House rose last evening a number of senators from both sides of the House called upon me and said that the time fixed for the meeting again after the adjournment, the 8th of February, was rather inconvenient for them, and they thought the time might be altered. The gentlemen embracing this deputation were chiefly from the maritime provinces and the western country, and they suggested that if when the House adjourns to-morrow it would stand adjourned to Monday, the 13th of February, that time would suit the largest number, and I presume, as this is the only long adjournment the House will have, it is advisable to make the change.

The motion was agreed to.

THE SEAT OF HON. RUFUS CURRY.

ORDER POSTPONED.

The notice of motion being called:

That the report of the Clerk of the Senate, respecting the absence of the Honourable Mr. Rufus Curry, during two consecutive sessions of parliament, be referred to the committee appointed to consider the order and customs of the House and the privileges of parliament, the committee to meet——

Hon. Mr. SCOTT moved that the order be discharged, and that it be placed on the order paper for the 20th of February. He said: Mr. Fielding will have returned by that time, and I wish to see him on the subject.

The motion was agreed to.

THE NATIONAL TRANSCONTINENTAL RAILWAY SURVEY.

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 upon the table of the Senate the reports of the surveyors

employed on the Grand Trunk Pacific Railway upon that portion of the line between Quebec and Moncton.

Hon. Mr. SCOTT—There are really no reports available. The surveys so far are purely exploratory, and no reports of them have been presented by the commission. Under the statute authorizing the commission to act, they are not bound to furnish reports to parliament except at dates fixed by the statute, but in any case there are really no reports available that could be called complete reports. So I am advised by the chairman of the commission.

Hon. Mr. WOOD—I am induced to make this motion from having seen reports in the press. The fullest report I have seen was in a Toronto paper, January 4, in which it was positively stated that the construction commission had announced that they are satisfied they can get a maximum grade of four-tenths of one per cent going east, and six-tenths of one per cent going west, and that from Quebec to Halifax it is possible to build a railway with gradients equal to those on the New York Central. If the commission is in a position to make a positive statement of that kind, the government should have information which ought to be supplied to parliament.

Hon. Mr. SCOTT—There is no authority for any statement of the kind. No reports have come to the government. I never heard of that report. Of course, we do not take any notice of the various comments that are made in the press. No reports have come to the government from the commission, and the chairman of the commission, when the notice was put on the paper, advised me that they have nothing they can really present.

Hon. Mr. CASGRAIN (de Lanaudière)—As this is a technical matter, I may explain that it is quite common, when surveys are being made——

Hon. Mr. LANDRY—Is that the answer of the government ?

Hon. Mr. CASGRAIN—I was simply giving an explanation for the benefit of the hon. gentleman opposite, and I do not think he will take any objection to my remarks. When surveys are being carried on, it is customary for surveyors to say verbally that they are finding good grades, that the road is easy, and so on. We have seen that in all the surveys going on, and it would be very difficult to keep surveyors or engineers from mentioning the grades that they are actually getting. I heard myself from some of the engineers that they were getting the grades that were called for by the specifications in regard to the profiles of the Grand Trunk Pacific road. It is really wonderful that they should get those grades, because we all know that in the past, grades of not less than 50 feet to the mile and so on have been obtainable ; but we must remember that things have changed considerably of late, and that we do not hesitate now in making very deep cutting to secure a proper grade. I am informed, for instance, that the Canadian Pacific Railway in building a railway from Sudbury towards Toronto are making a cut some 75 feet in depth for quite a distance, something over half a mile, just to obtain satisfactory grades. Such a thing as that was unheard of before. It is quite possible that the reporter of the 'Globe' or of the 'News' heard from these engineers. But I cannot understand that there can be any official report through the government until the exploratory surveys have been completed, and the actual location of the line is being made. What I understand is being done is simply preliminary surveys to find out where the line should pass. When it is decided where the line is likely to pass, then it will be for the commission to decide which of the routes will be adopted, and a location will be made and the final report presented to the government.

Hon. Mr. WOOD—I quite understand the position the hon. gentleman takes, and I agree with his remarks. Yet, as he himself says, it is quite possible for engineers when they are making their exploratory survey to get very definite information with regard to the character of the line that can be obtained, and from the very positive way in which it is asserted in the papers that this information is available, I assume, of course, there is something in it. I do not wish to unduly press the matter, but I should like to know if I understand the hon. Secretary of State correctly in saying that the commission are not prepared, with the information before them, to make a statement such as appears in the public press ? There are some

other statements that I intended to call attention to, one of which reads as follows :—

At the risk of hurting the feelings of our fellow Canadians of that province I must transcribe the remarks of more than one authority, 'The people of New Brunswick do not know their own province.'

They describe the interior of the province as abounding in good timber and good tracts of agricultural land, and this statement is given in quotation marks as coming from one of the high authorities who are carrying on this survey. I certainly felt it very desirable that the representatives of the province of New Brunswick, both in this chamber and in the House of Commons, should at the earliest opportunity be informed as they have not the knowledge now, as this article assumes, of the physical features and also the agricultural resources of the province from which they come. The statement that a line could be found having the grades which are referred to in this article came, I confess, as a surprise to me, and I would like to know whether the statement of the government is to the effect that they have not the information, or that the commission has not information at the present time which justifies them in making a statement of that kind.

Hon. Mr. SCOTT—I thought I was very explicit. I said the government had no information whatever on the subject, and that on application to the commission they said any surveys that they had made were purely exploratory. After that statement I think the hon. gentleman should have been satisfied that the statements of the government ought to be accepted rather than those of opposition newspapers.

Hon. Mr. WOOD—I am quite willing to accept the statement of the government. I only wish to understand if the hon. gentleman can give me the information. If he cannot give the information of course I must accept his statement. I think he has not quite appreciated my question.

Hon. Mr. SCOTT—Yes, I thoroughly understood it. I said we really had no information on the subject.

REPORT OF MINISTER OF RAILWAYS AND CANALS.

INQUIRY DROPPED.

The Order of the Day being called :

That he will inquire whether the report of the Minister of Railways and Canals for the year ending the 30th June, 1903, has been published in the usual book form ?

Why there are no copies in the Library available for reference ?

Hon. Mr. WOOD—I have since putting the question on the order paper received a blue-book giving the report of the Minister of Railways and Canals of last year, through the courtesy of the hon. Secretary of State, and this answers all my purposes.

Hon. Mr. SCOTT—The answer was that it was distributed just in the ordinary way at the proper time. I have no doubt a copy was available for the hon. gentleman at the distribution office. The department sent the usual number to the Library. It so happened that they were all out.

Hon. Mr. WOOD—There are none to be found there.

Hon. Mr. SCOTT—I sent the hon. gentleman a copy of it myself.

Hon. Mr. WOOD—Yes.

The motion was dropped.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the House adjourns, as we are to be absent for a few weeks, would the hon. Secretary of State be kind enough to press that matter to which I drew his attention in reference to returns I asked for last year and the year before ?

Hon. Mr. SCOTT—If the hon. gentleman will send me a letter, at his leisure, calling attention to the particular returns so that I can make the inquiry I shall be very glad to do so.

The Senate adjourned, until Monday, the 13th February, at 3 p.m.

SENATE.

Ottawa, Monday, February, 13, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

The Senate adjourned.

SENATE.

Ottawa, Tuesday, February, 14, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MURPHY DIVORCE CASE.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. KIRCHHOFFER, from the Committee on Divorce, presented their third report, re Bill (A) An Act for the relief of Edward Albert Murphy, and moved its adoption.

Hon. Mr. LANDRY—Could the hon. gentleman tell us where the parties are from before he makes this motion ?

Hon. Mr. MACDONALD (B.C.)—Mrs. Murphy cannot be found.

Hon. Mr. KIRCHHOFFER—I should like to say that the respondent in this case has evidently skipped out. It was shown before the committee that she had been traced. Efforts were made to bring her here and it was found she had left one point with her paramour and had gone to a foreign country. She was traced from hotel to hotel, and finally lost track of altogether, so that personal service was impossible. Every effort has been made, apparently, that could be made to reach her by mailing notices to her father and mother and brothers, and at the address where she formerly lived and other addresses where she had subsequently moved to. It was apparent to the committee that every possible effort had been made to effect service.

Hon. Mr. LANDRY—What I want to know is whether the petitioner, and the father, mother and sisters of the respondent that have been mentioned, are of the province of Ontario, Quebec, Nova Scotia or the Northwest ?

Hon. Mr. KIRCHHOFFER—They reside in various parts of Canada.

Hon. Mr. LANDRY—I want to know where the petitioner is living ?

Hon. Mr. KIRCHHOFFER—In the city of Montreal, I understand.

Hon. Mr. LANDRY—Lost.

Hon. Mr. PERLEY—Can they not get a divorce if they live there ?

Hon. Mr. CLORAN—They are too honest to get a divorce down there.

The motion was agreed to on a division.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

INQUIRIES AND MOTION.

Hon. Mr. DOMVILLE rose to inquire of the government :

1. Has the Mutual Reserve Life Association under section 6, Chap. 101, 4 Edward VII., filed with the Superintendent of Insurance a certified schedule setting forth the following particulars, in respect of each policy to which this Act applies :—Number of the policy, name, address and occupation of the assured, date of issue of policy, age of assured at a date of issue, amount insured, total assessment premiums paid, average annual assessment premium, amount of each option, amount of cash dividend, amount of bonds addition which such cash dividend will secure, and the amount of annual reduction of premium which such cash dividend will secure, provided the renewable term policy mentioned in paragraph (c) of section 3 of this Act is chosen.

2. If so, when was the certified schedule filed with the Superintendent of Insurance ?

Hon. Mr. SCOTT—To the first paragraph the answer is yes. To the second, on November 5th, 1904.

Hon. Mr. DOMVILLE rose to inquire of the government :

1. Did the Mutual Reserve Life Association, of New York, make application under section 2, Chap. 101, 4 Edward VII., which section reads as follows :—

In lieu of the license now held under 'The Insurance Act,' the company shall be entitled, on making application therefor within three months from the passing of this Act, to receive under section 4 of the said Act, which license shall enable the company to enter in Canada into contracts of life insurance with fixed and definite premiums, and the company shall, except as hereinafter provided from the date of the said license, possess and enjoy all the rights and powers and be subject to all the liabilities enacted by 'The Insurance Act' with respect to life insurance companies licensed under section 4 of the said Act.

2. If they made application, what was the date of the application ?

3. If such license was granted, what was the date of such license ?

Hon. Mr. SCOTT—The answer to the first question is yes ; to the second, November 2nd, 1904 ; to the third, November 5th, 1904.

Hon. Mr. DOMVILLE moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a return showing :—

1. Under section 6, Chap. 101, Edward VII., the details of policies filed with the Superintendent of Insurance in certified schedule.

2. The last return made by the Mutual Reserve Life Association, of New York, made up to 31st December, 1904.

Hon. Mr. SCOTT—I am informed by the Superintendent of Insurance that this information is regarded as confidential, and is not given out. The company object to do so, but even if it were allowed, it would be many months before the information could be obtained. Entries would have to be made on three hundred and eighty sheets like the one which I now hold in my hand, and it would take a year to prepare the return.

Hon. Mr. DOMVILLE—Perhaps my hon. friend will let this motion stand for a day, and I will think it over, because I shall have something to say on the subject.

The motion was allowed to stand.

IMPORTS OF ALUMINUM.

INQUIRY AND MOTION.

Hon. Mr. DOMVILLE rose to inquire of the government :

Whether it is aware that aluminum pigs produced in Canada are shipped to the United States and there manufactured into wire and other articles and re-imported into Canada free of import duty ?

Also, if the government are aware wire and other articles exported from Canada into the United States pay 13 cents per pound duty—$260 per ton ?

Hon. Mr. SCOTT—The government is not aware that articles manufactured in the United States from aluminum pigs produced in Canada are imported into Canada free of import duty, except as provided in the customs tariff. Item 476 of the customs tariff, 1897, provides for the free importation of the following goods, viz.:—

Aluminum in ingots, blocks or bars, strips, sheets or plates ; alumina and chloride of aluminum, or chloralum, sulphate of alumina and alum cake ; and alum in bulk only, ground or unground.

The origin of aluminum used in the manufacture of articles exported from the United States to Canada (except German) is not shown in the entries at the custom-house in Canada. According to the Tariff Act, 1897, the customs duties on aluminum, when imported into the United States, appear to be as follows :—

172. Aluminum, and alloys of any kind in which aluminum is the component material of chief value, in crude form, eight cents per pound ; in plates, sheets, bars, and rods, thirteen cents per pond.

Hon. Mr. DOMVILLE moved :

That a 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 :—

Imports of aluminum in pigs or ingots into Canada.

Imports of aluminum into wire, sheets or any other form.

Imports of oxide of aluminum.

Imports of alumina.

Quantities by weight-values.

Countries imported from, and ports of entry in Canada, and what countries the production of.

Exports of aluminum in pigs or ingots.

Exports of aluminum in any form, manufactured.

What countries exported to, and ports of shipment in Canada.

Quantities by weight-value.

For the years 1901, 1902, 1903, 1904, to end of year 1904.

He said : If the leader of the House would consent, I should like to change this motion and confine it to the year 1904. I find that last year a return was brought down to the end of 1903, and I should like to have the motion apply to 1904 only.

Hon. Mr. SCOTT—There is no objection.

The motion was amended as suggested, and agreed to.

THE MINISTERIAL CRISIS IN 1896.

INQUIRY.

Hon. Mr. CLORAN—Before the Orders of the Day are called, I wish to direct attention to an incident which recently transpired elsewhere, and which, at the present moment, is engaging public attention. It relates to one of the gravest political events that ever occurred in the history of this country. Public opinion seems to be divided on the subject. Statements have been made which may not have conveyed all the truth, and it is in the public interest that all the facts connected with such an important event should be made public, so that the future historian may be in a position to give an impartial account of the ministerial crisis which preceded the change of government. I cannot say whether the statements made in another place convey all the truth, but there is on the floor of this hon. House an hon. gentleman who was Prime Minister at the time, who should be in a position to give a full account of all the facts as they occurred. The event to which I refer is the upheaval in the Dominion cabinet which occurred in the beginning of the

year 1896, when seven members of the government of that day resigned and kept parliament in a state of anxiety for several days. We in this chamber are all well acquainted with what transpired on that occasion, and it is not for the purpose of furnishing information for members of the Senate, but to place all the facts on record for future reference. If it is possible for the hon. leader of the opposition to make a statement in regard to that event, probably one of the most important that ever occurred in our history, I trust that he will avail himself of this occasion to do so.

Hon. Mr. LANDRY—I think that history is beginning to get a little old.

Hon. Mr. CLORAN—We want the true statement.

Hon. Mr. LANDRY—I should like to recall recent facts, and ask the hon. Speaker of this House if he would be kind enough to give us news of the crisis going on today in the province of Quebec. I should like to know if the hon. gentleman went down to Quebec as the Speaker of this House to restore peace and harmony in the ranks of the faithful in Quebec, and if he had been asked to do so by my hon. friend from Repentigny. These are facts which are actually occurring, and I think we would be more interested in an explanation concerning them than a statement of events which occurred eight or nine years ago.

Hon. Mr. CLORAN—Too soon to write the history.

Hon. Mr. LANDRY—The old facts we all know, but the new facts we do not, and if the hon. Speaker would be good enough, he might tell us if he could report progress and ask leave to go down there again.

The SPEAKER—I may satisfy my hon. friend by telling him that I was never offered any mission to that effect, nor did I ever accept such a mission.

Hon. Sir MACKENZIE BOWELL—I must admit that, from my long parliamentary knowledge, it is something extraordinary to ask a ministerial explanation of an event which occurred eight or nine years ago. However, I can assure the hon. gentleman who brought this matter before the Senate to-day, that the matter is now under the serious consideration of the ex-Prime Minister of this country.

Hon. Mr. CLORAN—Before the question is put, I call the hon. gentleman's attention to the fact that there are two ex-Prime Ministers, himself and Sir Charles Tupper.

Hon. Sir MACKENZIE BOWELL—He is not here.

Hon. Mr. CLORAN—But the facts should appear properly on the record.

Hon. Sir MACKENZIE BOWELL—I was under the impression that the hon. gentleman had reference to myself.

Hon. Mr. CLORAN—Yes, exactly.

Hon. Sir MACKENZIE BOWELL—It was myself that was attacked and not Sir Charles Tupper, and when I referred to the ex-Premier, I referred to myself, and not to Sir Charles Tupper.

BILLS INTRODUCED.

Bill (No. 11) An Act respecting the Columbia and Western Railway Company.

Bill (No. 13) An Act respecting the Atlantic, Quebec and Western Railway Company.

Bill (No. 18) An Act respecting the Ottawa, Northern and Western Railway Company.

Bill (No. 8) An Act to amend the Mounted Police Act, 1904.—(Hon. Mr. Scott.)

Bill (No. 15) An Act to incorporate the St. Mary's and Western Ontario Railway Company.

Bill (B.) An Act for the relief of James Arthur Prior.—(Hon. Mr. Perley.)

The Senate adjourned.

SENATE.

Ottawa, Wednesday, February 15, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FRENCH TRANSLATION OF MILITIA ORDERS.

INQUIRY.

Hon. Mr. CLORAN, in the absence of Hon. Mr. Choquette, inquired of the Government :—

1. Whether the government has caused, or is going to cause, to be translated into French, for the use of officers of the militia, speaking

the French language, the regulations for the militia ?

2. If such translation has been made, when will it be distributed ?

3. If it has not been made, when will it be made ?

Hon. Mr. SCOTT—The Regulations and Orders, 1904, are now being translated into French. The translation will be ready to send to the printer by the end of the month.

Hon. Mr. LANDRY—I would ask the Hon. Secretary of State why those regulations have not been printed in the French language in the 'Canada Gazette?' The English version was printed in the 'Canada Gazette' about October 1st, and I do not see why the French translation was not also printed in the same way. Could the Hon. Secretary of State tell us why that was not done?

Hon. Mr. SCOTT—The answer I gave just now was that they were being translated at the present time.

Hon. Mr. LANDRY—That is not answering the question.

Hon. Mr. SCOTT—I think it is. They are only being translated now. I know nothing of it. It is in the Department of Militia.

Hon. Mr. LANDRY—But usually in the Official Gazette the matter printed in English is translated into French and published, if not in the same number, in a subsequent number. But that has not been done in this case.

Hon. Mr. SCOTT—I presume the translation would rest with the Department of Militia, and it is the fault of that department that the translation has not been completed in time. The Bureau will translate any ordinary short notice, but it is not usual to translate any long paper.

Hon. Mr. DOMVILLE—Perhaps they were short of French type.

Hon. Mr. SCOTT—There is no translating office in the Bureau.

Hon. Mr. LANDRY—But the answer of the Hon. Secretary of State does not hold good in the case of the translation made in the regulations of the Marine Department. There were thirty or forty cases in which regulations were printed in English and in the following number they appeared in French. That was not done in the case of the Militia Regulations.

Hon. Mr. SCOTT—I presume the Marine Department had the translation prepared. I know nothing about it. It does not come under my notice in any way.

The Senate adjourned.

SENATE.

Ottawa, Thursday, February 16, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (C) An Act for the relief of Clara Bidwell McDermott.—(Hon. Mr. Young).

RESIGNATION OF MR. BLAIR.

INQUIRY.

Hon. Mr. POIRIER rose to make the following inquiry :

If the Prime Minister of Canada, when, on the 18th of October last, he wired the following reply to Honourable Mr. Blair's telegram of resignation as chairman of the Railway Commission: 'Your resignation comes to me as a surprise, but, of course, I cannot at present offer any observations on the same,' was aware that there stood on the docket a large number of cases tried and heard and awaiting the decision of board ?

Whether the committee of the Privy Council was aware of it, when, on the 31st day of October, they recommended to the Governor General that Mr. Blair's resignation be accepted ?

If they knew that a great many cases were pending and awaiting adjudication, did they urge upon Mr. Blair to clean his slate before retiring, as they did, e.g., in the case of Judge Killam, late of the Supreme Court ?

How many cases were there pending when Mr. Blair's resignation was thus accepted ?

How many will have to be heard and tried over again ?

What member of the Railway Commission is it that stayed at home, instead of accompanying the board, on the western tour last summer, and thereby helped to bring about the state of confusion that now exists, to the great detriment of litigants, in that important branch of the Civil Service ?

He said : Hon. gentlemen will remember that two years ago we spent considerable time elaborately preparing and discussing the Railway Bill introduced by the government, in order that it might prove effective in the settlement of disputes with railways, and the conclusion that parliament and the country arrived at was that

the measure was a good one, and that it was made necessary by the increasing disputes that were arising and are still arising throughout the country between railway companies and other corporations. That Bill was introduced by the then Minister of Railways, the Hon. Mr. Blair. After it had become law, for reasons that are public, the Hon. Mr. Blair, having ceased to be Minister of Railways, was appointed chairman of that very important commission. At that time, as we are all aware, there were criticisms with reference to the propriety of Mr. Blair being appointed chairman of that commission, because he had taken a hostile attitude towards the government. I for one found no fault with the appointment of Mr. Blair. He had a right to step out of the ministry if the measures adopted by the cabinet were not, in his judgment, good measures, and I could find nothing wrong in his old colleagues appointing him to that position, especially after the premier had declared, and with truth, I believe, that there was no man in Canada more competent to fill that position. Mr. Blair had himself prepared the Act creating the position which he was appointed to fill, knowing its importance and the obligations and responsibilities connected with it; but hardly a year had elapsed after his appointment to the lucrative position—the pay of the chairman being ten thousand dollars a year, making him the highest paid official in the land, not excepting the premier himself—when, like a bolt from a blue sky, he sent the following telegram to the premier, dated October 18, 1904 :

To Hon. Sir Wilfrid Laurier, Uxbridge, Ont.

I have decided to retire from the commission, and am sending resignation to His Excellency this afternoon. An opportunity offered of greatly bettering my position, which had to be accepted or rejected at once, and I did not feel my position had been so attractive that I should refuse the opportunity. I may add that beyond possibly reaffirming my objection to the Grand Trunk Pacific scheme it is not my present purpose to re-enter or take part in public life or affairs.

A. G. BLAIR.

It will be seen from this telegram that Mr. Blair resigned his position on the commission for the purpose of accepting a more lucrative place. That is the only reason he assigned for his sudden resignation, and we will take his word for it, that it is the only reason. There could have been no objection to his action if at that very time there had not been a great number of cases which had been argued and were ready for judgment. Mr. Blair did not seem to be concerned at all about the effect of his resignation on those cases ; he simply had before him the bettering of his own position. The resignation came during the turmoil of a general election, and the premier, taken, no doubt, by surprise, answered as follows :

Your resignation comes to me as a surprise, but, of course, I cannot at present offer any observations on the same.

This reply is what we might expect from a prudent man. We know our premier very seldom commits himself. At all events, this answer, under the circumstances, is the one that might have been expected from him on that occasion. The premier could not then have pressed upon Mr. Blair to delay his resignation, as such action on his part might have been interpreted as showing fear that Mr. Blair, as was thought then, might take an active part in the campaign. That answer of the premier, sent the same day that he received the telegram is, to my mind, sufficiently reasonable ; but later on, at the end of the month, the council officially accepted Mr. Blair's resignation, after having had a couple of weeks to think over it, and inquire what effect it would have. I find no effort was made by the council to see that those cases to which I have referred, and which were ready for judgment, should be decided before Mr. Blair's resignation was accepted. Mr. Blair seemed to have only one object in view while occupying the position of chairman of the commission, namely, to be on the lookout to find a more lucrative position. As chairman of the commission, the relations between Mr. Blair and the government were those of servant and employer, and it strikes me that it was the duty of the government to have reminded Mr. Blair of the duties of his office and to have urged and insisted on him completing his work before resigning, or to have refused to accept his resignation. By accepting Mr. Blair's resignation at that time without having made any effort whatsoever to see that his sudden departure caused no suffering to those who had cases before the commission, in my estimation the government endorsed Mr. Blair's action and ren-

dered themselves liable, morally at least, to those who are suffering by Mr. Blair's resignation.

Another question is whether the Railway Committee of the Privy Council was aware of all this. The government must have been aware, and if not, it was their duty to be informed. The main question, to my mind, is how many cases were pending when Mr. Blair's resignation was thus accepted. I understand that there are in fact a large number of cases standing which have been tried at very heavy expense to the litigants. Hon. gentlemen know what it costs to have those railway questions tried. The evidence is very extensive. The charges of the solicitors are generally from $50 per day upwards. I understand those cases will have to be heard over again. It is not the fault of the litigants. They acted in good faith, believing that the Railway Commission was not a delusion and a fraud, that the persons appointed commissioners at high salaries were there to perform duties, and not to be on the look out for better positions. They proceeded in good faith. They spent considerable money, and now they are made to suffer. I wish to ask the government how many of those cases are now standing for judgment? One of the causes that led to this confusion, if I am well informed, is the fact that one of the three commissioners absented himself, making it possible for this state of confusion to arise. According to the Act, two of the commissioners make a quorum. Two can render a decision. Last summer, in order to work according to the spirit of the Act, the commission, under the power conferred by the Act, sat outside of Ottawa. They took a long trip to the west. The three commissioners should have been on duty and should have heard the cases, because it is always possible that an accident may occur, that one of the commissioners might die or be overwhelmed by the spirit of resignation, or might have left, as he actually did leave, the office from high political kicking or otherwise. It was, therefore, the duty of the three commissioners to be on hand discharging the duties for which they were paid. The Act provides for that. Section 13 of the Railway Act says:

> The commissioners shall devote the whole of their time to the performance of their duties under this Act.

Section 16 further says:

> The commissioners shall sit at such times and conduct their proceedings in such manner as may seem to them most convenient for the speedy despatch of business. They may —as in this Act mentioned sit either together or separately, and either in private or in open court, but any complaint made to them shall, on the application of any party to the complaint, be heard and determined in open court. Any two members of the board shall constitute a quorum.

I find that one of the commissioners thought it more convenient to stay at home, not for one or two or three days, which might be well understood and which might be excused, but for the whole tour, no doubt being careful to draw his monthly or semi-monthly salary. He stayed at home while the other two were touring, with the result, as I say, that, one of the other two having resigned, many cases will have to be heard over again. I do not know whether the Minister of Railways was aware that one of the commissioners absented himself from his duties. I do not know whether the commissioners require to ask permission from anybody when they adopt such a course, but if not they should, because it makes no difference from a moral point of view whether a man receives $500 or $8,000 a year, he is bound to perform his duty as an official. We remember the old story which says that the man who takes a loaf of bread is sent to jail; the man who creates a trust and makes millions out of it, is a great financier; the man, like Napoleon, who sweeps away and steals provinces, is a great hero. That principle does not apply and should not apply to civil servants. Those that draw high salaries should be bound to perform their duty just as strictly as those that draw small salaries. Without desiring to throw more blame than I should, I wish to draw the attention of the House and the country, and especially the attention of the government, to the fact, which is patent, that there is something loose in the Railway Commission. I expect the hon. minister to answer these questions seriatim.

Hon. Mr. SCOTT—The hon. gentleman has proved to my mind that he knows a great deal more about the subject than I do, and I presume his object has been served by calling the attention of the country to what he regards as omissions of duty on the part of members of the board. Hon. gentlemen

will remember that when the Bill was before this House I took very strong grounds against the large and wide powers that were given to those commissioners. I was overruled in my view, however. Hon. gentlemen will recollect the conference between the two Houses and it was thought best that the Railway Commissioners should be an absolutely independent tribunal, independent of any member of the government, independent of every one except the two Houses of parliament, who by an address could probably take some action on the subject. The hon. gentleman has referred to them as members of the civil service. They are in no sense members of the civil service. They are not under any government control and, so far as Mr. Blair's resignation is concerned, it would be an extraordinary proceeding for the government to have refused to accept it. His desire to resign was manifested in very many different ways. He first resigned by telegram to Sir Wilfrid at a period when the members of the government were absent from the city. He then sent a resignation to His Excellency, Lord Minto, who was then Governor General, and finally sent an official resignation to me, which I referred to the Privy Council, and at the first meeting of the Privy Council it was duly accepted. There was no other course open to them. They had no way of talking to Mr. Blair and telling him that he should turn in and perform special duties. It is a new doctrine, to my mind, that you can refuse to accept a judge's resignation if certain duties have not been performed. It is a mere matter of taste on his part. Parliament is no doubt possessed of authority to take some action, or express some opinion on the subject, but so far as the resignation was concerned, that had to be accepted when he pressed it on the government.

Hon. Mr. POIRIER—Do I understand the government was obliged to accept that resignation, that they could not refuse it as in the case of an employee ?

Hon. Mr. SCOTT—What was the object of refusing to accept it ?

Hon. Mr. POIRIER—The great moral object.

Hon. Mr. SCOTT—Mr. Blair at a meeting of the board, with the reporters present, said he had resigned the office and then walked out of the room. I am not aware that any mandamus could be issued to compel Mr. Blair to go back again. It would be a very extraordinary position. In regard to the minor questions, I have no information on the subject. If it is very important to acquire it I will write to the secretary of the board. I think the commissioners are absent from the city at present. They leave no record here. They are their own masters. They move about as they please, and hear cases when and as they like.

Hon. Mr. POIRIER—If I am permitted, I understand the hon. gentleman to say that the Railway Commission is perfectly independent of the government and of the administration. I certainly do not give that interpretation to the Act.

Hon. Mr. SCOTT—Under what department is it ?

Hon. Mr. POIRIER—I would understand that it is under the Minister of Railways and Canals. At all events, there is the fact that the resignation of Mr. Blair was formally accepted by the council some fifteen days after it had been tendered, which goes to show that that process was necessary to free Mr. Blair altogether. I would understand the situation differently. If I have a foreman or an employee that has been entrusted to do a certain thing, and he stops before his work is done, I would insist upon him completing the work and then, if he refused to do the work, I would put myself right by not consenting to the resignation, by simply dismissing him. Then I would make myself right before the public, but by simply accepting the situation my inference is that the government have assumed the moral responsibility at least—and there is more than the moral responsibility—of Mr. Blair's sudden resignation.

Hon. Mr. SCOTT—I deny that altogether. The resignation would have been accepted at once if the members of the government had been here. The hon. gentleman knows very well the resignation was tendered during the Dominion elections, between nomination and polling, and if it was not accepted at once it was simply because no quorum of the council happened to be in Ottawa. It would have been accepted at the time—in fact I considered, when it was sent to me, and to His Excellency, and to the premier,

that practically he had resigned and the office was vacant.

Hon. Mr. POWER—I am not strictly in order, perhaps, although it has been the practice in this House to discuss questions, but there is one point in the series of questions asked by the hon. gentleman from Acadie to which no reference has been made by the hon. minister, and it is really, to my mind, the most important question which has been asked and one with which I think it may be the duty of parliament to deal. The question is if they, the government, knew that a great many cases were pending and awaiting adjudication. Now if it is a fact, as intimated by the hon. gentleman from Acadie, that there were a number of cases in which evidence had been taken and arguments heard pro and con which had not yet been decided and which may, under present conditions, have to be tried over again, it might be the duty of parliament to provide, during the present session, such legislation as would enable the present commissioners to deal with these cases upon the evidence already taken and the arguments already heard. It does seem to me that it would be rather hard and unfair to oblige the litigants to try these cases over again. I assume it is the intention of the government to provide some means by which the arguments and evidence already heard may be utilized before the commission as at present constituted.

Hon. Mr. SCOTT—I do not think the government propose to submit any legislation for the purpose. The parties that had furnished evidence and had argued their cases before the board asked whether they were willing to allow them to be decided after Judge Killam's appointment—whether he would be permitted to read the arguments and the evidence which had been printed and on that to render a decision. I am simply speaking from what has appeared in the public press. I have no official information on the subject, but I understand that some parties have agreed. Others may not agree. It just depends on the action of the parties themselves. There is no way of compelling them to do it.

Hon. Mr. POIRIER—One of the questions was as to the cases in which evidence had been heard, but no judgment rendered.

Hon. Mr. SCOTT—I am quite unable to give an answer. It depends on the litigants themselves. I understand—and probably the hon. gentleman has seen the observation in the newspapers—when the full board met they intimated to council that there were a number of cases which had been heard, the evidence had been printed and the argument had been also printed, and they were asked 'are you willing that Judge Killam shall give his opinion?' I presume it is only in those cases in which the other two commissioners were divided in opinion. If they concurred in their views that ended the case. It was only in those cases where there was a division of opinion that the proposition was made. The litigants were asked if they were willing that Judge Killam should give his judgment on the particular points raised. I understand in some cases they accepted the proposition, in others they may not have. I am not speaking now from any authority, but simply from the reports I have seen in the newspapers.

Hon. Mr. LANDRY—Could the government get that information?

Hon. Mr. SCOTT—No better than any other gentleman can. If it is very important I can write to the secretary, and I presume he will furnish it.

Hon. Mr. LANDRY—That is not a reply to my question. I asked if the government can get the information?

Hon. Mr. SCOTT—Only by writing to the secretary.

Hon. Mr. LANDRY—I do not care what way the government get it. I ask can they get the information? If they can, I do not see why this House is not to be supplied with the information it calls for. It is a very curious state of affairs when a member of this House asks a question and the leader of the House replies that he cannot get the information sought.

Hon. Mr. SCOTT—I do not think it is any part of my duty to find out from the secretary the position of those cases, because I do not know where the secretary is to be found. He is absent from Ottawa, at all events on some tour in the west, and I do not know his post office address.

Hon. Mr. LANDRY—If we had the position occupied by the hon. member we would know in twenty-four hours.

Hon. Mr. SCOTT—I am just now informed where the gentleman is to be found and I will communicate with him. I will send the questions and ask him to answer them.

Hon. Mr. POIRIER—I was told that nearly one hundred cases were left undecided when Mr. Blair resigned.

Hon. Mr. SCOTT—I will find from the secretary the cases that were left over and the disposition made of them.

COPPER COINAGE.

INQUIRY.

Hon. Mr. DOMVILLE inquired :

If the attention of the government has been called to the following extract from the public newspapers :—

Copper Money Discarded.

Copper money in France is being gradually replaced this year by aluminum bronze pennies of a pale yellow colour.

If so, will it take into consideration replacing the copper coinage of Canada by a similar metal ?

Hon. Mr. SCOTT—The attention of the government has not been called to it. It has never been under discussion in any way.

PRODUCTION OF ALUMINUM IN CANADA.

MOTION.

Hon. Mr. DOMVILLE moved :

For the appointment of a select committee of five to be composed of—

The Honourable Boucher de Boucherville, M. D., C.M.G., the Honourable Michael Sullivan, M.D., the Honourable William Cameron Edwards, the Honourable J. H. Wilson, M.D., and the mover, to inquire into the production of anhydrous alumina and aluminum in Canada. With power to employ stenographer, to have such report printed and with leave to report from time to time.

He said : I do not desire at this stage to say much on the subject, but when the report is presented, hope to be able to show to this honourable house that it is a most important industry, a growing industry, and if prosecuted in Canada would be a most important one ; it is imported largely into India, Japan and the East. The metal is now imported into Canada from the United States, free of duty, whilst the customs tariff in the United States is 13 cents per pound or $260 per ton. The present production of the world is in round numbers 9,000 tons per annum, about half of which is manufactured in Europe and the other half in the United States ; under present quotations of 33 cents per pound $660 per ton, the value of the industry is $5,940,000 per annum. It is produced out of clay by the aid of electricity. It enters into many articles used on account of its beauty, lightness and strength ; in wire it is a conductor of electricity and its electrical conductivity is as ·60 (decimal sixty) to one of copper, and it is a cheaper wire. The cable from Shawenegan Falls to Montreal, some 78 miles, is made of aluminum. The wire is largely used in the United States and elsewhere for telegraphic purposes. To within a short period it has been a monopoly as the patents of Hereault in Europe, now expired, and Pittsburg Deduction Company of Pittsburg, Pa., patents, with only a short time to run, controlled the output and prices. With a reduction in price it will be such a competitor with copper for wire, that the production must be largely increased, in fact no limit to it. In Canada no patents exist and with our large and many water-powers, Canada has a great field to explore in the production of this metal.

The committee will involve only the trifling expense of a stenographer and printing the report, and I therefore trust honourable gentlemen will see no reason to refuse the request for a committee to examine into so important a question. I may say that this clay exists all over the world. It is to be found in the township of Hull, opposite this city, perhaps not as strong as we would like to get it. By bringing this subject prominently before the country and to the notice of scientists we may find clay in other parts of Canada which would enable us to develop this industry. I do not wish to put the House to any great expense, but in such an important matter I am justified in asking a committee of scientific men to look into the question.

Hon. Mr. LANDRY—What would be the real object of appointing a special committee ?

Hon. Mr. POIRIER—To discover the difference between alumina and aluminum.

Hon. Mr. DOMVILLE—There is very little known in either House on the subject, there are so few scientists in either chamber, and I think this will be the means of bringing the matter prominently before the public. We are endeavouring in every way possible to build up Canada, constructing canals, railways and all sorts of works, and here we have an industry existing elsewhere which if looked into might be established in Canada and become one of our most important industries. The committee could collect information and make such a report as would put it on record and serve as a guide to people in exploring for this clay and developing the industry, whether the development be by means of the water-powers of the Ottawa or Niagara, or anywhere else. It is a question which could be looked into without incurring any great expense.

Hon. Mr. LANDRY—Will the special committee devise means of separating the aluminum from the alumina, or what will it accomplish?

Hon. Mr. DOMVILLE—The special committe will merely look into the matter and see how it stands in relation to the possibilities of developing the industry in Canada. When the report comes in I will make further explanations and show that large orders are ready to be placed in Canada now.

Hon. Mr. LANDRY—For alumina ?

Hon. Mr. DOMVILLE—Alumina is the cleaned up clay : aluminum is the product after the application of electricity.

Hon. Mr. GIBSON—If there is to be any money spent in a matter of such importance to the hon. gentleman, it would be well to appoint a member of the geological survey staff to make an examination of the different clays and report the result to the House. How is a committee of this House to find witnesses and take evidence without incurring considerable expense ? I have no doubt the testimony in some cases might be very conflicting. Where would the committee find expert witnesses ? Are we to undertake the task of developing new industries at the expense of parliament ? If knowledge is required for the benefit of hon. gentlemen with a view to establishing a new industry, the most economical way to go about it is to appoint some official of the government to investigate and report to the House. I think that would meet the requirements the hon. gentleman has in view.

Hon. Mr. DOMVILLE—I do not think the hon. gentleman understands the question.

Hon. Mr. GIBSON—I do not think the hon. gentleman understands it himself.

Hon. Mr. DOMVILLE—The hon. member is quite a kicker.

Hon. Mr. GIBSON—I repudiate that statement in toto. I am always able, however, to defend myself in this House and out of it, but I am sure the hon. gentleman must allow that other members of this House besides himself have opinions of their own. I for one have some, and I have never failed to express myself when a matter is up for discussion, and I do not think it is fair for the hon. gentleman to say that I do not understand the question.

Hon. Mr. DOMVILLE—I wish the hon. gentleman would explain something that he does understand.

Hon. Mr. GIBSON—It is because I know nothing about this question that I am arguing that some one who does know something about it should give the information to this House, and that I oppose the appointment of a fishing committee to get information which probably is already in the possession of some of our departments ; because I want to say for the civil service of Canada that we have very many able experts in the service of the government, and probably if some of these gentlemen were applied to, my hon. friend would get all the information he desires on the subject. I do not think it is a matter to be dealt with by this House. I for one, if appointed to that committee, would feel that I was quite incompetent to get witnesses or find information of such a scientific nature as my hon. frend has in view. There cannot be any results from appointing a committee except to spend money, and I for one object to that, and have a right to state my objection. If we want to get knowledge that will be of some use, not only to the members of this House, but to the people of Canada, then it is our duty, as legislators, to put the thing in a practical shape by seeking information from gentlemen whose scientific

attainments, whose business ability, and research and judgment would be of some benefit to the public; but to appoint a committee for the sole purpose of gathering information about something that some hon. gentleman, or some of his friends, want to procure for some particular reason wholly apart from the public standpoint, is something on which this House ought to go slow, and I for one would certainly object to the appointment of a commission for the purpose of getting information for any hon. gentleman or any gentleman's private business. If this House wants information there are ways of getting it, and it is a proper thing for the government to do, if it meets with the views of this House, to appoint some expert having technical and practical knowledge to procure this information which my hon. friend so much desires. That is perhaps the most economical and conclusive way of procuring the information.

Hon. Mr. DOMVILLE—My hon. friend lashed himself into a fury before there was any attack. I said nothing ungentlemanly, nothing unfriendly; I showed that this was a matter in the interest of Canada, and not a matter of personal interest. My hon. friend says that some members rise in this House and act from personal motives; what personal motive could I have in this matter? Are you going to impute something of the kind to me because I am not advocating the building of a bridge, or the awarding of a railway contract? Is there any thing more personal in this? I cannot see it. I rose courteously, as I thought, to explain what I wanted, but the hon. gentleman hardly understood me. This has nothing to do with geology, nothing to do with lime kilns, nothing to do with getting out stone—it is simply the science of transmitting clay, cleaned up by electricity and the help of carbon and a flux, into the beautiful metal aluminum. Why attack me as the mover of this resolution on personal grounds? Why take up the defence of the government and talk about the vast expense of this inquiry? I am willing to strike my pencil through the paragraph authorizing the employment of a stenographer and the printing of a report, and to confine myself simply to asking for the appointment of these gentlemen to serve on this committee, for they are sufficiently interested in the subject from what they have read and heard of this new industry that the world is taking up. Did not Canada send Dr. Haanel to Europe to investigate and report upon the reduction of metals by the means of electricity, having in view the great water-powers we possess on the St. Lawrence, the Ottawa and other rivers? I only ask that I may have a committee appointed to consist of gentlemen of scientific ability to look into and report upon this new industry, and yet the hon. gentleman finds fault because of the expense it will involve. Expense? Here we are meeting day after day and doing nothing. Last month we had to adjourn for three weeks because there was nothing on the order paper, and to-day we have decided to adjourn until next Tuesday for the same reason. By taking up such questions as this we might be doing some useful business. We could show to the country that we have ideas of progress. The hon. gentleman says he would not serve on the committee. I was very careful not to ask him to serve. I picked out gentlemen of modern ideas, who could consider and discuss the question intelligently, because they had been educated in chemistry. I asked Mr. Edwards to act because he is an expert in water-power and electricity. Then there is the mover. I have been in communication with the government and with India, Japan and other countries trying to get evidence which would be conducive to the success of this industry, and I thought it would be only fair for me, if instead of boring this House as some of my hon. friends claim to have a right to do, we could get together and discuss this matter and present a report which would show that Canada is watching what is going on and is alive to the importance of this great industry. That is why I move to place these gentlemen on the committee because I am well satisfied they will consider the matter from the standpoint of science and not from the standpoint of talking and airing their knowledge. The knowledge these gentlemen possess of chemistry and their knowledge of the whole subject would enable them to discuss the matter scientifically. I do not see what harm I have done, but my hon. friend has thought fit to make what I consider a personal attack on myself. I cannot look at it otherwise. I

spoke to two ministers of the Crown before putting this on the paper. I do not see where this is going to hurt the hon. gentleman, but as he feels that it will, with the permission of the House I have been asked to move the adjournment of the debate for the reason that some hon. gentlemen who wish to speak on this subject have gone to Montreal to-night. I move the adjournment of the debate.

Hon. Sir MACKENZIE BOWELL—Before the motion is postponed, I should like to call the attention of the leader of the government to the powers asked for by this committee. It is unusual to give such powers as are here demanded. The motion reads :

> With power to employ a stenographer, to have such report printed and with leave to report from time to time.

And after it is printed it is to come before the Senate.

Hon. Mr. SCOTT—The latter part will have to be struck out.

Hon. Sir MACKENZIE BOWELL—I do not know what the policy of the government is on this question, but I am very much inclined to agree with the hon. member from Lincoln. It seems to me that all this information might be acquired without going to this expense. If the government, however, have come to the conclusion to grant the committee, I would suggest that the words 'to have such report printed and with leave' be struck out, and that it read 'with power to employ stenographers and to report from time to time,' and if the report be of such a character as to justify printing it, then the House can decide.

Hon. Mr. DOMVILLE—That is perfectly satisfactory to me.

Hon. Mr. SCOTT—When my hon. friend spoke to me yesterday I consented to the formation of the committee on the distinct understanding that it was to be attended with no expense. He asked for a stenographer, and I said : 'Provided it is not going to occupy any great length of time.' There must be a limitation to the time, because I think it very improper to name a committee of that kind, more particularly if this industry has been at all developed, as my hon. friend informed us to-day it has been. When the subject was brought to my notice I understood it was entirely a new industry. But the hon. gentleman to-day has shown that it is not. He said they were using it between Montreal and the Shawenegan power house, and I think he has named two or three other industries. If it is becoming a commercial industry, I cannot see what purpose the Senate should have calling the attention of the public to it, because the public are aware of it, and if it has those advantages my hon. friend has described, this action on the part of the Senate would be superfluous. But we can discuss that matter later on.

The motion was allowed to stand.

BILL INTRODUCED.

Bill (D) An Act to amend the Railway Act of 1903 as regards the free transportation of senators and members of the House of Commons.—(Hon. Mr. Kerr, Toronto.)

SECOND READING.

Bill (A) An Act for the relief of Edward Albert Murphy.—(Hon. Mr. Kerr, Cobourg.)

MOUNTED POLICE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (8) An Act to amend the Mounted Police Act, 1894. He said : This Bill consists of one clause, and the object of it is to increase the pay of the Mounted Police Force, commencing with the Commissioner of Police, and all through the various ranks. The pay has not been increased since 1894, and the object of the Bill is to authorize the government, if they see fit, if the persons deserve it, to increase the pay up to the limit fixed in the Bill. I may say the salary of the Commissioner of Police at present is $2,600 and has been at that figure since 1894. By this Bill there is an increase of $400 authorized. The pay of the Assistant Commissioner at present is $1,600 ; the increase would bring it up to $2,000 ; the superintendent's is increased from $1,400 to $1,800, and so on through the list as hon. gentlemen will see. We are all aware that the force has been of very great service. It is an exceptionally fine body of men, and encomiums have come in from all directions, more particularly from the new settlers who have gone into the districts, especially

from the Yukon, expressing their appreciation of the very great service rendered by the police force. About two-thirds of them are in the Northwest, scattered over a very large number of stations, and the remaining third are in the Yukon Territory. The salaries of various officials, not only in the civil service, but, as we all know, in commercial services, has been increased since the year 1894.

Hon. Mr. LANDRY—Does the government consider this a money Bill ?

Hon. Mr. SCOTT—I assume it is a money Bill. It increases the pay of the force. It was introduced by resolution in the House of Commons with the approval of the Governor General in the ordinary form, as money Bills are. Any further explanation that may be required will be given in committee.

Hon. Mr. MACDONALD (B.C.)—Do those men get rations in addition ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—Non-commissioned officers receive one and a quarter a day, and constables receive one dollar and working artisans 75 cents a day. Can men possibly be got for wages like that ?

Hon. Mr. LANDRY—Oh yes, Chinamen.

Hon. Sir MACKENZIE BOWELL—I see there are some offices provided for. Taking the Bill as a Bill, I fancy it is not open to objection. It is a general raise in the pay of the first seven officers of $400 per annum, is it not ? You give the Commissioner of Police $3,000 instead of $2,600 and $400 is added to the salary of the superintendents and inspectors and one or two are allowed to remain at the salaries provided for by the present law.

Hon. Mr. SCOTT—Only one I think.

Hon. Sir MACKENZIE BOWELL—Four staff sergeants $2 per day.

Hon. Mr. SCOTT—That is the only case where there is not an increase. All the others are increased.

Hon. Sir MACKENZIE BOWELL—The others are increased 25 cents per day. What is the difference between the ordinary policeman and a special constable and scouts ? I see that is an additional office added to the list.

Hon. Mr. SCOTT—They get an addition of 25 cents under this Bill. Their present pay is 75 cents a day.

Hon. Sir MACKENZIE BOWELL—But they are not provided for under the old Bill at all. There is no such clause in the old Bill.

Hon. Mr. WILSON—There appears to be an inconsistency in the scale of wages paid. For instance take the surgeons and their assistants, they receive $1,800 equally. Now, the question in my mind is whether the assistants should be placed upon an equality with the surgeons.

Hon. Mr. SCOTT—No they are not under that head. The government are authorized to pay. It is permissive.

Hon. Mr. WILSON—We know what permissive means when it comes to an appointment of surgeons and doctors in the service. They will be sure to stipulate that they get the utmost farthing. I think the constables are not getting as much as they ought to get. If the non-commissioned officers are to receive $1.25 a day and constables $1 a day, they will occupy a similar position to the non-commissioned officers. I do not think—to revert back again to the surgeons and the assistants—that they should be placed on an equality. I think the assistant surgeons should have a less amount per year than the surgeons, and therefore when the Bill comes before the committee we will be in a position to point out where they are doing what I conceive to be an injustice.

Hon. Mr. LOUGHEED—Before we reach the committee stage, might I ask my hon. friend to ascertain if the working pay of artisans is something extra that is paid to the constable, provided the constable be an artisan ? Does he receive a dollar a day and the 75 cents additional ?

Hon. Mr. POWER—Yes.

Hon. Mr. LOUGHEED—I fancy there must be some distinction of that kind drawn.

Hon. Mr. WILSON—It seems to me if the hon. gentleman will look at the Bill he will see that the non-commissioned officers are receiving $1.25 a day and the constables 75 cents a day. The constables are receiv-

ing a much larger amount than the non-commissioned officers.

Hon. Mr. LOUGHEED—The artisans employed by the force are invariably constables, and the information I desire to have is whether the constables who are artisans are paid 75 cents a day in addition to the dollar a day which is allowed.

Hon. Mr. MACDONALD (B.C.)—It does not say so in the Bill.

Hon. Mr. SCOTT—I will find out.

Hon. Mr. McMULLEN—Unquestionably the Northwest Mounted Police have rendered a very valuable service to Canada for many years. We did look forward hopefully some years ago to a reduction in the number and the expense connected with the maintenance of that force. However, it has not been possible under existing conditions to make any such reduction. No doubt there are two conditions that contribute very largely to its expense. In the first place, I presume, having such an enormous stretch of territory bordering on the United States through which a large amount of smuggling could be carried on if it were not for the Mounted Police, is one reason why they will continue to be a necessity for some years. Then the development of the Yukon district necessitated a certain percentage of them being sent out there to perform services which were unquestionably required in the opening up of that country. I do not know that we can look forward hopefully to a very serious reduction in the strength of that force. When we come to consider the enormous influx of all kinds of people that will probably take place in connection with the construction of the Grand Trunk Pacific, the Northwest Mounted Police will have very important and onerous duties devolving upon them in looking after the interests of the country and preserving peace and order. I do not know that it was necessary in the inception of that corps to have gone to the very large expense that was incurred in connection with buildings and training places and riding schools. At Regina a very large amount of money was spent, I think perhaps more than was necessary. However, take it all in all, the appointment of the Northwest Mounted Police was no mistake. I agree that it was necessary, but we have spent a very large amount of money in connection with it. Some years ago I used to devote considerable time to the investigation of expenditures in connection with the Northwest Mounted Police which I did not think were justifiable, but I presume that extravagance will reign no matter who rules. It is almost an impossibility to prevent it upon some lines. Now, with regard to the pay of the force, I fancy the government have carefully looked into the matter—no doubt they have—before submitting a Bill to increase the pay, and after due and careful consideration they have decided that some additional amount should be allowed to those officers, and under those circumstances I do not see that we can do otherwise than acquiesce in what the government have considered it their duty to do. Unquestionably we have a right to be proud of the Northwest Mounted Police. They have discharged an admirable service to the country ever since the Territories became part of Canada, and they are discharging an important duty to-day. From time to time we read of incidents connected with the Northwest Mounted Police that show they are a corps of men that perform trying and arduous duties. They are subjected to severe experiences. They have to go enormous distances from settlement and civilization in order to follow up and bring to justice offenders who should be punished. The Northwest Mounted Police are to be admired, and while the service costs the country something, after all I think it is well that the force should be retained until the country becomes so much settled that we can dispense with their services, and I am afraid a great many of us will be out of this chamber before the day will arrive when we will be able to dispense with the services of the Northwest Mounted Police, particularly in the matter of putting a stop to smuggling. I have no doubt the government have carefully weighed the whole question with regard to the expense of the corps and the services they render and the remuneration they receive, and after having done so have decided to recommend to parliament that this increase should be made. For my part I am quite willing to acquiesce in the course adopted by the government.

The motion was agreed to.

THE PRINTING OF PARLIAMENT.

Hon. Mr. GIBSON—Before the House adjourns, I wish to say that a meeting of the Committee on the Printing of Parliament has been called by the chairman of the House of Commons to-morrow, and I think we should arrange to sit to-morrow, even though the House is to adjourn.

Hon. Mr. SCOTT—The House can grant leave to the committee to sit notwithstanding the adjournment of the House.

The SPEAKER—Is a motion necessary ?

Hon. Mr. SCOTT—Yes. The motion will be that the members of the joint committee on the Printing of Parliament be authorized to sit though the House be adjourned.

Hon. Sir MACKENZIE BOWELL—Before this motion is put, I should like to ask whether the committee has met and organized ?

Hon. Mr. GIBSON—Yes.

Hon. Sir MACKENZIE BOWELL—Upon what authority did that committee meet to organize before any report was made to the Senate of the position of the committee ? It is only just now that a memorandum or a notice from the House of Commons to those who are to form part of the committee is laid before this House.

Hon. Mr. GIBSON—As far as I am personally concerned, I do not know anything about it. The secretary of the committee called a meeting in the ordinary course of events for the purpose of organization and the committee met in response to the call made by the secretary of the committee on Wednesday morning and they appointed Mr. Chas. Parmelee chairman, and it is only a meeting for organization. The committee was asked to adjourn until ten o'clock to-morrow morning. There was nothing done except the appointment of the chairman. There is no report from the committee yet.

Hon. Sir MACKENZIE BOWELL—That does not meet the point I raise. By what authority could those senators who form part of that committee meet with a body of which the Senate had received no notice.

Hon. Mr. GIBSON—Was this not reported to the House along with the other committees when the standing committees were struck and reported to the House ? The committee was appointed and named as a part of the Senate committees, the same as the Railway Committee or the other committees, and so far as the committees are concerned, they have a perfect right to attend the meeting which has been called just the same as any other committee.

Hon. Sir MACKENZIE BOWELL—But my hon. friend did not draw the distinction. The committee appointed by this House may have reported, but they could not report the names of those who had been appointed by the House of Commons. It is evident to my mind that the committee has met without the proper authority. It is an irregularity. I do not know that any harm is done by it, but still I think it is one of those irregularities which should not be permitted.

Hon. Mr. GIBSON—Would it not be well to have a special committee appointed to inquire into this irregularity? The members of the committee as far as I know were called together by the secretary of the committee in good faith. In all the other committees of which I have had the honour to be a member we have been called together in the same way, and I am sure that if the hon. gentleman will refer to the records of the House he will see that the names of those forming the committee were read. There is no other course to be taken except that the secretary calls the committee together. The committee could not have been called before on account of the adjournment of the Senate and it was the first day that the committee could possibly have been called together. I should like to ask my hon. friend who has the authority to call a committee together.

Hon. Sir MACKENZIE BOWELL—That is not the point. No committee could be appointed and organized until it has been reported to the House, and there is no analogy between the reporting of committees which are composed exclusively of members of this House and a joint committee composed of members of both Houses. It is only within the last ten minutes that we have had any report to this House of the members who compose the committee in the Commons, and yet that committee has met and appointed a chairman. I do not object to that, but certainly there cannot

be any legal or properly appointed committee. That is all I wish to say.

The motion was agreed to.

SENATOR WARK'S 101ST BIRTHDAY.

Hon. Mr. SCOTT—Before the House adjourns, my attention has been called to the fact that a centenarian who belongs to this chamber, Senator Wark, will celebrate his 101st birthday on Sunday next, and I ask the House to authorize the Speaker to send a telegram congratulating him on the anniversary of his birthday.

Hon. Sir MACKENZIE BOWELL—I cordially concur in the suggestion made, and the Hon. Speaker can act for the whole of us. Under the circumstances I think it is well that it should be done and I hope we may have the pleasure of seeing him before the end of the session.

The Senate adjourned until Tuesday 21st inst. at 3 o'clock.

SENATE.

Ottawa, Tuesday, February 21, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MOUNTED POLICE ACT, 1894, AMENDMENT BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (No. 8) An Act to amend the Mounted Police Act, 1894.

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—Clause one repeals section 14 of the Act passed in 1894, which fixed the pay for the force. It is now proposed to grant certain increases. It is proposed to authorize the Governor in Council from time to time to increase the pay of the Commissioner of Police from $2,600 to $3,000 per annum. I may say that the commissioner has been on the force since the year 1882, and for an officer having the responsibility he has, the allowance is not very serious.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. POIRIER—What is the name of the present incumbent of the office?

The CHAIRMAN—Perry.

Hon. Mr. SCOTT—The assistant commissioner's salary will be increased from $1,600 to $2,000, the superintendent's from $1,400 to $1,800, the inspector's from $1,000 to $1,400, the surgeon's and assistant surgeon's, from $1,400 to $1,800, the veterinary surgeon's from $1,000 to $1,400. There are four staff sergeants at present who are paid $2 a day. There are a number who are paid only $1.50 and it is proposed to increase the pay of the latter from $1.50 to $1.75. The other non-commissioned officers are raised from $1.50 to $1.75 and the constables from 75 cents to $1 a day.

Hon. Mr. MACDONALD (B.C.)—Do those men receive rations in addition to their pay?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—Is that 75 cents in addition to the other pay for an artisan?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. MACDONALD (B.C.)—I think that requires some explanation.

Hon. Mr. SCOTT—It has been found exceedingly difficult to get capable men even at the increased figures. Up in the Yukon Territory, where blacksmiths can earn $4 a day, it is hard to get them for $1.75. In some instances the extra men belong to the force, and in other cases special men are engaged for the time, just depending upon the circumstances.

Hon. Mr. MACDONALD (B.C.)—This 75 cents would be extra pay?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMILLAN—Does my hon. friend say this includes board and lodging?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMULLEN—Do they not get clothing?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. MACDONALD (B.C.)—It is absurd as it is.

Hon. Sir MACKENZIE BOWELL—What I understood the hon. senator to ask was this: If there is a mechanic who is a mem-

ber of the force and is employed as an artisan in the blacksmith shop, or wagon shop, or at any other mechanical work, does he receive the 75 cents per day in addition to his pay as a policeman?

Hon. Mr. SCOTT—He receives some addition, depending altogether on his position.

Hon. Sir MACKENZIE BOWELL—This says 75 cents.

Hon. Mr. SCOTT—That is the maximum.

Hon. Mr. MACDONALD (B.C.)—The word 'extra' ought to follow.

Hon. Sir MACKENZIE BOWELL—Yes, that is understood.

Hon. Mr. SCOTT—There are artisans, I am told by Mr. White, who are not members of the force. There are others who are from time to time employed according to the pressure of work, who get an extra amount besides their pay.

Hon. Sir MACKENZIE BOWELL—It surely cannot apply to artisans who are not members of the force, because as my hon. friend intimated a moment ago, you could not possibly get an artisan, particularly in the Northwest, for 75 cents a day when we pay artisans $2 or $3 a day here.

Hon. Mr. SCOTT—My remark applied to the Yukon, where the wages are exceedingly high. They are not nearly as high in the Territories.

Hon. Mr. POWER—With respect to the question which has just been asked, hon. gentlemen will observe that this Bill applies only to members of the force. The Governor in Council may from time to time fix the sums to be paid the members of the force, so the pay to working artisans means extra pay to members of the force.

Hon. Mr. MACDONALD (B.C.)—It should say extra.

Hon. Mr. POWER—He gets his pay as a constable and this pay in addition.

Hon. Mr. McMILLAN—What positions do the surgeons and assistant surgeons occupy?

Hon. Mr. SCOTT—There is a discrimination between them. The surgeon gets a larger amount than the assistants. I see in the civil service list there is one surgeon and there are several assistant surgeons. I notice the surgeon, according to a recent pay-list, got $1,400, Dr. Fraser, assistant surgeon, got $1,000, Dr. Bell got $1,200, Dr. Thompson got $1,400, Dr. Madore got $1,000, so they are paid, I presume, according to the service.

Hon. Mr. McMILLAN—But in this Bill they all get the same figure.

Hon. Mr. SCOTT—No, that is the maximum allowed, just as in the former Act.

Hon. Mr. WILSON—There ought to be something more definite. If the assistant surgeons may have the maximum, it is very likely they will insist upon the maximum being paid, and whereas the surgeon would get $1,800, you have the assistant surgeons having their salaries increased thereby increasing the expenditure of the force very materially. Now, it would be the proper thing to do to follow the same rule, it strikes me, that was followed before—to fix a definite amount to be paid for the assistants as well as for the chief surgeon, and then we would know what amount we had to pay. True it is optional under this Bill, but you will always have the assistant surgeons haggling for an increase to the full amount the surgeon receives, and it seems to me if you have one surgeon who is to receive a certain amount of salary, and the assistants receiving smaller amounts, you are going to put them in a position to continually ask for the maximum salary. It would be better to have a fixed amount.

Hon. Mr. SCOTT—In the regular service there is a marked difference between the pay of a surgeon and the pay of an assistant surgeon. Of course it depends on the length of service, The surgeon was appointed in July, 1887, then the first assistant surgeon, Dr. Fraser, was appointed in 1889. He gets $1,000. The assistant surgeons do not all receive the same pay.

Hon. Mr. McMILLAN—But they may.

Hon. Mr. SCOTT—They may, but the salaries of the officials have to be allotted from time to time according to the opinion of the commander of the force. It depends on the duties they have to perform, on the strength of the detachment and a variety of circumstances. We cannot lay down any hard and fast rule here. There must be some latitude. Latitude has always pre-

vailed and I do not think it ought to be changed now.

Hon. Mr. McMULLEN—I noticed, when I was up there, a number of officers living in houses by themselves. How do you regulate the board under such circumstances ?

Hon. Mr. SCOTT—They get their regular rations.

The clause was adopted.

Hon. Mr. LOUGHEED from the committee, reported the Bill without amendment.

BILLS INTRODUCED.

Bill (No. 35) An Act to incorporate the Georgian Bay and Seaboard Railway Company.—(Hon. Mr. Power.)

Bill (No. 22) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (No. 24) An Act respecting the Kootenay, Cariboo and Pacific Railway Company.

Bill (No. 37) An Act to amend the Quebec Harbour Commissioners Act, 1899.—(Hon. Mr. Templeman.)

Bill (No. 32) An Act to incorporate the London and St. Clair Railway Company.—(Hon. Mr. Casgrain, Windsor.)

Bill (No. 31) An Act respecting the Canada and Michigan Bridge and Tunnel Company. —(Hon. Mr. Kerr, Toronto.)

Bill (No. 30) An Act respecting the Canada Southern Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (No. 29) An Act respecting the Canada Southern Bridge Company.—(Hon. Mr. Kerr, Toronto.)

Bill (No. 25) An Act respecting the Walkerton and Lucknow Railway Company.—(Hon. Mr. McMullen.)

SENATOR WARK'S 101ST BIRTHDAY.

Hon. Mr. SPEAKER—Before the Senate adjourns, inasmuch as a resolution was passed at the last sitting asking the Speaker to forward the congratulations of the Senate to the Hon. Senator Wark on the attainment of the 101st anniversary of his birth, I beg to say that I sent the following telegram :—

Ottawa, 19th February, 1905.

Hon David Wark, Senator,
Fredericton, N.B.

The Senate has by a unanimous resolution requested me to convey to you its hearty congratulations on this day, the 101st anniversary of your birth. and it fervently prays that you may long enjoy health, strength and happiness.

R. DANDURAND,
Speaker.

I have received the following reply to that telegram :—

Fredericton, N.B., February 20th, 1905.

To Hon. R. Dandurand,
Speaker of Senate, Ottawa, Ont.

I thank the hon. the Senate for their kind remembrance of me and hearty congratulations on the return of the 101st anniversary of my birthday.

DAVID WARK.

The Senate adjourned.

SENATE.

Ottawa, Wednesday, February 22, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE MORTALITY FROM TUBERCULOSIS.

MOTION POSTPONED.

The Notice of Motion being called :

That in the opinion of the Senate the time has arrived when parliament should take some active steps to lessen the widespread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis.

Hon. Mr. EDWARDS said : This matter is one of very great importance to the people of Canada, and it is desirable that it should be fully discussed when it comes before the Senate. I think it desirable, therefore, that it should stand for two weeks, and I ask permission of the House to let it stand over for that time.

The motion was allowed to stand.

IMPERIAL POSTAL CHARGES.

RESOLUTION.

Hon. Sir GEORGE DRUMMOND rose to—

Call the attention of the Senate to certain anomalies in the postal charges and move the following resolution :—

That the attention of the government be directed to the local, foreign and imperial postal charges with the view of remedying certain inequalities therein, and the Senate affirms the principle that the conveyance of letters, news-

papers, books, periodicals, &c., should be at a lower scale of charges within the empire than at the time ruling with any foreign country.

He said: In rising to propose this resolution, I would deprecate in advance any feeling of tediousness, because the facts which I purpose placing before the Senate will certainly involve some figures. I shall endeavour to be as brief as possible, and not enter upon a general review of the postal charges in this and other countries. I desire to draw the attention of this House to one or two of the prevailing charges between this country and the United States and the United Kingdom and to show, if it is possible to do so—as I think you will agree it is—that there are very wide and serious discrepancies between the rates current under those conditions. Take for example the rates on letters. In Canada two cents per ounce is the current rate for the conveyance of letters all over, both in this country and in the United States, while to England and the empire two cents covers only half an ounce; in other words, the rate is double that charged on letters to the United States. My resolution calls for an expression of the opinion of this honourable House that the rates within the empire should be lower than those at the time ruling with any foreign country. I have mentioned the discrepancy in reference to letters. The same discrepancy exists with regard to post cards. In Canada and to the United States they are conveyed for one cent each, while to England and the empire generally the rate is two cents, again double. But the most serious discrepancy occurs in the postage rates for newspapers, magazines and periodicals, which Canada conveys to England at the rate of ½ cent per pound, while the rate from England to Canada is no less than eight cents per pound, and the rate from the United States to Canada is one cent per pound. It is difficult to imagine on what principle the imperial government goes in charging a rate of eight cents per pound. It is in itself a monstrous rate, equivalent to $175 per ton. In these days of cheap conveyance such a rate is absolutely unjustifiable. It is quite true that mails from the United Kingdom have to cross the ocean, but it is equally true that the cost of conveyance across the ocean is much less than land conveyance, and if you take the extent of the United States and of Canada itself, if a rate of one cent per pound covers the cost of the land carriage, there is certainly something seriously wrong in charging eight cents per pound for conveying the mails across the ocean only. So much is it the fact that ocean conveyance is cheaper than land conveyance, that I have seen it stated, and I fully believe it, that in the province of Ulster, Ireland, they find the cheapest way to send the produce of the north of Ireland to London is to ship it to New York and back again. The charge of eight cents per pound is totally unjustifiable, and it is to the credit of our post office, that it has countered such a charge by a rate of half a cent per pound in return. I could undertake to do the conveyance from Great Britain to this country for one-tenth of the current rate and make a handsome profit on it. Seventeen dollars and a half a ton, which is just about one-tenth of the rate actually charged, is at least equivalent to any possible charge which could be incurred by the conveyance of this literature on the steamers now plying on the ocean. But I shall proceed to show that this rate, which the Postmaster General of England imagines is a source of revenue, is evaded in substance and in fact. I am rather amused, and you will be I have no doubt, at the following remark of the Postmaster General in the 49th report of the Post Office Department in 1903, the last bearing any reference to the subject. The Postmaster General says:

> In reference to representations from the Canadian post office, I have agreed to accept newspapers and other periodicals from Canada for delivery in the United Kingdom, prepaid only, at the Canadian domestic rates of postage. I regret that I have been unable to recommend to your Lordships the adoption of these very low rates in the reverse direction. I am of opinion that any rate of postage adopted for Canada must be eventually applied to all other parts of the British empire, and I do not see any present justification for so wide and costly an extension of this unremunerative post.

I have already said that I really believe that instead of the rate being unremunerative, it is such an exaggerated rate that, as in all such cases, it is sure to be evaded, and evaded it is. An institution called the American News Company, doing business in New York, imports all this literature by express at $2 per hundred pounds to New York, that is two cents a pound, and then posting it by the United States post at one

cent a pound, delivers it in Canada for three cents a pound, so that the Postmaster General is to this extent entirely out as he expects a revenue and does not get it. He probably, if he reduced it to three cents. would command the business and make a handsome profit, but he charges eight cents a pound and kills the goose that lays the golden egg.

I ask this honourable House to consider the effect of this prohibitive rate, as compared with the rate charged by the United States, on the Canadian bookseller and distributors. The Canadian bookseller has this before him ; if he accepts an order for a subscription for an English magazine or illustrated paper, he is in the first place charged eight cents a pound by the British post office, and then he has to pay to the Canadian post office one cent a pound in addition for the purpose of having his wares distributed, unless, indeed, he and the subscriber happen to be in the same city, when he can do it by hand without the intervention of the post office. So he has to compete with an institution which can do the business for three cents a pound, while if he employs the legitimate post office facilities, the postage on his wares amounts to nine cents a pound. Now that is a very serious thing. I may here say that the addition of the one cent rate is of comparatively recent date. Prior to the adoption of it the wares were carried free by the Canadian government. The addition of this one cent on a subscription for one year to the 'Graphic' is equivalent to 75 cents, which of itself is an important item and would at once throw the business into the hands of the American News Company. You ask probably, as it occurred to me, cannot the Canadian bookseller evade the English post office in the same way that the United States bookseller does ? but he is met by the express company, which is, so far as I know, a United States institution ; while they carry such wares to New York for $2 per hundred pounds, they charge $4.01 to Montreal, and a proportionately high rate to other parts of the Dominion. Altogether, it appears to me that this rate is destructive to the business of the Canadian bookseller. It affects other classes also. I call every member of this House to witness, if he does not observe for himself, that the supply of reading matter of a light character is almost entirely monopolized by United States publishers, and any English papers and magazines which come into this country are probably reprints coming from the United States and filled with United States advertisements. A Canadian magazine is almost an impossibility. Canada is flooded with United States literature and Canadian manufacturers are met with the free distribution of the advertisements of United States wares. This outrageous condition of things is full of dilemma. The United States magazine comes in filled with advertisements of United States wares illustrated freely and distributed gratis, because out of the one cent a pound charged for the conveyance by post, the Canadian post office gets nothing. The charge of one cent a pound goes entirely to the United States government. If the publisher of a magazine in this country, with a limited circulation, struggling with the opposition so improperly created by the flooding of the country with United States literature, has to import materials of any kind, type plates, prints or process plates which are now so common, he is charged duty on them, but if a book is made up and printed on United States paper it comes in free. An arrangement made with the United States for the conveyance of this literature seems a very easy thing. It seems fair to say to this country, as no doubt they do, if you will exchange rates with ourselves, we will carry all your magazines that you may send us, and you will carry all we can supply to you, but in working it out, look at the discrepancy which results. The number of publications including newspapers, magazines and periodicals of all kinds, published in the United States, according to the census of 1900 was 22,072, of magazines monthly and quarterly 3,181 ; while the total number of publications in Canada is 1,227, of magazines, 169. so in entering into an arrangement of that kind we have to consider this difference.

I do not say that all the United States magazines come into this country, but a very considerable proportion of them do ; and if you take the 3,181 magazines on one side of the border which have the right to come across here without any contribution to our revenue, and in return you get a

similar right to distribute Canadian magazines in the United States to the number of 169, it surely does not require much argument to prove that the bargain is very lopsided. In addition to all that, I have looked up some facts with regard to some of the magazines which circulate in this country. I am not going to trouble the House with details or statistics of the whole or even any considerable number of them ; I will take only two. One magazine weighs 14 ounces, and is carried, as above stated, for seven-eighths of one cent to all parts of Canada. It contains 159 pages of reading matter and 106 of advertisements, on which there are 303 advertisements. Another magazine weighs 19 ounces, is carried for a little over one and three-sixteenths cents, contains 112 pages of reading matter and 183 pages of advertisements, on which are published 457 separate advertisements. The more popular of the English magazines are now printed in the United States, and while they do not have anything like the number of advertisements to which I have alluded, they still have a fair proportion of United States advertisements. As against that we have nothing to set, no quid pro quo, and I must say that it appears to me the manufacturers and producers in this country have a reasonable cause for complaint when they see rival wares to their own distributed at the expense of our government gratis, while if they, on their side, attempt to distribute advertisements or catalogues, they have to pay to their own government two cents per ounce. The difference is very material, but if they are satisfied with it, I have nothing more to say. A strong representation made to England, backed by the weight of this Senate, might probably fortify the hands of our government in dealing with this question, and do infinite good. I have no cognizance of the representations which have been made by our government to the British post office on the subject, but the inference is very plain that if we are willing to carry our magazines and literature of that kind to England for one-half cent per pound, as against the eight cents per pound charged by the imperial government, our government is not to blame. I have, in my resolution, made this statement, that—

The Senate affirms the principle that the conveyance of letters, newspapers, books, periodicals, &c., should be at a lower scale of charges within the empire than at the time ruling with any foreign country.

Does that require any long argument? To my mind, it does not. This country has already shown how it stands by its preferential tariff, which, while I have always maintained it was rather a crude method of settling the difficulty, at least showed what the feeling of this country was, and I know that the country was behind the government when it established that preference. It shows that the doctrine that there should be a preference within the bounds of the empire was the practically unanimous sense of this country ; not only so, but we led the way in the policy of reprisals administered to a powerful European government, a policy which was, in 1867, inaugurated by Bismarck himself, when the German government had to deal with other countries. He put it in the most specific shape that resorting to reprisals, as he termed it, was the only way of dealing with foreign countries which discriminated against the exports of Germany. I am not going to deal with the general imperial question, but this I will say, that imperial sentiment, which is the deliberate policy of this country as affirmed, is the strongest and most effective bond of union in the empire.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir GEORGE DRUMMOND—And that in dealing with it in the miserable haggling way the British post office does, they are trifling with an important factor in the spread of imperial feeling and sympathy.

The facts above stated appear to me to make a case for a speedy review of the present postal rates by the imperial and our own governments.

They prove that the present rates are in their operations unjust, partial, and prejudicial to the interests of several classes of our fellow-citizens.

1st. To the booksellers and distributors of literature who are sacrificed in favour of American organizations having the same business ends.

2nd. To our manufacturers and producers who find the wares of their rivals in the United States advertised broadcast and distributed at the expense of the government of Canada.

3rd. To the British publishers who have to meet the competition in this market of literature artificially cheapened at the expense of the American and Canadian governments.

4th. To the literary men and publishers of our own country, who have to maintain an unequal struggle against a flood of foreign productions.

Finally. In regard to the motion I have placed on record and hope to obtain the acceptance of by this honourable House the imperial note with which it concludes is, I think, in strict accord with the present policy and practice of this country.

Every one of my hearers knows that our relations with the motherland and other portions of the empire are largely governed by sentiment. The debates now going on in England are almost entirely taken up with this subject, and the collateral one of retaliation.

Now in this country we are in both subjects in advance of the parent state, we are in the fore-front in the practical adoption of a preferential tariff. We have shown the way to a policy of reprisals in our tariff relations with a great European power, and I cannot conceive that any reasonable objection can exist to the terms of my motion.

The party debates now running their course in Great Britain, centre on the proposal to give a fiscal preference within the bounds of the empire. Both sides recognize the value of the imperial sentiment evinced by the colonies, or affect to do so, but while one party advocates a tariff preference as a means of fostering this bond of union, by the consolidating influence of mutual interest, the other scouts any such step as a needless sacrifice, preferring to leave things to their own course. Indeed, the leader airily waves aside all such proposals as 'squalid bonds.'

Needless to say the latter view is not the view held in this country, but having made our preference and maintained it for years, having shown the practical value of the principle, even at some considerable sacrifices, we wait the answer of the mother country without excitement or haste. But I may urge that as both sides are so far agreed, in regarding the loyal sentiment of the colonies as of importance, they must be blind indeed if they can regard with indifference the practical monopoly of the reading matter supplies of this country, now held by a foreign literature. It is no exaggeration to say that the bookstalls of this country are monopolized by American literature and periodicals, and that the appearance of an English or Canadian sample is a rare exception.

Now, I have nothing to say about the quality of the supply we receive; there are good, bad and indifferent examples, with, I am prepared to say, a preponderance of the best, but it is not Canadian nor is it English in tone, temper or tendency, occasionally very much the reverse, and generally and quite naturally, exhibiting a spirit of propaganda of American ideas and influences.

The extent to which this supply has monopolized our market is largely due to the absurd, even monstrous exactions, of the English post office. I thank God that the good sense of our people has hitherto resisted and kept them immune to influences of this kind, but I cannot believe that any statesman can regard with indifference the continuance of this condition of things. 'Continual dropping wears the stone' is a very old and a very true saying.

I have, as the evidence appears to point, more or less assumed that our government are not to blame for the present absurd not to say dangerous state of things, but I shall be gratified to have an assurance that I am correct in my assumption, and I trust that by the adoption of the motion, this honourable House, may strengthen its hands to accomplish a change, which in my opinion without cost to either of the contracting parties will go far to remedy a crying evil.

You will observe that I do not advocate any exclusion of American reading matter, but I do most earnestly protest against the practical exclusion, so far as prices can do so, of the literature and news of our own country by postal regulations and imposts which are not justifiable, and which benefit the revenues of neither our own nor the mother country.

Hon. Mr. SCOTT—The hon. senator from Montreal has placed the Senate, and I may say the people of Canada, under an obligation to him for the very prominent way in which he has brought to notice the extraordinary, unwise, unsympathetic, and let me add, unpatriotic policy pursued by the British government in reference to the sub-

ject now before the Senate. Some years ago at one of the conferences in London this subject was brought up for consideration. The Postmaster General pressed very strongly the entering into an arrangement with our postal authorities for a reduction of the postage between the two countries. The Postmaster General of Great Britain objected on the ground that the revenue was not an increasing one, that it was not meeting the expenditure and therefore he did not propose to recommend to his colleagues any reduction in the postage. He even went so far as to object to our doing it, on the ground that in accordance with the existing arrangement the understanding was that any reduction should be mutual and that therefore it was placing the British government in a rather unenviable position for Canada to lower her rates irrespective of the rates prevailing on material coming from the other side. However, our Postmaster General who, as you all know, is a very energetic gentleman, insisted upon pressing, from his standpoint at all events, and from the policy that was entirely concurred in by the members of the government, that Canada should be at least allowed to reduce her postage to the mother country as an example that might have some influence with the British people, and accordingly, as pointed out by the hon. senator from Montreal, our rates are very much lower than the British rates. The consequences have been very pointedly alluded to ; they are self-evident. If Canada was not really the loyal country it is, we should long before this have been thoroughly impregnated with United States sentiment. Go into the reading rooms and into our family circles, and you find United States newspapers, and magazines everywhere, simply because such a tax is attached to British periodicals that it is quite impossible for the Canadian people to subscribe to them. It does not seem to strike the minds of the British statesmen that what we read from day to day and the sentiments that we gather from the newspapers, magazines and periodicals circulating in the country, make public opinion, and, as I have said, if we were not so deeply attached to the mother country it would have had a considerable effect in estranging our sentiments. The instances my hon. friend has drawn attention to the extravagant postal rates charged on periodicals sent from the other side of the Atlantic have been so admirably put together that I trust his speech will be widely circulated. I shall be exceedingly glad to see that a copy of it goes to the Postmaster General of England, in order that he may learn what the sentiment of Canada is, because I am quite sure on a subject of that kind the gentlemen I see about me echo the sentiments of the Canadian people. The answer placed in my hands by the department is as follows :—

With reference to the resolution of the Honourable Sir George Drummond respecting some supposed inequalities of postal rates within the empire and beyond it, it may be observed :—

1. The Post Office Department is not aware of the inequalities referred to.

2. The Post Office Department would point out that in the absence of an agreement between two or more countries as to what the postal rates between them shall be, the rates are required by the Universal Postal Convention to be those fixed by the convention as applicable to all countries. The Post Office Department has for some years endeavoured to secure special agreements with the mother country and different parts of the empire for reduced rates on letters, newspapers and periodicals within the empire with the following result :—

In 1898 a convention was held in the city of London, England, of representatives of all countries within the empire. At this convention it was decided, on the motion of the Canadian Postmaster General, that the letter rate within the empire should be one penny per half ounce instead of two pence half penny, which is the Universal Postal Convention rate. This reduction is now in full force as regards Canada, and letters originating in Canada are now transmitted to every part of the British empire at the one penny rate, and the rate from all places within the empire to Canada, except Australia, has been reduced to this rate, Australia for its own reasons being unwilling to reduce its outgoing rate.

As to rates on newspapers and periodicals, at the Colonial Conference held in London, England, in 1902, Sir William Mulock moved a resolution, which was carried, recommending that each government within the empire be allowed to reduce to whatever limit it chose the rate on its newspapers and periodicals for transmission to every part of the empire. Since the passage of that resolution the Canadian Post Office Department has reduced its rates on Canadian newspapers and periodicals from Canada to practically every part of the British empire to a rate equal to the ordinary domestic rate within Canada. The mother country has not reciprocated nor, in fact, has any other part of the empire, but it rests with them to make the reduction whenever they see fit. The rate from the house of publication in Canada on newspapers and periodicals to the rest of the empire is one-half of one cent per pound. The rates from other parts of the empire to Canada vary, that from the mother country being one cent for two ounces or eight cents per pound.

We can, of course, educate public opinion in England, and it is a question which the

commercial and the manufacturing interests in the United Kingdom ought to note, because, as has been pointed out very forcibly by the hon. gentleman from Montreal, people are led to buy through the advertisements that are placed in their hands. They get no English advertisements. They do not know what the manufacturers there produce, and do not give them any orders. We in Canada are an active go-ahead people. We do not wait for three, or four, or five weeks, or months, to make up our minds what we are going to buy, but purchase on the spur of the moment; and, consequently, when the people of Canada have before them those advertisements of the various industries in the United States, they buy largely from the States, simply because information is not furnished by English manufacturers. If, therefore, my hon. friend's address were well distributed in England, and the attention of the agents in Birmingham, Manchester and other centres called to it, pressure might be brought to bear on the Postmaster General to change his views on this important subject. With the patriotic sentiment now existing, and with the desire in Great Britain to develop the imperial feeling, one would think that that motive alone was sufficiently strong to have prompted them to take a more liberal view with the Canadian government to place the postal rates at the lowest possible point.

Hon. Sir MACKENZIE BOWELL—There is only one point which the hon. Secretary of State missed in his explanation, and it is this: that when the first steps were taken towards the reduction of the postage in Canada, it was found to be a contravention of some of the provisions of the Berne Convention, and consequently those blocks in the way had to be removed before the reduction could take place. That is one objection that the Postmaster General of England and the imperial government took to the action of the Canadian government at that time. However, that has been removed, and I think the hon. gentleman who has brought this matter before the Senate deserves the thanks, not only of the Senate, but of the country, on the lucid and clear manner in which he has put the case before us. I am very glad to see that the leader of the government in this House echos, not only the sentiments which he has uttered, but adopts the policy which my hon. friend has laid down. I might call the attention of the Senate to another fact that was very strongly brought to light by the remarks of the hon. gentleman from Montreal. There is a provision in the tariff for the taxing of advertising literature. I have often thought that these magazines, to which my hon. friend referred, are actually an evasion of that clause in the Tariff Act. Take the case to which he called the attention of the Senate, that in a magazine containing 120 or 130 pages of reading matter there is a larger number of pages of advertising matter. Now, if that magazine were exclusively an advertisement it would be taxed, but the duty is evaded by the manner in which it is introduced into the country, advertising all the industries of the union and almost everything they have to sell. I would suggest to my hon. friend to bear in mind, if he should propose this session or another session, to amend the Tariff Act, to deal with that question, which is apparently a small matter, but still an incongruity that exists in all Tariff Acts. No one knows better than my hon. friend who sits alongside of the Secretary of State (Sir Richard Cartwright) the difficulty in framing a tariff to meet all the objections that can be taken to it, and to meet all the difficulties that present themselves in the way of an introduction of different articles into this country. Take the 'Book-lovers' Magazine,' for instance. It is a capital magazine, but I think I am safe in saying that at least one-half of it is filled with advertisements of all kinds, bringing every industry in the United States under the notice of the Canadian reader, which has, to a certain degree, the effect pointed out by the hon. Secretary of State. That is the principal point that induced me to rise to offer the suggestion that that should be provided for at least. The remarks made by my hon. friend contain so much information directly to the point that one can scarcely conceive it possible that, with these few facts before them, the British government will permit these incongruities to continue. Let me say here that I am glad to see that the hon. gentleman from Wellington has given notice of a motion almost in the same direction, although upon another subject. It is high time that the legislative bodies of this country, both the Senate and House of

Commons, should express themselves decidedly and positively upon these questions which militate, to such a great extent, against the commerce of this country, injuring our prospects in almost every respect in which they deal with them. What really is a puzzle to every Canadian is that there are statesmen in England who hold the views they do upon questions of this kind when dealing with other portions of the empire, while, at the same time it is regretable to read the statements which they make, which are favourable to the intercourse from a commercial standpoint with other parts of the world, when it actually militates against their own colonies and a portion of their own empire. I hope the effect of the motion which is made will be to remove these incongruities, and place us in a position equal, at least, to that of the United States. One can scarcely conceive it possible that in the introduction of magazines by direct importation, the country loses five cents and on other matters six cents per pound—that is, if they send them round by the United States instead of directly to Canada. These incongruities certainly should be removed, if it is possible to remove them, and if they are not removed it should not be the fault of Canada in not calling their attention to it.

Hon. Sir RICHARD CARTWRIGHT—I quite agree, not merely with the hon. gentleman who has made this motion but also with the hon. gentleman who has just resumed his seat, that it is very desirable that the Canadian parliament should call the attention of the British parliament to discrepancies such as he has pointed out. I have also noted, and noted with great regret, that there has been a disposition, and not of yesterday, on the part of a great many persons in authority in Great Britain to ignore the just claims of the confederation of Canada which, I may remark, stands on a very different footing from an ordinary colony, and is daily and hourly growing in national importance, as has been shown very recently by the addition which has been made to the provincial status of Canada in the Northwest. There has been a great disposition to ignore the just demands of the people of Canada on various points, and I have always hoped that the generous treatment which we have accorded of late years to British manufacturers would incline the British parliament, when these things are properly brought before them, to give us, particularly in such cases as this, a correspondingly generous treatment. The hon. gentleman who spoke last called attention to another point of no inconsiderable importance. I believe it is quite true that a very large number of these United States magazines which are largely circulated in Canada have been very little better than advertising mediums for a considerable length of time. That tendency has been very much more manifested of late years, and I shall not fail to call the attention of my hon. friends, and particularly the Finance Minister, to the question whether magazines which are really advertising mediums should not be treated, if it can be done—the difficulties are considerable as the hon. gentleman knows—quoad their advertisements at any rate, on a somewhat different footing from what may be called the more purely literary magazines which often contain subjects of great interest and great moment to everybody in Canada as well as in the United States. As for the matter now in hand, I think the hon. senator from Montreal (Sir George Drummond) has made out a very clear case indeed, and I may add that several of the officers connected with my department have called attention already to the facts which he has brought before us, and to the great advantage to be derived from a free circulation between Canada and England of the various periodicals and magazines published in both countries. There is no doubt whatever that the English people and the English government are standing very much in their own light by putting an almost prohibitory rate on the distribution of English literature throughout Canada. As to the best mode of remedying it, I think I may venture to say that the discussion here will not be thrown away on my hon. friend the Postmaster General.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—And he will hail every such effort on the part of this honourable House, or of any other body in Canada, as greatly strengthening his hands. I certainly, for my part, congratulate my hon. friend from Montreal on the manner in which he has brought this

matter before the House, and I hope that, with the assistance of the several Canadians who, we are happy to know, are among the members of the British parliament, we may be able, within a reasonably short space of time, to report that a very, considerable modification has been made in these oppressive regulations now in force by the British post office authorities.

Hon. Mr. SCOTT—It might be well that the Committee on Printing should make a note that an extra number of copies of this particular debate will be very desirable in order that hon. gentlemen might send them abroad to our friends in England. Our agents in Great Britain should have possession of them and they should be liberally distributed. It will have a very good effect.

Hon. Sir MACKENZIE BOWELL—That could not be done unless it was specially referred to the Printing Committee. If the Committee on Debates should recommend it to the Senate it might be done in that way.

Hon. Mr. SCOTT—I hope they will do it.

The motion was agreed to.

THE SONGHEES INDIAN RESERVE.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved :

That an address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a copy of any agreement or conditions under which the Esquimalt and Nanaimo Railway Company occupy a portion of the Songhees Indian Reserve, if with power to purchase, for how much ? If leased only, how much is the rental ?

He said: It may be known to the Secretary of State that the Esquimalt and Nanaimo Railway occupy sixteen acres of Indian reserve at Victoria. On what conditions the occupation took place I do not know. Whether they had an offer to purchase, or pay a rent for the ground I cannot tell. The bargain or condition was made by Sir John Macdonald some years ago when he went over to Victoria, and I think there should be a fund, a certain amount, to the credit of the reserve.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

QUORUM REDUCED.

Hon. Mr. YOUNG—Before the Orders of the Day are called I desire to lay before the Senate circumstances which have arisen in connection with the Standing Orders Committee. Owing to various reasons, there is not present a quorum of that committee. As you all are aware, it is a committee of nine and the quorum necessary to do the work that committee is charged with is five and at present we have not that number in attendance on the Senate. It is very desirable the committee should meet and do its work. There is an accumulation of work before it and there is also the fact that to-morrow the time expires for presenting petitions for private Bills and I would ask the indulgence of the House if they will permit me to move, seconded by the Hon. Mr. McKay, Truro, that the quorum of the Standing Orders Committee should be made three instead of five. It has been done before and I should also call attention that it is not an unreasonable principle when we take into consideration that in the Committee on Railways, Telegraphs and Harbours, a committee of fifty, the quorum is nine. There are thirty-two members on the Committee on Banking and Commerce and the quorum is nine. Miscellaneous Private Bills Committee, twenty-five members, quorum seven, and in this case if a motion carries our quorum will be three on a committee of nine. I ask the suspension of the rule.

Hon. Mr. LANDRY—The proper motion would be to name the rule to be suspended.

Hon. Sir MACKENZIE BOWELL—I was going to suggest that in order that the objection referred to by the hon. gentleman from Stadacona should be avoided, the motion should be a little more explicit and set forth the fact that, being unable to obtain a quorum, the consent of the Senate be obtained to reduce the quorum to three.

Hon. Mr. YOUNG—All right.

Hon. Sir MACKENZIE BOWELL—For this reason ; that the practice is that if you desire to reduce the quorum, it must come from a recommendation of the committee, and, not being able to get a quorum, they cannot make their recommendation. The suggestion I have thrown out would meet the difficulty to a certain extent.

Hon. Mr. YOUNG—I have much pleasure in accepting the suggestion of the hon. leader of the opposition.

Hon. Mr. POWER—The better way is to put the motion for the suspension of the rule first.

Hon. Mr. LANDRY—I call the attention of the House to rule 17 which reads as follows :

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 precisely the rule to be suspended, modified or amended, and the purpose of such suspension.

I do not wish to avail myself of the right of opposing the motion because notice has not been given, but I want to know what rule we are asked to suspend ?

Hon. Mr. McKAY (Truro)—If I understand the matter aright, we are not suspending the rule. We are simply changing the motion made in the early part of the session when we brought in a recommendation that the quorum should be five. We want to repeal that and make it three.

Hon. Mr. MACDONALD (B.C.)—It is by the unanimous consent of the House.

Hon. Mr. YOUNG—It is not amending any rule. It is simply on a report of the committee. That is why I did not care to mention any rule of the Senate because I am not quite clear that it falls under rule 17.

The SPEAKER—It is moved by the Hon. Mr. Young that inasmuch as the Committee on Standing Orders has been unable to meet through lack of a quorum, any rule pertaining thereto be suspended and that the quorum of the committee be reduced from five to three.

Hon. Mr. LANDRY—That does not settle the question. There is a rule or there is not a rule, but certainly there is a rule that requires a motion to be passed in this House and notice must be given for one day. If there is no other rule for the changing of a quorum, bringing it down to three, there is certainly a rule that requires a day's notice and that rule must be suspended.

The SPEAKER—Rules 13 and 17.

The motion was agreed to.

Hon. Mr. POWER—I understand the Speaker put the question as to the suspension of the rules and the House has agreed to suspend the rules. Now the main motion is put.

The SPEAKER—I did not divide the motion.

RESIGNATION OF MR. BLAIR.

Hon. Mr. SCOTT—I see the hon. gentleman from Acadie in his place, and when we had the series of questions on the order paper on the 19th of February there was one question I was unable to answer. He laid great stress on the fact, from his standpoint, that very great inconvenience was going to arise in consequence of Mr. Blair's resignation. I was unable to say then what number of cases would probably have to be heard again owing to that resignation. I am informed now by the secretary of the commission that probably half a dozen will have to be reheard. The last paragraph in the series of questions I at the time made no answer to. It was not a question that came within the rules. It was argumentative. It drew conclusions, and a very much stronger objection to it is that it reflected on two gentlemen who hold very high positions, which I thought was exceedingly improper, when it was done on defective information. I am advised that Mr. Bernier, who is the gentleman alluded to, a member of the board, remained at Ottawa with the entire approval of his colleagues for the purpose of disposing of some business that one member of the board alone could hear and dispose of—a number of orders. It was not necessary for him to go west. The information I received from the secretary of the board is as follows :

The Hon. M. E. Bernier, deputy chief commissioner, remained at Ottawa during the absence of the chief commissioner and Commissioner Mills in the west.

I might say that it was deemed advisable that the deputy chief commissioner should remain, as he had authority, under the Act, to sign orders in the absence of the chief commissioner, and, under section 10 of the Act, it is provided that, in case there is no opposing party and no notice to be given to any interested party, any one commissioner may act for the whole board. It will thus be seen that by Mr. Bernier's remaining in Ottawa, a very large number of orders could be and were, as a fact, issued, which were in the nature of consent orders, and a great deal of business transacted that would otherwise have had to await the return of the commissioners from the west.

The hon. gentleman's question reads :—

What member of the Railway Commission is it that stayed at home, instead of accompanying the board on their western tour last summer, and thereby helped to bring about the state of confusion that now exists, to the great detriment of litigants, in that important branch of the civil service ?

I am informed by the clerk and also by the chairman of the committee that the de-

duction drawn therefrom is entirely without foundation, that it was with the concurrence of his colleagues that Mr. Bernier remained in Ottawa for the purpose of performing certain duties in connection with the position he held and that the unwarrantable deduction that is made in this paragraph has no foundation in fact. I hope, therefore, my hon. friend will withdraw the insinuation conveyed that a great detriment arose to litigants in consequence of the absence of Mr. Bernier.

Hon. Mr. POIRIER—I have in this case nothing whatsoever to withdraw, notwithstanding the great respect I have for the hon. leader of the House. By the tenor of the remarks and the lecture he was kind enough to give me and the insinuations he very charitably asserts that I have made, I have to conclude from his own words that because a gentleman is highly paid it is improper for members of this House to call upon the government to answer for him, and in this case it is possible that it is not that gentleman's shoes that pinch so much as the government's shoes—it is improper for me to call the attention of the House to the fact that the gentleman by his remaining in Ottawa when he should have been away with the commission had been the cause of the delay. I beg to differ from the hon. gentleman. We have duties to perform here and because a man is high in position, he shall not be allowed to stand, as far as I am concerned and I know as far as my colleagues are concerned, between us and our duty. Here, hon. gentlemen, is a thing that is almost equal to a public scandal. It is at all events bringing hardship upon a great number of persons. It is the fault of somebody; whose fault it is I have not been able to elicit. The hon. minister told us on the last occasion this subject was before the Senate, that the board does not come under the regulations which govern the civil service, and the tenor of his answer was to the effect that the board was above everything that exists here as far as control was concerned. I take exception to that. Every body that is established by Act of parliament is under the control of some department, or at least of the government at large, and I believe and maintain that however highly paid these gentlemen may be, they are amenable to the control of the government. Hon. gentlemen are all aware that it is because one of those officials remained here while the others toured the western provinces that to-day so many cases have to be heard over again. I am told now that six cases will have to be reheard. I take the number six, but I was informed that it has been reduced to six because of the good will of the litigants, that there were over sixty cases that might have to be heard over again if it were not that the parties, being desirous of saving the extra cost, had agreed to some amicable solution. I say, hon. gentlemen, the question was of sufficient importance to warrant me in placing it on the order paper, as I did without an insinuation. I wish the hon. gentleman to retract the statement that there was an insinuation. I insinuated nothing. I asked the question and placed it properly on the paper. I am in the habit of asking questions properly. I know something of the propriety of the question and I know I was acting within my right, and I asked it as a gentleman should ask it. I repeat that the fact that the commissioner draws a high salary is no reason why senators on either side of the House should be debarred from asking questions affecting the public service, and especially, as in this case, if the report is true that six litigants will likely have to pay the costs occasioned by the second adjudication of these cases. I repeat, I believe I had the right to put the question and I am convinced that I put it in the proper way without any unseemly insinuation.

Hon. Mr. SCOTT—I should like to read the authorities I have before me on the subject of questions. They are as follows :—

The purpose of a question is to obtain information and not to supply it to the House.

A question may not contain statements of facts unless they be necessary to make the question intelligible and can be authenticated, nor should a question contain arguments, inferences, imputations, epithets nor ironical expressions, nor may a question refer to debates or answers to questions in the current sessions.

Now if my hon. friend will just bear with me for a moment, I made no reflection on him when I said that there was an insinuation in this that was not really proper. It was commenting on the board.

Hon. Mr. POIRIER—The effect is injurious if I may be allowed to say so.

Hon. Mr. SCOTT—I do not agree. I do not think the chamber will agree that in the absence of a gentleman who could not give any explanation it was quite proper to ask this question :

What member of the Railway Commission is it that stayed at home instead of accompanying the board on their western tour last summer, and thereby helped to bring about the state of confusion that now exists to the great detriment of litigants in that important branch of the civil service ?

That is an imputation.

Hon. Mr. POIRIER—What insinuations are there ? Insinuation must mean something against the character of a man. What insinuation is there against that party ?

Hon. Mr. SCOTT—The insinuation is that Mr. Bernier deliberately remained away, and by his remaining away confusion arose in the administration of the duties of that commission. That is absolutely untrue. I have it as untrue both from the secretary of the commission and the chairman of the board.

Hon. Mr. POIRIER—Did he remain away ?

Hon. Mr. SCOTT—By request of the board.

Hon. Mr. POIRIER—Then I have rendered the gentleman a service by giving the leader of the government an opportunity to explain matters which, but for my question, might still have hung over him.

Hon. Mr. SCOTT—He did not create any confusion by his remaining here. He had nothing to do with Mr. Blair's resignation.

Hon. Mr. LANDRY—There is confusion to-day.

Hon. Mr. SCOTT—That is the hon. gentleman's opinion. I do not share that. It is an exceedingly unusual way, and very improper I think, for the hon. gentleman to cast reflections on a person holding the position that Mr. Bernier does without fuller information. I had not all the information to give my hon. friend or I would have given it at the time. I had not the opportunity of giving it. I obtained it through the secretary, and he tells me that six cases may have to be heard. That is not so very serious a matter. Mr. Bernier had nothing to do with that. It was Mr. Blair's action in withdrawing from the commission that caused the difficulty. It left only two commissioners.

THIRD READING.

Bill (8) An Act to amend the Mounted Police Act, 1894.—(Hon. Mr. Scott.)

BILL INTRODUCED.

Bill (27) An Act respecting certain Patents of the Facer Solid Steel Car Wheel Company, of Perth, Limited.—(Hon. Mr. Frost.)

The Senate adjourned.

SENATE.

Ottawa, Thursday, February 23, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (E) An Act for the relief of Arthur Howe Hersey.—Hon. Mr. Perley.)

Bill (F) An Act for the relief of Jane Marie Fitzimmons.—(Hon. Mr. Young.)

THE SONGHEES INDIAN RESERVE.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to :

Direct the attention of the government to the still unsettled question of the removal of the Songhees Indians from the reserve at Victoria.

There having been negotiations and correspondence for some years on this subject between the Dominion government and that of British Columbia, but no definite conclusion has yet been come to.

Much agitation is going on at Victoria now, and expressions of disappointment frequently uttered at public meetings at the non-removal of the Indians, as the reserve is in proximity to the business portion of the city, consequently an eyesore with its dilapidated wigwams.

No harsh measures or force should be used to remove the Indians.

The principal reasons for the removal should be humane and moral. A depraved class of the community demoralize and degrade them through the medium of poisonous spirits and vice. On these grounds alone, no time should be lost in their removal from the source of depravity to a suitable reserve where fish, game and fuel can be easily obtained, and where evil influence cannot so easily enter.

The Indians will naturally be reluctant to leave their present home, but an earnest effort, together with kind consideration of their wishes, can accomplish the desired object.

On the removal of the Indians, the reserve reverts to the province, which for that reason

agreed in previous negotiations to provide a suitable reserve, which it will no doubt carry out as soon as definite, determined action is taken.

The sum of $12,065.39 stands to the credit of the Songhees reserve for rents received for portions of it, which can properly be used for the benefit of the Indians during the removal, and settlement on a new reserve.

The first point is the selection of a reserve, which I beg to suggest should be done in the following manner :

The Dominion government, as trustees for the Indians, to take the initiative in this matter.

That a commission of three persons be appointed to deal with the question of removal and a new reserve.

The Dominion government to appoint one commissioner. The provincial government of British Columbia to appoint one. The chief of the Songhees to be the third commissioner.

The reserve being selected and a house built for each family, and a building to be erected to serve as schoolhouse and church, all to be paid for by the province as its contribution for entering into possession of the old reserve.

The Indians to be compensated for the cottages they have erected on the old reserve within the last seven years, from funds provided by the Dominion government, or out of the funds to the credit of the reserve.

As an inducement to removal a moderate supply of food to be given to each family, together with ten dollars per month for one year. The chief to receive fifteen dollars per month for one year, out of the money to the credit of the reserve. In order to avoid friction and ill-feeling such an inducement as this will be an absolute necessity, and must not be lost sight of.

The balance of reserve funds, if any, after the foregoing payments are made, to be retained by the Dominion government as a fund out of which indigent and old Songhees may from time to time receive aid.

The foregoing propositions, or something similar being accomplished, no hesitation on the part of the Indians to be allowed, although determination, tempered with considerate kindness is to be exercised.

Thirty days' notice to be given the Songhees chief to be ready with all his people to proceed to their new reserve.

The Dominion steamer 'Quadra' at the end of the thirty days' notice to anchor off the Songhees village, take the Indians and their effects on board and their canoes in tow, proceed to the new reserve, and there land them.

And will ask if the government will press this matter to an early settlement.

He said : The hon. Secretary of State will know that this is a question of long standing. It has been written about and discussed between the two governments for a number of years. It is a very important matter, and I urge, entirely on the question of morality and humanity, that the Indians should be removed from the temptation of drink and other evil habits. I hope the government—although I do not think this government is to blame in the matter at all—will take active steps to press the provincial government to have this matter settled. I believe the whole difficulty arises as to the ownership of the reserve after the Indians are removed. I think the last offer made by the Dominion government here to the province of British Columbia divided the reserve into three portions. I am not familiar with the conditions exactly. I have not the papers, but I believe that was the reason. It is pretty fairly established in the courts of the country, and I think by the imperial court as well, that the reserve goes back to the province when the Indians are removed. If the Dominion government will take that view of it there will be no difficulty in the settlement. The Indians of course require every consideration. The reserve is their home, bona fide made for them many years ago, probably now nearly sixty years ago, and they have lived on it for a long time. At present there are very few Indians and the cost of their removal to a suitable reserve would be small. They could be taken to a place where they would have timber, fish and fuel and all their rights. The hon. gentleman from Victoria (Hon. Mr. Templeman), knows as well as I do the position of this matter—that this reserve is in the immediate proximity of the business part of Victoria, that it is an eyesore, and ought to be removed, on that account and also, in the interest of the Indians themselves. They are now confined to a small piece of ground where they cannot have cultivation, or stock. To give you an instance of what Indians can do when they have the room and the land, there is a reserve at Saanich, about fifteen miles from Victoria, where the Indians have so progressed that they have now their threshing mills and their horses and carts and they go round the country threshing for white settlers. That just shows what the Indians can do when they have the facilities, the land and the room. The notice I have given is very simple because I wish to express my own ideas and from my long experience and knowledge of the Indians I think it will be found very correct. The Indians can be removed with determination and kindness and a little money. We know the power of money. It can move anything, and without money you cannot do anything. You cannot even feed the poor, or clothe the naked, or preach the gospel or do anything else. By using money judiciously in this matter, with kindness, the Indians can be removed and bettered in every possible way.

As I said before, the first thing to be done is to appoint some gentleman as a representative of the Dominion government, probably the Indian commissioner in British Columbia, let the province appoint another and then take the Indian Chief, so as to satisfy his people, and let these three select the reserve. It need not be large or extensive, probably 200 or 300 acres would be ample, and the lands could be obtained at a reasonable price. After that let the province build a house for each family, and then the Dominion should supply food for a year and a sum of money to enable them to live in comfort and cultivate their own land. Without that I do not think it can be done. Let any rights in the reserve go back to the province on condition they provide a suitable reserve and build those houses I speak of for the Indians. If that is done with consideration and kindness there will be no trouble in moving the Indians. I do not know what the government will do in the matter, but I hope they will take steps to press this matter to a settlement.

Hon. Mr. TEMPLEMAN—The question which my hon. friend from Victoria has brought before the House is one of considerable interest to the city of Victoria, although it may not engage the attention of many of the representatives from other provinces. My hon. friend has not concluded his notice with a motion. I presume his sole object was to call the attention of the government to the existing condition of affairs and have a discussion and be content with what might result as a consequence of the attention of the government being called to this matter; because, if the notice on the order paper had been in the form of a motion the government could not concede the method of settling this question which has been suggested by my hon. friend, that is the appointment of three commissioners to select a site. My hon. friend says that no harsh measures or force should be used to remove the Indians, and then at the close of the notice he says:

> The foregoing propositions, or something similar, being accomplished, no hesitation on the part of the Indians to be allowed,——

That is their hesitation to leave their old reserves.

> ——although determination, tempered with considerate kindness is to be exercised.
>
> Thirty days' notice to be given the Songhees chief to be ready with all his people to proceed to their new reserve.
>
> The Dominion steamer 'Quadra' at the end of the thirty days' notice to anchor off the Songhees village, take the Indians and their effects on board and their canoes in tow, proceed to the new reserve, and there land them.

I submit that the Songhees Indian reserve question cannot be so easily settled. It has been a question for at least some forty or fifty years. It will be in the recollection of my hon. friend, who is a very old resident of the city of Victoria, that it has been a live issue there for that many years. At all events, for the last twenty years, to my certain knowledge, the desire of the people of Victoria to remove these Indians from the city has been ever present. It is one of our great local issues. The reserve, I may say for the information of the House is situated in the centre of the city of Victoria. It consists of 119 acres of land, surrounded on all sides, save the side of the ocean, by the corporate limits of the city of Victoria. A large portion of the population of the city is outside of the reserve, and so hon. gentlemen will realize that such a reserve inhabited by probably only forty or fifty Indians in the centre of a beautiful city like Victoria, is a crying grievance to the people of that city. There is no question at all that this reserve should have been removed years ago, and I say boldly that if the local government of the province of British Columbia had been alive to the interest of the people of Victoria, it would have been removed. I have inquired at the office of the Superintendent of Indian Affairs for a memo. of the negotiations that have been carried on during the past five or six years in respect to this matter, and for the purpose of informing the people, of the west at all events, and getting it on the records of this House, I shall read it. My hon. friend imagines that all he has to do is to call the attention of the government to this fact, and that this government will take action and remove the Indians, peaceably if they can, forcibly if they must, as suggested in his memo. There is no use going beyond the year 1897, though previous to that there had been many interviews, many negotiations, and much correspondence carried on between the government of British Columbia and Ottawa. The city council of Victoria have, of recent years, taken a hand in the matter, so we have four great interests, including that of the Indians, concerned in this

question. In 1897, when Mr. Turner was premier of the province of British Columbia, a proposition was made by him that an officer of the Department of Indian Affairs at Ottawa should proceed to British Columbia and try to effect an arrangement by which the Indians would be removed from the reserve. Mr. McKenna, who for many years had served in the Indian Department here, was commissioned to go to British Columbia, and after many interviews with Mr. Turner and Mr. Eberts, the Attorney General of the province, he made two propositions to the government of British Columbia. I want my hon. friend, if he is not familiar with what these propositions are, to consider them carefully, because I want him, as a representative of British Columbia and as a Victorian, to place the blame for the non-removal of these Indians from the centre of the city of Victoria upon the proper shoulders. The first proposal was that the government of British Columbia should concur in the Dominion's conveying to the Esquimalt and Nanaimo Railway Company 19 acres of the reserve and in exchange for the remaining 93 acres procure a new location for the Indians, and bear the expense of removing them thereto, and rehabilitating them. My hon. friend will know what that 19 acres of land which is required by the Esquimalt and Nanaimo Railway means. Mr. Dunsmuir wanted the 19 acres fronting on the harbour for terminal facilities for his railway and the government here thought that in all justice he was entitled to receive it.

The second proposal was that they should agree to the Dominion government disposing of the whole of the reserve on the understanding that the Dominion government should procure a new reserve, remove the Indians thereto and rehabilitate them, the proceeds of the sale of the present reserve, less the cost of a new reserve and the expense of rehabilitating them, to be capitalized for the benefit of the Songhees Indians. In connection with this proposal Mr. McKenna pointed out that the provincial government would have as good a claim to a reversionary right to the capitalized proceeds of the sale of the land in the present reserve as they have in the land itself.

A perfectly fair proposal was made, but it was very promptly turned down by the provincial government. They refused positively to permit the government to remove the Indians on these terms. It was a fair proposal in the interests of the Indians and of both governments, because when lands, as my hon. friend says, are no longer required for an Indian reserve, in British Columbia at all events, they revert to the crown as represented by the province, and this proposition was simply that they would sell the reserve, and when the last Indian had disappeared, when the fund created was no longer required for the Indians, the fund itself would revert to the province.

The provincial government declined to agree to the first proposal, and on the second proposal being submitted offered to agree to the Dominion government's disposing of one-half of the present reserve, viz.: 56 acres, on the condition of its procuring a new reserve and bearing the expense of the removal and rehabilitation of the Indians, the provincial government to take the other half of the present reserve unburdened.

In other words, the provincial government wanted 56 acres at once. They made it an absolute condition that the Indians could not be removed unless they got one-half the reserve, a reserve worth, it is well known, anywhere between $100,000 and $150,000.

Mr. McKenna informed Mr. Turner that he could not accede to the proposal and that he found himself unable to offer any more liberal or feasible proposal than that already submitted by him, which provided for the removal of the Songhees Indians without any trouble or cost to the province and without the relinquishment of any provincial rights. The negotiations were, in consequence, broken off. Several communications were subsequently received from the British Columbia government expressing a desire to have action taken to bring about a settlement of the question, to which replies were sent to the effect that the second proposal submitted by Mr. McKenna was the fairest that could be made, and provided the most effective means of removing the Indians, and that as the government of the Dominion had done all that it properly could towards meeting the wishes of the government of British Columbia as to the removal of the Songhees Indians, the minister could not advise that the negotiations should be resumed. Then the Dunsmuir government came into power

and on the 2nd Feb., 1901, the Hon. Jas. Dunsmuir, premier of British Columbia, submitted a proposition for the removal of the Songhees Indians. The proposition was, first, that the government of the Dominion would surrender absolutely to the province two portions of the reserve, one consisting of 17¼ acres and the other consisting of 25 acres, the remainder of the reserve to be sold. The money in the hands of the department, amounting to $9,820.20 and a further amount of $2,409, which should be paid in a short time for leasing privileges, together with the proceeds of that portion of the reserve to be sold, estimated to be worth from $100,000 to $125,000, to be utilized in removing and rehabilitating the Indians upon a new reserve, such reserve to be furnished by the provincial government free of cost in return for the land to be received by them.

The Dominion government would, under this arrangement, absolutely own the reserve; but if there were any surplus moneys after rehabilitating the Indians, as proceeds of the old reserve, the province would retain its reversionary right to such surplus. This proposition received the assent of the Minister of the Interior on the 7th June, 1901, and Mr. Dunsmuir was informed that the Indian superintendent had been asked to take the necessary steps to have the arrangement carried out if possible. Now, up to this time, during the years when both of these propositions were made, the first being refused by the provincial government, the second being made by the provincial government and being accepted by this government, the Indians on the reserve were, I understand, all willing to be removed to another reserve, but I am afraid a little different feeling at the present moment prevails among them. The Indian superintendent reported that he had seen Mr. Dunsmuir regarding this matter, who had expressed himself as being quite satisfied with the arrangement proposed. Four months later he stated that he had seen the premier in reference to the selection of a tract of land for the Songhees Indians, to be provided for them in lieu of their reserve in Victoria, should they consent to leave the latter. The premier informed him that what he thought would be a suitable place had been selected, and promised to drive out there some day with the Indian superintendent. But up to the present time no action has been taken by the British Columbia authorities.

My hon. friend will see that in so far as this government has been concerned, or in so far as it has taken any action in the matter, it desires to carry out the wishes of the people of the city of Victoria. The case of the Songhees is claimed to be peculiar in respect to the title to the land held by them. As stated in the decision of the joint commission appointed for allotment of reserves, in their communication, dated the 4th of May, 1898—

> The land reserves of these Indians in the harbour of Victoria appears to be the private property of the tribe by a written agreement made on the 30th of April, 1850, between the chiefs and people and the agent of the Hudson Bay Company, acting on behalf of the Crown, and by the land having been formally set apart for their perpetual use and benefit, but the commissioners so far as they have authority in the matter confirm the reserve as surveyed to the Songhees Indians.

I understand legal difficulties are cropping up, and in the city of Victoria numerous meetings are being held by the board of trade and city council discussing this question, and I am told the city solicitor has given the opinion that neither government could give a clear title to the land unless by concurrent legislation by both parliaments. As a resident of the city of Victoria, I quite concur with my hon. friend in saying that this nuisance, this evil to the Indians and this evil to the citizens of Victoria, should be terminated as soon as possible. I do not agree altogether with his method of removing the Indians. I am afraid he looks upon it as being too easily accomplished. It is a matter of very great difficulty indeed. But I think I can say for the government that no reasonable proposition, no proposition whatever that will protect the interests of the Indians, will be refused by the government at Ottawa. We are most anxious to remove the Indians. We will remove them at any time that the government of British Columbia can submit a reasonable or fair proposition. We have submitted several. We accepted one that they submitted, and they have failed thus far to carry out anything. We stand ready to-day to remove the Indians if it can be done. My hon. friend understands the difficulties very well indeed, but I am hopeful that if the matter is approached properly, if our friends in the city of Victoria—I mean the local government and the representatives of the city

council—will deal with the matter in a proper spirit, if they do not want to get, for instance, for themselves all the land, if they respect the rights of the Indians and approach them, as I said before, in a proper spirit, there will be no difficulty encountered at Ottawa in removing the Indians from the centre of the city of Victoria.

Hon. Mr. MACDONALD (B.C.)—The statement made by the hon. gentleman is very interesting and throws a great deal of light on the matter, but he must remember that I did not cast blame on this government in the smallest degree. I believe that any blame there is in the matter rests with the local government. One of the great reasons why the matter has not been settled is the demoralization of the local government during the last three or four years. The Turner government went out. Mr. Turner was a good business man, but after he went out Dunsmuir came in, and he had too many irons of his own in the fire, and then Mr. Prior came in, and then chaos. I think the local government is more to blame than the government at Ottawa. But the whole matter rests on this, if the government will absolutely surrender any right they have in the reserve ; let the province do the rest—rehabilitate the Indians and give them a reserve. I think it can be done as I propose. It would be very difficult to form any scheme that would meet the approval of everybody, and if my hon. friend disagrees with some of my propositions, I cannot expect otherwise. But I think, with some provision on those lines, enforced with firmness and determination, providing appropriate land for the Indians, with houses and a little money in hand, the matter could be easily arranged. I am satisfied it could be done with the co-operation of the two governments.

QUEBEC HARBOUR COMMISSIONERS' ACT, 1899, AMENDMENT BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (37) An Act to amend the Quebec Harbour Commissioners' Act, 1899. He said : This is merely to extend the limits of the port at Quebec. The pilots for the district below Quebec anchor now at Bic Island. It is proposed by this Bill to extend the limits of the port seventeen miles further down the river at Father Point. Incoming ships have to stop at Father Point to take on and put off the mails, and they have then again to stop when they come within the jurisdiction of the port of Quebec to take on pilots, as the pilots cannot go down to Father Point, being beyond the jurisdiction of the port. It is a simple Bill.

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

LONDON AND ST. CLAIR RIVER RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. CASGRAIN (Windsor) moved the second reading of Bill (No. 32) An Act to incorporate the London and Saint Clair Railway Company.

He said : This Bill simply provides for the building of a railway from London, Ont., to a point on the St. Clair river. It is about sixty miles long and goes through the counties of Middlesex and Lambton.

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

SECOND READINGS.

Bill (No. 31) An Act respecting the Canada and Michigan Bridge and Tunnel Company.—(Hon. Mr. Kerr, Toronto.)

Bill (No. 30) An Act respecting the Canada Southern Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (No. 29) An Act respecting the Canada Southern Bridge Company.—(Hon. Mr. Kerr, Toronto.)

PRINTING OF NORTHWEST PROVINCIAL AUTONOMY BILLS.

Hon. Mr. BERNIER—I beg to call attention to the fact that the Bills respecting the creation of the new provinces have not been submitted to us yet, although the newspapers pretend to publish them. I request the hon. Secretary of State to have them distributed as soon as possible.

Hon. Mr. SCOTT—They are not printed yet. Only certain paragraphs have really been printed. It was late yesterday when many important paragraphs were finally settled, and therefore it was quite impossible to present it to-day. I hope that by to-morrow it will be printed.

Hon. Mr. LANDRY—I call the attention of the ministers to the fact that the members of this House should be served before the public. The Bill was printed in the public press and distributed to the public, and we have nothing of it yet.

Hon. Mr. SCOTT—I am not aware that it has gone to the public. I am not aware that it has been printed in the proper form. Certain paragraphs were finally agreed upon. Up to a day or two ago the gentlemen from the Northwest were discussing certain clauses of it.

Hon. Mr. LANDRY—It must be printed as it was presented to the House.

Hon. Mr. SCOTT—No, it was not. The observations of the premier were made on the motion for leave to introduce the Bill. The Bill really had not been printed. There was leave given to introduce the Bill.

Hon. Mr. LANDRY—I think the Bill was read the first time.

Hon. Mr. SCOTT—I am not aware of it.

Hon. Mr. LANDRY—The leave to introduce the Bill was given last week.

Hon. Mr. SCOTT—Well I have explained to the hon. gentleman. I have not seen a copy of it. I presume if it was printed I should know something about it.

Hon. Sir MACKENZIE BOWELL—From the explanation given by the hon. Secretary of State, the facts are probably that the Bill was discussed on the general principles, while the details were not yet decided. Is that the fact?

Hon. Mr. SCOTT—Yes. I think the Minister of Justice was engaged at it. He asked to be allowed to remain away from the House and his object was to try and complete it. I hope it will be ready in a day or two.

The Senate adjourned.

SENATE.

Ottawa, Friday, February 24, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE GOVERNMENT REPRESENTATIVE ON THE GRAND TRUNK PACIFIC RAILWAY BOARD.

Hon. Mr. LANDRY—Before the Orders of the Day are called I would like to direct the attention of the hon. leader of the Senate to this paragraph, which is found in the Montreal 'Herald' of yesterday :—

Hon. Mr. Parent Resigns.

From the Board of the Grand Trunk Pacific Railway.

Hon. S. N. Parent, premier of Quebec, who was last fall appointed as a representative of the Dominion government on the board of the Grand Trunk Pacific Railway Company has resigned that position. This step was due to his appointment to the chairmanship of the Construction Commission.

I should like to know from the hon. leader of this House if there is any truth in this statement.

Hon. Mr. SCOTT—I received an official letter from the Hon. Mr. Parent, I think about the 23rd, advising me that he had never accepted the office as a representative of the government of Canada on the Board of Directors of the Grand Trunk Pacific; that he had never accepted any salary, that he had never performed any duty, and that he did not recognize that he really was appointed. I answered him acknowledging the letter, and stating that I had sent the paper to Council. Council on that cancelled the appointment and that is all I know of it.

Hon. Mr. LANDRY—And the second part of the item.

Hon. Mr. SCOTT—I really know nothing of that.

Hon. Mr. LANDRY—The second part says that he has been appointed president of the Construction Commission.

Hon. Mr. SCOTT—I am not aware of that. I have not heard of it.

Hon. Mr. LANDRY—Could it be done without the hon. gentleman knowing it?

Hon. Mr. SCOTT—It might. I keep pretty well informed of what is going on; still it is possible. I never heard of it until my hon. friend read it.

Hon. Mr. BERNIER—How is it that Mr. Parent states to-day that he never accepted the position and never acted under his appointment? He came to Winnipeg in his official capacity and remained there in that capacity.

Hon. Mr. SCOTT—I give you his statement in the letter to me. That is all I got.

Hon. Mr. LANDRY—That statement is not under oath.

PRINTING OF THE NORTHWEST PROVINCIAL AUTONOMY BILLS.

Hon. Mr. LANDRY—I should like to call the attention of the leader of this House to the fact that we are not provided yet with copies of the Bills respecting the new provinces in the Northwest.

Hon. Mr. SCOTT—Nobody has them; they are not in the Distribution Office. They have not been distributed, I presume. I do not think they are printed yet. There is some delay about defining the boundaries. The members on both sides of the House who represent the Northwest Territories and the Senators, I think, were invited to confer together and try and agree on a division. They had not agreed yesterday at all events, and I am not aware that the divisions have yet been defined. They may be, however, without my knowledge, because I do not know what they have done in the last few hours. They had not agreed yesterday.

Hon. Mr. LANDRY—As I understand, the Bill is not completed yet?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—So it should not have been presented to the House of Commons?

Hon. Mr. SCOTT—I fancy that it was only a skeleton that was presented there.

Hon. Mr. LANDRY—A skeleton?

Hon. Mr. SCOTT—Hon. gentlemen know that very often an hon. gentleman introduces a Bill in blank. There were some paragraphs of it settled and read no doubt.

Hon. Mr. LANDRY—The rule of the House of Commons says:—

No Bill may be introduced either in blank or in imperfect shape.

I suppose the premier is violating the rules ?

Hon. Mr. SCOTT—I cannot explain it. My hon. friend is aware that rules are sometimes broken.

SECOND READINGS.

Bill (35) An Act to incorporate the Georgian Bay and Sea-board Railway Company. —(Hon. Mr. Power).

Bill (22) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed).

Bill (25) An Act respecting the Walkerton and Lucknow Railway Company.—(Hon. Mr. McMullen).

Bill (27) An Act respecting certain patents of the Facer Solid Steel Car Wheel Company, of Perth, Limited.—(Hon. Mr. Frost).

A PROPOSED ADJOURNMENT.

Hon. Mr. SCOTT—Before the House adjourns it may be fair to state what I think might be accomplished in the way of an adjournment at a later date. In the week that follows next week, Ash Wednesday comes, and I thought, therefore, as under our present rule we will not now meet until Tuesday, if the House would sit Tuesday and Wednesday of next week we could then adjourn over until the Tuesday or Wednesday after Ash Wednesday, which would give a fortnight and enable hon. gentlemen from the lower provinces to make arrangements to go home. It is not likely there will be much business the latter part of next week. I know of no government measure but the Census Bill, and, therefore, such an adjournment would not cause any inconvenience to the public. A number of gentlemen have spoken to me suggesting this adjournment. If there were any business we would sit both Wednesday and Thursday of next week. I am not making a motion, but a proposition which I thought would meet the views of hon. gentlemen who have spoken to me on the subject. It would be only fair to hon. gentlemen who are absent to know whether an adjournment is in contemplation, and I therefore make this announcement The House can decide next week whether to adjourn or not.

Hon. Mr. PERLEY—I have no objection to an adjournment after next Thursday. There is a divorce Bill before the Senate and the hearing of evidence in connection with it is fixed for Thursday next. The lawyers and witnesses are here and it would be unfair to put them to unnecessary expense, as we would do if we adjourned before taking the evidence.

Hon. Mr. POWER—As I understand the Secretary of State, he is simply giving notice that if the business of the House will permit

there may be an adjournment, but I assume our first duty is to attend to the business of the House if there is any business to be transacted.

Hon. Mr. McGREGOR—It is most important that word should be sent to senators who are in Prince Edward Island and who are making great effort to cross the straits.

Hon. Mr. SCOTT—I will see that that is done.

Hon. Mr. CLORAN—It is an extraordinary thing to ask this House to remain in session to suit the convenience of people who want a divorce.

BILLS INTRODUCED.

Bill (5) An Act respecting the Census and Statistics.—(Hon. Sir Richard Cartwright.)

Bill (48) An Act respecting the Toronto and Hamilton Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (42) An Act respecting the Vancouver, Westminster and Yukon Railway Company. —(Hon. Mr. Templeman.)

Bill (G) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (H) An Act to incorporate the Athabaska Railway Company.—(Hon. Mr. Lougheed.)

The Senate adjourned until Tuesday, the 28th inst. at three p.m.

SENATE.

Ottawa, Tuesday, February 28, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

MOTION.

Hon. Mr. DOMVILLE moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a return showing :—

1. Under section 6, chap. 101, Edward VII., the details of policies filed with the Superintendent of Insurance in certified schedule.

2. The last return made by the Mutual Reserve Life Association, of New York, made up to 31st December, 1904.

He said : This matter may seem trivial to a good many who have not looked into it, but I thought it well to let it stand over while the Finance Minister was away, because it was clearly in his department and his officials could only speak in his absence as they thought, not as he thought. They were not authorities and, as I supposed, no official in any department would have the weight and authority of a minister of the Crown, I did not think it an improper thing to allow it to stand. I have before me the Act passed last year giving relief. The House differed somewhat. I certainly differed with a good many, and a good many differed with me, and I believe the public differed with all hands. I think the public have very little to say. I am reminded of a remark made by some eminent statesmen in the United States some years ago, I forget who it was, but he said, 'Confound the public.' That is about the size of it. We did not agree and perhaps there was a little hard feeling over it, but I suppose that is all forgotten by this time. The Bill was passed in the interests of the public. It is chapter 101, 'An Act respecting the Canadian Assessment Policy-holders of the Mutual Reserve Life Association,' and it was stated in debate that this was going to be a safeguard to the public, and was saving the policy-holders. It was stated that those who were sustaining their case in the House had their rights as well as the public, and that if this Bill was passed it would bring their affairs so prominently before the country, that the public would be able to judge whether there was a grievance existing and decide what they should do. The Act provides that the company shall give the policy-holders three options which are very much like the pea under the three thimbles. They shift the thimbles round and it is hard to find the pea, or they shift the pea around and you don't know which thimble it is under. Under those options they had to make a return to parliament stating what they were to do to the policy-holders, whether they would reduce their policies, whether they would increase their premiums or allow them to go into a new line of business, a new company, that they had incorporated under another name, but before they could do this they had to lay before the department—and

the Insurance Department is not superior to parliament yet—a statement giving the dates of the policies, what reduction they would make if they decided to pay, or what the company would charge them if they continued with the same amount of insurance, and that had to be filed within a given date before they could get a certificate to allow them to proceed doing business. I inquired in the House when they applied. I asked if they had complied with the law and filed this schedule. I was assured they had, and had no reason to disbelieve the statement. My hon. friend the Secretary of State brought down a sheet of paper, one page, showing a portion of their business, and stated that, as he was informed by the Insurance Department, they had conformed to the law on November 2, and had their license granted them on the 3rd, I think. Now, from the 10th day of August, when the Act was passed and became law, to the 2nd day of November is not quite three months. They could prepare a statement giving valuations from the actuaries' standpoint, not simply copying from a ledger, not copying from a day book or anything, but giving actual computations by an actuary of the value of those policies, and in eleven weeks they filed it here, according to the Act, with the Insurance Department, but the Insurance Department informed my hon. friend the Secretary of State that it would take them a year simply to copy it. I think they misled my hon. friend. Of course it was not his department, and he is not responsible for their doings. How could this company prepare that statement, actual valuation, the most complicated matter that probably could be made up, in eleven weeks and yet the department be occupied a whole year in copying it? Now I take exception to that—very great exception—because what the company has done in eleven weeks, these other people should be able to do in three or four weeks. My hon. friend was informed by them that the superintendent regarded it as confidential. I have searched Bourinot and all the authorities and cannot find that any such paper brought down in that way, can be confidential. Papers, letters received by ministers of the Crown, something semi-confidential of course may be brought down or not, just as the minister pleases, or as he deems proper to submit to the public, but when you come down to an Act of parliament calling for returns to be made before they can obtain a license to do business, it cannot be confidential. Any law court in the land can insist on that paper being produced in court. In a lawsuit, the court would compel the production and yet parliament, the High Court of Canada, is informed, not by the Secretary of State, not by the department, but by the Superintendent of Insurance, that he regards it as confidential.

Now, that is what I take exception to. There is no attack on the department, and no attack on my hon. friend; but when a member of this House asks for information he has a right to get it, not for the sake of this House alone, but that the public may see that, following up the legislation of last year, some respect has been paid for the law and for those who called for it. The public should be in a position to judge whether the company, having complied with the law and made the return to the Superintendent of Insurance, occupied a proper position in this country. It would sound very badly if it should go abroad that the inspector thinks such a return is confidential. There are three parties interested in this—the aggrieved party, the party trying to help the aggrieved and the company who do not wish it to come out, I presume, and their philanthropic friend in the department, who says their communication is confidential. What are you going to do about it? We are blundering along with our eyes shut; case after case is going against the company in England, and they have to refund the money. The Massachusetts legislature has recently cancelled their license. I do not propose to dwell upon that now, or to touch upon it further, because I shall have some resolution to offer to this House before the end of the session which will bring that to the attention of the Senate and the public generally. Perhaps if my hon. friend the Secretary of State would ask the Finance Minister, he might not have any objection to have the return brought down; or if he would allow me to go over it and examine it myself I would do so, in accordance with the rule that where papers are confidential a member who is interested in them may have an opportunity of examining them. I think my hon. friend understands me. Perhaps if he

will let this stand until he consults the Finance Minister, that may be done.

Hon. Mr. SCOTT—I shall be glad to call his attention to the notice of my hon. friend and see what he says. The answer of Mr. Fitzgerald might perhaps have had reference more to the second paragraph. The first paragraph reads :

1. Under section 6, chap. 101, Edward VII., the details of policies filed with the Superintendent of Insurance in certified schedule.

That, I think I heard the hon. gentleman say, was limited to those filed within the last three months ?

Hon. Mr. DOMVILLE—Yes.

Hon. Mr. SCOTT—The next paragraph reads :

2. The last return made by the Mutual Reserve Life Association, of New York, made up to 31st December, 1904.

Hon. Mr. DOMVILLE—You bring that down every year, do you not ?

Hon. Mr. SCOTT—I brought a page of the return that I supposed was asked for, and they told me there were 300 pages of the same kind, and it would certainly take a clerk a couple of years to copy it all, and what Mr. Fitzgerald said was this : that when those papers were filed here they related to foreign matters, and it was on the distinct understanding that the information was not to be given to the public, and that similar information affecting other companies is not given to the public. That is the reason he assigned. I will see Mr. Fielding, however, on the subject.

Hon. Mr. DOMVILLE—We had better let it stand for the present.

Hon. Mr. SCOTT—Until after the adjournment.

Hon. Mr. DOMVILLE moved that the debate be adjourned until the fifteenth of March.

The motion was agreed to.

Hon. Mr. CLORAN—Before the Orders of the Day are called, I am requested by certain policy-holders of the Mutual Reserve Fund Life Association to put a question to the leader of the House with regard to the printing of the report of the investigation made last year. It was understood that a certain number of copies were to be printed and distributed among the members of this House and other copies printed for the benefit of the public generally. The reason that I bring this matter now to the attention of the Senate is that I have received the following letter :

Office of Albert Sowles,
Swanton, Vt., Feb. 25, 1905.

Hon. H. J. Cloran, M.P.,
Ottawa, Ont.

My dear Sir,—I have before me some meagre extracts of the result of an investigation, last year, by parliament of the position of the Mutual Reserve Fund Life Association, of New York. I now beg to say that I am one of the victims of that concern and would like to get more light from the evidence taken by the select committee of which you were the chairman. I understand the evidence, together with the report of the committee, has been issued as a parliamentary paper, consisting of a book of some 650 pages. I beg to inquire if you can send me by mail the book as I am informed it gives some very instructive information as to the positions and rights of those policy-holders who took out policies prior to 1897. I get my information largely through the Hon. H. S. Foster, of 122 Victoria Street, Westminster, London, S. W.

I remain, dear Sir,
Your very obedient servant,
ALBERT SOWLES.

So far, as chairman of that committee and a member of the Senate, I have not had a copy of the report of that investigation.

Hon. Mr. SCOTT—Was it ordered to be printed by the Printing Committee ?

Hon. Mr. CLORAN—It was the order of the House when the committee was appointed.

Hon. Mr. SCOTT—I am just advised by the clerk that Mr. Young has some copies of the report.

Hon. Mr. CLORAN—I should consider it Mr. Young's duty to distribute them.

Hon. Mr. SCOTT—It is some time ago, and I have not charged my memory with what was done. I do not keep track of all these things. A gentleman behind me says they were distributed.

Hon. Mr. CLORAN—The gentleman behind the hon. gentleman is not the whole House. I was chairman of the committee, and I have not seen any copy of it yet.

Hon. Mr. SCOTT—I will make further inquiry about it.

THE APPENDICES TO THE JOURNALS.

Hon. Mr. LANDRY—I should like to know when the official documents of the House are to be printed ? I think they are three years behind now.

Hon. Mr. SCOTT—What official documents ?

Hon. Mr. LANDRY—All the documents which are supposed to be bound annually and sent to the members.

Hon. Mr. SCOTT—If my hon. friend will state what they are I will make some inquiries. If he will give me definite information I will see about it.

Hon. Mr. LANDRY—I refer to the documents of the session.

Hon. Mr. SCOTT—What session ?

Hon. Mr. LANDRY—The sessions since 1902.

Hon. Mr. SCOTT—The hon. gentleman refers to the appendices, I presume ?

Hon. Mr. LANDRY—Yes.

Hon. Mr. SCOTT—Last year the Printing Bureau was taxed to its fullest extent. They were at work night and day upon the voters' lists and then it was necessary to get the reports printed. As hon. gentlemen know the capacity of the Printing Bureau is very limited, and although all the staff was put on that could be crowded into the building, still it was impossible to keep up with the demands upon the bureau. I will make inquiry about the appendices.

THIRD READING.

Bill (37) an Act to amend the Quebec Harbour Commissioners Act, 1899.—(Hon. Mr. Templeman.)

SECOND READINGS.

Bill (15) An Act to incorporate the St. Mary's and Western Ontario Railway Company.—(Hon. Mr. McMullen.)

Bill (11) An Act respecting the Columbia and Western Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (18) An Act respecting the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Edwards.)

Bill (13) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Fiset.)

Bill (42) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—(Hon. Mr. Templeman.)

CENSUS AND STATISTICS BUREAU BILL.

SECOND READING.

Right Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (5) An Act respecting the Census and Statistics. He said : The measure which I have the honour to submit for your consideration is mainly a consolidation of three existing statutes, the Census Act, the Criminal Statistics Act and an Act respecting Statistics. You will observe that two new clauses, 3 and 4, are introduced to provide for the establishment of a permanent census office and the appointment of the necessary staff. With respect to the general purport of the reason for introducing the Act, I may say it has been found, now that we have a quinquennial census for the purpose of ascertaining the population of Manitoba and the new provinces in the Northwest, that it would be very much more convenient to have a permanent bureau instead of being obliged to create a new staff for the purpose of taking our decennial census on each occasion. As a practical matter of fact, as probably my hon. friend the hon. leader of the opposition knows, the census work covers at least four or five years from the time the census is supposed to be taken, and another year is usually consumed making the necessary preparations for it ; consequently, when you add to that the time required to take the quinquennial census of the new provinces, which will now be a matter of considerable labour and importance, it is obvious that of the ten years which elapse from one census to another, very nearly seven are consumed in the task of preparing for the census or supervising the various statistics collected at that time, or taking the quinquennial census, and the Minister of Agriculture is strongly of the opinion that the public interests would be promoted by the creation of a public bureau. As to the minor details, which are, with the exception of the two clauses I have referred to, almost a re-enactment of the three statutes I have mentioned, I presume those can be more conveniently discussed when the Bill is referred to a Committee of the Whole. Of course, if there is any additional information that hon. gentlemen desire to receive, I will either give it or obtain it as the case may be.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman tell us what the probable extra expense will be attending the establishment of this bureau ?

Hon. Sir RICHARD CARTWRIGHT—As far as I am advised, it will be about twenty to twenty-five thousand dollars a year, according to the computation of my hon. friend the Minister of Agriculture.

Hon. Sir MACKENZIE BOWELL—Will it have the effect of reducing the labour that casually follows the taking of the census every ten years ?

Hon. Sir RICHARD CARTWRIGHT—To some extent, I would think it will, but it is intended likewise, I may say for the information of my hon. friend, to utilize this bureau for the purpose of collecting information between the years of the two decennial periods, of 1901, say, to 1911 ; but it is hoped that it will very considerably reduce the expenditure for taking the decennial census.

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

BILL INTRODUCED.

Bill (40) An Act respecting the Niagara-Welland Power Company.—(Hon. Mr. McMullen.)

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

SENATE.

Ottawa, Wednesday, March 1, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FORMATION OF A FEDERAL DISTRICT AT OTTAWA.

MOTION.

The Order of the Day being called :

Hon. Mr. BERNIER (in the absence of Hon. Mr. DeBoucherville), 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 all correspondence between the government and the Ottawa corporation, relative to the formation of a federal district.

The motion was agreed to.

PRINTING OF NEW YORK MUTUAL RESERVE COMMITTEE REPORT.

Hon. Mr. GIBSON—Before the Orders of the Day are called, I might say, in connection with the matter of printing the report of the sub-committee on the New York Mutual Reserve Life Association, I mentioned to the hon. leader of the House yesterday that the report had been printed, and my statement was challenged. I want to say, as Chairman of the Printing Committee, that the statement I made to the hon. Secretary of State was correct, that every hon. member of this House, as well as every member of the other House, received copies of the printed report and that there are to-day in the hands of Mr. Young, who has the custody of those documents, over 300 printed copies, so that any hon. gentleman who wishes to get more copies may do so on application to him.

Hon. Mr. CLORAN—Do I understand, from the explanation offered by the hon. senator, that bound copies of the report of the investigation and of the proceedings of that committee were distributed to each member of this honourable House ? Do I understand that to be his statement ?

Hon. Mr. GIBSON—The statement I am making to the House is the statement made to me by the gentleman who has charge of these matters. Everything that is printed in connection with this committee was sent to every hon. member of this House as well as every hon. member of the House of Commons.

Hon. Mr. CLORAN—As chairman of that committee, I may state that I have received neither the report to this honourable House nor the printed copy of the investigation, and I believe there are many other members in the same position as myself.

Hon. Mr. DOMVILLE—My hon. friend, who sometimes poses as a mentor of this House, possibly properly, speaks of the report, he means the evidence. The evidence was printed, but the report was brought up here and, for some reason, some peculiar circumstance or another, remained undisposed of. Now there is where the difference lies. My hon. friend (Hon. Mr. Gibson) asserts that the report was printed and cir-

culated, while my hon. friend opposite means that the evidence only was printed. He is perfectly correct in saying that the report was never printed and never distributed.

Hon. Mr. POWER—My remembrance is that the report was never adopted by the House.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—But the substance of the report was introduced into the speeches of one or two hon. gentlemen.

Hon. Mr. CLORAN—The report was never adopted, but this honourable House ordered that when the evidence had been taken and the report made, it should be printed. Neither one nor the other has been done as far as I am aware of.

THE RESIGNATION OF THE MINISTER OF THE INTERIOR.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I should like to ask the leader of the government, whether there is any truth in the ominous rumour about the streets of the resignation of some of the cabinet. It is said that the difficulty has arisen over that very vexed question, the school question, of which we have heard something in the past—that it is disturbing the quietude of the cabinet at the present time, and that some members of the cabinet have retired on account of the policy adopted by the government. Can my hon. friend inform the Senate of the facts concerning that rumour ?

Hon. Mr. SCOTT—The fact is that Mr. Sifton, Minister of the Interior, has sent in his resignation. I will read the letter he has addressed to the premier :

Ottawa, February 27th, 1905.

Dear Sir Wilfrid,—After giving my best consideration to the matters which we discussed last evening, I have arrived at the conclusion that it is impossible for me to continue in office under present circumstances, and that it is better for all concerned that I should act at once. I, therefore, beg to tender my resignation as a member of the government, I trust that the unhappy necessity which has arisen will not in the least impair the friendship with which you have been kind enough to honour me.

Believe me,
Yours most faithfully,
CLIFFORD SIFTON.

Right Honourable
Sir Wilfrid Laurier,
G.C.M.G.

Hon. Mr. DOMVILLE.

The reply is as follows :

Ottawa, February 28th, 1905.

My Dear Sifton,—I received yesterday your letter of same date, whereby you tender me your resignation as a member of the government.

There is no alternative for me, but to accept it, and with much regret, it will be my duty to place it in the hands of His Excellency.

After our conversation of the other day, I had left you with the impression that the differences between us were more of words than substance, and until I received your letter, I had cherished the hope that it would be possible ere this, to find a comparatively easy solution.

Whilst I feel more regret than I can express at this termination of our official relations, let me assure you that should our old friendship ever be impaired, the fault will not be mine.

Yours very sincerely,
WILFRID LAURIER.

The Honourable
Clifford Sifton,
Ottawa.

Hon. Sir MACKENZIE BOWELL—The explanation is satisfactory as far as it goes, but no reason is assigned for the resignation. Mr. Sifton speaks of matters which he had discussed with the premier, but does not say what they are. I notice also that the reply sent by the premier to Mr. Sifton is equally non-committal, that there is no reason given. Could the hon. gentleman tell us what the point is upon which these gentlemen differed, or rather the point upon which the retiring minister differed from the cabinet ?

Hon. Mr. SCOTT—I have had no conversation with Mr. Sifton and no explanation beyond what his letter conveys other than what I understand—which may or may not be correct—that he differs from the premier on the language of the education clause in the Autonomy Bills for the two new provinces. That is what I understand ; it may or may not be correct ; there may be other grounds that I know not of.

THE MINISTERIAL CRISIS OF 1896.

Hon. Sir MACKENZIE BOWELL—With the consent of the Senate, as we have had one ministerial explanation affecting the present government, I take this opportunity to deal with ministeral difficulties which occurred some years ago. It is with extreme reluctance that I crave the indulgence of the Senate for a short time, to enable me to call attention to certain statements which

I learn, through the public press and from other sources, have been made in the House of Commons relative to events which occurred in the years 1895 and 1896, known as the ministerial crisis of that period. It is unusual to revive and discuss ministerial explanations of this character which were fully laid before both branches of the legislature some nine years ago, nor should I now were it not in self defence, but as statements have been made, and additional light pretended to be thrown upon those events, which directly and indirectly affect my honour as a public man, I must, therefore, be excused if I deal with them in a plain and unvarnished manner. As a result of the statements to which I have referred I find in the 'Sun' of St. John, N.B., a letter written by its Ottawa correspondent, of date February 12, commenting upon the debate in parliament, the following paragraph, which renders an explanation from me absolutely necessary, unless I were content to allow the misrepresentations to become record of parliament, without explanation or denial, which I do not propose to do. The correspondent says:

> The facts that the resignation of the famous seven was preceded by the resignations of Messrs. Ouimet and Caron; that Sir Charles Tupper sailed from England, not actuated by ambitions of his own and not induced by the machinations of conspirators in the cabinet, but at the request of Sir Mackenzie Bowell himself; that Sir Mackenzie Bowell entered into an agreement with his colleagues to resign in Sir Charles' favour, and that his failure to keep that agreement after Sir Charles' arrival, though he must have known his retention of office was killing the Conservative party, forced his colleagues, with whom the agreement was made to resign as the only way of making him keep it.

I should have called attention to these statements at an earlier date had my colleague, the Hon. Mr. Ferguson, who was a member of the cabinet at that time, been present. As he is not likely, owing to a snow blockade, to be here for some time, I do not deem it proper to delay explanation any longer.

I see it is reported that a debate took place in the House of Commons on the 10th of this month, in which the Hon. Sir William Mulock, Postmaster General, the Hon. George E. Foster, the Hon. John Haggart, and Mr. George Taylor took part. With the exchange of doubtful compliments between these gentlemen I have nothing to do, but I cannot allow the statements made by the latter three gentlemen to pass without calling attention to them and placing upon record a distinct and positive contradiction and denial of many of them. The discussion to which I refer arose out of a charge made by the Hon. Sir William Mulock, that the Hon. Geo. E. Foster with others had in 1896 played traitors to their chief, the premier of Canada at that time, and that the premier had denounced them as a 'nest of traitors.' To justify the course then pursued by what are now known as the 'bolters,' Mr. Foster declared he was justified in resigning on account of a difference of opinion on the policy of the government. Mr. Haggart justified his and Mr. Foster's action upon that occasion on account of an alleged violation of promises which he says were made by myself, and not fulfilled, which Mr. Taylor, to a limited extent, attempted to confirm, not one word of which, as I shall show before sitting down, is correct, or, in plainer language, true. It is difficult to understand why such statements were made after a lapse of nine years, unless believing the events of 1895-6 were forgotten, or that the great majority of those who were addressed knew nothing whatever of the facts, therefore their hearers could be the more easily misled and deceived.

Had Mr. Foster confined his explanations of why he and his fellow bolters left the government to that given in the House of Commons on the 16th day of January, 1896, I should never have deemed it worthy of further notice, but when he gave other and incorrect reasons, it becomes my duty, not only to call attention to them, but to prove out of his own mouth and from his own utterances that he had little regard, when making his last explanation, for facts as they appear upon the record. When he told the people of Toronto at the last Dominion election that he left the government on account of differences of opinions on questions of policy, and that His Excellency the Governor General, knowing the facts, called them back into the government, he knew he was telling what was not correct. I have in my hand copies of the report of speeches delivered by him in Toronto during the last Dominion election as reported

in the 'Globe' the 'News' and 'Mail,' in which I find, that he in reply to questions put to him, said among other things, 'when asked why he left the government', that he did not purpose to answer the question, that belonging to the Privy Council, and that his mouth was shut, but added that on all points of importance they must have a union of ideas, and that any one disagreeing must resign. That he said was all they had done. Continuing, he said, 'when a member of the cabinet or members disagreed with their leader they had done as they were bound on their honour to do—resigned.' In another speech he said 'the Governor had been quite satisfied with the reasons for the resignation of six ministers on a question of policy, and had shown his confidence in them by reappointing them later.' That did not satisfy his hearers one of whom exclaimed 'that still leaves the question unanswered.' 'Why did you resign?' To which Mr. Foster replied 'I don't intend to answer. I am not at liberty to reveal the secrets of the Privy Council'—an ingenious way of evading an answer. The fact is, the reasons given in the House of Commons for his resigning were never discussed in the Privy Council before he resigned, therefore, he had no oath to respect in that particular. He had, however, the consent of the Governor General to make a statement from his seat in the Commons giving his reasons for leaving the cabinet, which reasons were read from a carefully prepared typewritten document, the result of a conference, after mature deliberation with those with whom he was acting. In that carefully prepared document, there is not a single word of explanation about a divergence of opinion upon questions of policy; on the contrary, he declared for himself and his colleagues that there was no divergence of opinion on questions of policy, that in fact they were all a unit upon that point. His and their reasons, you will observe, when I read from the official record were solely of a personal character and not one of policy.

Before referring to similar statements repeated in the House of Commons by Mr. Foster I deem it but right, in self justification, to lay before the Senate the fact that friends of the Conservative party in the north riding of Toronto, finding it difficult to rally a number of them to the polls on account of the events of 1895-6, and the part played therein by Mr. Foster, wrote urging me to send letters which could be read in support of his candidature, which I declined to do, giving my reasons therefor in the following letter which, I may add, was not published:

Belleville, October 28th, 1904.

My Dear Sir,—I owe you an apology for not replying to your letter at an earlier date. The fact is I was out of the city when it arrived but was reminded of its existence on receipt of your telegram.

If you will take the trouble to read the reports of Foster's speeches as they appear in the 'Globe,' 'News' and 'Mail,' I do not think you will ask me to write any such letter as suggested by you.

His answers to questions are absolutely untrue. He told the audience that there were differences of opinion in the cabinet upon questions of policy which led to his and colleagues resignation. This is not the fact. The reasons given by him in the Commons in justification of his action make no mention of differences of opinion upon questions of policy. The best evidence of which and of the untruthfulness of his statement is found in the fact that he and his fellow conspirators were to come back into the fold without any stipulation as to change of policy.

His dragging the Governor General's name into the discussion is most unwarrantable, knowing as he did, that the Governor General acted solely on my advice. I have no desire, however, to enter into a controversy upon this subject.

I humilated myself quite enough by taking them back. It was done in what I considered the interest of the party then, and have regretted it ever since. I do not propose to repeat it by writing such a letter as you suggest. I may be all he and his chums say I am, but I have not yet lost self respect.

I am content to let him alone to fight his own battles but decline further to demean myself by asking my friends to put confidence in him which I do not entertain myself.

You will pardon my writing this plainly. I do so, believing it best to be frank with friends.

Yours sincerely,

MACKENZIE BOWELL.

Not satisfied with excusing his resignation on the question of policy in Toronto, when addressing the electors, he became bolder when replying to the charges hurled at him by Sir William Mulock of being a 'traitor.' He exclaimed:

Am I not to be allowed to leave the government if I differ from it on points of policy or principle? Is a man to be branded as no gentleman because, differing from what is the policy and principle of his government he leaves it?

Again:

At whatever time a member of the government feels that he is out of accord with his pre-

mier and the government of which he is a member on points of policy or administration, he has a perfect right to send in his resignation.

He continued :

Suppose my hon. friend came to the conclusion that he could not agree with his premier on some line of public policy, would he have violated his standard of gentlemanly conduct if he had frankly told the premier so and left ?

And then he triumphantly exclaimed :

The Governor General made us again members of the following government without stain and without reproach.

How far are these statements true, as to the reasons given by him, for him resigning ? Let me put him in the witness box to answer the question. Turn to the carefully prepared document committed to writing by himself, approved by his colleagues in the plot, and you will read as follows :

I may say in the first place there is no disagreement between ourselves and the premier upon any question of public policy, trade or constitutional, with regard to which action has been already taken, or in respect to which an attitude has been assumed by the government under the present premier. I beg also to say that we retain our firm belief in the principles and policy of the Liberal-Conservative party with which we are in entire accord, and of which, in common with others we have been and will remain the exponents in so far as our ability admits. We have lost none of our confidence in the sound and healthy condition of the Liberal-Conservative party of Canada, or of our belief that it embodies a policy which the majority of the electorate considers essential to the continued welfare and progress of the country, or of our faith that under firm and prudent leadership it will come back triumphant from the polls.

Here I might rest that point in my case, he himself having given the answer to his own declaration that he and his followers left the cabinet on a question of policy, and leave the country to judge between us. He did, however, give a reason for resigning and it was that he and those with whom he was acting had no confidence in my ability to lead, upon that point I have no quarrel ; it is an opinion they had a right to hold, and act upon if they believed it. Even upon that point I shall show by their own utterances delivered in public that they did not believe what they said : if they did, then that which they said to the electors was told to deceive. They can take which horn of the dilemma they choose. Now let me read the real reasons given by them for leaving the cabinet. They are as follows :

Though with many misgivings we agreed to enter the government under Mr. Bowell in succession to Sir John Thompson, we have nevertheless unitedly and loyally striven to the best of our ability to make it strong and efficient and it has been with growing regret that we have seen our efforts in a measure of success less than that for which we had hoped and striven. We are of the opinion that the Liberal-Conservative party ought to be represented by the strongest government possible to be secured from its ranks, but necessity therefor was never greater than under existing circumstances, and we believe that such a government can be formed without delay. This we have repeatedly urged upon the premier with the result that we found ourselves face to face with parliament having a government with its numbers incomplete, and with no assurance that the present premier could satisfactorily complete it. Under these circumstances we thought it our duty to retire, and in this manner to pave the way if possible for the formation of a government whose premier could command the confidence of all his colleagues, could satisfy the Liberal-Conservative party that its strongest element were at its head and impress the country that it had a government which was united and had power to govern. We affirm with the utmost sincerity that the action we have taken has sprang from no feeling of personal dislike or personal ambition, but has been solely dictated by our wish to sink all minor considerations in the presence of our great desire that the best interest of our country should be duly conserved.

Compare this statement with the utterences of Foster and Montague in public speeches delivered by them at Smith's Falls on November 15, 1895, and acquiesced in by Haggart, who was present at the time ; and at Orangeville on the 7th of December, 1895, a short time before reading their explanation in the House of Commons, for resigning. Mr. Foster said :

2. They had perhaps learned from the Grit press that their government at Ottawa was disunited and demoralized. Having reassured him as they had that the Conservative party outside of Ottawa was in good health, he was there to demonstrate to them with his two colleagues that were present. Dr. Montague was there also. And also for those that were not present that the Conservative government now as of old was a government which was united on its different lines of policy without a shred of disunion.

The 'Mail' in its report of the speech, adds :

He bestowed a warm eulogy upon Sir Mackenzie Bowell whose character after seventeen years administration of one of the greatest departments of the government had not shown one trace of dishonesty or incapacity.

Then during the Cardwell election, which took place not long after, Dr. Montague, also a member of the cabinet, spoke as follows :

For seventeen years Sir Mackenzie Bowell had been an honoured member of the government who had successfully administered the affairs of his department. During all these seventeen years not one mark could be placed against Sir Mackenzie's honesty either as a minister or as a public man. Not only that but the premier had always favoured the broadest lines of policy, had always supported plans for Canadian progress and development. In addition to that first as minister, and now as premier he had invariably supported the strengthening of the ties which bound them to the dear old motherland.

Again I leave the public to judge between us.

Now let me devote a short time to that exemplary statesman the Hon. John Haggart who rushed to the defence of his leader, Mr. Foster, with a reckless valor worthy of a much better cause. Their position was desperate and therefore required a desperate defence. In his bold recklessness he made so many charges and drew so largely on his imagination, in a short speech, that it will require some little time to analyse and dissect them. He commenced by telling Sir William Mulock that:

If the hon. gentleman knew all the facts in relation to it he would be one of the first to justify his hon. friend from North Toronto.

Adding that:

A correct statement has never been made of that affair, but very likely would be made shortly.

From what transpired it is quite clear that Sir William knows enough of the 'facts' to enable him to form a correct opinion of the conduct of these gentlemen in the years 1895-6. If not he will be further enlightened after reading this statement. A 'correct statement has never been made of the affair', says Mr. Haggart, 'but very likely it will be made shortly.' If so it will never emanate from a historian of the Baron Munchausen type of John Haggart.

He next refers to the retirement of the late 'Mr. Clarke Wallace, then member for one of the Yorks.' 'Afterwards Mr. Angers,' he says, 'left the government,' then two other French gentlemen, Mr. Ouimet and Sir Adolphe Caron, followed suit. They all had a right to do it: they resigned from the government. He then attempts to show that the position taken by these gentlemen was similar to that taken by himself and those who left the government with him in 1896. The retirement of these gentlemen was altogether of a different character and for reasons different from those given by Mr. Foster and those for whom he spoke.

Mr. Wallace before retiring waited upon me, and asked if it were the intention of the government to persist in their policy of remedial legislation; if so, he added, he could not be a party to it. My reply was, that the policy of the government, as he knew, was, to push the question to a final issue, if no amicable agreement could be reached with the Manitoba government, and therefore he was, so long as he remained in the government, though not of the cabinet, responsible. His reply was to the effect, that he could not support such a policy, upon which declaration I told him the only course left to him was to retire, which he did by telegram from the west a few days after. In this, he acted not only within his right, but honourably and in consonance with his views upon the question.

In the case of the Hon. Messrs, Angers, Ouimet and Sir Adolphe Caron, the step taken by these gentlemen was based upon a question of policy. They believed and urged the advisability and necessity of immediate action being taken by the introduction of a Remedial Bill, having for its object the restoration of the rights of which the minority in Manitoba had, in their and in the opinion of the government, been deprived. As head of the government I differed from these gentlemen believing that every step should be first taken to induce the government of Manitoba to make such concessions as would prove satisfactory to the minority before the Dominion parliament should be asked to invoke its power and authority under the constitution, to redress the wrong. This more moderate course was suggested after reading the reply of the Manitoba government to a despatch sent to them from Ottawa, in which they had put a construction upon the wording of the despatch which was never intended by us and which we contended it did not properly bear. I also pointed out to them the strong feeling which existed in Ontario and in other parts of the Dominion against any interference with the legislation of Manitoba upon the question of education, and that until every possible means

of an amicable understanding between the two governments has been exhausted, and failed, it would be impolitic and unwise to take the final step of remedial legislation. That in fact the feeling in Ontario fanned, as it was, by the Liberal press, and by Liberals generally, was as strong against interference with Manitoba's legislation, as the feeling in Quebec was in favour of interference, and therefore it was not only wise but judicious to move cautiously in the matter. The reasonableness of this course was ultimately concurred in by Messrs. Caron and Ouimet, but not by Mr. Angers, who for reasons which he gave from his seat in the Senate, declined to reenter the cabinet unless immediate action was taken by the government in re remedial legislation. Messrs. Caron and Ouimet, on being assured that if the Manitoba government, after considering our reply to their despatch in which it was contended they had misunderstood and misinterpreted, did not give a favourable answer, a Remedial Bill would be introduced immediately on the reassembly of the next session of parliament, withdrew their resignation. It is but justice, however, to Mr. Angers to add, that he declared he had no confidence in any concessions being made by the Greenway government, nor had he confidence in some others whom he mentioned, and therefore it was but a waste of time to further postpone action. For these reasons he refused to withdraw his resignation and assume the responsibility of delay. How he was rewarded for his fidelity, by those for whom he had sacrificed position and power, I need not detail. His reward was defeat at the hands of those for whom he had sacrificed much, while Sir Adolphe Caron who had been left out of the cabinet formed by Sir Charles Tupper, through the machinations of the Foster-Haggart combination was returned to parliament by a large majority. The attempt of Mr. Haggart to place the conduct of these gentlemen on a par with his own and those with whom he acted has neither reason nor foundation; in fact, the one was honourable and constitutional, while theirs was neither the one nor the other. A full explanation of these resignations and causes which led to them, and the reasons for their withdrawal can be learned on referring to the Senate Debates of 1895, pages 657 to 678 inclusive, which I do not deem necessary to quote or repeat here. What they are is well known to Mr. Haggart, unless, as in many others things he can conveniently forget.

He next refers to Sir Charles Tupper's return to Canada, and with an apparent innocence says:

> I cannot say how he came out here. My own idea is that he came out at the request of Sir Mackenzie Bowell and some of his colleagues in the government.

Here is another instance in which he finds it convenient to forget. He knows that he and the other members of the cabinet were consulted, and that both he and Mr. Foster objected to the return, at the time, of Sir Charles to Canada. In the light of subsequent events their reasons can be divined. The facts are that at that time negotiations were pending between Canada and the imperial government on the question of a fast line of steamers between Canada and England, and that Sir Charles Tupper was urging the home government to grant aid to that scheme in the way of a mail subsidy. The correspondence was being conducted by cablegram, and Sir Charles suggested that if he were in Canada, a more satisfactory understanding of the case could be arrived at than by cable communication. I concurred in that view and laid it before my colleagues, all agreeing except the two gentlemen to whom I have already referred. I acted on my own view of the case and wired Sir Charles to come to Canada. What followed it is unnecessary in this connection to retail, nor is it necessary for me now to give the conclusions at which I have since arrived, as to the reasons why these gentlemen were opposed to Sir Charles' return to Canada. The whole facts as Mr. Haggart says may all be told at some period in the not far distant future. I cannot but express the profound gratitude which I felt on reading the next sentence in that gentleman's defence of his leader Mr. Foster, in which he, in dulcet tones, childlike and bland, that ever distinguish the meek and enchanting voice of that honourable and gentle gentleman, thus referred to myself He said 'I have no objection to that honourable gentleman. I have the kindliest

feelings for him.' Who could not sleep happy after such a declaration coming from such a source ? That is, if he were not reminded one of Æsop's fables, in which is related the kindness of the rustic who took the torpid viper to his bosom, warmed him into life, and then in return for his kindness had the poisonous fangs of the reptile plunged into his bosom.

The most audacious statement of this gentleman is the following utterance :

> It was with the consent of Sir Mackenzie Bowell, as well as the rest of his colleagues, that Sir Charles Tupper was asked to form a government. All were loyal to Sir Mackenzie Bowell until it was known by his colleagues that he was a party to Sir Charles Tupper taking the leadership of the Conservative party. From day to day, from time to time, like a sick girl hanging on to life, he did not carry out his resignation as his colleagues in the cabinet expected of him.

The statements made in the above extract are so far from the truth that language fails to properly characterize them. For what these gentlemen may have conjured up in their own minds I am not responsible. That they wished Sir Charles Tupper to form a government, and that I should retire is quite correct. I neither sent for, nor did I give consent to Sir Charles forming a government at that time, nor at any other time. So far from that statement being correct, I declined to give advice when tendering my resignation after the session to His Excellency, as to the gentleman who should be asked to form a government. It is true that I had interviews with Sir Charles after the bolters had resigned, but not before. It was at these interviews that arrangements were made for the recalcitrants to re-enter the cabinet, at which no promise was made by me, nor agreement entered into that I should retire and leave the field clear for him. On the contrary I told Sir Charles that in taking the gentlemen back, it must be distinctly understood that it was done without any pledge or promise from me as to my future action. It would be untrue, were I to say I had not, even at that time, made up my mind as to the course I intended to take after the pledge which I had given to my loyal colleagues in re the Remedial Bill, had been fully fulfilled. It is quite correct that I was a party to Sir Charles Tupper taking the leadership of the Conservative party in the Commons, but that was after the arrangement had been agreed to that those who had resigned should be taken back into the cabinet, not before. It was so understood when Sir Charles consented to enter the cabinet under my leadership, as premier. His statement that 'from day to day,' from time to time, like a sick girl hanging on to life, he did not carry out his resignation as his colleagues in the cabinet expected of him,' is untrue, so far as it affects the non-bolting portion of the cabinet. Those in the cabinet who remained loyal after the conspirators had left, know it to be untrue. From day to day, they were informed what was transpiring. They knew, and so did the gentleman (for such I must term him in parliamentary language) who now prates about a 'sick girl' after my explanation had been made in the Senate, that I was anxious to be relieved of further responsibility, and to rid myself of further intercourse and association with those who had in a most unprecedented manner played the part of traitors. Turn to page 16 of the official Debates of the Senate of 1896, and it will be seen that I used the following language in explanation of the reason why I had not resigned :

> I beg to state that after several interviews with the Governor General respecting the resignation of seven of my colleagues in the cabinet, I yesterday waited upon His Excellency for the purpose of tendering my resignation. His Excellency intimated that he was not at that moment prepared to receive it. The chief reason for this attitude on the part of His Excellency, is that the speech from the Throne, although presented to parliament has not yet been considered, nor an expression of an opinion given by parliament upon it. It is regarded by His Excellency as unfitting that the premier, as head of the administration, should not have a full opportunity of reviewing the situation and testing the feelings of parliament thereon.

Yet in the face of this record the Commons was told by Mr. Haggart, that 'like a sick girl hanging on to life,' I from day to day continued to cling to office. This, however, is but a fair specimen of his whole tirade of misrepresentations of the events of that day which left a stain upon the political escutcheon of the Conservative party which will never be effaced so long as these gentlemen are accepted and recognized as members of it, not on account of their desire to depose a premier, but on account of the time and manner of attempting to accomplish it.

'My friend,' exclaimed Mr. Haggart, 'had nothing to gain, he was getting no promotion, nor was I.' Quite true that at that time he was getting no promotion, but can it be truthfully said that he was to get no promotion when the conspiracy was hatching long before Sir Charles Tupper's return to Canada ? Facts which have since transpired and to which I shall call attention later on, lead to a different conclusion. 'From that moment to the present day' says Mr. Haggart, 'I have never felt sorry for what I did at that time.'

This I believe, knowing from years of association, that he is incapable of being 'sorry' for anything he ever did. There is this marked difference between us : I do regret, and that, too, sincerely, the events of that period ; and that for which I feel most 'sorry' and which will last so long as I live, is that I ever consented to recommend to His Excellency the return to the cabinet of Mr. Haggart and those with whom he was associated in the plot. It was done in what I then considered to be the interest of the Conservative party ; subsequent events have convinced me it was a fatal political error, never to be repeated.

Mr. George Taylor, M.P., for South Leeds, who took part in the discussion, rose to give his version of one of the events of that period to which I shall call attention before closing, and told the House of Commons, that Sir William Mulock was not justified in attributing to me the use of the word 'nest of traitors' as he had never seen it published, but added 'some words escaped me when in a passion.' This, to say the least of it, is charitable. I may now say I have no recollection of using the words 'nest of traitors' at the time to which Sir William refers. I may add, however, that if I did use them, I was justified in doing so, and if I did not use them then, I ought to have done so ; and that there may be no mistake about it, I use them now, in the fullest sense of the term, and shall I believe satisfy the most credulous before I conclude that I am justified in doing so. That the bolt was not the result of some new light as to my ability to lead but the result of mature deliberation and scheming is shown by the time for springing the mine, just after they had assisted in preparing an address to place in the hands of His Excellency the Governor General with which to open parliament and before an answer thereto had been vouchsafed either from the Senate or Commons. No one can understand such a course, unless it was the culumination of a scheme long in hatching. That it was so is beyond doubt. I have the authority of the Hon. John Costigan, a member of the government at that time, for saying that a month or two before the eulogistic speeches made by Foster et al. in which I was extolled as one able physically, and intellectually fitted for the position of premier, he, when in the office of Mr. Foster, was approached immediately after entering by that gentleman with the question if he did not think some younger blood should be at the head of the government, adding 'the premier is too old for the position,' and that Costigan's reply was that he was of opinion there were too many young men in the cabinet who believed themselves better fitted for the position, and then walked away. Who the young man was, it is not difficult to divine. This idea of my age may account for the objection the gentleman had to Sir Charles Tupper's return to Canada when suggested by me at a later date, knowing that if Sir Charles were in the country and their plot to depose the premier proved a success his (Foster's) chances for the premiership would be nil, as proved to be the case notwithstanding Sir Charles' age which is a few years in advance of mine ; no doubt the acceptance of Sir Charles at the time may have been in the hope that that gentleman, though of mature age, if successful at the polls, would not hold the position long, and that in a short time the ambitious young man would rise to the much coveted position of premier. In addition to this interview, Mr. Costigan adds that when on New Year's Day he called at the residence of Mr. Foster to pay the usual New Year's greeting, he was met at the door by the servant who must have been waiting for him and informed that Mr. Foster was in the library and wanted to see him immediately, and that before he had time or opportunity to extend the compliments of the season to the ladies of the house, was ushered into the presence of the then Finance Minister and at once approached with an invitation to join the nest of conspirators who were hatching a scheme to

depose the premier and install another in his place. This, Mr. Costigan declares, was a surprise and led him to ask what he (Foster) meant. Mr. Foster's reply was that an arrangement had already been made to reconstruct the cabinet under Sir Charles Tupper as premier and that Sir Alex. Lacoste, Chief Justice of Quebec, and Sir Adolphe Chapleau, then lieutenant governor of Quebec, were to form part of the new cabinet, that an appeal was then to be made to the country. This, Mr. Costigan assured me, was all new to him, and he at once asked how that was to be accomplished in the face of the declaration made by him (Mr. Foster) in the Commons, on behalf of the cabinet, and by the premier in the Senate, that an early session would be held in the next year and a Remedial Bill introduced, if in the meantime a satisfactory and amicable arrangement could not be effected between the Dominion government and that of Manitoba. To this Mr. Foster replied that that could be explained by the new premier making a declaration that a Remedial Bill would be introduced immediately after the election on the reassembling of the new parliament, but before that could be done it would be necessary to secure the resignation of Sir Mackenzie, and make Sir Charles premier. To this proposition Mr. Costigan says he replied he could not agree ; that he had no fault to find with Sir Mackenzie, that they had accepted office under him in good faith, and that until he had lost confidence in him he did not know why he or they should take the course suggested, adding that every individual member of the cabinet had not only the right, but should resign if he or they lost confidence in the premier either on the ground of a difference of opinion on the policy of the government or for any private reason of his or their own, but did not think it right or proper for members of the cabinet to conspire for the purpose of compelling a premier to resign, and that for his part he had every confidence in the premier and would not be a party to any such scheme as that suggested. Mr. Costigan adds, the conversation upon that subject then ceased and no further information was vouchsafed to him as to the manner in which the plot was to be carried out. I may add, that my relations up to that time with my colleagues and their families were such that upon that same New Years Day I called at Mr. Foster's house to pay the accustomed New Years' greeting, and on comparing notes with Mr. Costigan am led to the conclusion that we were in the house at the same time, I in the drawing room paying my respects to the ladies and Costigan in the library closeted with the conspirator receiving information and being solicited to join in the coup for my overthrow, yet these gentlemen declared no 'nest of traitors' existed, and that they 'remained loyal,' until, they say, I broke faith with them.

The first intimation I had of the plot was a message received from the Hon. John. F. Wood, then Controller of Customs and a member of the cabinet, who told me that 'something was transpiring which would require my serious consideration' or words to that effect, and that I must be prepared for it, but declined any further information, voluntarily declaring that no matter what occurred he would prove my friend and remain true to me. The manner in which he proved his allegiance was by joining the other six and resigning with them. He repeatedly afterwards sent a friend of his, who by the by is a Liberal, asking an interview with me to enable him to explain, personally to myself, why he had taken the course he did. My reply was 'no, I will not meet him. No explanation he can make can justify his treachery.' I never met him for that purpose and consequently no explanation was ever made. It may and no doubt will be said, it is all very well to make these statements about a former colleague who is dead, and cannot reply. I would not have referred to this branch of the subject were it not that, fortunately, the gentleman who brought the message direct to me, and conveyed my replies, is still living, and should it be necessary can be produced to confirm every word I have uttered upon this subject. It was not long after this that I learned from a deputation which waited upon me consisting of the Hon. John Haggart, and the Hon. Dr. Montague, with a request that I should resign and make way for Sir Charles Tupper. I need scarcely say this was a surprise. I listened to them and they departed as wise as when they entered the

room, as to my intentions or the course I might, in the future, take. Receiving no information from me, as to what I intended to do, the caballing continued, the rendezvous being the office of the Hon. Geo. E. Foster, then Finance Minister.

When the conspiracy was at its height, one of my colleagues, Mr. John Costigan, accidentally dropped into the office of the Minister of Justice, and the conversation at once turned upon the difficulties, and dissensions in the party, which had occurred when Mr. Dickey, then Minister of Justice, expressed the belief that if Sir Charles Tupper and Sir Mackenzie could meet and have a conference he believed an understanding could be arrived at in a very short time which would settle all the difficulties. Up to that time I had not met Sir Charles. Mr. Costigan then said 'if you think so why does not Sir Charles call upon him'? to which Mr. Dickey answered: 'Sir Charles is fearful that Sir Mackenzie will not receive him, not having called upon him since his return to the country.' Mr. Costigan replied that from what he knew of me, he did not believe a word of it, that Sir Charles was an officer of the government of which Sir Mackenzie was the head, that it was his duty to call upon the premier, and that he was sure Sir Charles would be courteously received, and he (Costigan) would wait upon me, if he wished, and ascertain whether there was any reason why Sir Mackenzie should not meet him. Mr. Dickey expressed his thanks. Mr. Costigan asked him to wait fifteen minutes, and he would return and let him know the result of the interview. He did call and found me in consultation with Sir Adolphe Caron, and Hon. Mr. Ouimet, and informed me of his conversation with Mr. Dickey. I at once replied that I knew of no reason why I should refuse to see Sir Charles; he knew where to find me and if he desired to see me to discuss any question, I should be glad to meet him. Mr. Costigan then returned to the Minister of Justice's office and found he had gone to Mr. Foster's office, where he followed and found him closeted with other ministers, into which room he was invited, but declined to go. Upon informing Mr. Dickey of the result of his mission, he (Mr. Dickey) expressed regret he did not know it a few minutes before, as they had just all signed, and forwarded their resignations to His Excellency the Governor General, at which Mr. Costigan expressed surprise, telling him he thought he was in a great hurry, as he had promised him to wait fifteen minutes for his return. Mr. Dickey repeated his explanation when asked why they were in such a hurry, and if they thought an interview between Sir Charles and Sir Mackenzie would result in a compromise of some kind being arrived at. 'Oh!' replied Mr. Dickey, 'Sir Mackenzie is about to, or has, sent in his resignation and we want to forestall him.' Why, was not explained. 'You are in error,' exclaimed Mr. Costigan, 'I have just left Sir Mackenzie, and he has not sent in his resignation, nor does he intend to do so.'

This, declares Mr. Costigan, created as great consternation as if a bomb shell had burst in their midst. Not more so than when they were informed next day that their resignations had been received and, on the recommendation of the premier, accepted by His Excellency.

Then the caballing continued to prevent the possibility of the filling of the vacancies created in the cabinet by the acceptance of their resignations as charged by Sir William Mulock. I shall not detain the Senate by a detailed statement of the means resorted to to prevent gentlemen who, I have every reason to know, would have readily accepted seats in the cabinet, had it not been for representations made by these patriotic gentlemen, who had, they say, the welfare of the Conservative party at heart, and not their own advancement.

So far was this espionage carried that when a prominent gentleman from Toronto visited Ottawa, at my request, he had scarcely set foot in the city before he was beset by the bolters and their emissaries, and among other things was told that the Colonial Secretary, The Right Hon. Joseph Chamberlain, had expressed, through the Governor General, a wish for a change in the Canadian premiership, and that Sir Charles Tupper should be placed at the head of the government in Canada for the purpose of enabling him (Chamberlain) to assist in carrying out his colonial policy. I need scarcely say that neither myself nor friends believed the story. To set this point at rest, Mr. Weldon, representative in the Commons

for Albert, N.B., when in Halifax, without my knowledge, cabled Mr. Chamberlain informing him of the use to which his name had been put, asking for a reply. Copies of question and answer are now under my hand, which I shall place upon record. They are as follows :

Halifax, N.S., January 21st, 1896.

Hon. Joseph Chamberlain, London,—Rumour is freely circulated among members of Liberal Conservative party in Canada at present unhappily divided, that you are urging Governor General to favour one of the rival aspirants for premiership, which rumour is doing much harm. Kindly cable contradiction.

RICHARD C. WELDON,
Member of Parliament.

Next day Mr. Weldon received the following reply.

London, January 22nd, 1896.

Weldon, M.P., Halifax, Nova Scotia,—Statement absurd, and absolutely without foundation.

CHAMBERLAIN.

It is needless to say the answer was just what was expected, and equally needless to pursue this branch of the subject further, though numerous other instances could be given equally absurd and equally untrue, all of which prove the existence of a conspiracy which they now deny. I may add that I have a letter from Sir Adolphe Chapleau, sent unasked, on his hearing of the use that had been made of his name, denying positively that he ever agreed to enter the cabinet that Mr. Foster says was to be organized under the premiership of Sir Charles Tupper.

There is but one other point to which I desire to call attention, and that is the statement made by Mr. George Taylor during the debate which has led to this explanation. He said :

It was at the request of Sir Mackenzie Bowell that I had an interview with Sir Charles Tupper and brought these two gentlemen together. They made the arrangement that Sir Charles Tupper would conduct the session and then he would become the premier minister. That was the agreement that was made and these gentlemen had nothing to do with the arrangements, further, until after the arrangement was fully concluded between Sir Mackenzie Bowell and Sir Charles Tupper.

I am utterly at a loss to know or understand how Mr. Taylor could have given utterance to such a statement, unless it be that he had talked it over so often with others that he believed it himself. That is an idiosyncracy prevailing, we know, with some people. There is but one grain of truth in the statement. I met Mr. Taylor but a few times during the crisis, and was upon each occasion reticent as to what I said during our conversations, for the reason that I knew not who were engaged in the conspiracy, and for the reason also that during the strike friends had whispered in my ear that he was an emissary and working in the interest of Foster and Haggart, though I confess I put little confidence in the tales at that time. I have already stated that I did not even suggest to His Excellency the name of any one to be sent for to form a government when tendering my resignation, hence it is not probable that I asked Mr. Taylor, as he asserts, to send for Sir Charles Tupper to undertake that responsibility. His statement that an arrangement was made by Sir Charles Tupper and myself that he should act as leader in the Commons during the then pending session is correct, but the further statement that after the session I agreed to retire and Sir Charles take my place, is not correct. No such arrangement was made between us. I had decided as to the course I should take, but did not inform him. For the opinion which he and his friends may have formed and believed, I am not responsible. This statement of Mr. Taylor's is only a reproduction of one made in the House of Commons during the debate on the ministerial crisis in 1896, in reply to some remarks made by Sir Richard Cartwright. Turn to page 72 of the Official Debates of the Senate of that year, and the following denial will be found :

Hon. Sir MACKENZIE BOWELL. Before proceeding with the debate on the address I desire to make a statement in reference to the course which I pursued in connection with the ministerial crisis, for the purpose of placing it upon record and for the reason that an hon. member of the other House has made a statement which might hereafter be used to my disadvantage. It is not often, nor do I consider it comports with the dignity of this House, that reference should be made, or comments indulged in, upon the proceedings in the House of Commons. At a time, however, when ministerial explanations are being made, after a crisis in the cabinet, a departure from this wholesome rule may be justified. I have already stated that in the negotiations which led to the return of six members of the cabinet who had resigned, there were no stipulations nor conditions. I was, therefore, not a little surprised on reading in the official debates in the House of Commons of the 15th inst. the following statement by Sir Richard Cartwright :

It is impossible that even such a crew could dream of returning except on a most distinct understanding, whether written or verbal, that within a very short space of time Sir Mackenzie Bowell must make way for Sir Charles Tupper, Bart.

An hon. MEMBER. You are right for once.

Sir RICHARD CARTWRIGHT. Yes, right for once and right always, and right all through.

The interpolation was unwarranted, and not based upon facts. I do not accuse the hon. member of any desire to mislead the House, nor do I blame Sir Richard Cartwright for concluding that some understanding of the character indicated had been arrived at between Sir Charles Tupper, Bart., and myself. They are, however, both incorrect in the view they have taken. I desire, therefore, in order that my future course may not be misunderstood, to make this definite explanation :

When I met my colleagues who still remained in the cabinet and submitted to them the names of the gentlemen who had honoured me by consenting to accept positions in the new cabinet, I stated minutely and positively the line of policy I proposed to follow. I also stated, with perfect clearness, the course that I intended to take personally, after the policy I had announced had been carried out. I desired to leave my colleagues without any doubt as to the course I intended to take, and I justified my decision by arguments based on the best interests of the Conservative party—which interests I believe to be identical with the welfare of the country—this all occurred before negotiations were reopened for the return of the ministers who had retired, and at a time when it was thought reconciliation was impossible. At the meeting to which I have alluded, there were present:—Hon. Sir Adolphe Caron, Hon. Sir Frank Smith, and Hon. Messrs. Costigan, Ouimet, Daly and Ferguson.

I have but to add, that when full explanations are given I have not the slightest doubt the party I have served from my boyhood and the country at large will approve of the course I have taken. I should not have referred to this unfortunate ministerial crisis again, had it not been that the remark was made by an hon. member of the House of Commons and has become part of the permanent record of the House of Commons.

Hon. Mr. SCOTT. May I ask who the hon. gentleman was who interrupted Sir Richard Cartwright ?

Hon. Sir MACKENZIE BOWELL. Mr. Pope.

That denial and explanation has remained on record for about nine years and never been contradicted. The charge is now resurrected to aid in a defence of an act unparalleled in the history of any country, where free institutions exist. There are many other events which occurred during that memorable year that have come to light which prove that a conspiracy existed culminating in the resignation of seven gentlemen, most of whom received their reward by rejection at the polls by an avenging electorate.

I have in this explanation shown that the Hon. George E. Foster in his explanation to the electors of the North Riding of Toronto at the last election and repeated in the House of Commons, that his reason for resigning his seat in the cabinet in 1896, was on account of a difference of opinion on a question of policy, is not correct, and that too out of his own mouth. I have also established the fact that but a short time before he, for himself and colleagues, in a carefully prepared typewritten statement, gave as his and their reasons for resigning my unfitness for the premiership, that he and another of his party, concurred in by Mr. Haggart who was present at the time, used language of the most eulogistic character, in reference to myself, at public meetings addressed by them in which they extolled my administrative abilities and 'broadness of mind' in dealing with questions of state, and that, upon this personal point, if he then believed what he said, he did not believe what he uttered in his explanation in the House of Commons when explaining the reasons for his own and for his fellow conspirators resigning. I have also given sufficient evidence to prove that he was the chief of the 'nest of traitors.' There I propose to leave him to the judgment of an impartial and discerning public. I have shown by unimpeachable evidence that the Hon. John Haggart had no foundation for his statement that he and his associates 'remained loyal' until a promise, which he says was made by me, was broken, said promise being that I was to resign and make way for Sir Charles Tupper to enable him to form a new cabinet. I have quoted from official records to prove that I tendered my resignation to His Excellency the Governor General, and that he refused under the circumstances then existing to accept it, that this action of mine was not the result of an understanding or agreement with Mr. Haggart or any of those with whom he was acting, but from a desire to cut myself clear of traitors by whom I had been surrounded. Let me add that instead of hanging to office from day to day, from time to time, like a sick girl hanging on to life, I had during the time of Sir John Macdonald placed my resignation in his hands to use whenever he deemed it in the interest of the party to do so. I have also under my hand, a letter

written to the late Sir John Abbott tendering my resignation on account of an attempt made by the same John Haggart and others of the same ilk, to prevent a solemn promise made through me by Sir John Macdonald to a colleague, unless that promise was carried out, which resignation was not accepted owing to the intervention of Sir John Thompson who pointed out that owing to the unfortunate illness of Sir John Abbott he was then about retiring from the premiership and that therefore the letter must be withdrawn. These facts were known to Mr. Haggart and yet with unblushing cheek and consummate reckless audacity which ever characterizes him, he rose in his place in the House of Commons and told his hearers that I 'from day to day, from time to time, like a sick girl hanging on to life,' refused to resign. Certainly I did not resign until the duty and courtesy due to the representative of the Queen had been fulfilled, nor did I resign just when that gentleman demanded.

I have also given the facts in connection with Sir Charles' return to Canada in 1895, facts well known to Mr. Haggart though he found it convenient to forget them. From what followed Sir Charles' presence in Canada at that time, it is clear, the tactics of the Foster-Haggart combination were changed. The inference is that finding their intention to foist Foster upon the party as leader impossible, they approached Sir Charles, and no doubt impressed upon him the necessity of a change in the hope that after an election it would not be long, owing to age, before retirement would be necessary, and the 'young man' could then mount the Throne, and rule for a time. But as Burns puts it ' The best laid schemes of mice and men gang aft aglee.' So it was with them : a disgusted electorate, upon the first opportunity, relegated them to a forced retirement from office to the opposition benches where they will remain, if I can interpret public opinion, so long as they are recognized as important factors in the Conservative party, though led by as upright and honourable a public man as ever sat in parliament.

I should not be doing justice to Sir Charles Tupper in this explanation were I not to add that during the time he was in the cabinet under my premiership his treatment of me was all that I could expect or desire. I can not say the same of the Foster-Haggart combination.

An apology is due to the Senate for occupying so much of its time in referring to what may be termed ancient political history—history, too, of a character not creditable to those who figured ingloriously in it, and who resurrected the events of that period in an attempt to rehabilitate themselves in public opinion. My only justification for referring to these events now is that I could not allow a life of thirty-seven years spent in active politics, during which time I have taken, I think I may say, without being accused of egotism, not an unimportant part, both as a private member of parliament and as a minister of the Crown, in all the great and important measures that have come before parliament during the long period of time, to be besmeared by men of the reputation, politically and otherwise, of the Hon. John Haggart and his associates without a protest and exposure of their chicanery and treachery, even though they had an unimportant champion to rush to their rescue with a statement, the emanation of a distorted imagination. It is with great reluctance that I have been compelled to re-open a controversy which was closed some nine years ago, that is so far as parliament is concerned. Had these statements been confined to the private and insidious tales and misrepresentations which have incessantly been poured into the ears of party friends by these gentlemen and some of their followers, I should, as in the past, have treated their utterances with silent contemps, but as they have in a fit of desperation placed incorrect statements upon the parliamentary records, I have in self-defence made this partial explanation, and now leave the issue between us to a discerning public to render their verdict, having no fear of the result.

NORTHWEST PROVINCIAL AUTONOMY BILL.

Hon. Mr. CLORAN—Before the Orders of the Day are proceeded with, I beg to call attention to an incendiary appeal sent broadcast to the country by a gentleman who is supposed to be responsible to the people of this country. It is an appeal that I consider should not emanate from a man

who holds a position of responsibility to the public. We have at the present moment a Bill in the interests of the development of Canada under consideration before another part of this legislature. A member of this parliament—I do not say which House he belongs to—has sent forth an appeal daring the government of Canada to pass this measure and calling provisions in that measure criminal. I think it would be well, under the circumstances, that this honourable House should give expression to its opinion in regard to such an appeal. Here we have an ordinary measure for the development of Canada, adding two provinces to the Dominion, containing a clause respecting certain rights, and a member responsible to the people of this country writes to those whom he calls his Orange fellow countrymen, his Orange friends, asking them to rise en masse and dare the government to pass the Bill with that clause, calling the provision in that Bill a criminal act. I say that it is not right that any honourable man, having at heart the welfare of his country, should make such an appeal to the people of this very enlightened country, and the hon. gentleman who signs the appeal is T. S. Sproule. It is published in all the papers of Canada. This is a copy of the Ottawa 'Free Press,' and the article in the hands of every citizen of this country. In that article an honourable member states to the people of Canada that the Liberal government of Canada has dared to place before the country a Bill containing a clause which is criminal, and calling upon his fellow Orangemen to dare the government to pass the Bill, and we are to allow that appeal to go forth for the next three or four weeks, and have its effect! I say it is time to call a halt. It is time to say to the country that the government and this body do not pass Bills containing clauses detrimental to the interests of Canada, or depriving the people of any of their rights. It is proper, and it is just that this parliament, and this part of parliament, should put the public on their guard against such incendiary, unjust and unfair appeals. Let the measure be adopted on its merits. Let the clause be discussed on its merits according to the wants and needs of this country and of the population.

Hon. Mr. POWER—I rise to a question of order.

Some hon. MEMBERS—Hear, hear.

Hon. Mr. POWER—There is nothing before the House.

Hon. Mr. POIRIER—Yes there is.

Hon. Mr. CLORAN—I have called the attention of the House to an incendiary appeal.

Hon. Mr. POWER—It is not a question of privilege. No member of this House is involved and this discussion is altogether out of order.

Hon. Mr. CLORAN—I am sorry the hon. member from Nova Scotia is in accord with T. S. Sproule, and does not want the matter ventilated in parliament. If it is necessary to be in order, I have the means to be in order; that is, to move the adjournment of the House; but I contend I am perfectly in order in calling the attention of parliament to such an incendiary appeal.

The SPEAKER—If I am to render a decision on the point raised, I consider the point of order well taken; there is nothing before the House.

Hon. Mr. CLORAN—May I not rise to call the attention of the government to an incendiary appeal?

The SPEAKER—The hon. gentleman can put a question to the government.

Hon. Mr. POWER—The hon. gentleman has to give notice of a question, unless it is a question of privilege.

SECOND READING.

Bill (B) An Act for the relief of James Arthur Pryor.—(Hon. Mr. Perley.)

BILLS INTRODUCED.

Bill (10) An Act respecting Labour Union Labels.

Bill (14) An Act respecting the Molson's Bank.—(Hon. Mr. Owens.)

Bill (26) An Act to incorporate the Sovereign Fire Insurance Company of Canada.—(Hon. Mr. Kerr, Cobourg.)

Bill (33) An Act respecting certain patents of Jean Effront.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (34) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (51) An Act respecting Contracts for Government Works.—(Hon. Mr. Scott.)

Bill (53) An Act to amend the Act respecting the Department of Railways and Canals.—(Hon. Mr. Scott.)

Bill (54) An Act to amend the Public Works Act.—(Rt. Hon. Sir Richard Cartwright.)

The Senate adjourned until 3 p.m. tomorrow.

SENATE.

Ottawa, Thursday, March 2, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

AN ADJOURNMENT.

MOTION.

Hon. Mr. SCOTT moved :

That when the Senate adjourns to-day it do stand adjourned until Wednesday the 15th instant at three o'clock in the afternoon.

He said : To-morrow, under the present rules, the House would adjourn until Tuesday; Wednesday will be Ash Wednesday, and therefore a holiday, and as some hon. gentlemen are anxious to have an adjournment, I thought we might, without interfering in any way with the public business, adjourn over until Wednesday the 15th rather than Thursday the 16th as I have it in my notice, because I find there are some important measures which hon. gentlemen wish to have considered before then.

The motion was agreed to.

THIRD READINGS.

Bill (32) An Act to incorporate the London and Saint Clair Railway Company.—(Hon. Mr .Gibson.)

Bill (35) An Act to incorporate the Georgian Bay and Seaboard Railway Company. —Hon. Mr. Gibson.)

Bill (22) An Act respecting the Calgary and Edmonton Railway Company.—(Hon. Mr. Lougheed.)

Bill (25) An Act respecting the Walkerton and Lucknow Railway Company.—(Hon. Mr. McMullen.)

Bill (13) An Act respecting the Atlantic, Quebec and Western Railway Company.—(Hon. Mr. Fiset.)

PRODUCTION OF ALUMINUM IN CANADA.

MOTION.

The order of the day being called :

Resuming the adjourned debate on the motion of the Honourable Mr. Domville, for the appointment of a select committee of five to be composed of :—

The Honourable Boucher de Boucherville, M.D., C.M.G.

The Honourable Michael Sullivan, M.D.

The Honourable William Cameron Edwards.

The Honourable J. H. Wilson, M.D., and the mover.

To inquire into the production of anhydrous alumina and aluminum in Canada.

With power to employ stenographer, to have such report printed and with leave to report from time to time.—Hon. Mr. Domville.

Hon. Mr. DOMVILLE said : If the hon. Secretary of State will allow me to refer to what I said the last time this subject was under discussion, he will see that I had no idea of promoting any private industry. I wish to make some remarks on the question of clay. I have before me here all the various authorities on the subject, going right back to the time of Pliny.

Hon. Mr. SCOTT—Anything before the flood we will accept.

Hon. Mr. DOMVILLE—I will not take up the time of the House going into the whole subject now. I have spent considerable time on it, and think the information I have collected will be of some interest to the country. When I last addressed the House on this subject, I think my hon. friend misunderstood me. What I really was driving at was how we could utilize the clay we have in this country to produce aluminum. As we all know, alumina is a clay, and some clay carries more percentage of metal than others, and there is thirteen times as much, in volume, of alumina in the world as there is of iron. The clay of Canada has not yet been used to make aluminum. As I explained on a former occasion, aluminum must not be confused with alumina. The former is the metal, the latter the clay from which it is produced. The clay has to be refined and treated with electricity. We have great

electrical power in this country and only need a little enterprise to turn our clays into the beautiful metal we have all seen. To-day it is imported from Germany. Why? Because the attention of Canada has never been directed to cleaning up clay by electrical process. The reason for that was that patents in Europe and in the United States precluded chemists and others spending their time in finding a process to utilize the clay. If they had discovered a way to clean up the clay as it should be cleaned up, they would have been met with patents in Europe and the United States preventing them using the electrical process to melt the clay. With those patents in existence, there was no use producing the cleaned up clay when it could not be used. Those patents have expired in Europe, and in a few months will expire in the United States and they do not exist in Canada. I think we have a duty to perform in this House to promote the progress of this country. If we can bring to the notice of the country the fact that we have great wealth in a certain direction only requiring to be developed, we should bring it prominently before the public. In this country, as in all other countries, the clays differ in quality, some being purer than others. An impure clay mixed with magnesia and other ingredients produces an alloy. We do not want an alloy, but pure aluminum. It would cost more to get rid of all the foreign element in an alloy than the metal would be worth. I ask the government to allow us to have this committee to look into the question, and if possible present some practical views and ideas to the country. Some hon. gentlemen think I am presumptuous in this matter. Intelligence is always presumptuous; if it knows a little more than its neighbour, it is not fit to live. We are not dwelling in the past; we are living in the twentieth century, in an age of progress, and why should we not in this Senate direct the attention of the country to new industries that may be developed? That is my plea for asking for a committee to bring in a report, not on what anybody is doing, not on who is manufacturing or wants to manufacture, but simply to show whether there is a fair prospect in this country of turning our clay into metal. Every pound of aluminum made in this country will represent added wealth; not a dollar expended in its production will go out of the country. From the digging of the clay by the workmen to the conversion of it into aluminum by electrical power generated at the mighty falls of the St. Lawrence and other rivers, it will circulate hundreds of thousands of dollars in this country. That is why I ask for the appointment of this committee. Acting upon the suggestion of my hon. friend, the Secretary of State, I will strike out the words in the last paragraph 'to have such report printed.' I inserted those words without considering the effect they might have, and I can assure my hon. friend there will be no considerable expense attending the meetings of this committee.

Hon. Mr. EDWARDS—I have looked into this matter to some extent, and while I am not one of those who would support it in a general way, or suggest in this way that certain enterprises should be promoted in this country, this being an entirely new matter in Canada, and believing there may possibly be something in it, I, as one of those named in the motion, say I am willing to act if it is agreeable to the Senate. If the committee is appointed we will investigate the subject as thoroughly as we can and see what there may be in this industry. I therefore support the motion.

Hon. Mr. WILSON—I desire to express my appreciation of the able manner in which the mover of this resolution has presented his case to the House. The subject presents many important features, some of which ought to be brought before the country, that the public may see the advantages which are likely to result from the establishment of the aluminum industry in Canada. It is a new industry, and the metal when manufactured is very useful, but I do not know whether we ought at the present time to incur any considerable expense in connection with this investigation, and if it involves any considerable expense I would hardly feel inclined to ask that the committee be appointed. If the mover of the resolution will strike out those words which involve expense, I shall have great pleasure indeed in supporting his resolution and will do everything in my power to assist in the investigation.

The SPEAKER—I may say for the information of the hon. gentleman, that the

mover of the resolution has stricken out the words 'to have such report printed,' and it now reads, 'With power to employ a stenographer and with leave to report from time to time.'

The motion was agreed to.

SECOND READING.

Bill (40) An Act respecting the Niagara-Welland Power Company.—(Hon. Mr. McMullen.)

BILL INTRODUCED.

Bill (36) An Act to amend the Railway Act, 1903.—(Hon. Mr. Scott.)

The Senate adjourned until Wednesday the 15th inst. at three p.m.

SENATE.

Ottawa, Wednesday, March 15, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SECOND READINGS.

Bill (14) An Act respecting the Molsons Bank.—(Hon. Mr. Owens.)

Bill (33) An Act respecting certain patents of Jean Effront.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (34) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.—(Hon. Mr. Kerr, Toronto.)

CONTRACTS FOR GOVERNMENT WORKS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (51) An Act respecting Contracts for Government Works.

He said: This Bill makes provision in all cases of public works being carried on that tenders shall be invited, except where there is a pressing necessity and delay will be injurious, or where the work can be more expeditiously and economically executed by officers of the department, or in case the estimated cost is less than $5,000; but should the department in any case call for tenders, even though the amount is less than $5,000, the important provision of this is that tenders must be submitted to council. The minister himself cannot act except after having obtained a minute of council approving of the course.

Hon. Mr. MACDONALD (B.C.)—A very good Bill.

Hon. Mr. McMULLEN—I should like to know what the provisions of the present law are, and what particular provision in the present law this Bill amends.

Hon. Mr. SCOTT—The law is not uniform in several departments. The same principle prevails in the Department of Railways and Canals. I am reading from the Consolidated Statutes, section 11 of the Act under which railways and canals are administered. It is as follows:—

> The minister shall invite tenders by public advertisement for the execution of all works except in case of pressing emergency, in which the delay would be injurious to the public interests, or in which, from the nature of the work, it can be more expeditiously and economically executed by the officers and servants of the minister.

That makes no provision for a case where the work would cost less than $5,000. The addition to the words I have quoted prevails with regard to other departments, the Public Works, for instance, and it is proposed now that that shall be made uniform, but provided that in all cases where tenders are invited, if the minister thinks it is in the interest of the government that the work could be more expeditiously performed by contract, even if the amount is less than $5,000, then he must submit the tenders to council.

Hon. Mr. LANDRY—I suppose it is the minister himself who decides as to the urgency or not?

Hon. Mr. SCOTT—Oh, yes.

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

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (53) An Act to amend the Act respecting the Department of Railways and

Canals. He said: When the Bill respecting contracts for government works was under consideration, I read the clause in the Railways and Canals Act, chapter 37, of the Consolidated Statutes of Canada, but hon. gentlemen will have noticed there is no provision there that the work may be performed by the department, by its own servants, or given out without tender where the amount is less than $5,000. This Bill provides for this particular portion of it. Section 11 is the same down to the word 'department.' The new words are:

Or in cases where the estimated cost of the work is less than $5,000, and it appears to the minister, in view of the nature of the work, that it is not advisable to invite tenders.

Then the following is new:

Whenever, in the case of any work, tenders are required to be, or are, invited, the minister shall submit all tenders received therefor to the Governor in Council, and the contract for the work shall be awarded under the direction of the Governor in Council.

To that extent it limits the discretionary power that the minister has exercised. In the past where the amount was $5,000 or less, he had the right to call for tenders and award the work without its going to council. It was thought it would afford greater protection and insure uniformity to add these words.

Hon. Mr. MACDONALD (B.C.)—If it is over $5,000 it goes to the Governor in Council ?

Hon. Mr. SCOTT—Yes, in any event; if it is under $5,000 and he calls for tenders it must go to the Governor in Council.

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

PUBLIC WORKS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (54) An Act to amend the Public Works Act. He said: This Bill amends the Public Works Act in the same direction as the Act relating to the Railways and Canals. The following words are added to section 13 of the Public Works Act :—

Whenever, in the case of any work, tenders are required to be, or are, invited, the minister shall submit all tenders received therefor to the Governor in Council, and the contract for the work shall be awarded under the direction of the Governor in Council.

That is the only addition to the law, making it compulsory, where tenders are called, in all cases to refer to the Governor in Council.

Hon. Mr. LANDRY—Does this law apply only to the Department of Railways and Canals and the Department of Public Works, or will it be a general law for all the departments?

Hon. Mr. SCOTT—Bill (51) which we have just read the second time—respecting contracts for government works—is for all the departments. The one I am reading now is to amend the Public Works Act.

Hon. Mr. LANDRY—If the first one refers to all the departments I do not see the necessity for the other two.

Hon. Mr. SCOTT—It was thought better, as there are special provisions in the Acts relating to the Department of Railways and Canals and the Department of Public Works, to pass these Bills. The Minister of Justice thought it would make the law more clear, and that is why the additional legislation is necessary.

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

FREE TRANSPORTATION FOR MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. CASGRAIN (de Lanaudière) moved the second reading of Bill (D) An Act to amend the Railway Act, 1903, as regards the free transportation of senators and members of the House of Commons. He said: This Bill does not need a very long explanation. It simply provides to give effect to the law as it now stands, providing for the free transportation of members of parliament and their baggage. The Bill simply adds after the word 'baggage,'

Upon presentation of a card of identification approved of and certified by the Clerk of the Senate, or by the Clerk of the House of Commons, as the case may be.

It would do away with the necessity of carrying passes. There are some sixty or seventy railways in Canada, and a member of parliament is obliged to have a pass for each. By this amendment one certificate would suffice. It does not enlarge or restrict

in any way the present law ; it simply gives effect to the law as it exists. It is a matter of convenience. I may say this system prevails elsewhere and has been found satisfactory, and I do not think any objection has been seriously taken to this measure.

Hon. Mr. McSWEENEY—Do the railway people not object to that ?

Hon. Mr. CASGRAIN—No, they do not.

Hon. Mr. McMULLEN—This Bill should receive very careful consideration by this House. I do not see how, under legislation of this character, you are going to protect the railways from fraud. If a person claiming to be a member of parliament produces to a conductor something which purports to be a certificate such as is called for in this Bill, and the conductor does not take up that certificate, the party presenting it keeps it in his possession, and how is the railway to find out whether that certificate is a bona fide document or a forgery ? Under the law as it stands, the railways, for their own protection, issue passes, and the holder of a pass must produce it to the conductor, who recognizes it as having been issued by the company. It bears upon its face evidence that it is bona fide issued by the company for the purpose of enabling the company's employees to identify the holder. But if you alter the law and substitute for the pass a certificate such as described here, how are you going to protect the companies from fraud? Suppose a person gets hold of a blank form and forges a certificate, the conductor is not supposed to know how these certificates are issued or anything about the signatures. The holder puts it back in his pocket and no charge can be brought against him for forgery. It would be a very dangerous proceeding and subject the company to the possibilities of fraud. I have not heard a word from the railway companies one way or the other, but in my humble opinion it is opening the door to opportunities for fraud on the part of people who are disposed to be dishonest.

Hon. Mr. CLORAN—I do not think the hon. senator's fear is well founded. It is quite as possible to commit fraud with passes as with a single certificate—much more so. It is well known that when you have thirty or forty passes in your pockets you only use one or two or three during the year. Where do the others go? I have heard it stated, although not by hon. members of this House, that passes given, either to officials or representatives of the people, have been used by others, because the members do not use them. Therefore, the question of fraud is as likely to occur with a pass as with a certificate. I would suggest in order to make the matter absolutely sure, if the hon. senator thinks that fraud would be perpetrated by using a certificate, it would be easy to place a portrait of the member on the card and that would be a complete identification. However, I have no reason to believe that any hon. member of Parliament would give his passes to anybody else. The hon. senator asked, how is the conductor to know that the signature on that card is that of the clerk of the House or Senate? How is he to know the signature of the president or of the secretary of the company? These passes can be forged just as well as certificates from this or the other House. I do not think the fears of the hon. senator are well based and I know from my own experience and the experience of many members of parliament who have travelled every day, that the conductors would be delighted to have a certificate from this House or from the other House instead of the passes. I know that, because the conductors who are interested in the matter have said so. They would be only too well pleased.

Hon. Mr. MACDONALD (B.C.).—I think this Bill would be quite inoperative and that it would lead to fraud. How can conductors tell what the certificate of the clerk is, or whether it is genuine or not ? Surely it is no hardship to carry passes. If we did not get the passes which the companies supply so generously, that would be a hardship, but now it is said to be a hardship to use them. I think the Bill coercing railway companies to supply us with passes is most unfair and unjust. Before that Bill was passed the railway companies behaved very generously with members of parliament. I think in every case they gave them free passes and now, not satisfied with that, we wish to throw them aside and obtain a certificate from the clerk of the House. I hope my hon. friend will withdraw the Bill, because it is wrong in principle and will lead to fraud.

Hon. Mr. POWER—I regret that the hon. gentleman from Victoria has thought pro-

per to reflect on the action of this House in 1903.

Hon. Mr. MACDONALD (B.C.)—I do.

Hon. Mr. POWER—And in doing that he was out of order. I fail to see that there is any greater danger of fraud or forgery in connection with the certificate than already exists in connection with passes, and there are two things to be said in favour of some sort of simple certificate; one is that under the present system a member cannot help feeling, to a certain extent, under an obligation to the railway company. It was just with the view of doing away with that sense of obligation, or largely with that view, that the provision was placed in the Act of 1903. Then it is inconvenient to carry a large number of passes about one's person, and there should be some one single pass, or piece of evidence, which would entitle one to ride free on trains. I regret that the hon. gentleman from de Lanaudière has thought proper to introduce this measure, because it is not necessary. If hon. gentlemen will turn to the Act of 1903 they will find that section 25 of that Act gives power to the railway commission to make regulations and by-laws for nearly everything. Subsection (g) reads as follows :—

With respect to any matter, act or thing which, by this or the Special Act, is sanctioned, required to be done, or prohibited.

Section 40 further authorizes the board to make general rules governing, so far as shall not be inconsistent with this Act, proceedings under this Act and the practice and procedure under this Act and generally for carrying this Act into effect. I think the proper course of procedure in this case would be to bring the matter before the railway commission and let the railway commission decide upon the form of certificate which is to be adopted. I do not think that this is a sort of a Bill the passage of which through the two Houses would tend to increase the respect of the public for the Senate and the House of Commons. It is not desirable to call special attention to this matter, and the better way is to let the commission exercise their power and decide what form the certificate is to take. In Australia the certificate is in the shape of a sort of medal, made of metal with the member's name engraved on it. Either such a medal or a certificate from the clerk of the House would constitute, I think, good evidence, and would be a convenient way of doing the thing, but I object to our passing this Bill, because it is unnecessary and the object can be better attained in the way that I have indicated.

Hon. Mr. POIRIER—I am not very particular personally about the method of identification of members of this and the other House travelling over our railroads, but it is desirable that we should do away with passes and have some way of identification.

Hon. Mr. MACDONALD (B.C.)—A brand on the forehead.

Hon. Mr. POIRIER—Whether as proposed a certificate issued by the clerk of the House, or, as I would prefer, by the clerk of the railway commission. I would prefer the latter. I had some experience myself last year on two different occasions travelling in the Dominion. Not having passes I had to pay my fare on railroads. I remonstrated with the conductor, and told him all about the law. He told me he knew no law except the instructions received from the manager of the road, and that I would have to pay. And I was in the dilemma of either creating a little scene by being put off the train or paying, and I did very humbly pay on those two occasions. I did not murmur, and would not have brought the matter before the House, but I mention it now, since the Bill is before us, to show that it is, as I believe, well that since by law and by right we have free transportation, we should have a way of doing it without being subjected to a great deal of annoyance, and that we should be relieved of the bother of carrying a load of passes when we have them, or paying our fares, as we have on occasions to do, when we have no passes from railroads, because some roads do not send passes. I, therefore, without displaying any enthusiasm whatever, shall vote in favour of the Bill.

Hon. Mr. WILSON—We ought to pause before deciding that this Bill is a necessity. There are many ways in which the railway companies might be imposed upon. There is, in my opinion, no great hardship in carrying a few passes. There is no reason why we should object to carrying those passes, and we ought to guard, as far as possible, against any injustice being done

to the railroads; not that I think we are under such heavy obligations to them, but we ought not to offer an opportunity whereby fraud could be perpetrated upon them. The certificates, coming from the Speaker of this House, or from the clerk of this House, could be very readily used by some one not a senator or a member of the House of Commons. That being so, we should watch ourselves very carefully indeed and not do anything which would permit that certificate to be handed over to some one else who might use it. It is said that they might adopt the same methods in reference to passes. I say no, because a pass has its number. The railroad knows full well what that number is. The conductor takes the number of the pass and very likely the name of the individual. This is reported at one of the head offices. The railroad knows then who has the pass and who is the one travelling upon that pass and, therefore, has a direct check to prevent any fraud being perpetrated upon the railroad. And I think that in itself is sufficient to make us hesitate before we change the system and permit certificates in lieu of passes. When a member is travelling on a pass it is a sufficiently strong guarantee to the railway company that the individual has a right to travel free, and that it is a pass issued by the railroad, and it is numbered—

Hon. Mr. WATSON—You could number the certificate.

Hon. Mr. WILSON—Is there that same guarantee when each and every railroad has a number on each pass issued by them to the party travelling upon it.

Hon. Mr. WATSON—What is the difference?

Hon. Mr. WILSON—It is easily seen what the difference is. The railway issues the passes, puts the members' names upon them, and makes its conductors take the numbers. You cannot travel any distance before they would take the number. Is it a hardship for us to carry a pass and show it to the conductor? I think it is a proper and correct protection to the railway company and therefore I feel that we would be legislating hastily if we allowed ourselves to pass this Bill whereby we would put ourselves in the position of allowing wrong-doing either by ourselves or by some one travelling upon our certificate. I, therefore, feel strongly opposed to the Bill, and think that no good purpose can be served by our passing the measure.

Hon. Mr. KERR (Toronto)—I think all that has been said against the Bill can be answered. There is no more opportunity for the practice of fraud in the case of presenting a certificate of the clerk of this House than there would be in the case of presenting a pass. There is just as much identification in one case as in the other. I apprehend when the clerk of the House would issue his passes they would all be numbered. I apprehend a list of those, giving the number, would be furnished to every railway company and they would have on record just the same number for every member of the House or every member of the Senate that they would now have for the passes that are issued, and there is this difference about it: so long as the matter stands as it is at present, the railway company issue their own passes. You are dependent upon them for the pass, and the member who does not apply for the pass and put himself under a compliment to the railway company may be omitted from the list, and those who do not apply for them do not get them.

Hon. Mr. POIRIER—I had no pass in my case.

Hon. Mr. KERR (Toronto)—And a railway company may send a pass and it may not reach the member and unless he chooses to put himself under a compliment to the company by applying for it he will not get the pass at all.

Hon. Mr. WILSON—The railway company is held responsible if it neglects to send the pass.

Some hon. MEMBERS—No, no.

Hon. Mr. KERR (Toronto)—They would be just as responsible under a certificate as under this system.

Hon. Mr. WILSON—Hon. gentlemen say the railway companies are not bound to send passes. If hon. gentlemen look at the Act they will see they are under obligations to send them.

Hon. Mr. KERR (Toronto)—This does not amend the law as to that at all. It simply

substitutes a certificate of this House. Neither certificates nor passes are required under the law. The onus, therefore, is upon the railway company to pass any one who is a senator without having any kind of a certificate or means of knowing that he is such, but by means of this certificate there is an authority to some officer to pass the person.

Hon. Mr. POWER—Would the hon. gentleman give his opinion on the question I raised that this Bill is unnecessary and that the matter can be better arranged by action on the part of the Railway Commission ?

Hon. Mr. KERR (Toronto)—Who is to put the Railway Commission in motion? There is no process provided in the Act for the Railway Commission undertaking anything of the kind. Who is to put them in motion and who is going to say what other restrictions might be imposed by such a certificate, if they did take action in the matter? It is better for the House which has dealt with the matter before by compelling the giving of passes to members, if they intend the law to remain as it is, to define what the method shall be.

Hon. Mr. ELLIS—I think the hon. gentleman from Acadia (Hon. Mr. Poirier) made a mistake when he did not stand up for his rights. He should have allowed himself to be put off the train, and thus have maintained the rights of the Senate. He would have put the railway in an awkward position, indeed, if he had displayed his usual courage and thoughtfulness. He would have come to the rescue of the House in that way and the whole case would be saved. A railway conductor who would put a legislator off the train would have great courage.

Hon. Mr. CASGRAIN (de Lanaudière)—He is not supposed to know the senators.

Hon. Mr. ELLIS—It is his duty to know. My view is about the same as the view of the hon. gentleman from Halifax. I do not think we ought to raise the question. The law gives us the right to travel on the railways, and the railways should do their duty properly with regard to it. We present the passes or we do not present the passes. I do not like this way of settling it. It may be a little more convenient to members to have one single certificate, but, on the other hand, I can see great objection to it.

Hon. Mr. CLORAN—Will the hon. gentleman state how the railways and their conductors would find out whether any hon. member was the person described in the certificate? How is the official going to identify you or me unless you have some card?

Hon. Mr. ELLIS—That is not my business. I do not propose to put that question to myself.

Hon. Mr. CLORAN—The hon. member suggests he should be put off the train; that is not the proper method.

Hon. Mr. McMULLEN—Members of the House of Commons and senators are allowed to ride free. The only object of a certificate or pass is to enable a conductor to decide whether the person is a member of either House. The railways run the risk ; we run no risk. We ride free under the law. No certificate is necessary. The law does not require us to produce anything of the kind. The railways issue passes as a simple matter of identification in their own interests, but it is not the passes that enable us to ride free. The law declares that we shall ride free, and the pass is only issued in order to enable conductors to identify the passenger. Why should we be required to produce a certificate, or a pass either? We are not required by law to do so, but as a matter of courtesy when we are asked by the conductor we produce the pass to show that we are entitled to ride free. If any conductor will run the risk of putting any member of parliament off the train, he is running a very big risk in regard to his company and rendering them liable to an action for damages, and justly so. So that as far as senators and members of the House of Commons are concerned, the carrying of a pass is in the interest of the railways as a matter of identification and if the railway companies say it is better and more satisfactory for them to issue passes we should be willing to accept them.

Hon. Mr. KERR (Cobourg)—There are two sides to this question. Looking at it from the side of the holder of the pass, the argument of convenience is strong, and I would be disposed to look at it from that standpoint. It is more convenient to look after one piece of paper than after a dozen; but I must be frank and honest in confessing that these passes have not hitherto caused me much inconvenience, and any

inconvenience that they may have caused I have borne with as good grace as I could muster. We must look at it fom the standpoint of the railways, because they have rights as well as the holders of the passes. It has been suggested in opposition to this Bill that an injury might be done to the railway companies, that frauds might be perpetrated. I would not like to be a party to that. I should like to have justice done and to do justice. While I would be inclined to act on Shakespeare's advice and 'endure the ills we have' rather than 'fly to others that we know not of,' I would favour the second reading of this Bill and refer it to a committee. Then the railway authorities might be communicated with and an arrangement arrived at which would be mutually satisfactory.

The Senate divided on the motion, which was adopted; contents, 21; non-contents, 9.

The Bill was read the second time.

RAILWAY ACT, 1903, AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (36) An Act to amend the Railway Act, 1903. He said: The Senate is aware that the vacancy caused by the retirement of Mr. Blair has been filled by the selection of a judge from the Supreme Court of Canada, Justice Killam. It was thought of the very first importance that a man of well known attainments should be selected for the responsible position of chief commissioner, and Justice Killam seemed to be, from his past experience, one who would fill the position with credit to himself and with very great advantage to the people of Canada. He had already served as a judge for twenty years, and had, therefore, become entitled, under certain conditions set forth in the law affecting judges, to a retiring allowance. He naturally hesitated to change from his judicial position to the chairmanship of the railway board, unless he was secured in the years he had spent on the bench, and the years to come during which he would have filled his judicial position, and the object of this Bill is to give him the benefit of the Act relating to the retirement of judges. The time that he will serve on the railway board will count just as the time would have counted had he remained on the Supreme Court bench.

Hon. Mr. KERR (Coburg).

Hon. Mr. MACDONALD (B.C.)—He does not draw the allowance as commissioner?

Hon. Mr. SCOTT—He draws the allowance as commissioner, but not as a judge.

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

BILLS INTRODUCED.

Bill (7) An Act respecting the inspection and sale of seeds.—(Hon. Mr. Scott.)

Bill (19) An Act to incorporate the Calgary, Red Deer and Battleford Railway Company.—(Hon. Mr. Ross.)

Bill (41) An Act respecting the Regina and Hudson Bay Railway Company.—(Hon. Mr. Watson.)

Bill (43) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Hon. Mr. Cloran.)

Bill (50) An Act to incorporate the Calgary and Battleford Railway Company.

Bill (56) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Watson.)

The Senate adjourned.

SENATE.

Ottawa, Thursday, March 16, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (I) An Act to incorporate the Fessenden Wireless Telegraph Company of Canada.—(Hon. Mr. Domville.)

Bill (J) An Act for the relief of Philip Vibart.—(Hon. Mr. Young.)

THE SEAT OF SENATOR RUFUS CURRY.

MOTION.

Hon. Mr. SCOTT moved:

That the report of the Clerk of the Senate, respecting the absence of the Honourable Mr. Rufus Curry, during two consecutive sessions of parliament, be referred to the committee

appointed to consider the orders and customs of the House and the privileges of parliament, committee to meet——

The motion was agreed to.

THE PRYOR DIVORCE BILL.

MOTION.

Hon. Mr. YOUNG—Owing to the fact that the hon. senator from Wolseley (Hon. Mr. Perley) was not present when this Bill was brought up, it was not proceeded with. I now move that Bill (B) An Act for the relief of Arthur James Pryor, be placed on the Orders of the Day for third reading to-day and that it be now read the third time.

Hon. Mr. CLORAN—Why should it be placed on the Orders of the Day for third reading now? Pryor has been separated from his wife six or eight years, and why should we be in such a great hurry?

Hon. Mr. LANDRY—I raise a point of order.

Hon. Mr. CLORAN—His wife has been living with another man.

Hon. Mr. WATSON—How do you know?

Hon. Mr. CLORAN—We have the evidence of it.

Hon. Mr. LANDRY—There has been no notice of this motion.

Hon. Mr. YOUNG—It is a mere matter of routine. However, I will move that the Bill be placed on the Orders of the Day for third reading to-morrow.

The motion was agreed to.

THE ACTING MINISTER OF THE INTERIOR.

INQUIRY.

Hon. Mr. LOUGHEED—Before the Orders of the Day are proceeded with, I wish to ask the leader of the government who is the acting Minister of the Interior?

Hon. Mr. SCOTT—I think the premier has been acting up to the present time.

SECOND READING.

Bill (48) An Act respecting the Toronto and Hamilton Railway Company.—(Hon. Mr. eKrr, Toronto.)

CONTRACTS FOR GOVERNMENT WORKS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (51) An Act respecting Contracts for Government Works.

(In the Committee).

Hon. Mr. SCOTT—The object of this Bill is to provide that in all cases, even where the amount to be expended by a department on any public work is less than $5,000, if the minister calls for tenders he must come to council with the tenders, and the contract must be awarded under an Order in Council.

Hon. Mr. MACDONALD (B.C.)—Is the work which is being done on the post office here now done by contract or day's work?

Hon. Mr. SCOTT—I think it is being done by day's work.

Hon. Mr. MACDONALD (B.C.)—I should think it is day's work from the length of time it is taking to do the work. It has extended over a year now. The progress is very slow for the number of men employed. When the western block was being rebuilt after its destruction by fire the work was done by day's work, and a great deal of time was wasted. It took three or four months to do what could easily have been done in a week. I am very glad that this Bill has been brought in, because it will stop that sort of fraud upon the public.

Hon. Mr. SCOTT—I think the work upon the post office has not been going on steadily this winter, except to a limited degree.

Hon. Mr. LOUGHEED—My hon. friend is entirely deceiving himself if he thinks that this Bill will remove the difficulties he points out. The widest possible scope is given, by the first clause, to the minister at the head of the department in calling for tenders. He need not invite tenders in cases of pressing emergency, in which delay would be injurious to the public interest, or in cases in which from the nature of the work it can be more expeditiously or economically executed by the officers and servants of the department, or in cases where the estimated cost of the work is less than $5,000. All this is left to his discretion. I would

ask my hon. friend, the Secretary of State, if that is the law as it at present stands?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LOUGHEED—It seems to me if the principle of inviting tenders is to be recognized, as embodied in this clause, it should be recognized in its entirety, and this element of discretion ought not to appear in the Bill. If it is the law now, that is no good reason why it should be continued.

Hon. Mr. KERR (Toronto), from the committee, reported the Bill without amendment.

Hon. Mr. SCOTT moved that the Bill be read a third time presently. He said: The law as it stands to-day is in exactly the words which the hon. gentleman has quoted. There is no difference between the two. In some departments where the work was under $5,000 a practice had grown up for some years that the minister decided when tenders were called which one of them should be accepted. Now, it is to remove any imputation that might be made against the tenders that they are all to be brought to council that the lowest tender which gives security shall be accepted.

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

DEPARTMENT OF RAILWAYS AND CANALS ACT AMENDMENT BILL

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (53) An Act to amend the Act respecting the Department of Railways and Canals.

IN THE COMMITTEE.

Hon. Mr. SCOTT—This Bill is much in the same line as the other. There is no change in the law as it stands to-day down to the word 'department,' after which these words are added:

> Or in cases where the estimated cost of the work is less than $5,000, and it appears to the minister, in view of the nature of the work, that it is not advisable to invite tenders.
>
> 2. Whenever, in the case of any work, tenders are required to be, or are, invited, the minister shall submit all tenders received therefor to the Governor in Council, and the contract for the work shall be awarded under the direction of the Governor in Council.

Hon. Mr. LOUGHEED—May I ask my hon. friend if the words 'any work' include supplies?

Hon. Mr. SCOTT—Not supplies; it must be work to be executed.

Hon. Mr. LOUGHEED—Is there any restriction placed upon the department in the ordering of supplies requiring tenders to be submitted?

Hon. Mr. SCOTT—Where the amount is of any considerable magnitude, it has always been the practice of the department.

Hon. Mr. LOUGHEED—I make the inquiry because I know the practice to be contrary to the statement made by my hon. friend. It is a well known fact that many friends of the government are accorded the patronage of inviting friends of the party to furnish supplies entirely without tender, and it seems to me that the restriction which applies to work should apply to supplies also. It is just as important that the government should secure supplies at the least possible expense as to apply the Act to work being done by the department.

Hon. Mr. SCOTT—If public advertisements are to be inserted in the newspapers the cost of calling for tenders generally exceeds the cost of the purchase, and, therefore, the practice has been to send out a large number of tenders, notably to friends of the government—no doubt about that—but allowing fair competition, and it is for the minister to select the lowest tender as a rule. That is as I have understood it. I have no personal knowledge other than when occasionally administering a department I have found that to be the practice.

Hon. Mr. LOUGHEED—My observation has been that the element of competition is notably absent in such cases.

Hon. Mr. SCOTT—A bad example they have been following.

The clause was adopted.

Hon. Mr. CASGRAIN (de Lanaudière), from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

PUBLIC WORKS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (54) An Act to amend the Public Works Act.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—This Bill, as will be seen by reference to it, is precisely in line with the two preceding Bills, but the Minister of Justice considered it desirable to insert in the Public Works Act a clause exactly identical with the clause which has just been passed in Bill 51 and I think in Bill 53.

Hon. Mr. BAKER, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

FREE TRANSPORTATION FOR MEMBERS OF PARLIAMENT ACT AMENDMENT BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called,

Committee of the Whole House on (Bill D) an Act to amend the Railway Act, 1903, as regards the free transportation of senators and members of the House of Commons.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. CASGRAIN moved that the Order of the Day be discharged and placed on the Order of the Day for Tuesday next.

Hon. Mr. MACDONALD (B.C.)—The Bill should contain a schedule to show what the certificate ought to be.

Hon. Mr. CASGRAIN—I think when the Bill is before the committee will be the time to offer amendments if it does not meet the views of all the members of the Senate in its present form. The principle of the Bill was adopted yesterday.

The motion was agreed to.

RAILWAY ACT, 1903, AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (36) An Act to amend the Railwoy Act, 1903.

(In the Committee).

Hon. Mr. SCOTT—I explained yesterday that the object of this Bill is to preserve the privilege that Judge Killam has at present, in being transferred from the Supreme Court to be chief commissioner of the railway board, of having his twenty years which he has already served as a judge to count, and that the years to come while serving on the board in a semi-judicial capacity will also count.

Hon. Mr. McMILLAN—Will his superannuation allowance be based upon the salary he is receiving now or upon the amount received as a judge?

Hon. Mr. SCOTT—If he is three years in the position, it will be on the amount he is at present receiving—no, perhaps I am wrong in that.

Hon. Mr. LOUGHEED—Why does the Bill refer to twenty years' service ?

Hon. Mr. SCOTT—Because he has served twenty years.

Hon. Mr. LOUGHEED—But the provision in the Bill is fifteen years.

Hon. Mr. SCOTT—That clause is simply referring to the existing law. Under the existing law when a judge has served fifteen years he is entitled to certain advantages.

Hon. Mr. McMILLAN—Is he not debarred by age?

Hon. Mr. SCOTT—The clauses will explain the superannuation he is entitled to. It is graded as the law now stands. It is simply adopting the law as it exists to-day, allowing the combined service to count, but it will be on the salary he receives as judge.

Hon. Mr. McMULLEN—It ought to be very clearly stated.

Hon. Mr. LOUGHEED—The salary of which he was in receipt at the time of vacating the judicial office.

Hon. Mr. SCOTT—I should like to read it over before giving an opinion upon it.

Hon. Mr. LOUGHEED—Line 20 reads:

An annuity equal to two-thirds of the salary of the judicial office which he held at the time of his appointment as such commissioner.

Hon. Mr. SCOTT—The latter part of the clause reads:

His Majesty may, by letters patent under the great seal, reciting such period of service, and, in cases (a) and (b), such chief commissioner's age, grant to him an annuity, payable as aforesaid, equal to the salary of the judicial office which he held at the time of his appointment as such chief commissioner, or which he resigned for the purpose of accepting such appointment, to commence immediately after his resignation as chief commissioner and to continue thenceforth during his natural life.

It would be the judge's salary.

Hon. Mr. LANDRY—Is that not a new departure for the government ?

Hon. Mr. SCOTT—It is a new departure.

Hon. Mr. LANDRY—Because last year we had a similar Bill before us and I think the hon. minister stated that the principle contained in the Bill now before us was a vicious principle.

Hon. Mr. SCOTT—This Bill is specially adapted to the position Judge Killam holds. He had twenty years' service and he naturally declined to accept the other position unless some provision was made that when he had to retire his twenty years service should count, and that any additional years on the board as chief commissioner should be added to the twenty years of his service as judge.

Hon. Mr. LANDRY—It was precisely that principle that was declared vicious by the hon. gentleman.

Hon. Mr. SCOTT—I do not recollect the circumstances.

Hon. Mr. LANDRY—The circumstances were these: A Bill was introduced by the government granting the same advantages to persons who had served as lieutenant-governors. I suppose the hon. gentleman remembers now? The government dropped that clause because they found it very vicious.

On subclause (c) of clause 3,

Hon. Mr. LOUGHEED—I should like to make an observation with reference to subclause (c). It seems to me the principle is a vicious one of perpetuating, so to speak, or continuing in office the chief commissioner to a period of age when he cannot give such services to the country as might be required. I do not think that provision should be made empowering the commissioner to remain in the office of chairman of the board of railway commissioners up to the age of 75 years. The duty devolving upon such an officer is very considerable, necessitating physical and mental vigour, and I do not think a man of those years can render satisfactory services to the country in such an office.

Hon. Mr. TEMPLEMAN—The hon. gentleman thinks he should be chloroformed.

Hon. Mr. LOUGHEED—There is a very wide difference it seems to me between the office of judge and the office of chairman of the railway commission. I can very well appreciate a judge performing his duties up to that age very satisfactorily, but the duties performed by the chairman of the railway commission are entirely different.

Hon. Mr. SCOTT—It was thought in dealing with this matter to take the law as it existed to-day in reference to the judges. The point my hon. friend raises is not likely to arise in this case, because, as he knows, the appointments of the railway board are for a fixed period, ten years, and the question would have to come up at the expiration of that time. His term of office would absolutely cease at the end of ten years.

Hon. Mr. LANDRY—Would that law apply to judges who have accepted positions in the Senate ?

Hon. Mr. SCOTT—I am unable to answer.

The clause was adopted.

Hon. Mr. BAIRD, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

The senate adjourned .

SENATE.

Ottawa, Friday, March 17, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (K) An Act for the relief of George Pearson.—(Hon. Mr. Perley.)

Bill (L) An Act for the relief of George Dance Harper.—(Hon. Mr. Kerr, Cobourg.)

Bill (76) An Act respecting the Red Deer Valley Railway Company.—(Hon. Mr. Kerr, Cobourg.)

AMENDMENT TO THE AUTONOMY BILL.

INQUIRY.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to ask the hon. leader of the House if he would be kind

enough to favour us with a declaration similar to the one which I heard was to be made in the Commons to-day, with reference to the amendment that the government propose to make to the Autonomy Bills, if the matter is decided.

Hon. Mr. SCOTT—I am not aware that any amendment is to be proposed in the House of Commons to the Autonomy Bills.

Hon. Mr. LANDRY—Not the amendment, but the announcement of the amendment.

Hon. Mr. SCOTT—I am not aware that the matter is to be brought up.

Hon. Mr. MACDONALD (B.C.)—Stick to your guns.

PRYOR DIVORCE BILL.

THIRD READING.

Hon. Mr. YOUNG moved the third reading of Bill (B) An Act for the relief of James Arthur Pryor.

Hon. Mr. DOMVILLE—I object to the passage of this Bill on principle. I object to divorce cases being brought here at all. I object on principle, and I object to this measure in particular, because I hold in my hand the evidence, and I can find nothing in law or scripture to warrant a divorce on such grounds. I am told it is not the custom to debate before the House any evidence taken in the committee. I think it would be a very sad thing for the country at large if divorces are to be granted on such trivial matters as are contained in this document and without any proof of facts at all. With these remarks I move in amendment, seconded by the Hon. Mr. McDonald (C.B.), that this Bill be not now read the third time, but that it be read the third time this day six months.

Hon. Mr. POWER—I have not had the pleasure of reading the evidence to which the hon. gentleman from Rothesay has referred, but he is perfectly in order in discussing the evidence. It has been printed so that it may, if necessary, be discussed here, and if it appears the evidence does not make a sufficiently strong case to warrant the House in passing the Bill, then the House would not be justified in passing it. We have in the past, on various occasions, discussed evidence in connection with divorce bills, and I think the House would be very glad to hear from the hon. gentleman his reasons at length, citing the evidence.

Hon. Mr. McMULLEN—As a member of the Divorce Committee, I can honestly say that in every instance the committee has been most careful in taking the evidence to see that the charges were sustained, and it is only when it is clear beyond all doubt that the respondent is guilty of conduct warranting a separation that divorce is granted. I do not challenge the opinion of my hon. friend on the evidence he has read, but I think he must have turned over two pages at a time if he has come to the conclusion that the charges in the Bill have not been sustained by the evidence. The conclusion of the committee was that the defendant had been guilty of acts which would warrant this House in granting a divorce. In no single case has the Divorce Committee ever recommended a divorce unless the charges in the Bill have been proven beyond a doubt. This case is no exception.

Hon. Mr. ELLIS—In this case the hon. gentleman from Rothesay (Hon. Mr. Domville) says that the evidence does not contain proof of the charges set forth in the Bill.

Hon. Mr. DOMVILLE—Not to my mind.

Hon. Mr. ELLIS—I have not read the evidence and, therefore, am not in a position to vote on the question. I do not desire to read such matters unless I am compelled to, and I have not read the evidence in this case. I would suggest that it would be well to let the third reading of this Bill stand until members have had an opportunity to read the evidence.

Hon. Sir MACKENZIE BOWELL—I am in precisely the same position as my hon. friend who has just spoken. I was away a few days and on my return found the evidence on my table, but have not had time to read it, and, therefore, would not be justified in recording a vote after the statement that has been made by the hon. senator from Rothesay. In order to justify the votes which I give in the Senate on divorce bills, I must be convinced that the evidence is of such a character as to warrant us in granting a divorce. We in Canada have laid down one principle, and that is that divorce shall not be granted except on proof of the commission of one crime. If that has

not been proven in this case, I shall vote against the Bill. I have in the past read the evidence for the purpose of enabling me to give an intelligent vote, and if the hon. mover, with the concurrence of the hon. gentleman from Rothesay, will postpone the third reading for a few days, we will be in a better position to pass judgment on the Bill.

Hon. Mr. DOMVILLE—I am quite willing to have it stand over.

Hon. Mr. YOUNG—Yesterday, as a matter of courtesy for an hon. member who was not present, I set down the third reading of this Bill for to-day in the absence of the hon. gentleman who has it in charge. That is an additional reason to the reasons advanced by the leader of the opposition that the consideration of the Bill should be postponed to some future day. I, therefore, ask permission to withdraw my motion and have the order discharged and placed on the Orders of the Day for third reading on Wednesday next.

Hon. Mr. DOMVILLE—That is quite satisfactory, and I beg leave to withdraw my amendment.

The order for third reading was fixed for Wednesday next.

MURPHY DIVORCE BILL.

THIRD READING POSTPONED.

The Order of the Day being called,

Third reading Bill (A) an Act for the relief of Edward Albert Murphy.—Hon. Mr. Kerr, Cobourg.

Hon. Mr. KERR moved that the Bill be now read a third time.

Hon. Mr. LANDRY—I am asked by a few parties here, and some friends who are absent, if the hon. member will allow this Bill to stand until Tuesday next.

Hon. Mr. KERR—I have no objection.

The order for the third reading of the Bill was fixed for Tuesday next.

SECOND READINGS.

Bill (C) An Act for the relief of Clara Bidwell McDermott.—(Hon. Mr. Young.)

Bill (E) An Act for the relief of Arthur Howe Hersey.—(Hon. Mr. Kerr, Cobourg.)

Bill (F) An Act for the relief of Jane Marie Fitzsimons.—(Hon. Mr. Young.)

Bill (19) An Act to incorporate the Calgary, Red Deer and Battleford Railway Company.—(Hon. Mr. Young.)

Bill (41) An Act respecting the Regina and Hudson's Bay Railway Company.—(Hon. Mr. Watson.)

Bill (43) An Act, respecting the Lake Champlain and St. Lawrence Ship Canal Company.—(Hon. Mr. Cloran.)

Bill (56) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Watson.)

Bill (26) An Act to incorporate the Sovereign Fire Assurance Company of Canada.—(Hon. Mr. Kerr, Cobourg.)

CENSUS AND STATISTICS BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (5) An Act respecting the Census and Statistics.

(In the Committee).

Hon. Sir RICHARD CARTWRIGHT—I may observe that this is mainly a consolidation of the Acts now on the statute-books. There are two clauses to which I would direct the attention of the House, clause 3 and clause 4. Those are substantially—in fact entirely—the only alterations which are being made in the existing statutes. Under these provision is made for the creation of a permanent office which shall be occupied with the continued compilation of statistics in the intervals between the taking of the present decennial and quinquennial census. Those are the main features of the Bill, and hon. gentlemen will observe that in each case the particular section of the Revised Statutes is referred to where they simply re-enact it.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. minister if the number of officials created by the Bill will add to the expense of taking the census?

Hon. Sir RICHARD CARTWRIGHT—Not according to the information supplied me by the hon. Minister of Agriculture, in whose department this matter is. He hopes that the total expense will be somewhat reduced by means of this measure. There will be an annual expenditure of some fifteen or twenty thousand dollars, according to his computation, but we will be in pos-

session of a much larger volume of statistics than we at present possess. Now, my hon. friend knows we are obliged to have a quinquennial census for the purpose of obtaining information as to the population of the Northwest and Manitoba, and in practice it has been found that the census requires to be commenced, as matters stand, a year or eighteen months before each decennial period. And as he probably knows it takes at least four, and perhaps five years before all the information that is required to be collected by the census can be collected, revised and published. Then when the five years have expired we have to take the quinquennial census again, so that in reality but very little addition will be made to the length of time that the census staff is at present employed. As far as I can estimate, probably not more than two years out of the ten, or three years at the outside, will be required, in addition to the time during which the staff is now employed. And it has been found very inconvenient in practice, after these men have acquired a certain amount of experience, to break them up and form a census staff each five years. That is the chief reason which induced the Minister of Agriculture to recommend this Bill to the lower chamber.

Hon. Mr. MACDONALD (B.C.)—Is it likely this new system will lead to a very correct enumeration ? I think there are very few people in the country who believe in the correctness of the census as it is taken at present. There is a great deal of carelessness, and if this will lead to a correct enumeration it is a very good Bill. The trouble is to get a correct enumeration. The young men employed are careless and take the names in a haphazard way. In our province we do not place any reliance at all on the taking of the census.

On clause 10,

Hon. Sir MACKENZIE BOWELL—Does not this provide for more information than has been obtained in the past? I remember one census when the education of the people was not taken. I see there is a provision for it in this Bill. I think it is a very good amendment. The fourth clause provides for the taking of the census of the different factories, as to what is to constitute a factory—'Warehouse, factories and other buildings therein.' I remember very well some very severe strictures being passed upon the census that was taken a few years ago, the one before the last, as to what constituted a factory and what constituted manufacturing industries. Objection was taken then to the smaller factories, where two or three or half a dozen people were employed being set down as factories, which added, of course, materially to the number of those engaged and the different classes of industries. Will this include the smaller ones to which objection was taken some eight or ten years ago, or will it be regulated by instructions from the department ? My hon. friend who has this Bill in charge understands very well what I mean, because I think he took very strong objections to the census on these grounds. If my recollection serves me right, and I think it does, it was on this particular point. I am not referring to these matters as objections. The provision in reference to the education of the people, is a good one as it will afford a full knowledge of the matter in the different provinces, enabling the provinces to take steps to remove any obstacles in the way of educating the rising generation, where it is most required, and so far as the factories are concerned, it is simply for the purpose of bringing under the notice of the Senate the objections taken before, so that these matters can be regulated.

Hon. Sir RICHARD CARTWRIGHT—As I understand, the instructions issued by the minister are to define factories as places in which not less than five persons are engaged. If my hon. friend remembers, the objections that were taken to a number of industries that were enumerated were that they consisted of single persons, and I remember one set of cases in which there were 100 distinct factories, so called, I think for knitting, and the average amount of capital in these was considerably under $8 each. My hon. friend will find the details in the third volume of the census of 1891, if my memory is correct.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman's memory is good.

Hon. Sir RICHARD CARTWRIGHT—And he will also find that these one hundred factories to which I alluded employed one hundred ladies of advanced age, earn-

ing a wage rather under $14 each in the course of a year. I think the Minister of Agriculture has instructed his officials that these may be treated comprehensively, without special reference. My hon. friend will notice that this is a re-enactment of section 5 of chapter 58 of the Revised Statutes, and it is not amended in any way.

The clause was adopted.

On clause 32,

Every officer, census commissioner, enumerator, agent or other person employed in the execution of this Act, who, in the pretended performance of his duties thereunder, obtains or seeks to obtain information which he is not by or under this Act duly authorized to obtain, is guilty of an indictable offence.

Hon. Mr. MACDONALD (B.C.)—Should not these officers be sworn ?

Hon. Sir RICHARD CARTWRIGHT—They are sworn.

Hon. Sir MACKENZIE BOWELL—Could the hon. member give us any reason why this clause is introduced ? Has it been the practice of some enumerators to demand information not called for by the Act ?

Hon. Sir RICHARD CARTWRIGHT—The reason assigned by the Minister of Agriculture was that complaints had been made to him, particularly I think on the part of certain manufacturers, that persons who had been employed in collecting those statistics had improperly attempted to obtain information from these persons with respect to their private business, or business secrets which they had no right to obtain, and of course we desired, while obtaining all the information that the census required, to take no unfair advantage of, or pry unduly into the private affairs of any person. It was to meet these complaints that this clause was introduced.

Hon. Sir MACKENZIE BOWELL—A very good reason.

The clause was adopted.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

CANADIAN SENATORS AT WASHINGTON.

Mr. SPEAKER—I deem it my duty to take this the first opportunity after the reassembling of the Senate to bring to its notice the very cordial reception which was given to your Speaker, and to the Honourable Sir Mackenzie Bowell, ex-premier and senator and the Honourable Senator McSweeney, at the inauguration of the president of the United States, at Washington, on the 4th of March last.

On learning of our presence in the city the president accorded us a private reception, and requested me, as your Speaker to convey to the Canadian Senate his high appreciation of our attendance at his inauguration, and his hearty wishes that the intercourse between the public men of both neighbouring nations should be more frequent and more intimate.

I desire at the same time, on behalf of myself and colleagues, to thank the Senate of the United States for the very gracious act it performed on the day of our arrival, by adopting the following resolution granting to us the courtesies of the Senate and the privileges of the floor, of that honourable body.

In the Senate of the United States,

March 3rd, 1905.

On motion by Mr. Spooner :

Resolved, that the courtesies of the Senate, including the privileges of the floor, are extended to the Honourable Raoul Dandurand, Speaker of the Senate of the Dominion of Canada, and the Honourable Sir Mackenzie Bowell ex-premier and senator of the said Dominion, who are at the capital to attend the inaugural ceremonies.

Attest :

CHARLES G. BENNETT,
Secretary.

As this resolution is of record in the minutes of that body, I have felt that this act of courtesy on the part of our brother senators from over the line should be officially recognized and taken cognizance of as a friendly act towards our whole chamber, and duly recorded in our own proceedings.

The honourable Senator McSweeney, whose presence at the American capital had not been announced, was granted the same reception as that given to his colleagues.

Hon. Sir MACKENZIE BOWELL—I can only echo the sentiments contained in the statement made by the hon. Speaker. Unsolicited by any of us, all the courtesies that could possibly be extended to people from

Canada, were extended to us at Washington. Intimation was given to us that the Senate, learning that we were in the city, extended to us the courtesies alluded to by the hon. the Speaker, and the interview with the President was of a character that was gratifying to us and to every Canadian. The president was exceedingly affable. I need not refer to the speech made by the Speaker of the Senate in which he reciprocated the sentiments of the President in reference to the feeling which should exist and which we hope will continue to exist between the two countries and the hope that there would be more frequent intercourse between us. He spoke particularly of some remarks which had been made by the Premier of this country, and I thought it my duty to reaffirm them and to say that the feelings stated by the Speaker were shared by those who were in opposition to the government. In reference to the hon. senator from Moncton, had it been known that he was in the city his name would have been included with ours. I regret that it was not. Being an Irishman, however, though he was invited to the floor of the House, his gallantry led him to the gallery, to the more congenial company of the ladies, while the Speaker and myself had to go to the floor, where we could look up to him and envy his position. Should any representative from Washington visit this country, I trust that the same courtesies will be extended to him that were extended to the Speaker of the Canadian Senate. The more of these interchanges of civilities and courtesies occur the better friends we will all be in the future. (Cheers.)

Hon. Mr. ELLIS moved, seconded by Mr. Kerr (Toronto), that the statement of the Speaker be recorded on the Journals of the House, and that a copy of the same be transmitted to the President of the United States and the President of the United States Senate.

The motion was agreed to.

The Senate adjourned until Tuesday next at three o'clock.

SENATE.

Ottawa, Tuesday, March 21, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PETITION OF DAVID THOMAS OWEN.

Hon. Mr. BERNIER—I may not be in order now, but I think this is the proper time to call the attention of the House and the hon. Speaker to a certain petition which comes from a foreigner. Some three or four years ago the question came before this chamber, and there is a very elaborate decision on the part of our hon. Speaker's predecessor in the chair upon the point, deciding that a foreigner had no right to lay a petition before the parliament of Canada. I need not discuss the matter, because, as I have said, the whole question is treated very fully in this decision of the hon. gentleman from Halifax, when he was Speaker of the House. Therefore, I merely call the attention of the hon. Speaker and the House to the facts.

Hon. Cr. FERGUSON—Is it from a foreigner?

Hon. Mr. BERNIER—The petition is from a gentleman in Cleveland, Ohio.

Hon. Mr. YOUNG—What petition does the hon. gentleman refer to?

Hon. Mr. BERNIER—David Thomas Owen, of the city of Cleveland, State of Ohio.

Hon. Mr. SCOTT—Has the petition been received ?

Hon. Mr. BERNIER—It is being laid before the House to be received, and I think this is the proper time to call attention to it.

Hon. Mr. SCOTT—Better move that it be not received, and let it stand until to-morrow.

Hon. Mr. LANDRY—It may stand until to-morrow.

Hon. Mr. SCOTT—In the meantime the Speaker can look into it. The petition cannot be read until it is received. It has not been received. It can be referred to the hon. Speaker.

Hon. Mr. YOUNG—If this petition is, as the hon. gentleman states, the petition of a United States citizen to the House praying for the passing of an Act with reference to some letters patent which are about to expire—I am not familiar with the details, but something of that nature—I should like

to call the attention of the Speaker to the fact that a great many petitions have been received this session, and other sessions intervening since that decision was given, from foreigners, and legislation granted in the same way as if they were our own citizens.

Hon. Mr. LANDRY—Without objection ?

Hon. Mr. YOUNG—Without objection.

Hon. Mr. LANDRY—If there had been an objection it might have been different.

Hon. Mr. YOUNG—The practice of receiving petitions from those who are not British subjects has been growing, and I mention this so that the hon. gentlemen will have to judge of the circumstances as to our practice in the past in regard to petitions.

The SPEAKER—I suppose this matter will stand till to-morrow.

Hon. Mr. BERNIER moved that the reading of this petition be deferred until to-morrow.

Hon. Mr. YOUNG—Is it understood that the hon. gentleman asks for the ruling of the Speaker upon it ?

Hon. Mr. BERNIER—Yes.

The motion was agreed to.

EMPLOYMENT OF FOREIGN ENGINEERS ON THE GRAND TRUNK PACIFIC RAILWAY SURVEY.

MOTION POSTPONED.

The Order of the Day being called :

By Hon. Mr. MACDONALD (B.C.) :

Will call the attention of the government to a portion of the report of Judge Winchester, who was appointed to inquire into the truth or falsity of the allegations that the Grand Trunk Pacific Railway managers were employing civil engineers from the United States to the exclusion of Dominion engineers, as follows :—

Referring to the capability and availability of Canadian engineers, Judge Winchester says : Mr. Hays and Mr. Stephens, having stated that they were unable to obtain capable Canadian engineers to do the necessary work in connection with this railway, I made inquiry with reference to the capability and availability of engineers bona fide residents in Canada, and examined a number of eminent engineers on that question. The consensus of their evidence is that there was a sufficient number of capable engineers to perform the work as well as, if not better than, the American engineers appointed, and that had reasonable efforts been made by Mr. Hays or Mr. Stephens, they would have had no difficulty whatever in obtaining the necessary talent for the work to be performed.

Judge Winchester quotes from the evidence of Sir Sandford Fleming and others as to the ability of Canadian engineers and says : In addition to the evidence of the engineers above mentioned, who were unanimous in stating that Canadian engineers were not inferior to the American engineers for the work in question, and some of whom stated that they were superior, having a better knowledge of our northern country, and that a sufficient number were available for such work at the salaries offered, I examined Mr. William Mackenzie, whose firm are constructing the Canadian Northern Railway, and he stated that he did not know a single engineer in connection with that railway who was an American. I also examined Mr. A. W. Campbell, Assistant Commissioner of Public Works for Ontario, and a civil engineer, and who had charge of the construction of the Temiscamingue and Northern Ontario Railway. He stated that he had no difficulty in obtaining Canadian engineers to take charge of the location and construction of that railway ; in fact, he had so many applications that he did not know what to do with them.

The conclusion of the report is as follows : As the result of the evidence taken before me during the investigation I am of the opinion that there was no earnest endeavour made to obtain Canadian engineers for the location of the Grand Trunk Pacific Railway by those having authority to employ such ; that had such an effort been made there would have been no difficulty in obtaining a sufficient number capable not only of locating, but of constructing the whole work. In the word 'engineers' I include all from the chief engineer and harbour engineer to transit men, draughtsmen, levellers and topographers. There was, however, a very earnest desire to obtain American engineers for the work, and in some cases applications were made to the heads of other railway companies to relieve men for the purpose of having them brought to Canada to be employed on this road. I have already stated the number of American engineers so employed on this road. I find also, from the evidence, that the Canadian engineers are not inferior to the American engineers for the work in question, but having a superior knowledge of the country they are better qualified for that work. I also desire to state that the Canadian engineers are not asking for protection for themselves, but merely desire that no discrimination be made against them. That discrimination has been made against them, in my opinion, there is no doubt.

And will ask if the government has taken any steps to enforce the Alien Labour Act ? How many United States civil engineers are employed on the Grand Trunk Pacific Railway survey, and how many Dominion engineers ?

Hon. Mr. SCOTT—That question cannot be answered during Mr. Wainwright's absence. It will have to be put off for some weeks. I have a letter from the Department of Labour to say that it cannot be answered until Mr. Wainwright returns. He was called away to the other side of the Atlantic by the death of a relative, and is not expected back for some time.

Hon. Mr. MACDONALD (B.C.)—An additional reason is the fact that I was asked, as a special favour, to postpone this motion for a number of days, and I now name the 4th of April.

The motion was allowed to stand until the 4th of April.

THE LOAN AND SAVINGS COMPANY.

INQUIRY.

Hon. Mr. LANDRY inquired :

Whether the government has been informed that there exists in Montreal a company known under the name of 'The Loan and Savings Company,' the principal office of which is situated at No. 26 St. Alexis Street, Montreal ?

When was this company incorporated by letters patent under the Act 40th Victoria, chapter 50 ?

Has the aforesaid company ever made and transmitted to the Minister of Finance the returns required by section 22 of the said Act ?

At what date was each of these returns received by the Minister of Finance ?

Hon. Mr. SCOTT—The government have no knowledge of the existence of a company under the name of the Loan and Savings Company. I have had a search made among the records to know whether any such company was incorporated, and cannot find that it ever was. The name is not to be found anywhere in our returns, and the Finance Minister has no information on the subject. It must be a fake.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to bring to the notice of the House an article that was published in the 'Mail' on the 16th March, under the title of 'A stain upon the Senate.' It reads as follows——

Hon. Mr. LEGRIS—Will the hon. gentleman wait until to-morrow ? I will be in a position then to give an answer. I have not the paper here.

Hon. Mr. LANDRY—All right, I will bring it up to-morrow.

THIRD READINGS.

Bill (31) An Act respecting the Canada and Michigan Bridge and Tunnel Company.—(Hon. Mr. Kerr, Toronto.)

Bill (30) An Act respecting the Canada Southern Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (29) An Act respecting the Canada Southern Bridge Company.—(Hon. Mr. Kerr, Toronto.)

Bill (15) An Act to incorporate the St. Mary's and Western Ontario Railway Company.—(Hon. Mr. McMullen.)

Bill (11) An Act respecting the Columbia and Western Railway Company.—(Hon. Mr. Kirchhoffer.)

Bill (18) An Act respecting the Ottawa, Northern and Western Railway Company.—(Hon. Mr. Edwards.)

Bill (42) An Act respecting the Vancouver, Westminster and Yukon Railway Company.—(Hon. Mr. Templeman.)

Bill (48) An Act respecting the Toronto and Hamilton Railway Company.—(Hon. Mr. Kerr, Toronto.)

NICOLA, KAMLOOPS AND SIMILKAMEEN COAL AND RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. KERR (Toronto) moved the third reading of Bill (34) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company, as amended.

Hon. Mr. WILSON—Perhaps the third clause of this Bill goes further than most of us would be willing to allow a Bill to go. It strikes me that it is rather retroactive in its character, and if such be the case, I should like to have the promoter of the Bill explain that third clause.

Hon. Mr. KERR (Toronto)—The hon. senator is quite right in saying that the third clause is retroactive. It is intended to be retroactive. The circumstances connected with it require that it should be or the company would pass out of existence. I may state the case shortly in this way and there is nothing more practically to be said about it ; this company was incorporated by the province of British Columbia in 1891, by chapter 47. Time was given for the commencement and completion of the work. The time so granted expired, and in 1903 a subsequent Act of British Columbia was passed striking out the clause in the previous Act under which the company was limited as to time for commencement or completion and so on the face of the Bill it appeared that the company stood incorporat-

ed to build without limitation of time whatever. Then, in the same year, this parliament passed an Act, chapter 164, in which they declared that the works of that company were for the general advantage of Canada, transferring the jurisdiction over the company from the province to the Dominion parliament. The preamble for that Act recites the two previous Acts of the British Columbia legislature, and this parliament at that time acted under the impression that the company was in fact in existence, the time limit having been struck out, but it turned out that by the strict reading of the General Railway Act of British Columbia there was a question whether this company had or had not a limitation of time granted to it, and whether the limitation of time which had been granted in the Act incorporating the company was not the one which was to govern rather than the general clause in the Railway Act of British Columbia which gave a time, and which would have operated upon this company as it was understood by the parliament of Canada it would at that time. There was also the fact that the last Act of British Columbia contained a provision by which it was declared that that Act was not to go into force unless certain conditions were first performed, the deposit of money in the hands of the government of British Columbia, security for construction of the road, which deposit was made and certain other conditions performed in the way of security. These have made the matter so involved, that it is a very grave question whether the company is or is not in existence at all, and whether the Act which was passed in 1903 was not absolutely ineffective and did not apply to a company which had no existence. To remove that objection this Bill has been introduced, and for that reason the organization of the company having been kept up, and this difficulty only having been discovered recently, it is proposed that the existence of the company shall be practically confirmed, and that is the reason it is retroactive, and it is not retroactive to any other extent. That was explained to the committee before the House of Commons, and there was a special reference to a special committee of that House to look into the matter. They reported accordingly and upon that the House of Commons passed it and it was the subject of explanation here before the Railway Committee. I hope with this explanation the Senate will see that the Bill is a proper one.

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

MURPHY DIVORCE BILL.

THIRD READING.

Hon. Mr. KERR (Cobourg) moved the third reading of Bill (A) an Act for the relief of Edward Albert Murphy.

Hon. Mr. LANDRY—I have no intention to oppose the Bill in any other way than to record my vote against it, but I take this opportunity to call the attention of the House to some faulty matters which I find in the report of the committee. This marriage which is to be annulled has been contracted twice, once in the States and once in Canada. I do not know which one of the two marriages is to be annulled.

Hon. Mr. WILSON—A double barrelled marriage.

Hon. Mr. LANDRY—I will read from the petitioner's evidence. He was asked—'Do you remember the circumstances under which you were married?' and he answers 'yes, at Rouse's Point, the 29th June.' He does not say what year. 'And then we were married again in St. Patrick's church by Father Quinlivan'?

Hon Sir MACKENZIE BOWELL—What year?

Hon. Mr. LANDRY—It does not say. Then he is asked 'under what circumstances did you happen to go to Rouse's Point?' And he answered 'Well, there was some question of putting off the marriage and she was very anxious to get married, and I thought that was the best way out of it and we went off like fools.' I think the committee should be a little more careful in taking the evidence and let us know in what year the marriage took place. I will not go over the evidence. There are very nasty things in this document which might justify the recommendation of the committee in the opinion of those that think marriage can be annulled by granting a divorce, but the first fact which is brought out in the evidence seems to have been condoned alto-

gether and that is the worst circumstance. The petitioner says 'and one day I went to Mr. Living's house to see her and my wife threw herself into my arms and burst into tears and in that way prevented me from getting a divorce, so I let the whole thing drop.' Is it because it was dropped that he is now divorced ? A few letters were produced during the taking of the evidence and especially a letter which is supposed to be in the handwriting of the respondent. He is asked 'Is that the letter you refer to ?' And he says yes, the first letter about December, 1897.'

Q. Is this letter in her handwriting ?—A. Yes.
Q. That is her signature ?—A. That is her writing. There is no signature.
Q. But at all events you identify it as her handwriting ?—A. Yes.
Q. This is the letter that you received ?—A. Yes.

And the letter is marked exhibit 3. If we turn to exhibit 3 we will find that letter, but it is signed. Who put that signature there ? The evidence shows that it was not signed. I am taking this occasion to draw the attention of the House to the manner in which this evidence has been taken, and I think it is in a very loose way.

Hon. Mr. MACDONALD (B.C.)—There is no doubt about the adultery.

Hon. Mr. LANDRY—No, but there is a question whether it has not been pardoned ; he says he 'let the whole thing drop.' The fact that the wife went to see him and ask his pardon and he let the whole thing drop prevented him asking for a divorce, and he comes three or four years afterwards asking for a divorce on account of a circumstance for which, in his testimony, he says he did not dare ask for a divorce. That is all I wish to say now, but we might have a little further discussion to-morrow on another Bill.

Hon. Mr. McMULLEN—I am sorry the hon. chairman of the Divorce Committee (Hon. Mr. Kirchhoffer) is not in his place. I am quite sure if he were present he would satisfy my hon. friend fully that the committee dealing with that case dealt with it on the same lines that they have dealt with all the cases that have come before us. The evidence in the case was undoubtedly conclusive, that the wife of the petitioner had been guilty of the grossest crime that any woman could possibly commit. The fact was clearly proved. My hon. friend says that the petitioner condoned his wife's offence. I dare say in the inception of the trouble between the woman and her husband, had she reformed, as she at one time promised to do, he possibly would have allowed the matter to drop, but after bearing patiently for years with conduct which must be intolerable to any husband, he was forced to seek relief. With reference to the double marriage, we as a committee have nothing to do with that. My hon. friend will not say that a legal marriage was not solemnized in this country. It was, and we took cognizance of that legal marriage, which had been duly solemnized in Montreal. We had to deal with it when it came before us, just as we had to deal with other marriages. If my hon. friend will read the whole of the evidence, he will conclude that any man who has stood the trial and torture to which Murphy was subjected, justly deserves relief at the hands of the Senate.

Hon. Mr. CLORAN—I wish to put the matter clearly before the committee who have to deal with marriage and divorce. I would ask them not to force this hon. House to vote for divorces that are not proper—I will not say outside the law. I regret having consented to a divorce being granted last year to a man who was unworthy of it, a man who, finding his wife in adultery, said, in answer to a question put to him as to what he did : 'I went back to the hotel and smoked a cigar, and then next day I left,' thereby condoning the crime of the wife ; yet the committee granted him a divorce. This year we have another case of the same kind before us. I will not mention the case ; I am not speaking now of this particular case, but I would ask the committee, when they present a report to this House recommending that a divorce be granted, that they should see that it is a case of extreme gravity and serious consideration. This country is not given to breaking up the family ties and social conditions, and I hope that the committee, when it presents a Bill here granting a divorce to citizens of Canada, will only do so for very serious and grave reasons, and that when they recommend a divorce to this House it will be on evidence that will not be trivial. As the hon. member from Stadacona has pointed out, this divorce is

recommended without facts and without data upon which we can go.

Hon. Mr. LOUGHEED—For some fourteen or fifteen years I have been a member of the Divorce Committee. Several other members of this chamber, who have had considerable experience in the matter of weighing evidence, and are likewise familiar with conditions of social life, have also been members of that committee. I had not thoroughly appreciated the responsibility which devolves upon that committee, until I heard the remarks which have just fallen from the lips of my hon. friend from the Victoria division (Hon. Mr. Cloran). It is unfortunate that we have not had the advantage of his ability, theological and parliamentary, on that committee. I am sure, with the suggestions which he has made as to the responsibility of members of that committee, and the necessity of their properly discriminating as to the evidence and of their preserving the integrity of the family ties, to which he has so feelingly referred, we would more than appreciate the enlistment of his ability as a member of the Divorce Committee. I am sure the committee will not overlook the suggestions he has made. I am not authorized in any way to speak on behalf of the members of that committee, but I can assure him that hereafter we will endeavour to appreciate to a very much greater extent than we have in the past, the very serious responsibility which, as he has been good enought to point out, devolves upon us.

Hon. Mr. KERR (Cobourg)—It was not my intention to make any observation upon the third reading of this Bill, and I would not do so now had it not been for some of the remarks which have fallen from the hon. gentleman opposite (Hon. Mr. Cloran). He was not content, as the previous speaker in opposition to the Bill was, to confine himself to suggestions as to omissions in the evidence. In regard to these omissions I would call the hon. gentleman's attention to the fact that all these cases are initiated in the House by the presentation of a petition. That petition, on which the subsequent proceedings are based, becomes, like every other paper in the case, an important document and is preserved along with other papers, including the evidence. If the hon. gentleman will turn to that petition he will find that the dates and places are all set forth with great particularity, and the evidence substantiates the allegations in the petition. While it might appear to him that there are omissions in the evidence, he will see that they are not really material. As to a double marriage, there was one marriage—there could be but one marriage. There might be two or more ceremonies of marriage, but there was only one marriage, and it is that tie which the Senate is asked to dissolve. I am sorry that the hon. gentleman from Montreal (Hon. Mr. Cloran) made his objecion and spoke of the laxity with which the committee were in the habit of conducting their examinations. Now I should like to say to my hon. friend who thinks the committee are not sufficiently careful and not sufficiently impressed with the gravity of the duties which they have to discharge, that I will not yield to the hon. gentleman or to any man in this chamber, or to any man living, in my regard for the sacredness of the marriage tie. I have hitherto, during the six or seven years that I have served on that committee, acted in that spirit, as I shall continue so to act so long as I am honoured with a position on that committee. I profess to know when a fact is established by sufficient evidence. It has been my good, or bad fortune to have been engaged for over forty years in elicting evidence, in weighing evidence, and in drawing conclusions from evidence, and so far as the case now before this House is concerned I regret to say, for the sake of the parties concerned, that in the opinion of the committee, the allegations in the petition of wrong-doing—I do not repeat the words used in the petition for obvious reasons—but the act of wrong-doing was established by the evidence up to the hilt. There could be no escape from the conclusion at which the committee arrived. I do not intend to answer the reference to a case which was heard at a previous session, although it would be interesting to some hon. members to learn that a man who saw his wife commit an improper act and went away and smoked his pipe, was condoning the act which he witnessed. I will not argue that point, but if the case should be referred to again I may see fit to go into that more

fully. I will say just a word with regard to this case and the other to which the hon. gentleman referred. I hope the number of these cases will be as limited as possible for, as I said before in this chamber, and I wish to repeat now, and to repeat with all the emphasis that I can command, I have always tried to find, in sitting upon an inquiry of this kind, some proper and reasonable ground on which to reject the petition. If it comes to my mind that the party seeking the divorce is himself, or herself, guilty of the act complained of, they will not get a dissolution of the marriage tie by my vote.

Hon. Mr. WILSON—Had it not been for the remark made by the hon. gentleman from Victoria (Hon. Mr. Cloran) I would have allowed this matter to go to a vote, if a vote there be, without making any remarks ; but the insinuation cast by the hon. gentleman that the Divorce Committee neglects its duty and does not thoroughly understand the duties which pertain to it, is something to which I am not prepared to quietly submit. My hon. friend stands on a very high plane according to his estimation. He pretends to say that a certain thing ought not to be done, it matters not whether the alleged crime was committed or not. He appeals to the House that we are asked to separate the ties of father, mother and children. Is he superior to a judge on the bench ? Is his judgment superior to the jurisdiction of a court ? Does he feel that he has a right to come here and censure the committee and charge them with having failed to do their duty honestly, fairly and justly ? I know full well that the members of that committee are sincere, upright and honest ; that they do their duty and refuse to grant a divorce except on one ground. If that is the case, and if there is a separation allowed under the laws of Quebec, is it wrong that there should be a divorce under the jurisdiction of this parliament ? Are we to say to a person who comes here for a divorce that because he failed to take the law in his own hands, but, on the contrary, showed humanity, he is to be denied the right which he is supposed to possess under the law ? It is unfair and unreasonable that we should be expected, in that committee, to act otherwise than we have acted in that case. In reference to the present case, if my hon. friend from Victoria fully understood all the offences that had been committed, and had any feeling of generosity in his heart, he would say that Murphy had acted with great forbearance, more so than nine out of ten men would have acted ; and that being so, I ask in all fairness why this case is appealed against ? If there ever was a case in which the interference of parliament was justified it is this Murphy case. The man was afflicted almost from the day of his marriage until the time that he left his wife, and why ? On account of her habits and on account of what she did, and he must have been almost more than human to put up with the abuse he received at the hands of his wife. Not only that, but he strove by every means possible in his power to save her from ruin. He sent her to one place after another for the purpose of trying to reform her. He did all he could, all that human nature could be expected to do to try to restore that woman to society. She refused to be reclaimed, and is he to-day to be told that because he could not accomplish her reform, he should be tied for life to that woman ? It is unfortunate that this matter should be brought up to-day, and that the impression should go abroad that a married man or woman may commit every offence imaginable, and the injured partner need not look for redress to parliament. It would be an unfortunate thing if such an idea should be promulgated. I hope those who have brought up this matter to-day will reconsider the position in which they are putting parliament. We all know full well that if certain offences are committed, parliament has the power to grant a divorce. In this case, the commission of the offence has been proved, and all that is asked is that the divorce be granted in view of the evidence.

Hon. Mr. CLORAN—Does the hon. gentleman mean to say that human sentiment ought to take the place of divine law ?

Hon. Mr. WILSON—We know full well what the law of Canada is in this matter, and I do not suppose we have to interfere with the divine law when we have the statute law to act upon.

Hon. Mr. CLORAN—I am not in accord with the statement that the statute law takes the place of divine law.

The motion was agreed to on a division.

INSPECTION AND SALE OF SEEDS ACT.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

Second reading (Bill 7) an Act respecting the Inspection and Sale of Seeds.—Hon. Mr. Scott.

Hon. Sir MACKENZIE BOWELL said : I should like the hon. Secretary of State to postpone the second reading of this Bill till Thursday. It is a Bill of some importance, and I have not been able to give it proper attention, because while I think the intention of the government is in the right direction it seems to me the provisions of the Bill are impracticable, and I would ask the hon. gentleman to postpone it.

Hon. Mr. SCOTT—There is no objection.

The Order of the Day was allowed to stand till Thursday next.

FREE TRANSPORTATION OF MEMBERS OF PARLIAMENT BILL.

IN COMMITTEE.

The Order of the Day being called :

Committee of the Whole House on (Bill D) an Act to amend the Railway Act, 1903, as regards the free transportation of senators and members of the House of Commons.—Hon. Mr. Casgrain, de Lanaudière.

Hon. Mr. CASGRAIN (de Lanaudière) moved that the hon. Speaker do now leave the chair.

Hon. Mr. POWER—I suggest that the hon. gentleman might let this stand till Thursday. He thinks it is a matter of the most vital importance that this Bill should be rushed through. Usually when more than one member asks to have a Bill stand over the request is complied with. There was some discussion in connection with this Bill, and I tried to make it clear to the House that the Bill was unnecessary, because the Railway Commission had the power to do what it provides for, and it is not the sort of legislation to exhibit before the country.

Hon. Mr. BAKER—Hear, hear.

Hon. Mr. POWER—I proposed before this stage was reached to have an interview with the Railway Commission, but on making inquiry I found that the Railway Commission was sitting at Niagara. I understand the commissioners have returned and I ask to have the Bill stand till Thursday in order that there may be an opportunity to consult with them, and ascertain if they have the power to deal with it. The hon. Secretary of State produced a telegram from the secretary of the Canadian Pacific Railway Company asking that the measure be not proceeded with until they had an opportunity to be here.

Hon. Mr. CASGRAIN (de Lanaudière)—This Bill has been a very long time on the order paper, and I have, at the request of several hon. members of the House, postponed it until now, and it has to pass the Commons yet. The session is getting on, and private member days will probably be scarce in the House, and I think we should pass this Bill now. It was read the first time on the 23rd of February, and at the request of the leader of the government I agreed to postpone the next stage from the 23rd February till the 9th March. Then, when it came up for second reading, I postponed it by request, and then I postponed it again. The principle of the Bill has been adopted by this House by a vote of more than two to one, and I may say there was absolutely no opposition that I know of outside of this House. The Bill is a very simple one containing three short lines, simply inserting the words 'upon the presentation of a card of identification' approved of and certified by the Clerk of the Senate or the Clerk of the House of Commons as the case might be. I have had conversations with gentlemen outside of this House interested in large railway companies, and they consider this is rather a guarantee from the fact that there will be one single certificate issued, instead of having 50 or 60 passes over all the railways in the country. There are from 60 to 70 railways, and members have to have a pass over every one of them. Consequently I am told this Bill offers a great deal more security and as the hon. Secretary of State said, he had received a telegram from some one connected with the Canadian Pacific Railway asking a postponement of this Bill, I have reason to believe now that the Secretary of State has no further objection to the Bill, and that the gentleman who telegraphed on that occasion withdraws all opposition. It is a convenience for the railway companies, and I think it will be a convenience for all. It is not a new thing : it exists in many other countries.

Hon. Mr. MACDONALD (B.C.)—I should like to ask the hon. gentleman if he were proceeding on a long journey where he is not known, would he leave his pass at home and go with the certificate of the Clerk? I do not think there is a gentleman in this House who would feel secure in going along with his certificate only. If he is going a long journey where he is not known would he leave his pass at home and trust entirely to the certificate of the Clerk?

Hon. Mr. CASGRAIN (de Lanaudière)—Certainly, one certificate would carry any hon. gentleman over every railroad. To-day every hon. senator may travel without a pass—simply enter the railway carriage and say: 'I am here by Act of parliament and you have to carry me as far as I care to go.' But the conductor may say: 'We do not know that you are a member of parliament. How can you prove it?' If this Bill passes he can prove it by exhibiting his card of identification.

Hon. Mr. McMULLEN—This is a matter in which we should go it a little slow, if I may use that expression. In the first place my hon. friend says that this Bill has been now over a month on the order paper, and that the session is wearing somewhat to a close. Well, we know that for a number of years past, parliament has never closed short of four months, and we are only a little over two months here. Then again I think we had better carefully study what possibly might be the outcome of the passage of a Bill of this kind. When the railway companies give a pass, under the existing law, if it is under the law that they give it, they acknowledge their acquiescence in the law. They accept the enactment, and give each member a pass so that he can be recognized by their conductors. That is the object now in granting a pass. Supposing that we decline to recognize the action of the railways, and the Speaker of this House gives any senator a certificate that he is a member of this House, on the strength of that the conductor is supposed to allow that senator to ride free. That is supposed to enable the conductor to recognize him as a senator, but supposing he refuses to recognize him and puts him off the train with that certificate in his possession, what course is to be adopted by the senator? He brings an action against the Canadian Pacific Railway, say for having been ejected from the train. Now, the Canadian Pacific Railway occupies rather a peculiar position as regards this country. They have a clause in their charter that the parliament of Canada is not to interfere with them in the matter of rates until such time as they earn 10 per cent upon their invested capital. A member ejected from a train brings an action against the railway company for damages, and if he is to succeed in that action he must undoubtedly prove that the Canadian Pacific Railway is earning ten per cent upon its capital. That would be a reasonable ground for the Canadian Pacific Railway to take in answer to an action brought against them for ejecting a member of parliament from a train. Their reasonable answer would be 'we are not earning 10 per cent upon the invested capital of this company and we claim that the Act that calls upon us to carry members free is an infringement upon the contract that we made with this country, and that no person has a right to succeed.' If the Canadian Pacific Railway waives all that and grants us a pass by which the conductors acknowledge each member and carries us free over their line, I think we should accept it without raising the question at all or dictating to them that we won't accept that thing and that we persist in riding upon a certificate issued by the Clerk or the Speaker of this House. I do not think it would be safe to proceed in this way without the acquiescence of the railway companies as a whole. The Grand Trunk might possibly acquiesce. There is no difficulty with them, and no loop hole for them to get out of it. The Canadian Pacific Railway may take advantage of the conditions I have presented. Then what is the object of a pass? What is the object of a certificate from the Speaker of this House? It is not to enable the member to ride free. That has been accomplished by Act of parliament. It is declared that we shall do so. It is to enable the conductor to recognize that man and decide whether he is a member and whether as such he is entitled to ride free. Now the railway companies should have their own way of deciding who is a member. They should have an op-

portunity of satisfying themselves and I say that when they by their own act issue a pass to each member they are acquiescing in the law and establishing a method whereby they claim and agree to recognize a member and allow him to ride free.

Hon. Mr. YOUNG—What about the railways in Canada which have not issued passes ?

Hon. Sir MACKENZIE BOWELL—When the Consolidation Railway Bill was before the Senate, hon. gentlemen know that I spoke in opposition to this particular provision in the Act. I am opposed to all this kind of legislation and really one would suppose from the remarks made by the hon. mover that it was a matter of such vital importance that the delay of a few days or a week or two would be detrimental to the interests of this great Dominion. I think the suggestion of the hon. gentleman from Halifax is a very reasonable one. I would go further than that. This is matter affecting the internal economy of arrangement of the railway companies, and if this is to become law, if the Bill is sent to the Railway Committee where we can obtain the opinion of those who are connected with the railways, we would be better able to ascertain their feelings in the matter, and if they find it is to be adopted by parliament they might suggest a mode of carrying out the intentions that have been suggested by the hon. mover. It does seem to me that this kind of legislation is undignified. I may be wrong but it seems to me that it is beneath the dignity of this Senate to dabble with questions affecting their own individual interests, and I might say their pockets to that extent. We know how liberal they have been. It was stated by one hon. gentleman when I took objection to that clause in the Railway Act, that I no doubt had travelled on passes, and the answer to that was 'yes. I have received complimentary passes from the railroads. I accept them from a railway just as I accept an invitation to a social or dinner from any gentleman who thinks proper to invite me and act upon it,' but to be constantly legislating upon questions of this kind in order to facilitate the travelling of members, I repeat, is beneath the dignity of a body of this kind, and the suggestion made by the hon. gentleman from Halifax, I think is a very reasonable one. If the Railway Commission have the power to deal with this, they could deal with it in a manner probably that would meet the views of the hon. gentleman who has made the motion, and they might suggest a simple mode of accomplishing that end. The question of identification is one that would be no safer under this system than it would be under the ordinary pass, unless—and that is what I would move if we go on and get into committee—the photograph of every member who receives a certificate shall be attached to it in order that the conductor may know when he presents it that he is the person entitled to use it. At the centennial in Philadelphia passes were granted to the press, and the moment you received a pass you had to have your photograph on it, and they look at your photograph and then at your face. A fraud could be committed with a certificate the same as with a pass.

Hon. Mr. MACDONALD (B.C.)—Would you stick all photographs up in the police court ?

Hon. Sir MACKENZIE BOWELL—No I would suggest the rogues' gallery. To be serious in this matter I hope the hon. gentleman will accept the suggestion of the hon. member from Halifax. It is not of such vital importance that we should push it through in a few minutes. I do not think it will hurt any of us to produce our passes in the future.

Hon. Mr. MacKEEN—I have been listening to the observations of hon. gentlemen on both sides, and it seems to me that a great deal has been said that is not businesslike. Some of the gentlemen who have spoken, like myself, know very little about railroads and railroad matters. When this legislation, making it compulsory on the part of railway companies to carry members free, was under discussion I do not think I took any part in it. I had no personal reason to do so certainly, because during my time in parliament I have always been supplied with all the passes I needed. In fact, I have only travelled on two or three lines, and my experience in that regard was not at all different from that of every member of parliament. They were all given passes, personally, as I said, there was no particular object. But when that legislation was in-

troduced and passed, I think almost unanimously by the Senate, and became law, it seemed to me that it was a little strange that the legality of that law should be questioned to-day. I cannot understand why it should be advanced as a reason why this Bill should not be passed that we had no authority to introduce such legislation. The government agreed to it and I suppose the law officers of the Crown understood it, and if we now reject the Bill on account of the illegality of law we passed a year ago, surely we will be stultifying ourselves in a way it is difficult to understand. Again I must say that I have more or less sympathy with the object of this Bill. It is simply to enable members of parliament to have their transportation with the least possible inconvenience. That is all, as I understand it.

Since this law was passed, I have had at least twenty-five passes from all quarters of Canada from little roads of four or five miles in length to roads of two thousand miles in length. I do not carry all of them about with me. If I had the certificate asked for in this Bill, I would have no need to carry anything else. I would be able to say 'here is my certificate that I am a member of the Canadian Senate,' and nothing more would be required. I could present that anywhere. It identifies me and takes away all the responsibility of lugging these passes about. It is a convenience not only to myself, but also to the railway officials. A fear has been expressed that possibly a senator, on account of not being known, may be thrown off a train. That would be an extreme case, and to advance it shows the weakness of the case they are trying to support. There is not an old gentleman in the Senate that is not known all over the country. With our grey and bald heads there would be no trouble in identifying most of us. This Bill has been before the Senate for several weeks, and gone through the regular phases and is now to be referred to Committee of the Whole. I see no reason why it should be delayed simply because somebody wants to study it more carefully. I should say that any man of ordinary intelligence could study that Bill and know all about it in five minutes. Why do we want to study it so carefully if the law under which we are now acting is legal? Why waste more time with it? As the leader of the opposition has said, it is not a matter of very great importance, but I should say that if the mover of the Bill is allowed his rights the Bill will be passed.

Hon. Mr. CLORAN—The remarks made by the hon. member for Halifax, strike me as being inconsistent with the duty of this House. We should not abrogate our rights, privileges and powers and put them in the hands of any commission or committee. On two occasions the hon. gentleman has suggested that we should pass this matter over to the hands of the Railway Commission. This House is quite capable of dealing with it, although to certain members it appears to be undignified. I cannot even accept that word undignified. Last year this parliament passed the Act unanimously.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. CLORAN—Well, without a vote. This session the hon. member from de Lanaudière brings in a Bill to amend the Act, and I do not see how that can be described as undignified. Then the hon. member from Belleville says it might appeal to the pockets of certain members. I have a distinct recollection, although not the richest millionaire in this House, of having moved an amendment to the Railway Act two years ago to the effect that no railway company should be allowed to give a pass to anybody, and all the millionaires voted against me. I did not have a seconder to my amendment.

Hon. Mr. MACDONALD (B.C.)—Because you did not mean it.

Hon. Mr. CLORAN—My words and my motion were there, showing whether I meant it or not. I could not get a seconder for my amendment. The result was that a clause was carried granting free transportation without regarding it as a favour from the company, to put members of parliament on a basis of absolute independence of the railway companies. That was done two years ago. The hon. senator from de Lanaudière comes this year and asks, what? Simply to make that Act more effective. We are to-day presented with passes by the different railway companies against the law. The law says that the companies shall

transport us freely. We need no passes. I have heard the hon. senator say that we need nothing to identify us, that we can travel on the railroads free, and if any conductor should attempt to put us off a train we have our recourse in the courts of the country. That is true, but it is not practicable. If one is in a hurry, rather than be put off for refusal to pay ten or fifteen dollars, he would pay the money, and then, rather than fight the case in the courts to compel the company to reimburse the money, he would suffer the loss. Under the circumstances, it is absolutely necessary that members should have a means of identification. That is what we want, not passes. I object to the word 'pass.' What this House and the other House want is a means of identification, to satisfy the conductor that we are entitled to be carried free. Our present means of identification is a pass. I say we are not entitled to accept passes from the railways according to the law, and, under the circumstances, I am thoroughly in accord with the Bill presented by the hon. member from de Lanaudière. As the hon. senator from Cape Breton said, the Bill is very simple and does not require much time to be understood. But the hon. senator from Halifax tells us that the secretary of the Canadian Pacific Railway Company has wired the government to hold the Bill up. I am not prepared to await the good-will of the secretary of the Canadian Pacific Railway or any other railway. We are here masters of the situation, doing nothing wrong. We are acting in accordance with the law and in the interests of the railways, of the Senate and of the House of Commons.

Hon. Sir MACKENZIE BOWELL—I want to correct the hon. gentleman's statement that the Bill was passed unanimously by this House. When the hon. member from Charlottetown (Hon. Mr. Macdonald) moved an amendment I seconded it, and if that amendment had been carried it would have killed the Bill.

Hon. Mr. McGREGOR—Whether the Bill passed unanimously or not, I believe every member accepts passes from the railways. When this Bill was under discussion last Thursday I was called hurriedly to Montreal. I did not have my bundle of passes with me; I had to go direct to the train, and had no pass in my pocket. There happened to be on the train with me a senator from Montreal who knew the conductor, and I was carried free. I might get a telegram at any time to leave the city and not have time to go and get my passes. If we simply had the one certificate, we could carry it with us all the time. I do not think it is undignified to ask for it. The law provides that we shall be carried free, and why not have something to certify to the conductor that the holder is a member of parliament. We can delay the passage of the Bill for a few days if there is any good reason for delay, but I intend to support the Bill.

The motion was agreed to on a division.

(In the Committee).

Hon. Mr. McMULLEN—I should like to have the original section read in order that we may know what we are amending.

Hon. Mr. KERR (Toronto)—Subsection 5 of the Act is very simple. It provides that—

> The company shall furnish free transportation upon any of its trains to members of the Senate and House of Commons of Canada, with their baggage and also for the members of the board, &c.

This inserts after the word 'baggage' the words which appear in the Bill.

Hon. Mr. ELLIS—The Act as it stands provides that a member shall be carried free because he is a member of parliament. If we pass this Bill we limit that by requiring the member to have a certificate of identification. I see that the committee is determined to pass the Bill, but I think we ought to stand upon the right we have, that the fact of a man being a member of parliament is sufficient.

Hon. Mr. McMULLEN—That is an important point. Unquestionably we are by this Bill relieving the railway companies of the obligation to carry a member of parliament, unless he has a certificate of identification. If he should lose it——

Hon. Mr. CASGRAIN—He can get another.

Hon. Mr. McMULLEN—The railway company under this clause will not be required to carry a member unless he furnishes a certificate of identification. If you lose your certificate or if it gets burned, you must pay your fare whether you are a member of either House.

Hon. Mr. CLORAN—You have to do it now if you lose your pass.

Hon. Mr. McMULLEN—You are putting it in a shape that the obligation rests with the member to produce a certificate to prove that he is a member. If you have not your certificate and you have to pay a fare, you cannot get a return, because it is your own fault if you do not produce the certificate.

Hon. Mr. McMILLAN—I do not see why such a storm is raised over this certificate. I suppose every member of the two Houses has a pass from the Railway Department, which is sufficient identification on any train, and that ought to be a sufficient certificate of identification.

Hon. Mr. CLORAN—It comes to the same thing.

Hon. Mr. McMILLAN—If you have the pass from the Railway Department with you, it is a double security, so there is no danger that a member will be put off a train if he happens to leave his certificate at home. I do not understand that this Bill will relieve the government from issuing passes on their lines. If it does, the idea advanced by the hon. member from Wellington is good, but if it does not relieve them, his ideas ought not to prevail.

Hon. Sir MACKENZIE BOWELL—The government railways are not governed by the General Railway Act. They are exempt from it.

Hon. Mr. CLORAN—I agree with the hon. gentleman from Glengarry; what we are after now is a means to reach a certain end, and if the hon. senator's suggestion is a good one, a certificate from the Railway Department is just as good as a certificate from the Clerk of the House. It is getting at the same thing in a different way. The hon. senator from Wellington has raised a question of law. He pretends that this Bill would take away the right which we now possess under the Railway Act. Probably he is right in that, and it would be well to see to it that if a member did not have his card of identification, he should not be deprived of his right to free transportation. That is a point to be taken into consideration. I would suggest, from a legal point of view, that his point is well taken and is a point that might give rise to a great deal of litigation. I would suggest to the mover of the Bill that he insert a word or clause in his Bill to provide that, notwithstanding the non-presentation of a card of identification, the railway is still obliged to carry him. Let it be complete. If we are going to do anything, we should do it thoroughly. If the hon. senator from de Lanaudière will allow me, I will propose an amendment to meet the objection of the hon. member from Wellington.

Hon. Mr. GIBSON—It is a good old saying to leave well enough alone. This proposed certificate would apply properly to members of this House, because under Divine Providence we are here for life, but frequent changes take place in the House of Commons, and if a member of that House, after receiving his certificate of identification, should cease to be a member, he might use that certificate during the whole of the year. You are throwing on the railway companies a responsibility which you have no right to impose. The only reason that has been given—I would not like to say it is a childish one, but I will say that it is a very simple one—is that a member of either House might go on a journey without having a particular pass. It is not very much of a burden for a man to carry a book to contain his passes. What does a railway company give him a pass for? To have the privileges of that railway, and if a man neglects to carry his passes with him it is no fault of the railway companies. None of us would be over-burdened with the weight of a book to contain our passes. It is as easy to carry twenty as to carry one. You are putting on the Clerk of this House and the Clerk of the House of Commons the onus of giving a certificate to the railway companies that we are members of parliament. A conductor might refuse to accept it, because it is not an order from his company, and he would be acting within his rights to say: 'My instructions on this road are either to collect a ticket or to examine a pass furnished by the company.' You are simply putting an additional burden on the members of this House and an unnecessary burden on the railway companies when you seek to compel them to accept a certificate from the clerk. Take the case of a member who is unseated; he holds his certificate to the end of the year. Now, we know that in the local legislatures —and this is what we have to be careful

about—the railway companies grant passes to members for six months only. Why ? Because they consider six months sufficient time for these men to do their legislative business during the year. If a pass is granted for six months, and an election should take place and a new set of men be elected, then the railway companies can give the new members their new passes.

Hon. Mr. CLORAN—When a man ceases to be a member his pass ceases.

Hon. Mr. GIBSON—The pass once issued is valid, unless otherwise ordered, until the end of the year, and the certificate from the Clerk of the House would run in the same line.

Hon. Mr. CLORAN—No, when a member ceases to be a member of parliament his right to free transportation ceases.

Hon. Mr. GIBSON—I say a gentleman who is a member of the House of Commons and is defeated at the polls would not, under this clause, be required to return his certificate, neither is the railway company obliged to find out whether he has been defeated or not, but under this Bill the conductors must accept the certificate of the clerk that he is still a member, though a defeated candidate, and you compel the railway companies to carry him to the end of the year.

Hon. Mr. CLORAN—That is an assumption which should not be made in this House.

Hon. Mr. CASGRAIN—What takes place now when there is a general election ?

Hon. Mr. CLORAN—The hon. gentleman should not make the assumption that a member of parliament would use his pass after being defeated at the polls.

Hon. Mr. GIBSON—It could be done. My hon. friends asks what is the difference between the proposed certificate and an ordinary railway pass. The difference is this: all a railway company has to do now is to issue instructions to its agents which will appear in the working book at every station that pass so-and-so is recalled, and any one who presents that pass to a conductor upon a railway train will be obliged to give it up and pay his fare. Is there any provision of that kind in the certificate you are now granting under this Bill ? There is nothing of the kind. It is simply a certificate which is good until otherwise ordered. There is no limitation to it. That is the difference between the ordinary railway pass and a certificate. I venture to say you will live to see the day that there will be far more complaint to the Senate and the House of Commons if this law is enacted, and far more trouble travelling on a certificate from the clerk, than under the courteous treatment we receive from the railway companies under the present system.

Hon. Mr. CASGRAIN—The hon. gentleman has not answered my question—what takes place now when a general election is held ?

Hon. Mr. GIBSON—I say if the railway company see fit, they can cancel the pass. It is issued to a certain date, unless otherwise ordered, and the railway company has the privilege of recalling the pass. In this certificate which we propose to grant, there is no difficulty in the upper House, but we are legislating for both Houses of parliament, and if I am correctly informed, it takes in the members of the local legislatures.

Hon. Mr. CASGRAIN—Oh, no.

Hon. Mr. GIBSON—Say a general election takes place three months after the certificates are issued. A member of the House of Commons might be defeated and yet for nine months after his defeat he could use this certificate.

Hon. Mr. CLORAN—No.

Hon. Mr. GIBSON—There is no provision here for the withdrawal of the certificate. Some hon. gentlemen say 'No'; if that is the case we had better make provision that the certificate of the clerk may be recalled and then we will be doing something that is practical, but as it stands now, a certificate once issued by the clerk cannot be recalled.

Hon. Mr. DAVIS—If I leave home without a pass and get on a railway in some part of the country where I am not known, how is the conductor to identify me ? I must either pay my fare or he will put me off the train. I have not a pass on one

half of the railroads of this country, and I think there should be some means by which a member of parliament could be identified by a conductor on any train, particularly when he has not a pass.

Hon. Mr. GIBSON—That question is very easily answered. If the law as it stands compels every railway Company in Canada to furnish members of parliament free transportation, the railway company which does not do that is not complying with the Act of the parliament of Canada.

Hon. Mr. CLORAN—How are you going to force them to do it ?

Hon. Mr. POWER—When the Bill was at its second reading, I quite agreed with the object which the hon. gentleman who introduced it had in view. But I thought he was taking a wrong way to attain his end, and I think the short discussion since the House went into committee has shown that the hon. gentleman has done so. My view was that the matter should be settled by the Railway Commission. If hon. gentlemen do not care to go to the Railway Commission, the wiser course would be to have the matter referred to our own Railway Committee, as suggested by the hon. leader of the opposition, and the committee will elaborate something which will work. Hon. gentlemen must see that this Bill, instead of improving the position of members of both Houses, makes their position very much worse.

Hon. Mr. CLORAN—Oh, no.

Hon. Mr. POWER—The provision of the law which it is proposed to amend, is subsection 5 of section 275 of the Railway Act of 1903. That provides that the company shall furnish transportation upon any of its trains to members of the Senate and House of Commons of Canada with their baggage, and so on. There is no qualification. The railway companies are bound to furnish transportation to the members of the two Houses. What does this Bill do ? It says after the word 'baggage' insert the words 'upon presentation of a card of identification approved of and certified by the Clerk of the Senate and the Clerk of the House of Commons as the case may be.' So that if my hon. friend from New Glasgow had been travelling under this clause on the occasion to which he has referred, he could not have passed because he was bound to present his card of identification, and when he had not that card of identification his right to travel free was gone. The right of free transportation is limited to those who present certificates. I think it is perfectly clear that the Bill in its present form does not carry out the intention of the House or of the hon. gentleman who has introduced it, and the better way would be to let the committee report progress and take time to make this measure more perfect, or to refer it to our own Railway Committee, or to the Railway Commission.

Hon. Sir MACKENZIE BOWELL—Had we not better provide for a first-class car ? They are under the law compelled to give us free transportation, but it does not say what character it will be. Supposing under the present law they say 'There is a second-class car, or a cattle car and we will carry you in that.' There could be no answer to that. You could not compel them to give you a ride in a first-class car. If you are travelling, and want to travel in a pullman you pay for that. The answer to that is that the pullmans do not belong to the railway company, but belong to another company. The whole system belongs to the Canadian Pacific Railway, and you have just as good a right to claim a seat in a pullman without paying anything extra for it—that is where the companies own the pullmans themselves—as you have to claim the right to sit in a first-class car, and if the railway companies thought proper to be a little ugly about it they might say 'very well there is a second-class car for you, we have not any room anywhere else, you can go there, and if my hon. friend wants to facilitate the comfort of members he had better add that it shall be a first-class car or a pullman. I think he should go further and if he has his wife and children with him he should ask for a drawing-room.

Hon. Mr. McKEEN—And a dining-car.

Hon. Sir MACKENZIE BOWELL—It is a very good suggestion. I do not know whether that would answer for the prohibitionist. We might put in another sentence. They might furnish you with wine, and others with stronger taste, with Canadian whisky. That is the position we are in, and by the passage of this Bill as has

been pointed out so forcibly and correctly by the hon. gentleman from Halifax, we are placing ourselves in a much worse position than before.

Hon. Mr. McMULLEN—I move that the committee rise and report recommending that the Bill be referred to the Railway Committee for the purpose of giving the railway companies an opportunity of being heard on the Bill.

Hon. Mr. CLORAN—Oh, no.

Hon. Sir MACKENZIE BOWELL—Oh, yes.

Hon. Mr. CLORAN—We are not the servants of the railway company.

Hon. Mr. MACDONALD (P.E.I.)—I should like to say a word or two on the subject. Have any gentlemen complained of the manner in which they have been treated when they were carrying their passes by any railroad in the country? If so it has not been reported on the floor of the House. I have been doing some little travelling myself during recess, and I found whenever I had a pass to show there was no trouble whatever. I was carried as the law provides without any charge for railway transportation. I passed over a certain portion of a road on which I had no pass, and there were gentlemen there who knew me and could certify that I was a senator of the Dominion. I told the conductor of the train who I was, and the position I held, and that I was entitled by law to pass over that short distance of a Canadian road without any charge, have free transportation over it, but he insisted that I must have something from those who were over him, from his superior officer to show, that whatever identification I had from those who were with me was of no effect with him, that I must have the authority of the superintendent of the road or some person over him. He would not have recognized a certificate from the Clerk of the House, or the Speaker of the Senate, or any other individual, because they have no direct control over him. He would only have taken such a certificate from those who employed him and paid him. I think this matter was left in a very satisfactory way before. It is not a great deal of trouble to members of parliament or senators to carry round a few passes in their pocket books. They have to carry something there and I believe it is much better not to meddle with this and just leave it as it was last year. If this Bill were withdrawn it would be just as satisfactory to members of parliament, and more satisfactory than it will be if this is changed and we are required to carry this certificate without a pass from the superintendents or managers of the different roads to show we are entitled to free transportation. They would not recognize a certificate from any except those who are their superiors or controlling officers in the road to which they belong.

Hon. Mr. McMULLEN—I beg leave to amend my motion. At present it is not in order as I proposed it, and I simply move that the committee rise.

Hon. Mr. WILSON—That would be hardly fair to the Bill. If the committee rise and report progress it would be better. I desire very much indeed to offer my extreme sympathy, condolence and commiseration to the hon. gentleman from Cape Breton who complains very seriously of fatigue and exhaustion to his system on account of travelling around the country too much. If hon. gentlemen will look at him they will see how seriously he is affected. But while I sympathize with him, I cannot entertain the proposition that it is necessary to change the system under which we have been using passes for some time. In the first place if you pass this legislation what do you do? You compel every member of this House to make provision for getting these certificates. At the present time the company is compelled to look after that matter.

Hon. Mr. CLORAN—The companies do not do it.

Hon. Mr. WILSON—Some do not do it, and I suppose there will be a great many members of this House and members of the other House who would expect to travel upon the roads without a certificate. I do not think it is a hardship on any one to carry a pass, and I am sure it has no more effect upon the majority of the members of this House than it has upon our hon. friend from Cape Breton, and they will not suffer very much physically.

Hon. Mr. KERR (Toronto)—It appears that we are losing sight of the way in which this legislation came to be introduced into

the Bill of last session, and the object we have now and the means of doing it. Surely we all understand perfectly well that the object of the legislation last year was to get rid of the idea that an imputation could be made against gentlemen who were engaged in legislation here that they were carrying a bundle of passes in their pockets and so could not exercise a free and independent judgment with reference to a Bill. We know well that that charge has been made repeatedly, and it was largely to get rid of that that this clause was inserted in the Railway Act. So much then for the object of the legislation. Then as to its effect, it needed nothing more than that legislation to entitle any member of this House or of the House of Commons to free transportation without identification of any kind whatever. But as a matter of convenience, perhaps, to the railways more than to anybody else, and to relieve them from the difficulties into which they might get by putting a member of either House off the train because the conductor did not recognize him, it may be a convenient thing that there should be a card of identification. It has been urged here then—and I do not think anybody could quarrel with that—that the pass is nothing more or less than a means of identification of the person named in the pass, and of the order of the railway company in the case of free transportation to such person. The certificate of identification would be nothing more or less than a means of letting the officer of the railway know that this person was entitled to free transportation, and the statute would be complied with. The companies would take good care that the certificate should be honoured. There may be a question as to the suggestion which has been made whether or not this does not limit the right which has been given by the statute already, if you insert these words that it is upon presentation that the right to travel shall exist, and by the phraseology of this amendment the right to travel might be limited, as compared with what it is now. That is very easily dealt with. I was just looking over the words, and by practically transposing the phraseology here that would be left entirely as it is. Let me read the words of the statute down to where I commenced the amendment as it was proposed in this Bill. It reads :

> The company shall furnish transportation upon any of its trains for members of the Senate and the House of Commons, with their baggage.
> Upon presentation of a card.

It is proposed to add 'upon presentation of a card.' By striking out those words we might make it read after the word 'baggage' something like this :

> And the Clerk of the Senate and the Clerk of the House of Commons, as the case may be, may issue a card of identification to each senator and member of the House of Commons, showing that he is entitled to such transportation.

It does not make it obligatory to have the card. It does not interfere with the right that the member has, but it puts him in a position in which he can show that he is not there as a trespasser if he is not known by the conductor, as he may not be known, and it puts him in a position in which he can say : 'I am travelling by right of statute.' That is the only thing. If the hon. gentleman who has introduced the Bill will permit me to suggest such an amendment, I will move that it be so amended. I think it is important we should do it. Personally, it seems to me that we would be making a mistake—and I say this with great deference to the hon. gentleman from Halifax—to leave this matter to a board of commissioners or anybody else. On looking at the statute, it is very clear to me—although I do not say it is absolutely clear—that they have no power to intervene, that if they do intervene and issue a pass of some kind, it is just a reason why the railway company may object. Again the board of commissioners may issue such a card as no member of the Senate would care to use. It may be so qualified in its terms, it may be couched in such a way and include such conditions, that he would not care to use it. If there is any objection to doing it in the form shown in this Bill, as proposed by the hon. gentleman who introduced it, or amending it in the way I have indicated, then this course could be adopted, that an order of this House could be passed providing for the Clerk of the Senate to issue a certificate, so that the statute and that certificate would answer every purpose, but perhaps it is fairer to put it in the form of that Bill. That is a matter of judgment and opinion.

Hon. Mr. GIBSON—Before the hon. gentleman moves that amendment, would it not be well, in making the amendment he proposes, that the responsibilities of the railways should cease with regard to the enforcement of this Act by a certificate

from the Clerk of either House, as the railway companies themselves do upon the passes which they give to us as complimentary. Each railway places its own conditions on the back.

Hon. Mr. CLORAN—That is what we do not want.

Hon. Mr. GIBSON—And the conditions are that the holder of the pass shall not hold the company liable for any accident that may befall him. That precludes the possibility of any member of this House or the other House ever suing for damages which may occur when he is on the railway. Under the certificate issued by the clerk there is no provision of this kind and will the companies accept that? When the certificate is granted by the clerk of either House, will the railway company then be liable for any damages that may happen to a gentleman holding that certificate, being a member of either House of parliament.

Hon. Mr. KERR (Toronto)—I would answer the question by saying, without wishing to be bound, for I have not considered it—that question has never been put to me to necessitate my investigating the law on it, but I would say my impression is that to-day, under the statute, the railway companies are liable, are bound to carry and carry safely, and use every care, and I was going to say that is one reason why the statute should be passed, or some regulation of the kind adopted and acted upon rather than a pass, because it has been suggested before—I do not know that it is the case—that the railway companies are persisting in issuing passes because they wish you to exhibit a pass and so exhibiting it and travelling on it, you are not standing on your rights under the statutes, but on your rights under the pass, which exempts them from liability.

Hon. Mr. GIBSON—You say they are not liable?

Hon. Mr. KERR—They are liable as common carriers. I would suggest that the committee rise, and ask leave to sit again. We can phrase it in a way that will pass criticism, and put it in such a form that we do not circumscribe or enlarge the statute.

Hon. Mr. GIBSON.

Hon. Sir MACKENZIE BOWELL—Supposing the railways were to issue instructions to the conductors not to recognize the certificates, what position would you be in? You have to provide against contingencies of that kind.

Hon. Mr. SCOTT—That would be a violation of the statute.

Hon. Sir MACKENZIE BOWELL—If the amendment suggested be adopted, you say, 'such certificate shall entitle you to free passage, &c.' otherwise they might say, 'We will not recognize you.'

Hon. Mr. GIBSON—Supposing the matter stands like this: It is enacted and it is in force that members of both Houses are entitled to free transportation. The railway company may properly say, 'we will give you free transportation on application, and in that way you will only be entitled to a free pass from time to time,' and you could not help yourself.

Hon. Mr. McMULLEN—It is quite clear from the remarks made with regard to the clause, that it deserves further consideration, and I will amend my motion and move that the committee rise, report progress, and ask leave to sit again.

Hon. Mr. LOUGHEED—The hon. gentleman might consider the bearing of this Bill upon the Intercolonial Railway. The Intercolonial Railway is not within the Bill.

The motion was agreed to.

Hon. Mr. YOUNG from the committee, reported that they had made some progress with the Bill, and asked leave to sit again to-morrow.

Hon. Mr. CASGRAIN—First order of the day to-morrow.

Hon. Mr. POWER—The hon. gentleman has no right to cut out third readings by this Bill. One would imagine that this was a matter of life and death; and it is a matter of almost no consequence whatever. The hon. gentleman wishes that this should take precedence of all the other comparatively important business of the House.

Hon. Mr. CASGRAIN—I am always willing to accommodate the hon. gentleman from Halifax as he is always willing to

accommodate other members. The committee will sit again on Thursday afternoon and this Bill will be the first order of the day after third readings.

SECOND READINGS.

Bill (24) An Act respecting the Kootenay, Cariboo Pacific Railway Company.—(Hon. Mr. Bostock.)

Bill (76) An Act respecting the Red Deer Valley Railway and Coal Company.—(Hon. Mr. Kerr, Cobourg.)

BILLS INTRODUCED.

Bill (61) An Act to incorporate the Lebonk and Thunder Bay Railway Company. —(Hon. Mr. Young.)

Bill (68) An Act respecting a patent of the Paper Goods Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (78) An Act respecting the McLeod, Cardston and Montana Railway Company. —(Hon. Mr. Watson.)

Bill (85) An Act respecting the Bay of Quinté Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (89) An Act respecting Monterey Electric and Gas Company, Limited, and to change its name to 'Monterey Railway, Light and Power Company.'—(Hon. Mr. Young.)

Bill (94) An Act respecting the Brockville, Westport and North Western Railway Company.—(Hon. Mr. Frost.)

The Senate adjourned.

SENATE.

Ottawa, Wednesday, March 22, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PETITION OF DAVID THOMAS OWEN.

The SPEAKER—A question was raised yesterday by the hon. gentleman from St. Boniface as to the right of a foreigner to petition the Senate. The reading of the petition was adjourned till to-day. I should like to know if any hon. gentleman desires to make any remarks on the question before I decide the point of order.

Some hon. GENTLEMEN—Decision !

The SPEAKER—I have examined the authorities that were referred to by the hon. gentleman yesterday. I find that we are all agreed upon the right of three classes of citizens to petition parliament—British citizens living in Canada, British citizens living outside of Canada, but not having lost their citizenship, and aliens living within the borders of Canada. As to the right of aliens pure and simple to petition parliament, it seems that there is a consensus of opinion that they have no right to petition parliament, although they are allowed to do so under certain circumstances. There is no fixed rule as to the privilege granted by parliament to aliens to petition parliament, and my idea would be to judge each case upon its merits. In the present instance it is a petitioner who had obtained some rights and privileges under the Patent Act. I should be disposed to assimilate the rights of the alien having obtained rights under the Patent Act to the alien or foreigner living in Canada; and holding this opinion, I must say that the point of order is not well taken.

The petition was then read and received.

SOVEREIGN FIRE ASSURANCE COMPANY'S BILL.

REPORTED FROM COMMITTEE.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (No. 26) An Act to incorporate the Sovereign Fire Assurance Company of Canada, with one amendment. He said: The amendment is simply striking out from the Bill the power of the company to do a marine business. It is restricted to fire alone.

Hon. Mr. KERR (Cobourg) moved that the amendment be concurred in.

The motion was agreed to.

THE OTTAWA CITY POST OFFICE.

INQUIRY.

Hon. Mr. LANDRY inquired :

1. What is the amount that was voted for the rebuilding of the Ottawa post office ?
2. What is the amount that has been spent up to this date : (a) for the purchase of materials? (b) for the payment of labour ?
3. What is the approximate amount that will be necessary to complete the rebuilding of this post office ?

4. When will this rebuilding be finished ?
5. Has it been done by the day or by the job ?
6. When did the burning of this post office take place?

Hon. Mr. SCOTT—The answers are as follows :

1. In 1903-4, $10,000 ; in 1904-5, $80,000 and in the estimates of the present year 1905-6, $80,000.

2. $86,575,71.

(a) $41,683.15.

(b) $44,962.56.

The above sum, however, includes not only repairs consequent to the fire, but also the removal of the debris and the temporary fitting of the building for transaction of public business.

3. Answered by No. 1, $170,000.

4. By the end of March, 1906.

5. By day labour.

6. On the 4th of January, 1904.

THE MORTALITY FROM TUBERCULOSIS.

MOTION POSTPONED.

The notice of motion being called.

By the Hon. Mr. EDWARDS

That in the opinion of the Senate the time has arrived when parliament should take some active steps to lessen the widespread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis.

Hon. Mr. EDWARDS—I move that this Order of the Day be discharged and that it be the first Order of the Day for to-morrow. The hon. Mr. Béique has consented to allow this motion to take precedence of his.

Hon. Mr. LANDRY—I think he should have the consent of the whole House, as well as the consent of the hon. gentleman.

The SPEAKER—He has asked the permission of the Senate.

Hon. Mr. LANDRY—He cannot make the motion simply on the consent of the hon. gentleman.

The SPEAKER—He mentions that he has the consent of the hon. gentleman.

The motion was allowed to stand.

SHIPMENT OF GRAIN TO THE MARITIME PROVINCES.

INQUIRY.

Hon. Mr. PERLEY inquired :

How many cars of hay were shipped free of charge to persons in Nova Scotia and New Brunswick in 1904, during the months of October, November, December, January and February, of 1905, respectively. Also, was there any grain, bran or flour shipped to Nova Scotia, the above named months, free of charge, and what would have been the amount chargeable for freight on the above, provided freight had been charged ?

Hon. Mr. SCOTT—The information by months cannot be given for some time, but it is being prepared. However, the total number of cars of hay carried free up to the 27th of February, 1905, was 1,713 cars and the freight charges on same would amount to about $80,836 ; these cars were for stations in Nova Scotia. There was no hay carried free consigned to New Brunswick, neither has there been any grain, bran or flour carried free during the time mentioned.

THIRD READING.

Bill (40) An Act respecting the Niagara-Welland Power Company.—(Hon. Mr. McMullen.)

PRYOR DIVORCE BILL.

THIRD READING.

Hon. Mr. PERLEY moved the third reading of Bill (B) An Act for the relief of James Arthur Pryor. He said : I observed by the newspapers that hon. gentlemen took exception to this Bill, because they did not think this case was sufficiently proved. I do not concur in that. I think it has been sufficiently proved, but I do not wonder hon. gentlemen took exception, because it has been the custom in this Senate in divorce cases for the petitioner, if the respondent is a woman, to prove the case in the blackest possible manner, and to show the woman to be the lewdest and worst character that could be. This is an exception to that rule. The gentleman who has asked for a divorce has been content to simply prove enough to secure him the divorce. We have proved by reliable evidence, by gentlemen whom I know very well myself—because the parties live in the country near where I live—that the respondent has been guilty of adultery. He has proved by a gentleman who was called that the woman is married again and living with a new husband, which is sufficient proof of adultery to grant a divorce in Canada. I happen to know Pryor. I have known him for twenty-two years. There is no more credible, respectable or worthy man in Canada than Pryor. This woman left him. There might be some ex-

cuse for a woman leaving her husband, but she left four children, the oldest fifteen years of age. Pryor took charge of two of the children, kept them in his own home north of Wolseley and cared for them. The younger he took to his mother in Walkerville, Ontario, and she has provided for them from that time until now. Mr. Pryor, on account of those children, did not wish to blacken the character of their mother, as he might have done, because I have heard the most discreditable and outrageous stories concerning this woman that possibly could be told, and you have evidence of the fact that she was a bad woman and that she neglected her children. I can understand her leaving her husband, but when she neglects four small children and goes away and lives with another man, it shows that she is inhuman. In order to save his children, Mr. Pryor refrained from proving more than was absolutely necessary that their mother was a disreputable woman. He proved his case in the mildest manner possible. It is sufficient to prove that the woman has been living with another man in adultery, and I am sure when hon. gentlemen realize the condition of this case, no one will be found to oppose it. Apart from that, what do we find ? We find a committee in which there were four professional men, and one other gentleman who is equally competent and intelligent enough to judge, have given their decision after hearing the evidence, and recommended that the divorce be granted. Upon those grounds alone I think the Senate should pass the Bill. I therefore, without saying more—because I have heard many things which it is not necessary to repeat—ask that the Bill be read the third time.

Hon. Mr. KIRCHHOFFER—Before the motion is put, I should like to make a few remarks. I was not present in the House on Friday last, when, as I understand, a motion for the six months' hoist of this Bill was moved by the hon. gentleman from Rothesay. But I have read the remarks that he made on that occasion. This is a sort of motion that we are constantly up against, not necessarily annually—it is not quite so bad as that, but very frequently, almost always after there has been an influx of new members. There is sure to be amongst them some who are conscientiously opposed to the principle of divorce, and the objections to the Bill generally take that line. Now, I have before me the remarks made by the hon. gentleman on Friday last. I will read them to the House. He said :

> I object to the passage of this Bill on principle. I object to divorce cases being brought here at all. I object on principle, and I object to this measure in particular, because I hold in my hand the evidence, and I can find nothing in law or scripture to warrant a divorce on such grounds. I am told it is not the custom to debate before the House any evidence taken in the committee. I think it would be a very sad thing for the country at large if divorces are to be granted on such trivial matters as are contained in this document and without any proofs of facts at all.

Now this is a very severe criticism, and while I have the greatest respect for the hon. gentleman's religious convictions, and also for his knowledge of this subject——

Hon. Mr. DOMVILLE—I have no knowledge of the subject at all—if the hon. gentleman will allow me to interrupt him—I am not up in divorce matters.

Hon. Mr. KIRCHHOFFER—Then if the hon. gentleman had no knowledge of the subject, why did he make such a statement? Why does he say that the matters contained in this document are no proof at all ?

Hon. Mr. DOMVILLE—Not to my mind.

Hon. Mr. KIRCHHOFFER. Aye, but he does not say that. I canont allow that remark to go on the records here unchallenged. I have heard what my hon. friend on my left has said with regard to the evidence in the case, which goes to show that in 1896 this woman left her husband and, after having resided away from him without any apparent reason for a period of four years, she, representing herself to be a widow, was married to a man named Hooper with whom she has since resided at a place called Grenfel. They are known in the community as Mr. and Mrs. Hooper.

Hon. Mr. CLORAN—What is the matter with the law there with regard to bigamy ?

Hon. Mr. KIRCHHOFFER—I am not discussing that matter at all. I am speaking now with reference to the remarks of the hon. gentleman from Rothesay. The parties who called on this woman with reference to the divorce proceedings were shown her marriage certificate, and she has resided with Hooper and has been known as Mrs. Hooper in that community for five years. Unless the hon. gentleman

is prepared to say that these people are more than mortal, I do not know what higher or better proof of the only ground on which we can grant a divorce, that is infidelity to the husband and adultery, can be given. My hon. friend further says, in his reported remarks, that he has been told that it is not the custom to debate in the House evidence taken in the committee. This is to a certain extent true, for although there is no rule or law in the House which prevents debates being held upon these reports, or upon evidence taken before the committee, it is not, as he says, customary to do so, though it is not infrequently done. One reason is that the House recognizes as a fact that the committee charged with the duty of hearing the evidence and seeing the witnesses and having them examined before them, have a much better chance and opportunity of knowing what is the value of the evidence than those who only read it in cold print in the House after it has been distributed amongst the members. On that ground and, further, on the ground that the evidence which we are generally obliged to hear is a mass of nauseating and disgusting particulars, the House is as a rule, very glad indeed to be spared the infliction of hearing debates on the reports of the evidence. I have always contended that in this regard the Divorce Committee occupies a different—not necessarily superior—position to that of other standing committees of this House. It is a special committee authorized to administer oaths and to take evidence, and as such they are constituted a sort of court or tribunal, and in that respect are different from the other committees of the House. We all know that members of the other committees, both in the Senate and the House of Commons, are constantly subject to be pestered and canvassed by parties who are interested in the Bills coming up before them, lobbyists, individuals and corporations who are interested in these Bills. Nothing of the kind ever occurs before this committee. I have never heard an instance of any one attempting in any way to canvass or influence any member of the committee with reference to the passage of the Bills before them, and I am sure nobody has ever thought of doing that any more than of trying to canvass or influence a judge who was to try a case in one of the courts of our land. No member of our committee has any personal interest whatever in any of the Bills that come before us, nor has any further desire than to see that the law of the land, whether it be right or wrong—in the opinion of some gentlemen it is not right—is carried out. Whether right or wrong, it is given to us to administer, and our anxiety is to see that that law is dispensed in such manner that all the parties who come before us shall have an opportunity of getting justice. I have also always thought myself that standing in the peculiar position that that committee does, to reject one of its reports after it has taken the trouble to go exhaustively into the evidence is a reflection on either their good faith or their judgment; and, more, that when, in addition to the motion to give it the six months hoist, the motion was accompanied with such language as was used on that occasion, I would be derelict in my duty to my colleagues on that committee if I did not emphasize our position with reference to that matter. It is a very curious thing that the objections which are taken to these Bills, and which have been taken since I have been in this House very rarely indeed, have been—I may say never—from legal gentlemen, or those who have had experience in sifting evidence. They have come from laymen who probably have never had any experience in legal matters except, perhaps, like some of us, in getting judgments against them, but as far as the legal gentlemen in the House are concerned we have never had, outside of the committee, anybody to find fault with our findings. The members of our committee have been chosen presumably on account of the peculiar fitness they are supposed to have to deal with matters of this kind. Five members of the committee belong to the legal profession, and every one of them, with the exception of probably myself, occupies the very highest position at the bar in the community to which he belongs. Our leader, the gentleman who has occupied the position for many years, and probably will continue to occupy it as long as his colleagues have an opportunity to elect him, Senator Gowan, has had experience of two generations in the courts and on the bench in this country, and we all are anxious to

see him come down here when he is able to come, and to welcome him with the affection and respect we all feel toward him. The other members of the committee, who do not belong to the legal profession, are all distinguished in other branches of business in this country, and it is more than a reflection on the committee, when their findings are not respected by the House. I will say further that most of the members of this committee have acted upon the committee for more than a decade, and their experience is very valuable. The House never, as far as I know, has changed the personnel of the committee, unless obliged to do so by the resignation or death of some of its members, and the members who remain on the committee, by their experience, are of very great value to the House. I will say too that with the experience we have gained, it is very gratifying to me to be able to state that it very rarely happens that our verdict is not unanimous. I have known but very few instances of all that have come before us where any member of the committee has dissented from the verdict of the majority. With regard to the hon. gentleman who has made this very serious charge against your committee——

Hon. Mr. DOMVILLE—I made no charge against the committee.

Hon. Mr. KIRCHHOFFER—The hon. gentleman has made a very serious statement. He thinks it is no charge against the committee when he says there was no evidence to warrant the recommendation contained in the report. I must congratulate the hon. gentleman on being possessed of a very beautiful white soul.

Hon. Mr. POIRIER—Boots?

Hon. Mr. KIRCHHOFFER—No, the soul of his body. To those of us who have grown up to man's estate and have necessarily, not because they looked for it, but in some way or other got mixed up with the seamy side of human nature, it is really lovely to see that a gentleman who has attained the age of the hon. member from Rothesay is able to look at this case in such an innocent way and see no evidence of adultery in the life of these people who have been living for the past five years together and known as man and wife. He must have an idea that they are leading an idyllic sort of life in which there has been nothing but platonic attachment existing between them in all these years. The hon. gentleman's indictment has been in very scathing terms, unfortunately it was very terse. It reminded me of the moral in the Irish song 'Widow McChree'—'one comfort, 'twas not very long, but sthrong.' If the hon. gentleman has not succeeded in convincing any of you of the enormity of the offence which we have committed, it is no fault of his. We might apply to him the epitaph which was found in an Arizona graveyard, on the tombstone of a noted gambler. 'He done his damdest. Angels could do no more.'

Hon. Mr. DOMVILLE—I really think the strictures of my hon. friend are uncalled for. I am the last man in this House who would cast a slur on that committee, I read the evidence in the case and perhaps erred in believing that I had any right to criticise the evidence or even to vote on the Bill. Therefore it might be well perhaps for us to pass some resolution allowing the committee to grant those divorces without even consulting the House. I thought I was strictly within my right when I said, without the explanation we have had to-day from the promoter of the Bill, that I could not, in my humble judgment, see any good reason for granting the divorce. I do not think my hon. friend should have charged me with attacking the Divorce Committee. I have not read the report of my speech in the Debates; I presume that what I said was correctly taken down. I said before, and I say again, that on religious conviction—although perhaps I have no more religious convictions than my hon. friend who has just spoken—I am opposed to granting a divorce on anything but the clearest evidence of adultery. In the church which claims me as one of its followers, they decline to endorse these divorce cases, I might say almost in toto; so much so that the leaders of our church have laid down the doctrine that they will not solemnize a marriage with a divorced person notwithstanding what parliament may say. They believe there is a moral law which is above parliament, that there is sacred writ which says that divorce for any cause but the one should not be countenanced in this country or anywhere that Christians live. I congratulate my hon. friend on the way he has pleaded for this

gentleman. I have no doubt he is a very worthy man. He probably has had great cause of offence, but in my humble judgment I do not see in the evidence placed in my hands sufficient grounds for granting a divorce. If I am in error I apologize to the committee for having in any way trenched on their responsibility or work. I thought their duty was to take the evidence and report it to the House, asking the House to decide what should be done in the case. If I am wrong, then I regret exceedingly that I should have said anything at all on the subject. No great harm has been done. There is no use bringing such a malediction on my humble head, because after all it has only caused a postponement until to-day. My hon. friend has had a chance to come from the west and make an explanation to this House which perhaps this House may accept as sufficient ground for granting the divorce. I have my own ideas and views, and notwithstanding the castigation my hon. friend has endeavoured to inflict on me, I still humbly say I believe all divorces should be very carefully guarded and only granted in the most extreme cases. In my opinion there is not sufficient ground in the evidence reported in this case to warrant the Senate in granting the divorce.

Hon. Mr. LANDRY—Do I understand that there is a motion in the hands of the Speaker for the six months hoist ?

Some hon. GENTLEMEN—No.

Hon. Mr. LANDRY—The hon. gentleman from Brandon says that the committee, of which he is a member, is something more than a standing committee, that it is a special committee in its character, and that what goes on before that committee must be accepted by this House. He says the committee is composed of gentlemen of legal standing who are able to judge the weight of the evidence given before them, and therefore what they decide must be accepted by this House. If we go back to the past we will find that the decisions of the committee have not always been respected, and, layman as I am, I remember one case in which the finding of that specially valuable committee was reversed by the House. I refer to the Odell case. The evidence had been taken, the report made and the Bill presented ; and this House, after considering the evidence in the case, came to the conclusion that the Bill should not be passed. A division was taken and the Bill was rejected. If my recollection is correct, the members of that committee tendered their resignation. They met and brought in a report resigning as a body. The resignation was not accepted, happily for the House and for the country, and the hon. gentlemen are still sitting as a committee in their judicial and legal capacity. But the hon. gentleman will allow us to look into the evidence. No Bill of divorce can be passesd until the evidence is brought before the House, and why is the evidence reported ? Is it not that every member may ascertain for himself, by reading it, whether there is proof of the allegations in the petition, and whether that proof would warrant the House in granting a divorce ? If we look into the evidence in this case, we will be amazed at the facts that are brought forward. We are in the face of a case, not of adultery, but of lunacy. If this woman is not responsible for her acts, I do not see how you can call it a case of adultery. Mr. Pryor, the petitioner, said his relations were not very pleasant. His examination reads as follows :

Q. Why were they not pleasant ?—A. She seemed to be worrying about something, I do not know exactly what, always seemed to be in trouble. I sometimes asked her if it was me that she was troubling about, and she said no.
Q. You say that she appeared to have some trouble in her own mind ?—A. Yes.
Q. Was the trouble in connection with your treatment of her, or anything of that kind ?—A. No.
Q. Did she ever complain of your treatment in any way ?—A. No, Sir.
Q. Where were you during the whole of your married life ?—A. In the Assiniboia district.
Q. In the neighbourhood of Chickney and Kenlis ?—A. Yes.
Q. Those two places are quite near one another ?—A. Yes.
Q. Were her parents living near you ?—A. About eight miles from where I was.
Q. Did she remain steadily with you ?—A. Yes, she had left me two or three times.
Q. Did she come back ?—A. Sometimes she would come back, and once or twice I went after her.

Further on he is asked :

Q. Did she say why ?—A. Not in particular.
Q. But did she say why ?—A. No.
Q. Did she say anything further than that she would go ?—A. No.
Q. Did she give any reason at all, make any suggestion to you ?—A. No.
Q. Say anything at all about why she was going ?—A. No.

By the Chairman :

Q. Did you ask her why ?—A. I asked her and she said I was too good for her and that she was going away and she would never come back.

Q. What was your reply to that ? Did you discuss it with her or remonstrate ?—A. Yes, I did, but I could not get any satisfaction out of her.

By the Hon. Mr. Wilson :

Q. After she went away, the previous time, on returning would she give you any reason or explain to you why she left ?—A. Not in particular.

Q. Was there anything said at all ?—A. No, she would never tell me exactly.

Q. Did she give any reason whatever why she left you ?—A. No, Sir.

Q. She would hardly leave and remain away for weeks and come back without explaining why she left and why she came back ? (No answer.)

By Mr. Thompson, counsel for the petitioner:

Q. Explain how she acted before any of these troubles came, anything particular you noticed in her actions and what she said ?—A. Sometimes in her actions just before she would go away she would lie down, probably in the bed. I have known her to lie down eleven days at a time. I have taken her meals to her and her eyes seemed to be closed and she would not give any reason for it. I asked her if it was my acts that made her do this and she said no, that she had nothing against me in any shape or form. Then she would get up and walk the floor and ring her hands and cry.

We are evidently in the presence of a nymphomaniac or lunatic. Nothing could disturb her except she would fall in those spells. The examination continues :

Q. Did you ever see Mrs. Pryor since she left you and if so, where and when ?—A. I could not swear exactly to it. I thought I saw her, but she was too far away to say.

Q. You saw a person you think was her ?—A. Yes.

Q. Where ?—A. In Grenfel a year ago last summer.

Q. At what house ?—A. At the house. I was told afterwards where they lived.

Q. Where she and Hooper lived together ?—A. Yes.

Q. Have you had any family by the marriage of Mrs. Pryor ?—A. Four children.

Q. One died ?—A. Yes.

Q. Four living ?—A. Yes.

Q. There were five children by that marriage? —A. Yes.

And this idea impressed the mind of one of these legal gentlemen so much that he asked the following questions :

Q. What age was your wife at the time of the marriage ?—A. She was about sixteen I guess.

Q. During those spells of feeding and staying in bed ten or twelve days did you call in any medical gentleman ?—A. No.

Q. No doctor ?—A. No.

Q. Was your wife ever in the lunatic asylum ? —A. No, she never was in the lunatic asylum.

But there is a beginning of lunacy as well as a beginning of all other disease, and there is no doubt this woman is a lunatic. There is the testimony of her husband, and that is the whole evidence given by the husband—nothing more.

Hon. Mr. McMULLEN—What does the hon. gentleman say is the only evidence ?

Hon. Mr. LANDRY—There is no other evidence than that which I have read.

Hon. Mr. CASGRAIN (Windsor)—What about marrying another man ?

Hon. Mr. LANDRY—I am coming to that. But that is the only evidence of the party who lived with her during those six or seven years. Another man is called in as a witness, Arthur Reeves, and he is examined as follows :

Q. Would you swear the certificate was in that condition when you handed it to Mrs. Pryor ?—A. I could not tell the nature of it. I signed something, but I could not exactly tell the nature of it.

Q. You are still acquainted with both parties? —A. Yes.

Q. Do you know where the respondent, Mrs. Pryor, is living ?—A. I do.

Q. Where ?—A. At Grenfel.

Q. In the town ?—A. In the town.

Q. Did you see her at any time this winter ? —A. Yes.

Q. Where ?—A. In her own house.

Q. Where she is living at Grenfel ?—A. Yes.

Q. By what name does she go now ?—A Mrs. Hooper.

Q. Did she show you any documents ?—A. She did.

Q. What was that ?—A. She said it was a certificate of her second marriage.

Q. To whom ?—A. To Mr. Hooper.

Q. Was Mr. Hooper with her at the time ?—A. No, not then.

Q. Can you tell shortly, give us an idea of what was in that document, if you have any memory of it at the time ?—A. Well, I did take notice of the document, and the marriage took place at Boissevain, Manitoba, on July 12, 1900. Madill was the Methodist minister that married them ; she was married to Herman Claud Hooper.

Q. Did she say anything to you as to her relations with Mr. Hooper ; how they were living ?—A. She said he would not leave her.

Q. That he had said he would not leave her on her own statement. Did she say anything as to living with Mr. Hooper, or how she was living with him ?—A. No.

By the Hon. Mr. Wilson :

Q. She did not say whether they were living as man and wife ?—A. She said that nothing would part them ; I supposed they were man and wife.

And further on—here is the greatest proof of the adultery, and see how it is coming out :

We came in in a sort of back kitchen or woodshed to the west end, the furthest from the street, and we went from that into the living room. There was kitchen, dining room and everything combined. This is where we were during the conversation. The house is very small one story house, and at the end there was the bed-room, and the door wide open when I came in, and I could see clearly in. It was a small bedroom with one double bed and no other bed.

That is one of the proofs of adultery. Then, further on, the Attorney himself gave the following testimony :

I have known the applicant and respondent for a considerable length of time. I knew them before their marriage and have been acquainted with them since. I know they were reputed to be married about the date mentioned, and I have seen them together since that time. Now, on or about the 27th December last I went to Grenfel to serve a copy of the notice of this application on the respondent. Mr. Richardson, a lawyer of Grenfel, went with me. He was on very friendly terms with the family, and I wanted to find out what I could, and I took him along with me. When I served the notice on her she mentioned that that was the same as she had read in the papers.

By the Chairman :

Q. Where was she at the time ?—A. In the house in Grenfel.

By the Hon. Mr. McMullen :

Q. Better mention her name ?—A. The respondent. In the house she said it was Hooper's house—Hooper with whom she was living at the time, and she spoke about the house. They had quite a number of things to see about their house, and showed us the plants they had got and how they kept them and how they lived in the house. We were looking at the plants ; they had a fine assortment of plants, but they mentioned that they could not leave together, she and her husband—speaking of Hooper as her husband—that one had to be there ; that they could not go away together ; that either she or her husband had to remain in the house all the time.

By the Hon. Mr. Kerr :

Q. To look after the plants ?—A. Yes, to look after the flowers, they had rather nice flowers, and we were surprised to see them. I asked her if she was willing to show me the certificate of the second marriage with Hooper. She seemed a little doubtful at the time, and I do not remember whether we made any suggestions as to a charge of bigamy. I think there was something mentioned as to a charge of bigamy. I said that I did not wish to use it, I would pledge myself that I would not use my knowledge for that purpose, that I wished to see it for the purpose of the present application and no other, and Richardson, who was very friendly, assured her that she might depend on my word in that particular. She then showed Richardson and myself the marriage certificate. She held it in her hands all the time, but allowed me to see it. My recollection of the name of the bridegroom mentioned in that certificate was the same as the witness Reeve has said, Herman Claud Hooper. I would not be positive. I think it is different from the name given on the certificate from the official in Winnipeg. She said 'That certificate is all right with one exception, they put my name down wrong, it was the fault of the clerk. They put 'May' instead of 'Mildred.' I saw that name. She said it was a mistake of the clerk, but I said 'Here is the name "Lillian" in connection with it.' The name was given 'Lillian May Pryor' for the respondent. I called her attention to that, the name 'Lillian' being put on, and she said 'I added that myself after I left Pryor.' I said 'However, this is your name, this is intended for you ?' She said 'Yes, that is for me, that is my name, that is intended to represent me,' and Mr. Hooper was sitting right by us. I said 'This is intended for Mr. Hooper here.' I showed her the name, Herman Claud Hooper ? She said 'Yes, that is the name of my present husband.'

That is the proof and the only proof of the adultery, and of the second marriage. He saw the certificate in the hands of the woman. The woman said she had that certificate and that the clerk first had given her wrong name and that she had added another name to that certificate and that is the proof of the second marriage.

Hon. Mr. WILSON—What about the proof of the certificate ?

Hon. Mr. LANDRY—There is no proof there of adultery. There is proof of mania, lunacy. That woman is crazy, she is a lunatic and should be in an asylum, and is it because a man happens to have a wife who becomes a lunatic that he has a right to come to us for a divorce ? If a man whose wife becomes a lunatic has that right, then the decision reached by the committee may be right, but if a man in the ordinary course of life whose wife becomes a lunatic, has no right to obtain a divorce in a court, I do not see why a divorce should be granted under these circumstances ; here, I do not see why we should grant a divorce to a man who has the misfortune of having a wife who becomes a lunatic and is not responsible for her acts. It is rather the duty of the Senate to reject this divorce Bill, and I therefore move the six months hoist.

Hon. Mr. CLORAN—There is a feature in this Divorce Bill that I think this honourable House should not be called upon to sanction or endorse. The feature of the Bill to which objection ought to be taken by all men who wish to see our laws respected and enforced consists in the fact that the committee come before this honourable House and state to-day that the petitioner for the divorce in this case was

cognizant of the fact that his wife was married to a man named Hooper and condoned that marriage, let her live with him for five years without invoking the aid of the law to have that woman condemned for bigamy. The committee boldly come before this House and say that although the petitioner knew that his wife was living with another man in a neighbouring town, under a figment of marriage which was null and void, the committee say that that is sufficient ground on which to grant the petitioner a divorce. I say in making that statement or coming to that conclusion they sanction the violation of the law of Canada. They should have told the petitioner: 'If you want a divorce prove that your wife is a bigamist.' Send him back to his district and let him have that woman brought before the courts of the country and condemned, as she ought to be condemned, if she is not a lunatic as the hon. gentleman has stated. I am not prepared to go into the details of the evidence, but that bald fact stands out, that this woman was living in open violation of the law, presumably under the sanction of the law condoned by her husband, who comes before parliament asking for a divorce. I say this honourable House should not be called upon to sanction such action on the part of any citizen no matter where he may live, no matter what religion he may profess. The law requires that social ties in this country must be respected to the utmost, and I am in hearty accord with the senators who say that a divorce can only be granted for the most serious and the most grave offence.

I go further and say that in granting a divorce—I do not know whether the constitution would permit it—I would try to have the case tested in court. Where one party is guilty and the other is not, I would ask that the benefit of the divorce be simply given to the one who is not guilty, and the one who is guilty should not be entitled to re-marry, because otherwise in future years we will get into the same condition of things as exists in the United States, and as is beginning to exist in France and other countries where the moral law is cast aside for a little human sympathy and sentiment. I should like if the question could be tested, that in granting a divorce it is only granted to the party who suffers and not to the party who is guilty of a crime against society or against the law of the country, as in this case. I call the attention of the Senate to the fact that in granting a divorce under these circumstances, they are practically condoning a violation of our law.

Hon. Mr. LOUGHEED—As a member of that committee, I cannot permit a reflection of the character which has just been uttered by the hon. gentleman from Victoria (Hon. Mr. Cloran) to be made with reference not only to the ability of that committee to judge upon the merits or demerits of such cases as may come before them, but what I might term the criminality which he has sought to attach to the committee. It is the first time that it has even been suggested in this House that the Select Committee on Divorce should set in motion the criminal law for which the Dominion government itself is responsible. There is a Crown prosecutor in each district of the Northwest Territories and where a case comes under his observation I apprehend it is his duty to set in motion the criminal law. But to say for one moment that such a responsibility as this attaches to the members of that committee is certainly unique, and something that has never been suggested before. I venture to say that no member of that committee for one moment would serve upon the committee if this chamber attached any such duty as that to the position. I am not surprised that a movement has been on foot for many years for the establishment of a court of divorce in Canada. It seems to me that justice cannot be done in the premises under the machinery which we have at this time. I can very well appreciate the convictions of many hon. gentlemen upon this question of divorce, but we must take into consideration that the constitution vests in the federal authority the subject of divorce, and it is our duty to deal with this particular question. If hon. gentlemen, either members of this chamber or members of the House of Commons. feel that they cannot conscientiously approach this subject, I apprehend that their duty is plain, to in no way take part in the proceedings. An oath of office is taken by hon. members who enter this chamber as well as those who enter the House of Com-

mons to carry out the constitution as we find it embodied in the British North America Act, and if hon. gentlemen feel that they are not sufficiently free to undertake to carry out that constitution in its entirety, they should at least remain quiescent where a question of conviction or a question of conscientious scruple may intervene. Now, in sifting this evidence one is rather, I won't say surprised, almost amused when we take into consideration the contradictory views which are taken of the evidence in question. My hon. friend from Rothesay cannot see any evidence in the record why the report should have been made and why divorce should be granted. My hon. friend from Stadacona says quite clearly that adultery has been committed, but committed by a lunatic, while my hon. friend from Montreal West takes the extraordinary ground that not only was adultery committed, but that the woman was responsible, and that the criminal law should be set in motion by the committee. Consequently we have three absolutely diverse and contradictory opinions held by those three hon. gentlemen. Each member of this House is entitled to his opinion, but it must not be overlooked that those who venture to give an opinion upon a subject of this kind should look closely, not only at the constitution which governs us in matters of this description, but also should scrutinize somewhat closely the rules of this House dealing with such a subject as the one before us. The rules of the House are quite clear upon the subject that where the offence is established no alternative remains but for the committee to report that a Bill of divorce should be granted. The rules of the House of Lords and the rules of evidence which obtain in the courts in England are in full force, introduced by our own rules into the proceedings of this body, and where the evidence comes within the scope of either the rules of the House of Lords or of the law of evidence of England, as I say no alternative exists but for that committee to recommend that the divorce be granted. Though a member of that committee, I was not present when the report was made, or when the case was heard, yet from a perusal of the evidence I have no hesitation in saying that the committee could not have hesitated for one moment in reporting as it has done. If hon. gentlemen will look at page nine of the evidence they will there observe a certificate of marriage taken from the public documents of the province, the Department of Agriculture and Immigration of Manitoba, wherein all the particulars of her second marriage are to be found. Here is a marriage certificate, certified to by the Inspector of Vital Statistics in the province of Manitoba, as to the second marriage having been contracted, and in addition to that we have her own statement as to her identification with the party, as being the party referred to in exhibit No. 2 at page 9 of the evidence.

Hon. Mr. CLORAN—Will the hon. gentleman state his opinion in regard to the fact that the committee legalizes that second marriage which is not legal now by granting a Bill of divorce ?

Hon. Mr. LOUGHEED—Not at all. We are not called upon to do that.

Hon. Mr. CLORAN—But you are doing that.

Hon. Mr. LOUGHEED—If my hon. friend chooses to go through such a labyrinth of legal intricacy as he seems to have entered upon in trying to analyse this case and determine what he should do, I am not surprised at his being somewhat confused, but I might say that the Select Committee on Divorce is not called upon to determine anything more than the fact that the woman has committed adultery and, that being established, the duty of the committee and the duty of this House is perfectly clear. That duty has been carried out by the committee and embodied in the report.

Hon. Mr. CLORAN—You are responsible not only for your act but for the result of that act.

The amendment was declared lost.

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

BILLS INTRODUCED.

Bill (M) An Act to amend the Act respecting the patent of William A. Damon.—(Hon. Mr. Kerr, Cobourg.)

Bill (N) An Act respecting the Citizens Bank of Canada.—(Hon. Mr. Coffey.)

Bill (20) An Act to incorporate the Moosejaw and Edmonton Railway Company.—(Hon. Mr. Ross.)

Bill (49) An Act respecting the Century Life Insurance Company.—(Hon. Mr. Templeman.)

Bill (93) An Act respecting the Grand Council of the Catholic Mutual Benefit Association of Canada.—(Hon. Mr. Coffey.)

Bill (95) An Act respecting the Gillies Bros., Limited.—(Hon. Mr. Frost.)

Bill (98) An Act to incorporate the Imperial Guarantee and Accident Insurance Company of Canada.—(Hon. Mr. Kerr, Cobourg.)

Bill (121) An Act to amend the Act respecting the Packing and Sale of Certain Staple Commodities.—(Rt. Hon. Sir Richard Cartwright.)

The Senate adjourned.

SENATE.

Ottawa, Thursday, March 23, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SPREAD OF TUBERCULOSIS IN CANADA.

MOTION.

Hon. Mr. EDWARDS moved:

That in the opinion of the Senate the time has arrived when parliament should take some active steps to lessen the widespread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis.

He said: This motion is one of perhaps more importance to Canada than any other that might be brought up in this House. I am sorry, indeed, that the duty of making the motion does not fall on more capable shoulders than mine. It would be more appropriate that it should be moved by some one of the members of the medical profession who grace seats in this House. But my apology for making the motion is that I happen for the time being to be the president of the Canadian Association for the Prevention of Tuberculosis. However, I earnestly hope that not only the hon. gentlemen of the medical profession, but many other hon. senators will express their views upon the subject more fully than I am capable of doing. Now, this is a question of importance not alone to Canada, but a question of importance to the whole world. In later years perhaps more interest has been aroused upon this subject than was formerly the case. In years gone by it was supposed that the disease of tuberculosis, or consumption, was hereditary and those who unfortunately suffered from it not being able to receive any great relief from medical treatment, in instances where people were of sufficient means were generally ordered to go to some sunny clime, there sooner or later to die from the effects of the disease. And those who were not able to do so, had their death come to them at a more rapid rate, living perhaps in the unfortunate condition in which many of them were compelled to live. But, hon. gentlemen, thanks to the scientific research of the great medical profession for several years back, it has become thoroughly understood that the disease is not hereditary, but one which is preventable and in very many instances curable. Dr. Koch, of Berlin, by his researches, has contributed very much to the information which the world possesses in this respect. He and many other scientific men the world over have done very much in so far as this great subject is concerned, and as a consequence the attention of people everywhere is more aroused to-day to the importance of this subject than was the case in former years.

To show the extent of the ravages of this terrible disease, I may say that the death rate in the entire world annually reaches the enormous number of 5,000,000 souls. In Great Britain and Ireland no less than 70,000 die annually from tuberculosis. In the United States of America it is said by some authorities that no less than 200,000 die annually from the disease, but it is perfectly safe and within the mark to place the mortality at 150,000. Coming to our own country, in which we are more directly interest-

ed, the number suffering annually from this disease is 40,000 and the deaths are variously estimated from seven to eight thousand. In the year 1891 the total number of deaths in Canada from the disease was 9,708. Estimating the value of each human life at $1,000, and taking 8,000 as the number of deaths annually in Canada from tuberculosis, the direct loss, to say nothing of contingent losses, to Canada from this cause reaches the enormous sum of $8,000,000. The total number of deaths from all causes in Canada amounts to 77,495, and one-tenth of the entire death rate is from tuberculosis. It may appear strange, yet it is nevertheless the fact, that from tuberculosis alone we have more deaths annually than from typhoid fever, scarlet fever, measles, diphtheria, croup and whooping-cough combined. Small-pox is regarded as a great scourge. It is a disease which visits us periodically and great efforts are made by the provincial and other authorities to suppress the disease when an outbreak occurs, but the annual death rate from small-pox in Canada is very small, not more than one or two hundred on an average. But tuberculosis is constantly with us. We have vaccination as a preventive of small-pox, and to-day the medical profession are engaged in seeking some similar means of preventing the spread of tuberculosis. We all sincerely hope that it will be successful. It will be another important step in advance for that great profession. I have said that tuberculosis is not hereditary but is communicable from man to man and a preventable and curable disease. To illustrate how preventive measures may check its ravages, I will give you comparisons as between two of the very greatest cities in the world. About fifty years ago London began the system of construction of sanitaria for the cure of those suffering from the disease. Paris, unfortunately, did not follow in the footsteps of London. During the course of the fifty years the death rate in London from tuberculosis decreased fifty per cent, while the death rate in the city of Paris has increased. As further evidence I may state that from the year 1851 to 1896 the death rate in England and Wales has been reduced from 28 to every 10,000 to 13 in every 10,000, and on the same basis, looking ahead to 1940, the disease will be wiped out in Great Britain. But this is not all; in Great Britain the disease has become less severe in its effect and more curable because of the changed conditions in that country.

I think I have said enough to show the importance to Canada of dealing, and dealing in the most thorough manner, with this dread disease. I shall not trouble you with remarks on the conditions in other parts of the world, but will refer briefly to some of the conditions in the United States. In that great republic all that might be done has not been done—in fact very little of what might be done has been attempted, but in the cities that have been foremost in dealing with this question, the death rate from tuberculosis has fallen and fallen far more rapidly than in cities that have not adopted preventive measures.

New York has been the foremost city in the United States of America in dealing with tuberculosis, and the death rate to-day in that city is smaller than in any of the cities of the great American union. Now, the question arises: what can be done to check the spread of the disease? The gentleman in the United States who stands foremost as to what may be done is Dr. Trudeau, of Saranac Lake, who, I understand, is a French Canadian by birth. He himself, suffering from this disease in the year 1874, was induced to spend the winter in the Adirondack Mountains. He had a great deal to endure in staying there for the winter, but the beneficial results caused him to think of what might be done to help others, and as a consequence of his efforts, in the year 1884 he in his small way put up the first sanitarium that was built in the United States, a small cottage which would accommodate only two patients. He had very great difficulty indeed in securing the two patients to enter his small sanitarium and go through the course which he approved of as being the best treatment for the disease. It was what is called the open air, or out of door treatment. That institution, unaided in any other way than through friends who had observed his efforts, has attained the position to-day of owning an establishment worth $355,000. There is a central building with many small cottages surrounding it, and enormous good has been done the people of the United States as a result of his efforts. The ex-

ample which he has shown is extending to every state in the union, and while there are not many state sanitaria in the United States, yet there are many as a result of the efforts and the liberality of the people who are philanthropically inclined and who are aiding in this respect. I will not enumerate the various states of the union in which either as state institutions or as private institutions, these sanitaria exist, but they are to be found in many of the states. Massachusetts was the first to establish a state sanitarium. It was erected, I think about 1898. New York erected a state sanitarium last year, 1904. In Canada a little has been done in these respects. There are two establishments in Gravenhurst. I do not know exactly the terms on which patients are taken there, but one of them is to some extent a free institution, and in one of them a charge is made for entering. There is an institution for incurables at Weston, Ont. There is also an institution at Ste. Agathe in Quebec, and one at Kentville, N.S., which is a provincial institution. Nova Scotia has led in so far as this is concerned, establishing the first provincial sanitarium in Canada. It is a small one, not at all adequate to the necessities of that province. There is also a small private one at Wolfville, N.S., and a small private one at Calgary in the Northwest Territories. But if there is one question on which the people of Canada should be aroused it is the matter of dealing with this dread disease. To-day the people of Canada are unfortunately excited over a matter not one-hundredth part, not one-thousandth part of the interest to the people of Canada that this great and important question is. I would be glad if I could arouse the people of Canada on this subject, which is so highly important to them in the same way that they are aroused over a question which, as I said before, is of very small importance as compared with this vital matter, and I should like to keep them roused. Now the question is, what is to be done in Canada in this highly important matter ? In Canada and the United States, in so far as aid to hospitals is concerned, we have many general hospitals and we have many philanthropists aiding in their construction and maintenance. In so far as libraries are concerned, we have the philanthropy, of which I personally do not approve, of Mr. Carnegie. In so far as our educational institutions are concerned, above all in Canada, we have the examples shown us by Lord Strathcona, Lord Mount Stephen, and last, but not least, the great efforts which are now being put forward by Sir William Macdonald, who has already done so much for Canada in this respect. On this important matter, which is so vital to Canada, are we to wait until some such gentleman as these comes to the rescue and provides the means for checking the spread of tuberculosis ? No, hon. gentlemen, I think we cannot afford to do so. The question is one for the Canadian people through the government, and it is a question which should not be delayed any longer. I am one of those who believe that in this country, or in any other country, those who are unable to support themselves from infirmity or otherwise, should be supported by the entire community. In so far as this question of tuberculosis is concerned, the wealthy of the community can always take care of themselves. But we have a large class of poor people and it is among them the greatest suffering exists. They cannot to-day, and never will be able to take care of themselves. I hold, and hold strongly, that the care of these poor people should be a direct charge upon the entire community. The charge it is held, however, should be a charge on the provincial institutions and on municipal institutions. I hold the view, and hold it strongly, that this question should not be an individual, a municipal, or a provincial question alone, but should be a national question. As I said before, if we wait till private enterprise will deal with this question or private philanthropy will deal with it, we will wait until many and very many of the flower of Canada will die with the dread disease, where lives might be saved. The various provinces cannot afford the means to check the scourge. Then, hon. gentlemen, there is but one source and that is to appeal to the government of Canada. There are hon. gentlemen who say 'oh, yes, it is a matter of public health and, like education, should be dealt with alone by the provinces.' If I understand the question aright in so far as the British North America Act is concerned, there is divided jurisdiction in the matter of the public health. It is not necessarily a question entirely with the provinces, nor entire-

ly for the Dominion. With our animals, when any serious disease breaks out the Dominion authorities at once take action. How much more necessary, how much more proper would it be that the Dominion authorities should attend to the public health of Canada. In the importation of animals into the country, care is taken to guard against the introduction of tuberculosis, but in the importation of human beings there is no restriction. If there is a country in the world which has a climate favourable to the cure of tuberculosis, it is the climate of Canada. In years gone by it was supposed that sufferers from tuberculosis had to be sent to some warm climate. To-day that idea is entirely exploded, and it is believed that a colder climate is more favourable for the treatment of tuberculosis than a warm climate. In the erection of sanatoria it has always been supposed that high altitudes were necessary, but any one who will take the trouble to read the history of the various sanatoria in the United States and other countries will find that in many instances they are built on low lands, and in one case in England one of the most successful is built in a place where fog very frequently and almost continuously exists to a greater or less extent. There is another point I desire to make. We have the possibilities, and is it not highly desirable that we should place Canada in the foremost rank in this respect, and make it a country desirable for every people of the world to come to because of its freedom from the disease. It is in the highest interests of Canada that our government should lose no time in doing what may be done, and certainly a very great deal can be done in dealing with this question. It is not too much to say that it is possible to stamp the disease out entirely, but this we cannot expect. However, we can expect to reduce it very materially, and practically stamp it out. Now, hon. gentlemen, what has been done in Canada up to the present time? I have enumerated the few sanatoria that have been constructed. Some four or five years ago, aided by His Excellency the Governor General and my hon. friend behind me (Sir William Hingston), Sir James Grant and several other gentlemen throughout Canada, a society was formed having for its object the prevention of tuberculosis. That society has not received much aid from contributions. The Dominion government has helped it annually to the extent of $2,000. In this matter there is not only the question of building sanatoria, but there is the question of educating the people—and it is a great point—spreading information as to the nature of the disease, as to its origin and as to its preventability. I am glad and proud to say that the association which I have named has done very much in this respect. No less than 1,400,000 tracts have been disseminated among the people of Canada, describing the character of the disease, how it may be prevented, and, to some extent at least, how it may be cured, and over eighty lectures have been delivered by the secretary in the last two years. The educational phase of this subject is a highly important one. The association that I have named cannot go beyond education; it is not one that can deal with the construction of sanatoria. It has not the means of doing so. That is not its sphere, but it is desirable that this educational scheme should be accompanied by a movement for the construction of sanatoria. As I have said, if we wait until private enterprise takes up the matter or until the provincial governments do so, very many thousands of the very best people of Canada will have lost their lives, as a result of the delay, which might otherwise be saved. I want to say here and emphasize it—every Canadian knows right well the value of the native Canadian over the immigrant, no matter from what source he may come. Is it not desirable, then, to spend money upon saving the people we have as well as in bringing people to our shores. Considering all the circumstances, there is but one means of preventing the spread of tuberculosis, and that is at the command of the government. I sincerely hope that as a consequence of the resolution carried unanimously in the House of Commons, and the resolution which I have submitted to this House, and which I hope will be unanimously adopted here, the Dominion government will lose no time in taking action to prevent the spread of this terrible disease.

Hon. Sir WILLIAM HINGSTON—The hon. gentlemen from Ottawa who has just taken his seat has very modestly expressed

his regret that this motion had not been confided to the tender mercies of some member of the medical profession. It occurred to me, while he was speaking, that he must, at some period of his life, have become familiar with the science and art of medicine, and I only regret that he had not continued and become, perhaps a professor of clinical medicine or of clinical surgery in some of our institutions. No medical man could have put the subject more clearly, more forcibly or more convincingly before us than has been done by the hon. gentleman.

The question to my mind is one of the most important with which we could have to deal. It presents many aspects. I intended to say a word on the disease and what it means, but as the economic aspect has been gone into so very fully, I shall say a few words in reference to that. It is estimated that 2,000,000 lives are lost annually to the world by tuberculosis. The disease is under certain conditions as widely disseminated as the house fly—but not with like uniformity. Climate has something to do with its causation and cure—but ignorance or disregard of hygienic laws is its chief cause. The aggregate so to speak, of all the antecedents which suffice to bring about in connection with man and his environment the condition we are deploring. Of those 2,000,000, Canada has her fair share. The hon. gentleman has said, and said truly, that the mortality in this country from tuberculosis is over 8,000 annually. He does not exaggerate. The most competent authorities mention that figure ; but, in addition to the 8,000 or 9,000 who die annually, there is something equally if not more important. It is not those who are sick to-day and who die to-morrow that we have alone to deal with. There is in addition a much larger number, estimated at 40,000, rendered, at an early period of the disease, unfit to earn their own livelihood or support their families, making, in round figures, 48,000 invalidated by a preventable disease.

Hon. Mr. McMILLAN—Hear, hear.

Hon. Sir WILLIAM HINGSTON—Viewed economically, taking a man at twenty-five to thirty-five, when his life is supposed to be most valuable, he is worth, in round figures, $1,000 to the Dominion government. But he is worth, it is supposed, about half that amount to the provincial government, or $500. Then he is of about the same value to the municipality, or something like $500 ; but to his family his value is double what it is to the Dominion government, the local government and the municipality combined. The amount is put down by competent authority, and I take the figures as furnished by Dr. Richer,—and I mention him with great pleasure as that of one thoroughly familiar with the subject. These combined would make the value of a man between twenty-five and thirty-five to be in the neighbourhood of $8,000. English authorities estimate the value of a man of between twenty-five and thirty-five at $8,000. In this country we take a more moderate view, and estimate the value of life at $6,000, although life is as valuable here as it is anywhere. The annual loss to the federal government, therefore, is something in the neighbourhood of $8,000,000 ; to the provincial government, $4,000,000 ; to the municipality, $4,000,000 ; while the loss to the family and community by death or prolonged sickness is beyond computation, and all from what ? From a disease admittedly preventable. But this is only from the death rate. When we come to add the loss in productive power of those who are not in health, and who are rendered partially, or wholly unfit for work, it is almost impossible to estimate the loss. When they are no longer able to earn their own livelihood, they must live at the expense of their families and very, very often, supported by public charity. Our hospitals all over the country were once filled with them. This loss again is estimated at $24,000,000, making the huge loss amount to $72,000,000. Discount these figures as we may, the death of 8,000, and the sickness and enforced incapacity of 40,000 must be appalling in magnitude, and what has the government done to meet it ? I do not know what it has done for man, but let me show what it has done for cattle. On a couple of occasions tuberculosis showed itself among our cattle, and a sum of $19,500 was forthcoming to stamp it out, and again $16,500, together $36,000, given to stamp out the disease. But for human beings I have yet to learn that anything like a respectable sum has been given. I was not aware, until my hon. friend mentioned it, that anything had been given ; he says something in the

neighbourhood of one or two thousand dollars has been given annually. Now, in animadverting on the action of governments I do not allude especially to the government of to-day, all governments in the past have done the same thing—they have not helped in any way to check the spread of the disease. There was an excuse for inaction formerly ; there is none to-day. The disease was not understood until recently. Now that it is thoroughly comprehended, the most elementary charity should compel us to come to the aid of the sufferers.

But what is the disease which so concerns us and with reason ? It was partially understood long before the time of our Saviour. It was written upon by Hippocrates and others, and the Greeks even at that early period thought it was a curable and preventable disease. They did not, they could not, know precisely its nature, for it is only in the past few years the microscope has detected the minute creature which is always present in tuberculosis. They taught, that not medicine, but hygiene and diet, aided by judicious medical treatment, are the means of preventing the disease and of curing it when it occurs. Acting upon that belief, Cruveilhier, of Paris, when I began the study of medicine, was conducting experiments which interested the whole medical world. He induced tuberculosis, at pleasure, in rabbits and caused its disappearance at pleasure. He sacrificed for that purpose, a large number of rabbits. He deprived them of pure air and sunshine and good diet and succeeded in inducing tuberculosis at pleasure. In this way he would cause the symptoms to appear one after another, when he would again restore them to health. He killed a sufficient number to show the presence of tuberculosis at every stage. These were the experiments of Cruveilhier at the middle of the century. That was before bacteriology became the science which it is now. We have made telescopes greater and larger from time to time and we see heavenly bodies we could not see before ; but with the aid of the microscope explorations have gone on much further in the opposite disection. Take the bacillus which is present in tuberculosis : upon the nail of my little finger half a million of these bacilli could find a resting place. It is estimated that ten millions of theme would occupy a cubic centimetre. It takes about two and one-half centimetres to make an inch ; that is to say : in an English cubic inch twenty-five millions of these bacilli can find a resting place. I do not stop to say whether these bacilli are the cause or the effect of tuberculosis, but the bacilli are always present when tuberculosis exists, if they are met with, tuberculosis exists ; if they are not, there is reason to believe there is no tuberculosis. It is by means of the microscope one can tell whether a person is the subject of tuberculosis or not. When one does not find the bacilli, one can reasonably conclude that the disease is not tuberculosis. Some have gone so far as to say that tuberculosis is a filth disease. This was the opinion of Sir John Simon, and I do not think he was very far astray. The fact, however, is established that tuberculosis is a parasitic disease, as easily prevented as the itch, and as easily cured in the very early stages. For fifty years the Germans have taught—and the Germans do not jump at conclusions—they are most cautious and prudent in all scientific matters —that tuberculosis is curable. Braemer, speaking for the whole German profession once said, and lest his words might not have the general diffusion and be as widely reaching as he desired, he was not content to put them in German, but in Latin—Tuberculosis primis in stadiis semper curabilis—Phthisis or tuberculosis in its early stage is always curable, and that was the opinion of the profession in Germany as long as fifty years ago.

The disease is rare above certain altitudes, and it was at one time thought to be because the atmosphere there is rare, but no, it is because the air is colder and perhaps drier. We all know that as we ascend, the air gets colder until we reach the line of perpetual congelation. When we reach 16,000 to 17,000 feet we reach the line of perpetual frost. That line runs from the equator, where it is highest, to the Arctic, where it is several feet under the ground. If that line were a tangible one, and if we could put our tuberculosis patients on it from the equator to the Arctic circle, tuberculosis would disappear and at no place, even in the coldest regions, is cold ever too intense for a consumptive patient, but we

cannot hope for anything of that kind. Yet it has been found that even at high altitudes in the Alps, tuberculosis in certain limited districts is rife. Why ? Some handicrafts as that of watch making, established themselves there, and men congregated in small places, with insufficient air, artificially heated, and there tuberculosis was met with, showing that even at a high altitude men could not escape disease under such conditions.

The difficulty we have in dealing with the question in this country, perhaps more than in most, is the ignorance, the impenetrable ignorance prevailing among the masses. Could the people be taught the chances of recovering under proper care ; could they learn that it is in the power of man aided by his fellow-man to cause all parasitic diseases, and this may fairly be considered a parasitic disease, to disappear from the world—and here I quote the words of Pasteur—'how prone they would be to aid their fellow man to get rid if this disease.' But we are selfish and when we are not suffering from the disease ourselves we are apt not to think much of those who are less fortunate. I hope the motion introduced by my hon. friend will be productive of some good. At any rate it will go some way to enlighten public opinion on a question which should be à la portée of every one, not only in this chamber, but throughout the Dominion, and will lead, as I fervently hope it may, to intelligent and concerted action of federal, provincial and municipal governments. Consumption, says a writer, is a social disease, and being a social disease, says Knopf, society must also do its part and help the medical profession to stamp it out.

Hon. Mr. ROBERTSON—I wish to add a few words in support of the able speeches delivered by the hon. president of this association, who introduced the subject here, and my hon. friend from Montreal. The hon. mover and his society are deserving of a great deal of credit for the interest they have taken and the efforts they have put forth to enlighten the people of Canada on this important subject. This disease has been styled the great white plague, and it is certainly deserving of that appellation. It is not my intention to go into the pathology of this disease, nor to detain you by any remarks in reference to the analysis of it, because the hon. senator from Montreal has gone into that very extensively and I can add nothing to what he has said. He has stated it much better than I could have done. Probably he is as good an authority on the subject as any man in Canada. I want to impress on the government and parliament of Canada the importance of taking hold of this question. It has been before parliament some little time. I remember having brought it up in the House of Commons some years ago. It has been brought to the notice of the local legislatures on several occasions, but nothing seems to have been done to stop this great plague. The mover of the resolution told you that 8,000 people die every year in this country from tuberculosis. When we come to consider that two-thirds of that number are in the prime of life, between the ages of 18 and 30, many of them the very best and brightest of our people just after they have received their education and when the Dominion expects to get some good from their lives, the importance of the subject can be appreciated. Scientists throughout the world agree that tuberculosis is a preventable disease. It certainly is a disease which is difficult to cure once it becomes established, but by prevention I think I am safe in saying we could at least save six out of the eight thousand who die every year. I believe I am within the mark when I say that. If you do that, you accomplish a great thing. How can we teach our people to use preventive measures ? The disease is spread throughout the length and breadth of this country by carelessness and ignorance, and the only way we can diminish its ravages is by education. I notice that at the Tuberculosis Congress at St. Louis last summer the whole gist of the speeches made by all the noted gentlemen from all over the world was education, education, education. Educate the people how to avoid infection, because the disease passes from one individual to another. As the mover of the resolution has said, it is not hereditary. When a member of a family becomes infected, the other members of the family are subject to infection, but by education on this subject they can be saved, even if the one suffering from the disease cannot be cured. What I want to do is to impress on the government to

take steps to stamp this disease out of the country, and the only way it can be done is this: Let them establish a Department of Health. We have Departments of Agriculture, Customs, Inland Revenue, Labour, &c. None of them would be more important than a Department of Health. At the head of this department should be placed a thoroughly educated scientific man, able to make analyses of this and all other infectious diseases, and to issue bulletins and circulars and distribute those to the teachers of schools throughout the length and breadth of the country, also to clergymen and presidents of all societies and see that the people are provided with this information and that it is instilled into their minds. I would go still further; I would enact laws on the subject. The head of this department should consult with the government and prepare legislation to compel careless people who are in the habit of expectorating around the house, in the street cars, in school rooms, churches, &c., to stop the abominable habit and thus do a great deal to prevent the spread of this disease. If the government is not prepared to give us a Department of Health, let us have a deputy head under some other department.

Hon. Mr. MACDONALD (B.C.)—It could be attached to the quarantine.

Hon. Mr. ROBERTSON—Yes, a thoroughly able man. Let us have any amount of literature and also instruct the people and help them to stamp out this disease. We have on the floor of this House three important members of the present government. I hope they will not fail to bring this matter before their colleagues at the earliest possible moment and urge that something be done to prevent the spread of the scourge. While we are paying large sums of money to bring immigrants, many of whom are found to be infected with diseases when they arrive, we are not spending a dollar to save our own people from destruction by this terrible disease. I hope the government will not fail to do something in the shape of building sanitaria in conjunction with the local governments and the municipalities throughout the Dominion and take every step within their power to put a stop to the ravages of tuberculosis.

Hon. Mr. McMILLAN—The important subject which the honourable gentleman from Ottawa has brought under the attention of the Senate, is worthy of our serious consideration, and I feel the discussion on the question will be profitable and interesting to this House as well as to the country.

Since the days when the hereditary transmission of consumption, as the source of the disease, had been doubted, and the infection was discovered by the celebrated Dr. Koch, over 20 years ago, to be communicable by a germ peculiar to tuberculosis, and now known as 'Tuberculi Bacilli,' the attention of scientific men, and leading men in the medical profession has been given to the question of isolation of tuberculous patients, in order to remove from society the cause from which perhaps nearly all the cases of pulmonary tuberculosis get the infection. The question of hereditary transmission of tuberculosis, few will deny, but the idea that was formerly held of this transmission has, since the discovery of the inoculability of tuberculosis, I think been largely abandoned. The fact that it is possible, I may almost say certain, that the transmission of the tuberculous germ from the father or the mother, or that the germ can find its way from a tuberculous mother to the child in the uterus, as easily as it can find its way to any portion of the mother's own body render the heredity cause of consumption explainable, the only real inheritance being due to the physical conformation of the body, with a predisposition and susceptibility of a soil preeminently in a condition to cultivate the seed. Age even does much to prove this fact, the youth from infancy to the near approach to manhood are more disposed to have tuberculosis in the glands, bones and joints at a higher percentage than the adult: this also holds true in intestinal tuberculosis. In the adult, when attacked, the germ generally elects the lungs, as the seat where to set up the disease, while the aged rarely fall a victim to it.

I do not wish to be understood as meaning mere contact with a tuberculous patient is dangerous. The disease is not contagious in this way, as would be the exposure of a susceptible person to small-pox, scarlet fever and diseases of that class. The germ of tuberculosis has to be taken into

the body by the lungs or stomach, by inoculation or otherwise, and as this germ has to be dry there is very little danger in a recently expectorated sputum.

Let me state here that I think there is much in what Dr. Sheard, of Toronto, said at the Tuberculosis Association meeting here last week, that 'the literature sent out by the association had the effect of making matters uncomfortable for consumptives,' and that they feel they are being shunned. To my mind, literature has done its work, and the time for the practical carrying out of the lessons taught by such means has arrived.

The two terms contagion and infection I know are synonymous, but the sense in which I wish to use them here is that contagion means the carrying of the disease from exhalations of effluvia invisible as to its poisonous contents, while infection means the carrying of infectious matter or poison, and known to contain that which produces a like disease in another person—after it enters the system.

Now that it is generally accepted that pulmonary consumption is an infectious disease, and the source of the infection is known and understood, the question of taking preventive measures ought, in the interest of humanity and for other reasons which I need not mention here, to engage our earnest attention.

In diphtheria antitoxin has proved a great success as the destroyer of the germ peculiar to it, not only successfully in the treatment of the disease, but as a preventive, when injected into the system of a healthy child. But in cases of tuberculosis, 'tuberculin,' or the antitoxin of tuberculosis, has not yet proved to be a safe remedy. This being the case, our efforts should be given to the removal of the patients from communicable relationship with people generally, and even from their own houses, to a sanitarium. This should be done to prevent the spread of the disease, and it will also increase the chances of improvement and ultimate recovery of the patient.

The provincial boards of health, as well as the local municipal boards, have by provincial legislation the power to isolate persons affected with small-pox, diphtheria and scarlet fever, while legislation authorizing isolation in the case of tuberculosis has hitherto been overlooked, though more deaths are caused by it than all these put together. Why is this? Is it because consumption had been, before the discovery of Dr. Koch, looked upon as not infectious, but due to the visitation of Providence or to the fate that he or she was born of consumptive parent or parents, and that the removal of such patients would not do anything to ameliorate the evil or lessen the disease? This is not correct, and cannot be acknowledged any longer; on the contrary, tuberculosis is known to be very infectious, and the removal of a patient so afflicted is the proper safeguard and security from the spread of the disease.

The principal source from which the baccilli of tuberculosis is known to come is from the sputa of consumptive people, and only then after the sputa dry and float with the dust in the air. It is calculated indeed that seven million bacilli are contained in the sputa of an advanced consumptive patient in twenty-four hours. The virulent bacilli may live a long time in the absence of strong light and proper temperature. A portion of a lung affected with tuberculosis, buried in the ground, when exhumed after two and a half months, and even longer, has been according to good authorities, found to retain its infectious power, but a living organism is required for its proper multiplication.. Another source is from houses where persons have had this pulmonary affection for perhaps a long time, and not cleaned and purified by such means as will destroy the bacilli.

The imperative duty, therefore, is clearly manifest that the only means by which the disease can be successfully eradicated is by isolation, and abundant proof has been given from extended experience that the proper place for the removal of such patients is to a sanitarium. This not only increases the immunity from the infection, but the chances, as I have already stated, for great improvement in the condition of the patient and his ultimate recovery. Now as such institutions can only be built and maintained from public sources, the parliament of the Dominion as well as the legislatures of the provinces should grapple with the question and grant sufficient aid to establish sanatoria in Canada in suitable places and within easy reach of large centres of population. Statistics have already been

furnished which show that pulmonary tuberculosis has decreased nearly one-third in 15 years where isolation was resorted to, and that we can safely predict that 25 years more will practically exterminate the malady if the means referred to are undertaken.

An anti-tuberculosis association is in existence in Ottawa of which the hon. gentleman who introduced this subject is president. It has done admirable work. 'Local' associations of a similar character, though under different names, but for the same object, are in Montreal and Toronto and, I presume, in other cities in Canada, all of which, I am sure, are also doing good work, but these associations should be encouraged and substantially recognized by the Dominion and local governments. The Dominion government could establish a sanitary bureau in connection with the Department of Agriculture. The object would be the further prosecution of the present quarantine law so as to prevent immigrants landing without a certificate from a proper authority that he or she is free from pulmonary tuberculosis. The department already spends, and we think properly, a large amount of money for the prevention of and eradication of bovine tuberculosis. It gives monetary aid to farmers among whose cattle that fatal disease known as anthrax may make its appearance. Compensation is given the farmer for the loss he suffers from the slaughter of his herd, and from the slaughter of his swine if diseased by a contagious infection. These facts make me think and feel that a proper presentation of the question of tuberculosis to the government will establish a claim for a serious and favourable consideration of the question, and the taking of proper steps for the eradication of the disease in the human family.

The provincial governments, we are aware, are by our constitution the guardians of our internal sanitary conditions, but they need the gentle hint of a more active move—to improve the sanitary laws so as to take advantage of recent discoveries as to the source of tuberculosis, and the causes of such mortality among our people, and how to prevent it.

It ought also to be the duty of the Department of Education under the provincial governments to have a few sections in their readers for use in schools, devoted to the question of tuberculosis, and how to prevent it, small-pox and how to prevent it by vaccination, and also something instructive as to other kindred diseases.

The provincial governments have of late years created by an Act of parliament known as the Succession Duty Act, a large income from wealthy estates which took away from many wealthy people the disposition to aid charitable institutions of their own free will. This fund I would suggest should be used exclusively for the purpose of sanatoria, hospitals and such public institutions.

With regard to the duties of boards of health in municipalities, they should be empowered—as they are in direct touch with the people—to enforce a medical examination of persons known or suspected to be affected with pulmonary tuberculosis, and cause his or her removal to a sanitarium. This body should also have power to establish local dispensaries in charge of a medical man for the purpose of dispensing medical aid to those who cannot be removed, and directing other sanitary means in the interest of those who are obliged to nurse and care for them.

With sanatoria once established, properly erected, located and equipped with medical experts on tuberculosis, and specialists on lung diseases, nurses and all the other proper help, there need not be any fear or anxiety as to the result. The cured patients, returning home from the sanitarium, will be a living evidence and a walking advertisement as to the benefits received there, and it would not be a surprise if the time will come, from such results, that the sanatoria in many places will be self-sustaining, as the charges the rich will be willing to bear, will more than counterbalance the cost to the institutions for the care of the poorer classes.

The average death rate to the thousand yearly in all countries is about twenty-two ; of this it is calculated one-seventh is due to pulmonary tuberculosis. It exceeds the combined mortality from war—I do not include the present Japanese and Russian war—famine, plague, cholera, yellow fever and small-pox.

France has taken the lead of other countries on the question of sanatoria for tuberculosis with the result, it is stated, that

75 per cent of the younger patients are cured. Germany shows two-fifths in some of its sanatoria. The statistics in England are not so good though 'Victoria Hospital' for consumptives, near Edinburgh, shows good results. In the United States good results have also been had from the sanatoria near Boston and Philadelphia and in the Adirondacks.

England's death rate from pulmonary consumption has been given as seventy thousand each year, and Canada's death rate about seven thousand, and it is stated 70 to 80 per cent of these can be saved by isolation. Ransome in his Milroy lectures on the etiology and preventive of phthisis declared before the Royal College of Physicians in London, in 1890, that tuberculosis in its various forms causes the death of seventy thousand yearly in England, and that one-third of all who die from fifteen to forty-five years—the most useful period of life according to Dr. Osler—die from tuberculosis. We are informed 33 per cent is given in Germany, about 30 per cent in France, the United States being about double what it is in England. These figures are appalling and make us almost feel we are guilty of a criminal wrong when we hesitate to act determinedly in order to stamp out this plague.

General hospitals are not the proper places to treat pulmonary tuberculosis patients. The reasons are apparent, the presence of a tuberculosis patient there would from the infectious nature of the disease, be dangerous to the other patients. The proper construction for a tuberculosis sanitarium should be different. The building should be high and built on high ground with a good drainage from it, and it should have, if possible, pine trees around it, as well as other healthy trees and all the sunlight and fresh air possible, with easily ventilated rooms without draughts, plain furniture that can be easily dusted daily, proper verandas, gardens and walks for the patients to pass the time in and take exercise, and seats here and there in the open air to rest on. The food must be good and wholesome, with a proper dietetic bill of fare under the supervision of the medical superintendent.

The average homes in towns and cities and in the country are not proper places for phthisical patients, apart from the danger to other members of the family. The ventilation and general surroundings are bad. Inattentive medical attendance without the proper nursing and care insisted upon at a sanitarium will be a serious drawback. This will account for the large death rate in private practice; but let me add to all this another fruitful cause, that is, the insidious and treacherous character of the attack. It disarms the patient and makes him think he has only a 'bad cold.' Patent medicines and quack nostrums are used; when these fail, and the appetite continues bad with an appreciable emaciation and general debility, noticeable by himself as well as his friends, he is awakened to the seriousness of his condition. It is then he goes to consult a doctor, but, unfortunately, it is too late.

This, hon. gentlemen, brings me to the conclusion of what I have to say now on the important subject of tuberculosis. I know it will not meet the views of many in my own profession. I am conscious also of my want of opportunities to give this question the great and industrious study that it should have, and venture with diffidence to offer the opinions I have here advanced, as they are largely the result of my own personal attention to the study of this disease which came almost daily under my observation in an active practice of 40 years. I have also learned much from men of ability in the profession with whom I have taken pleasure to exchange opinions on this question, and finally I have to credit such literature as I have been able to consult on the subject.

Sir Hyman Weber, an eminent physician in Germany, said that 'the crusade against tuberculosis is a powerful factor in the fight against infective disease' also that tuberculosis 'is a potent cause of the physical degeneration of a people.' If we do not awaken to this fact, we will be allowing the foundation to be laid in Canada for the physical degeneration of one of the healthiest and hardiest people perhaps on the face of the globe.

Hon. Mr. LOUGHEED—I apologize to the House for making any observations upon this subject at this hour of the evening, not being a medical man, but my excuse for doing so is that I probably come

in contact with a phase of this dread disease in the section of country from which I come, of a more practical character than possibly might obtrude itself upon many eastern medical men. The country is undoubtedly indebted very largely to the medical fraternity for the publicity and the very widespread notice which they have given to this subject. But the difficulty is that the movement up to the present time in the direction of dealing with the ravages of consumption has been largely of an academic or scientific character, and has not assumed that practical shape which unfortunately is so necessary at this critical time to meet so dread a disease. The section of country from which I come, owing to its climatic conditions, altitude, dryness and other characteristics has been recommended very largely by medical men throughout the whole Dominion as a field of relief for those suffering from pulmonary troubles. The consequence is, and I think I am not making an exaggerated statement when I say, that along the foot hills of the Rocky Mountains within a range say of 150 miles, as well as within the interior of British Columbia, there are many thousands to-day seeking restoration of health from the ravages of tuberculosis, yet notwithstanding the presence of that very great number of people nothing has been done of any importance by either the federal government, or the provincial governments to assist in dealing with this question. It therefore seems to me that no subject of so great importance has received such little attention at the hands of governing bodies as the question we are discussing to-day. The most distressing phase of this difficulty which obtrudes itself upon one's attention in the district from which I come is that no accommodation has been provided of any consequence whatsoever with reference to this disease. In fact, what does force itself upon one's attention is the utter absence of accommodation within the cities and towns and centres of population in that western country. Patients seeking a recovery of health from consumption, except they have very large means, cannot possibly gain admittance into the hotels or private houses or secure any accommodation whatsoever. I think I am not making a statement outside the bounds of truth when I say that there are hundreds in that western country living in tents to-day seeking health, owing to the beneficial nature of the climate. With this condition of facts before us, it seems to me that the government certainly should make some official investigation into the conditions to which I allude and which are more or less familiar to every public man. Medical gentlemen who may assemble in congress here and prepare papers and deal with the scientific or the academic aspect of these matters really are not in a position to get to the root of the matter for solving the difficulty. An educative campaign or crusade of course is desirable. And the knowledge which the public has to-day is very largely due to the fact that medical men have evinced such a deep interest in the scientific aspect of the question, but there is a practical shape to it and while the medical fraternity has done its duty in this particular regard, I say that the public men of Canada have neglected a very important duty and now is the time to give some attention to it. I should like to see the medical fraternity of this Dominion drop for the moment the academic phase of this question and take up the practical one, and insist upon, not only the federal government, but the provincial governments thoughout the length and breadth of this Dominion, taking hold of the subject and putting it in practical shape. Another phase of the difficulty with which we have to grapple in that western country lies in the fact that a large immigration is coming annually into that district. It is estimated that at least one hundred thousand people annually are going into that country, many from different parts of the continent. on which we live, thus preventing medical examination being made and quarantine regulations being enforced with reference to those coming from the interior of the continent. The consequence is that immigrants coming from the interior and from foreign countries must necessarily have a large percentage of consumptives amongst them. Therefore, we will in the near future have upon these grounds a very much larger proportion of those suffering from tuberculosis and pulmonary diseases than in other sections of the Dominion. Happily nature has provided, to some extent, a counterpoise by which, living

under the very salubrious climatic conditions of that western country, the disease is somewhat mitigated. But that does not relieve the government of the country from assuming that responsibility which must necessarily devolve upon them in dealing with conditions of this character. It was only a few months ago since the question of mange was taken up by the government and dealt with in the most heroic manner. The same applies, as my hon. friends from Montreal and from Ottawa said, with reference to tuberculosis amongst cattle. We find the greatest degree of activity displayed by the Department of Agriculture when there is even a suspicion that something has happened our cattle, our horses or other live stock, and, as I have said, the most heroic measures are at once taken to stamp out any disease of that kind. When we take into consideration that from 1½ to 2 per cent of our population is dying annually from tuberculosis, and when we consider the passive or the quiescent state of the different governments of the Dominion upon this question, one is really surprised at not only the indifference of the government, but the indifference of the public. Now, I might say that it is impossible to-day for a consumptive patient to have access to any of the general hospitals which are to be found throughout the North-west Territories ; and for the reason suggested by my hon. friend from Alexandria, it is quite obvious that it would not be desirable that patients suffering from pulmonary troubles should have general access to these institutions. What I have said with reference to the hospitals applies to the hotels and private houses and other channels of accommodation, which one would naturally expect to be open to people seeking to recover health. Therefore, it seems to me that in view of the facts which I have pointed out, it would not be unreasonable that the representatives of the government in this Chamber should take this subject up seriously and, possibly, in connection with the subject of immigration. We are, from time to time, making very large grants for that particular purpose. I suppose the grants for immigration for some years past have averaged half a million per year, and it therefore seems to me that it would not be unreasonable that this grant should be either supplemented by a reasonable amount, or that there should be taken from this sum a substantial sum in aid of the establishment of sanatoria in the Northwest and in the interior of British Columbia. It seems to me that if one hundred thousand dollars were expended annually in assisting sanatoria in the western part of Canada at least five hundred patients could be treated with the greatest benefit with very little cost to themselves, and it certainly would be an incentive to capitalists, philanthropists or others who would be willing to establish institutions of that kind and supplement the difference between the amount granted by the government and the amount necessary to make successful the conduct of those institutions. When my hon. friend from Russell brought up this matter I had not intended speaking on the question, but owing to the fact that I am more or less familiar with the conditions which I have mentioned, I am deeply impressed with the serious nature of the question and cannot too deeply impress upon this House the necessity of giving their best consideration to the subject now before us.

Hon. Mr. McMULLEN. I intend to take the opportunity of addressing the House upon this question also, although not a physician. It is a question which every member of this House should express his opinion upon. It is very desirable, however, that we should advance the Bills on our order paper a stage to-day and for that purpose I move that the debate be adjourned until Tuesday next.

The motion was agreed to.

BILL INTRODUCED.

Bill (O) An Act to incorporate the Owen Sound and Meaford Railway Company.—(Hon. Mr. McMullen).

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—I have received a telegram from one of our co-senators here, the Hon. Mr. Choquette, asking if we could postpone that privilege question until he can be here. Therefore, with the permission of the House, I will proceed with the motion now.

Hon. Mr. SCOTT—What is the motion.

Hon. Mr. POWER—A question of privilege I think is supposed to be something urgent, something which has arisen since the last meeting of the House ; and this idea of keeping a question of privilege in cold storage is objectionable.

Hon. Mr. LANDRY—The hon. gentleman's point is not well taken. A question of privilege is not always urgent, but something urgent may be a question of privilege, and I may do it at the request of the interested parties. There are two parties interested here, the Hon. Mr. Legris and the Hon. Mr. Choquette, and one party is absent and asks us to postpone the matter until his arrival here. Therefore, out of courtesy I make the request.

THIRD READINGS.

Bill (14) An Act respecting the Molsons Bank.—(Hon. Mr. Kerr, Toronto.)

Bill (26) An Act to incorporate the Sovereign Fire Assurance Company of Canada.—(Hon. Mr. Kerr, Cobourg.)

LEBONK AND THUNDER BAY RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. YOUNG in the absence of the Hon. Mr. Frost, moved the second reading of Bill (61) An Act to incorporate the Lebonk and Thunder Bay Railway Company.

Hon. Mr. LANDRY—All these Bills except Bill (50) are not printed. I make an objection. I do not think the Bureau should be so occupied at this time, when the discussion in the House of Commons on the Autonomy Bills is proceeding, and not much work going on, that they cannot print our Bills. These Bills should be distributed and in the hands of every member in this House.

Hon. Mr. SCOTT—I am quite sure the fault does not lie with the Bureau. It lies with the translation office.

Hon. Mr. LANDRY—Is that made in the House of Commons ?

Hon. Mr. SCOTT—I think so, if the Bills are from the House of Commons.

Hon. Mr. LANDRY—If the Bills have been passed in the Commons and brought here, they must have been translated before.

Hon. Mr. YOUNG—Does the hon. gentleman press his objection ?

Hon. Mr. LANDRY—Not to-day, but I want to give notice that in future I will.

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

SECOND READINGS.

Bill (68) An Act respecting a Patent of the Paper Goods Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (78) An Act respecting the Macleod, Cardston and Montana Railway Company. —(Hon. Mr. Watson.)

Bill (85) An Act respecting the Bay of Quinté Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (89) An Act respecting Monterey Electric and Gas Company, Limited, and to change its name to 'Monterey Railway, Light and Power Company.'—(Hon. Mr. McMillan.)

Bill (94) An Act respecting the Brockville, Westport and Northwestern Railway Company.—(Hon. Mr. Frost.)

Bill (50) An Act to incorporate the Calgary and Battleford Railway Campany.—(Hon. Mr. Young.)

The Senate adjourned.

SENATE.

Ottawa, Friday, March 24, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CALGARY, RED DEER AND BATTLEFORD RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Telegraphs and Harbours, reported Bill (19) An Act to incorporate the Calgary, Red Deer and Battleford Railway Company, without amendment.

Hon. Mr. YOUNG moved that the Bill be read the third time on Tuesday next.

Hon. Mr. LANDRY—I rise to a point of order. This is a private Bill. One of our rules states that a Bill should be in conformity with the notice of motion and the

petition that was presented asking for the Bill. The petition and the notice of motion do not agree with the Bill as it comes from the committee. The petition asks for a Bill for a railway starting from Calgary and running to Battleford; so does the notice, and the Bill which was presented and which is now before the House grants more than the petition asks for. It is enacted that the railway will run from a point near or in Calgary to a point at or near Battleford. The private interests are not secured by the notice or the petition that was brought to this House asking for the Bill. Therefore, I ask the ruling of the chair on this Bill, because it is not in conformity with the notice and the petition.

Hon. Mr. YOUNG—This matter to which my hon. friend refers was brought up in the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. LANDRY—I rise to another point of order. The hon. gentleman has no right to refer to what took place in the Railway Committee.

Hon. Mr. YOUNG—My hon. friend is anticipating too much. He should wait patiently.

Hon. Mr. LANDRY—I want the ruling of the chair on the point.

Hon. Mr. YOUNG—I am not referring to anything further than I have a right to do on this occasion. Inasmuch as a matter is brought up which concerns the action of the committee, I am protected by the rules and practice in the House in going as far as I intend going, so that my hon. friend should not anticipate too much. For the information of the Hon. Speaker I desire to point out that the point raised by my hon. friend was brought up in the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to refer to what took place in the committee. He has no right to say that a vote has been taken or a question raised in the committee. The report of the committee is here, and he cannot go beyond it.

Hon. Mr. YOUNG—I submit the points of order, No. 1 and No. 2, are not well taken, because that matter was decided by the committee, which is the competent authority

Hon. Mr. LANDRY—The hon. gentleman has no right to refer to what took place in the committee.

Hon. Mr. POWER—I am not going to question the correctness of the point just now taken by the hon. gentleman from Stadacona, but if your honour will consult the rules of our House it is stated that it is one of the duties of a committee to which a private Bill is referred to consider whether or not the Bill is in conformity with the notice. It is to be assumed that the committee did its duty, and this House is not the place to consider that question; and, further, the difference between the notice and the Bill is so trifling—infinitesimal in fact, almost—that it is not a matter which this House should take cognizance of. It was the duty of the committee to deal with the matter and I assume they have dealt with it; and this is really not a question of order at all.

Hon. Mr. MACDONALD (B.C.)—It will be necessary for the Speaker to look at the petition and then at the notice in the 'Gazette' of the application for an Act of incorporation and compare these with the Bill. He will find, according to my idea, that the Bill does not conform to the petition or the advertisement asking for the Bill. It adds words which were not contained in the petition, or in the application for the Bill itself as published in the papers.

Hon. Mr. LOUGHEED—It possibly may facilitate the solution of this difficulty if I should say that I intend giving notice to amend the Bill when it comes up for the third reading to conform to the notices, so if the hon. gentleman from Stadacona will conclude that that will satisfy the point which he has raised, as well as the more substantial point of the amendment that we really wish to effect in the Bill, we may possibly be able to dispense with this discussion.

Hon. Mr. LANDRY—At all events, I want the ruling of the chair upon the second point of order; the hon. gentleman had no right to refer to what took place in the committee.

Hon. Mr. YOUNG—That is not the point of order.

Hon. Mr. LANDRY—That is the last point of order I took.

The SPEAKER—Does the hon. gentleman from Killarney persist in discussing what took place in the committee?

Hon. Mr. YOUNG—Not at all. I refrained from doing that.

Hon. Sir MACKENZIE BOWELL—Before this is decided I should like to say that I differ, as I very often do differ, in toto from the doctrine laid down by the hon. gentleman from Halifax. If I understood him correctly when I walked into the senate, he said that the presumption was that the Committee on Standing Orders had done their duty and it was no part of the duty of the Senate to question that. If I am mistaken in that, I hope the hon. gentleman will set me right. If we are to adopt that doctrine, we are abnegating the functions of this House. The appointment of a committee is to perform certain duties and that committee has to report to the House. No committee is paramount. If it were so, we had better tell the committee that when they report we have nothing further to say. I do not question the honesty of the committee in the report they have made in this matter. They may have considered the notice quite sufficient. They may have come to the conclusion that, being a public matter, it was not necessary for them to adhere strictly either to the wording of the petition or to the notices published in the papers notifying the public that they intended to ask for a charter to construct certain works. I am not questioning their decision at all. They may have done what they believe to be correct and in the interest of that section of the country, but when you lay down the doctrine that because they have come to that conclusion, we must of necessity accept it without question, that is a point on which I desire to differ from him in toto. It is not the first time I have done that. When I was on the other side of the House, occupying a position similar to that of the Secretary of State, I remember taking that ground on a report made by the Divorce Committee, and so offended were the committee that they all resigned. However, that does not change the position I take on this matter. The duty of the committee is to do what I have no doubt the Standing Committee did—report in accordance with what they thought was correct, but it rests with the Senate when the report is made, to accept or reject it if they think proper.

Hon. Mr. LANDRY.

Hon. Mr. POWER—The hon. senator from Belleville somewhat misapprehended the ground which I took. The hon. gentleman from Calgary has given notice of a motion which will carry out his views, because if the motion which the senator from Calgary proposes to move is adopted, then the House will have shown that it dissents from the Railway Committee, and that is the point. I made no reference to the Committee on Standing Orders; I referred to one of our rules which says it is the duty of the committee—in this instance the Committee on Railways, Telegraphs and Harbours—to which a Bill is referred to consider the question as to whether the Bill complies with the notice or not, and that we would not be justified in assuming that the committee had not discharged their duty.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman must remember that his speech was made before the hon. gentleman from Calgary gave notice that he intended to offer an amendment.

The SPEAKER—Although I have not had very much time to examine the point of order raised by the hon. senator from Stadacona, my feeling was that at this stage of the proceedings no such point of order could be taken, that on the report of a committee either a motion had to be made to reject, or to modify the report, or to return it to the committee, or a notice of motion should be given to take action at the third reading. For this reason I decide the point of order was badly taken.

Hon. Mr. LANDRY—Not taken in time? Is that what the Speaker decides?

The SPEAKER—Because I consider it is not the duty of the Speaker, but the duty of the Senate to decide that point.

AN ERROR IN MINUTES.

Hon. Mr. POWER—Before the Orders of the Day are called, I wish to direct the attention of the House to a somewhat serious error in the minutes. If hon. gentlemen will turn to the minutes for the 22nd March, page 227, they will find that a number of private Bills from the House of Commons were read the first time, and it was ordered that these Bills be read a second time on Friday next. That was to-day. Owing to some mistake, made either at the table or by the subordinate clerks, these Bills have been put down for a second reading on Fri-

day, 31st March. Perhaps it would not be proper to ask that they be read to-day. I move that these Bills which on Wednesday last were ordered to be read a second time to-day be set down for second reading on Tuesday next.

The SPEAKER—Will the hon. gentleman mention the titles of the Bills?

Hon. Mr. POWER—There are several of them. I think they are items 2, 3, 4, 5 and 6 on the notice paper for Friday next. The only one which should have been put down for the 31st March was the second reading of the Bill for the relief of Philip Vibert.

The motion was agreed to.

BILL INTRODUCED.

Bill (P) An Act to incorporate the British Canadian Empire League.—(Hon Mr. Domville.)

SECOND READINGS.

Bill (M) An Act respecting a Patent of William A. Damen.—(Hon. Mr. Kerr, Cobourg.)

Bill (N) An Act respecting the Citizens Bank of Canada.—(Hon. Mr. Coffey.)

The Senate adjourned until Tuesday, the 28th inst., at 3 p.m.

SENATE.

Ottawa, Tuesday, March 28, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

WITHDRAWAL OF IMPERIAL NAVAL FORCES FROM CANADA.

MOTION.

Hon. Mr. POWER moved:

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will cause to be laid before the Senate copies of all despatches, letters or other communications received by any department or officer of the government of Canada from the Lords Commissioners of the Admiralty, the Colonial Office or any other department of the Imperial government, or from any officer of the Admiralty, of the Department of the Secretary of State for the Colonies, or of any other department of the Imperial Government, with respect to the withdrawal of the imperial naval forces and the civil officers connected therewith from Halifax, Nova Scotia, and Esquimalt, British Columbia, with the answers to such despatches, letters or other communications.

He said: I am sorry that this resolution has not fallen into better hands; but I I think it is the duty of some member of the House to call attention to the matter, and I have ventured to do so as no other member has proposed to take up the question. The dockyards at Halifax and Esquimalt have been closed. Those two places cease to be imperial naval stations. The Pacific squadron and the West India and North American squadron have ceased to exist; and, while no specific provision appears to have been made for anything to take the place of the Pacific squadron, a particular service squadron with headquarters at Devonport, which will pay occasional visits to North American waters, has been substituted for the permanent force heretofore maintained in the West Indies and on the Atlantic coast of North America. One striking circumstance in connection with this very important change is that it seems to have been made precipitately; because, as far as I have ascertained, Admiral Bosanquet who took command of the West Indian and North American Squadron at the beginning of last October and who left Halifax in the beginning of November, was not aware when he left Halifax of the change which took place a few weeks afterwards—about the beginning of December. Now, considering the radical nature of the change in imperial policy which is involved in the closing of the dockyards and the withdrawal of the fleet, and considering the relations which have existed and which now exist between the mother country and Canada, it would strike one that some consultation should have taken place between the imperial authorities and the Canadian government, or at the very least that some notice should have been given to the Canadian government of the proposed change. When Canada was a much less important colony than she is to-day—if we can call her a colony to-day—action of a similar nature was not taken without notice. When the imperial military force in Canada and the lower provinces was reduced in 1854 notice was given to Canada and the other colonies, and in the same way previous to 1870, notice was given, so that Canada had a chance to prepare for the change; but as far as I am aware no public notice at any rate has been given

in connection with the present change. It is partly for the purpose of finding out whether any consultation has taken place between the imperial authorities and our own government, or whether any notice has been given to our government by the imperial authorities, that I have put this motion on the paper. That a change calculated to affect in so serious a way the relations between Canada and the other British colonies in America, and the mother country should take place without any discussion in our parliament does not seem to me fitting. I feel, and every one recognizes the fact, that as citizens of Canada it is the right, and in a sense the duty of members of this parliament to discuss a matter so important in itself, that is, looking at it from a Canadian standpoint ; but I feel further that, as we are all citizens of the empire, we have a right to express our opinions on this question looked upon as an imperial matter. I do not think it necessary to add that in what I am about to say I speak solely for myself. I do not speak for either party.

Let us look at the question from an imperial standpoint. Under the present system there will be no Pacific squadron and no permanent West Indian and North American squadron. The new naval policy being to concentrate bodies of powerful modern ships in such positions as to be able to strike overwhelming blows at any enemy of England at the outbreak of war ; and it may be remarked that the concentration is to be such that the bulk of British's naval strength will be available for the defence of the United Kingdom.

Now, as to the merits of this scheme, I may say that it is well known that there are marked differences of opinion amongst naval officers who are qualified to judge. I think it is generally understood that this change is due largely to the influence of the first naval Lord of Admiralty, Admiral Fisher ; and I think it is equally well known that other admirals hold views which differ from those of Admiral Fisher. This change revolutionizes, if it does not reverse the policy which has prevailed for more than one hundred and fifty years, as to the Atlantic, and for some sixty years as to the Pacific. The policy is based upon the theory that the whole business of the navy is to crush in time of war the navy of a hostile power. There seems to be a good deal to be said in favour of that view; but, as a matter of fact, the battle of Trafalgar, the hundredth anniversary of which it is proposed to celebrate next October, was the last great sea fight in which the British navy was engaged. We would not say for that reason, because there have been no great sea fights during one hundred years, that the British navy has been useless ; that it has not performed valuable services. On the contrary, very few years have passed since the battle of Trafalgar during which the navy has not rendered valuable service to the cause of order and civilization, and particularly valuable service to British trade. If the slave trade with all its accompanying horrors has been abolished ; if piracy no longer flourishes in the eastern seas, if mariners may safely land now on almost any of the south sea islands, it is chiefly due to the British navy. If the lives, liberty and property of British subjects are respected in South and Central America this condition is due to the presence in the waters adjoining those countries of armed ships flying the British flag. Perhaps the most important service of the British navy during these one hundred years is that it has been the permanent protector of England's commerce ; and, after all, England's commerce is looked upon as the most vital interest of England. Under the system heretofore in operation, if an English merchant ship was seized by Venezuela or if a British subject was improperly imprisoned by Honduras or some other state in Central America, within a few hours a British cruiser appeared on the scene and the property or the man, as the case might be, was released. We had an instance of that only two years ago, when a British ship was seized by Venezuela, and the cruiser 'Charybdis', under Commodore Montgomery, appeared on the scene within a few hours, and the ship was released. Under the conditions which have existed in the past no evildoer was too far away to be made aware of the length and the strength of Britain's arm. As, at an earlier day, the right to claim that one was a Roman citizen was a guarantee against unjust treatment by any tribunal or power in the world as it was then known, so in our times a British subject felt secure from

wrong by any foreign potentate or people however formidable or however remote. While this condition of things has been due largely to the presence near at hand of British war ships, it is questionable whether squadrons stationed at Hong Kong and Devonport will be as effective in preventing misdeeds as the West Indian and North American squadrons of the past, whose ships patrolled the whole region. There is no doubt that the sailing of a squadron from Devonport to South America would involve, in addition to the delay and expense, a good deal of publicity and attract an amount of attention from other European nations which would not be desirable.

Then the old system had other advantages. In the first place, it afforded an admirable training for officers. It developed initiative in the commanders of individual ships ; and this initiative in the officers is one of the points as to which in the past the navy has been advantageously distinguished from the army. Serving in various parts of the world, the officers of those English warships got to be familiar with the harbours, coasts and climates and characteristics of countries in various parts of the world. There is a story told which illustrates that fact very well. Some years ago the English admiral commanding on the China station took it into his head that he would like to go into Vladivostock harbour —a harbour of which we hear something now. He took his fleet into that harbour in a thick fog. Nothing could be seen, yet the fleet went into that harbour without any mishap or accident ; and, when the fog lifted in the harbour the Russian garrison were surprised to find the whole of the British-China squadron lying before them. I may say representations were made by the Russian authorities to the imperial government and the admiral was requested not to repeat the performance. It shows how thoroughly the English sailors knew their business.

Hon. Mr. GIBSON—British sailors.

Hon. Mr. POWER—I do not mean to limit the term to the inhabitants of England but apply it to the United Kingdom. Then there was another thing ; going about the world in this way and continually on the move the English navy were up in their work, familiar with their work. At the time of the Columbian celebration in 1894, there was a gathering of the fleets of various nations at New York, and I remember that the United States papers in describing the arrival of the various fleets spoke of the British fleet as being remarkable for its workmanlike appearance. The British ships came in without any fuss or display. They came in evidently doing what they had been in the habit of doing every day, and that characteristic impressed the people of New York. Is it certain that the new system will do the same ? While a resolute, energetic and forcible man like Admiral Fisher is in command, I have no doubt that it will—that he will keep the ships going and the officers and men at work probably just as actively as they are at work now ; but, when Sir John Fisher retires, suppose he is succeeded by an officer of a different character ; suppose that those who undertake to speak for the British taxpayer think that there is really too much good English money wasted in manœuvres which are practically useless, will the thing continue then as it does now ? It is not at all unlikely that we shall have the British fleets spending most of their time in the home ports and ships and crews getting rusty. There is a possible danger that the British navy may get into somewhat the same condition in which the Russian navy was found at the outbreak of the present war, quite unready for any serious work. Speaking of the British taxpayer, one of the grounds taken is that to maintain anything like an effective patrol in addition to the large squadrons would cost too much money. As a matter of fact, it is proposed, as I understand, to get rid of a number of ships, some of them built only in the last two or three years, which are not supposed to be as effective as they should be. The aggregate value of these ships I believe is over $80,000,000. A few of those ships, which are about being condemned as worthless, and their crews would maintain all the patrol that was necessary.

I have spoken of the matter and expressed my humble opinion of the matter from an imperial standpoint ; but, coming a little nearer to our own local interests it must be borne in mind that in addition to spreading

the idea of Britain's greatness beyond her own dominions, the navy in the past has formed a strong link in the chain which binds the various parts of the empire together. Take for instance Canada and Newfoundland; the visits of the squadrons on this station or of single ships to Halifax, Charlottetown, St. John, Sydney, and St. John's, Newfoundland, and to Quebec and Montreal and other places, involving as they did, friendly social relations with all classes of the population on shore, tended much to strengthen the sentiments of loyalty to the Crown and affection to the mother country. The recent change involves the removal of this link; and I think myself that the chain can really ill afford to lose that link. Sentiment is a very good thing, an admirable thing; but sentiment must have something substantial to build upon; and about the things which we do not see and the things which do not exist we are likely after a little while to feel much the same; and I am afraid that one effect of this change will be to weaken very considerably the feeling of friendship and unity so to say, on the part of Canada towards the empire. Then, looking at the thing from a more practical and material point of view, the loss to Canada will be rather serious. The pecuniary loss is very considerable. I do not propose to dwell on that point; but, the pecuniary loss to Canada from the withdrawal of these fleets is very considerable; and the protection to our commerce which has been afforded will probably not exist to the same extent in the future; and that is a serious matter, because our Canadian shipping has found its way to very great extent to the waters adjoining the coasts of Central and South America. Within the last few days a Nova Scotia vessel was seized at Montevideo, and unjustly seized, it is claimed; and I believe that if Commodore Montgomery had been in the neighbourhood with the 'Charybdis,' the ship would have been delivered up and the men who were in prison would have been handed over also. I understand that the captain of the vessel is still a prisoner at Montevideo. That is a small case, but it is an illustration of what we are likely to lose under the existing condition of things. Now, hon. gentlemen, having said so much about what has taken place, the question is what action is called for on the part of Canada. Considering that one of the reasons given for the withdrawal of the English fleet is that the relations between the empire and the United States are of so permanently friendly a character that the presence of any British warships in Canadian waters is unnecessary, it would strike one that for Canada to undertake to establish a fleet of her own would be a work of the merest supererogation. Even if the imperial government are mistaken in their views as to the sentiments of our republican neighbours, any fleet that Canada could acquire and equip would be of no appreciable value, as the United States fleet to-day is one of the strongest in the world and is becoming each year more formidable. That country is spending enormous sums on her navy, and Canada cannot enter into any such competition as that. There is a further circumstance which strengthens that view. Naval construction just now is in a condition of unstable equilibrium. A ship of the 'Lord Nelson' type costs seven and a half millions and is I venture to say of doubtful value. I think hon. gentlemen must feel that one of the main lessons taught by the present war is that marine mines are the cheapest and best means of defence against hostile ships. The value of a battleship has not been settled by this war at all. Some doubt has been thrown upon the value of torpedo boats, but nothing has been proved as to battleships. It has been shown that marine mines are very formidable implements of warfare. Consequently, hon. gentlemen, it does not seem to me that the withdrawal of the imperial war vessels from the West India and North American station calls for any action on the part of Canada; unless it might be a protest from our government against the haste and apparent want of deliberation which have characterized the course of the imperial administration, and a request for its reconsideration. It is sometimes said that Canada has done nothing for the empire, that she has not borne her share of the imperial burdens, and that she has done nothing to deserve the protection of the British navy. Canada has built the Canadian Pacific Railway, a highway which has proved already to be of great value to the empire.

She is about building another Transcontinental Railway which cannot fail to be of value also. She has assumed a liability out of all proportion to her interest in the undertaking, in connection with the Pacific cable ; and she has given the British manufacturers a preference in her markets by admitting their products at a rate of duty one-third less than that imposed upon the goods of their competitors ; and this is a very important good turn done by Canada to England. The first recognition which Canada apparently gets for what she has done is the withdrawal without public notice of the British fleet and the sudden abandonment of a policy which has worked well for 150 years. When we consider what has happened in the cases of the Maine boundary, the Oregon boundary and the Alaskan boundary ; and when we look at the present action of the home government, the contemplation of these things tends in a greater or less degree to weaken the tie of affection on the part of Canada which binds her to the mother country ; and, taken with the conduct of the imperial government as to the embargo on Canadian cattle, goes to show that the sentiment is on the side of the offspring and not of the parent. It is a case of 'l'un qui aime et l'autre qui se laisse aimer,' where Canada is the active party, and the mother country is not only passive but apparently objects.

Since I put this notice on the paper, what I look upon as another important step in the disintegration of the empire has taken place. The imperial government have decided to withdraw their garrisons from Halifax and Esquimalt ; and apparently their places are to be taken by Canadian troops. Under the policy which was initiated about 1854 and was put into almost complete practical operation in 1870, while British garrisons were withdrawn from all other points they were to be maintained at Halifax and Bermuda just as at Malta and Gibraltar. These places were, as Mr. Cardwell said in 1869 : 'Maritime ports which are occupied for imperial objects as stations for our fleet.' Perhaps the House will permit me to stop here to call attention to expressions of opinion upon this point which have been given utterance to by prominent imperial authorities. A committee was appointed in 1859 which reported in 1860, a departmental committee, and I find at page 581 of the volume in which that report is contained the following :

> We propose to divide the colonies (so-called) into two classes. The first class would consist of military posts, in which, for objects altogether independent of and distinct from the defence of the particular countries in which they are situated, the imperial government thinks it necessary to maintain garrisons—such as Malta, Gibraltar, Corfu, Bermuda, and a few more of similar character. So long as these posts are held at all, they should be adequately fortified and garrisoned, but we are of opinion that as the garrisons of them are maintained without reference to the wants and wishes of the inhabitants, they should be dealt with exceptionally, and not included in any general scheme of colonial contribution.

That is from the report of the majority of that committee ; and in the report of the minority, I find at page 587 the following :

> The harbour of Halifax is as much a station important to the general power of the nation as any of the places which have been enumerated in the list of military posts. It is only just that its garrison should be provided for out of imperial funds ; nor could the province of Nova Scotia, which is far from wealthy, be expected to tax itself for such a purpose, merely because this valuable imperial post happens to be situated within its limits.

Now with regard to the policy which is apparently being adopted at present I find at page 591 this language of Mr. Elliott :

> I cannot agree that the defences ought to be placed generally, and as a system under local management. In the first place, the subject does not admit of being conveniently treated in detached portions ; military and naval operations and the preparations to be made for them, require an extended survey. In the next place, the welfare of the Queen's troops in time of peace, and the provision to be made for the success of the national arms in time of war appear to me precisely examples of the subjects for which the imperial government must remain responsible, and which ought to be dealt with by the authority of the Governor, as Her Majesty's representative, and of the officer commanding the forces.

So far for 1860. There was a parliamentary committee which reported in 1861, and there are some noteworthy expressions of opinion in that report. It is the report of the select committee appointed on colonial military expenditure. Mr. Elliott was assistant under Secretary of State for the Colonies. He was under examination, and at page 5 of the report I find the following, answer 72 :

> Q. I think you say that previous to the reductions in Canada, the colonial ministers had consulted the government of Canada in regard

to those reductions, and stated their intention of making reductions ; has any similar correspondence taken place between the Colonial Office and the governments of Nova Scotia, New Brunswick and Newfoundland ? The governments of those lower provinces, as we call them, were informed in 1854, that owing to the exigencies of the imperial service elsewhere, the forces must be reduced, and that if they thought what remained, insufficient, they must depend upon themselves.

Then he says in answer to question 74 :

The lower provinces include the great harbour of Halifax, one of the most important positions in a strategical point of view in North America. Great Britain with a view to national objects, thinks proper to keep a large garrison in the poor province of Nova Scotia.

I could quote a great many other answers which go to show that Halifax was regarded as an imperial fortress, but I shall pass over a number of these and quote only a few ; and I quote them largely on account of the gentlemen whose opinions they express. I turn to page 151 of this report. The witness under examination was the Right Hon. Henry George, Earl Grey, who had been colonial secretary, and who was the uncle of His Excellency the present Governor General of Canada. At page 151 Earl Grey was asked a question as to the lower provinces being in a different position from Canada, and he said :

I think the fortress of Halifax stands upon different grounds from most other North American colonies. It is rather to be looked at as a place of the same character as Malta or Gibraltar, of which the possession is of importance, with a view to our general naval power, in order to have stations where our fleet, in case of emergency, can refit or obtain supplies.

At page 155, question 2566, he is asked by Mr. Roebuck :

Would you include Quebec amongst that number ?—No, I should not ; I think Quebec is a useful fortress, and also Halifax.

At page 160 answer 2611 :

When you say that Halifax is of the same character as Malta and Gibraltar, do you mean, that, supposing Bermuda was rendered as nearly as possible impregnable that Bermuda, so fortified, would render unnecessary the maintenance of Halifax ? I think, considering what a fine harbour Halifax is, it would be extremely impolitic not to have that so well defended as to be an available refuge for a fleet in time of danger.

At page 161, answer 2617 reads as follows :

If you have fortifications at Kingston, Quebec, and Halifax, there must be garrisons to take care of them, and the troops cost very little more than they would at home.

And he further says :

The imperial government must, I conceive, keep up a certain amount of regular army, and I think that a portion of that army is better quartered in the fortifications than at home.

There was another nobleman who had a great deal to do with the colonies and he also testified before the same committee, and that is the Duke of Newcastle. He was colonial secretary. At page 188 talking about making Nova Scotia pay for the garrison at Halifax, he says :

I look upon it much as if you were to say that because Portsmouth is in the county of Hampshire, Hampshire should be called upon to pay for the expense of the garrison at Portsmouth. Halifax is not kept up for the benefit of Nova Scotia, but, rightly or wrongly, according to the particular views which men may entertain it is kept up for imperial purposes. It is an important military post ; it is still more important as a naval station, inasmuch as by its natural capabilities it is certainly one of the finest, and in all probability the finest harbour in the world.

At page 194 the Duke is asked, question 3020.

You think that Nova Scotia is unable or unwilling either in men or money to furnish the garrison for the protection of Halifax ? If you are speaking of time of peace I should say so decidedly ; if you are speaking of time of war, I have already said they would be ready to afford men, and the money would be a matter for arrangement between the mother country and the colony. In time of peace they would be unwilling to supply volunteers for the maintenance of the garrison, because they would cease to be volunteers, and must be converted into regular soldiers, instead of living by the large wages which they earn by their industrial pursuits at this moment.

And in the next answer he says :

I look upon Halifax as an imperial post, quite as much as I do upon Malta or Gibraltar. Supposing Halifax, instead of being in a colony, was a rock in the sea, I think that England would consider worth its while to maintain it as an imperial post.

Then Mr. Marsh asks : 'Just as we do at Bermuda' ? and he answers 'precisely.'

Then, in question 3023 Mr. Ellice asks :

Is your grace of opinion that possessing Bermuda and going to great expense, as we are now, in making it impregnable, it is necessary to have another fortress in that part of the world ?—I consider the two to be so dissimilar that I cannot look upon the one as an equivalent for the other in any respect whatever. Halifax is a great naval station, but Bermuda is a very bad naval station ; it is a military post which you keep up for military purposes,

but the ships which can go into the harbour of Bermuda are only small ones ; a first rate ship of the line can hardly get into Bermuda ; even such a vessel as the 'Nile' was obliged to lie off Bermuda last year for several days waiting for a quiet sea before it could get into the harbour. In Halifax all the navies in the world can be sheltered. In that magnificent harbour called the Bedford Basin you might fight a naval engagement, and in the other two harbours any number of vessels might ride in safety.

In answer to the next question the duke says :

I think that Halifax is maintained for imperial purposes, and I think that the troops which appear in the return under the head of Nova Scotia and New Brunswick are so far as Nova Scotia is concerned, almost, if not quite (I believe quite), confined to Halifax, and never go beyond the bounds of the garrison.

I am sorry to have detained the House reading these extracts, but they go to show that Halifax has been maintained as an imperial station, and that there is no reason why Canada should be made to pay for the maintenance of a garrison at Halifax. Logically enough, when Halifax and Esquimalt cease to be stations for the British fleet, as they do by the present British policy, the British garrisons are withdrawn. As far as we can gather from the vague statements which appear in the press, it seems to be assumed that when the imperial garrisons are withdrawn they will be replaced by Canadian troops. The question is whether this necessarily follows. It does not seem so to me. The British navy and the British garrisons having been withdrawn, and there being no longer any ports occupied as stations for the British fleet, the logical and businesslike conclusion is that Canada shall take such steps for her own defence as are called for by her own conditions and interests. Leaving Halifax aside, it is perfectly clear that Canada would not for her own purposes pay five or six hundred thousand dollars a year, for the upkeep of the forts at Esquimalt. Looking at the matter of the defence of the Pacific coast from a Canadian point of view, it is of much greater consequence that Vancouver, the western terminus of the Canadian Pacific Railway, should be protected than that there should be costly fortifications at Esquimalt. At the present time there is nothing to hinder a solitary hostile cruiser from passing either through the Straits of Fuca, or down through the Seymour Narrows between Vancouver Island and the mainland, seizing the coal mines at Nanaimo and entering Burrard Inlet and taking possession of Vancouver and controlling the western end of the Canadian Pacific Railway. If Canada is going to undertake her own defence, I submit that Vancouver rather than Esquimalt is the point to be defended. From a Canadian point of view I really do not see that Esquimalt is of any special value at all. In my humble opinion—I say that sincerely, because a great many gentlemen whose opinions are probably worth more than mine think differently on the subject—in my humble judgment, the government of Canada acting in the interests of the people of Canada should decline to keep up the garrisons and fortifications of Halifax and Esquimalt on their present footing ; but I think they should express their willingness to largely increase the defence force of the country which is now too small to offer serious resistance to attack. If the government adopted this policy I am satisfied that the home authorities would not persist in their present course, which I look upon as being as injurious to imperial interests as to Canadian interests. It may be said that Canada is bound by the action of her representatives at the colonial conference of 1892, and that they agreed to garrison the two places named. I do not think that there was any express undertaking of that kind ; but no doubt the language used in the memorandum of the Canadian ministers is open to that construction. But hon. gentlemen must bear in mind that, when the Canadian ministers at that conference expressed themselves in language which would indicate that they were willing to garrison Halifax and Esquimalt, it was naturally under the then existing conditions. At that time and under the imperial policy then in force, Halifax and Esquimalt were to be imperial naval stations ; and when they ceased to be imperial naval stations the undertaking of the colonial ministers ceased to operate. It strikes me, looking at the way in which this matter has drifted along, that neither the government nor the people of this country realize the importance of the proposed change in our rela-

tions with the mother country. I am informed on very good authority that England has spent upon Halifax and Esquimalt something between two and three milions of dollars a year, rather nearer to three millions than to two. Looking at the question from the lowest standpoint, the importation of this large sum of money into Canada is in itself a great advantage to this country, more especially to Nova Scotia and British Columbia. When this importation of capital into Canada ceases and Canada has to supply the amount out of her own revenue, while Halifax and Esquimalt will not suffer in a pecuniary sense, the loss to the Dominion and the increase in the national burden will be very great indeed. We shall be called upon to expend something like $3,000,000 a year; and we shall not be any better off in the matter of security from attack than we are now, if as well off; because no matter how good the Canadian troops may be, I do not think that for garrison purposes they are any better than the imperial troops. Prosperous as Canada is just at the present time, and even assuming that that prosperity is to continue at its present level, which is assuming a good deal, she cannot undertake permanently such a charge as this, as a mere matter of sentiment towards a country which shows so little sentiment in her dealings with Canada. I do not wish to be understood as contending, that if Canada were to spend this sum of money in establishing and maintaining a large and effective militia for purposes of self defence she would act unwisely. My point is that Canada should not spend any such sum in doing what would be of no appreciable value to her, whatever it might be worth to the mother country. It is a rather surprising circumstance that this proposition to withdraw from the colonies—which reminds one somewhat of what took place at a certain stage in the history of the Roman empire when the garrisons were withdrawn from Britain and other outlying regions—should have been made under a government in England which claims to be above all an imperial one, a government whose supporters have taunted their opponents with being little Englanders. It is difficult to imagine anything more characteristic of the little Englander than the course of the present government with respect to this matter.

As a Canadian and as a citizen of the empire, I regret the course proposed to be adopted by the imperial government—influenced I believe by short-sighted economy; because this change severs one of the few links which now bind Canada to the mother country, because it tends to destroy the feeling of unity and kinship between the mother country and Canada, which every lover of the empire should try to promote and strengthen, and because I fear —probably it is not the case, but it seems to me—it may pave the way for the sundering of the only tie which remains, that is the presence here of an imperial officer as Governor General. I am not in the habit of making professions of faith, but I am a strong believer in British connection, not merely because of the material advantage to Canada, nor for purely sentimental reasons either, but largely because the tendency of the connection with the mother country and of association with the people and officers of the United Kingdom is to elevate our political and social standards. Whatever the faults of the old country may be, there is no doubt that truth and honesty and freedom flourish in public and social life in that country as they do in no other country; and my desire is that Canada shall remain under the British flag, so that those blessings may increase rather than diminish in the life of this nation during the 20th century.

I may say in conclusion that I hope the government will carefully consider the matter to which I have called attention and act as the interests of Canada dictate. As I have already said, I am satisfied that if Canada declines to garrison Halifax and Esquimalt, England will hesitate about abandoning those two ports—in fact will not abandon them.

Hon. Mr. MACDONALD (B. C.)—The House ought to feel exceedingly indebted to the non. gentleman from Halifax for having brought this very important matter before it and before the country. I doubt if many in this House and in this country appreciate the vastness and importance of this question. It is important, this cutting off

at a single blow a connection between this part of the empire and the mother country which has lasted for so many years. It may be a delicate matter for this House, or for any member of it, to attack the policy of the imperial government and more especially so as we do not contribute anything towards the maintenance of the navy or of the army, but as free citizens in a free country we have a right to speak. This is part of the empire or it is not, and as citizens of the empire we have a right to express our opinions. I believe I am correct in saying that the imperial government have never asked the Canadian government for a contribution to the navy. It was not considered necessary. No ship was ever sent to Halifax or Esquimalt because they were British possessions; they were sent as part of the program of the British navy to show the British flag in all parts of the world. Esquimalt is a new creation compared with Halifax. It came first of all into notice during the Crimean war, in 1855 and 1856. At that time British ships were sent to Petropavlovsk, on the Russian coast to capture some Russian ships there. Hospitals and stores were built at Esquimalt and from that day to this it has been a naval station and the imperial government have spent hundreds of thousands of pounds in buildings year after year to meet the requirements of the service. Now all those buildings are to be demolished, and the stores accumulated at Esquimalt removed to Hong Kong or England. It is an extraordinary policy and I am surprised that the British nation should have, at the dictate of three men, so radically changed their policy. As far as the army is concerned, I believe they are working in the dark and scarcely know what they are doing. They are actually reducing the battalions of the army by thousands of men, and at the same time are establishing schools to train young men for the army. I do not object to the change of policy on the sordid basis of what we will lose, though there will be a great loss to this country; I base it on this, that we are part of the empire and entitled to protection so long as we form part to it. My hon. friend from Halifax spoke about the links which bind us to the empire. There are three which strengthen and stimulate our loyalty. One is the imperial troops in different parts of the country, another the navy and the third the Governor General. Two of these links have been snapped. Whether they can ever be welded together again I do not know, but it must cause an alienation of the feelings of the people. Those two links having been severed, no one will venture to predict what will happen should the third be broken. It is not at all impossible that the question may arise, if all protection is taken from us and we are left entirely to our own resources and have to take the whole burden of our defence on our own shoulders. I feel very strongly on this matter because I have seen the benefit of the British navy on the Pacific coast. It did not come to our shores simply because British Columbia was a British possession, but wherever British commerce and British merchants went, there the flag followed, and British ships periodically visited all the ports along the coast from Chili to Alaska, giving encouragement and inspiring confidence to British merchants doing business in the various countries bordering on the Pacific. Not only that, but frequently they quelled riots and rows in the Latin American republics. All that is done away with; those merchants will have to look after themselves; there is no protection for them, no flag. We are told that periodically British ships will visit the different seas showing the flag. That will be a waste of money and cost much more for the coaling of the ships than to keep a certain number always on the coast. A ship may come in to-day to Esquimalt, take coal, water, and supplies on board and sail the next day, and within a week a rising of Indians may take place or a strike of working men, and where is the ship to protect us? Perhaps a thousand miles away. A squadron sailing about in that way is of no use to anybody. It will afford no protection to anybody merely to have some warships go around the world showing the flag. Whether the present policy of the British government, and admiralty is a necessity to the integrity of the British Isles—I will not call it the British empire of which we form a part, but not now within the sphere of the scheme of defence—may be premature

in us to judge, although we may hold our own opinions and be allowed to express them.

Towards the end of the eighteenth century and in the early days of the nineteenth century, when wars and commotions were rife over the most civilized portions of the world, the British navy, which had won for itself great renown, was not found gathered round the shores of Great Britain, but was found on every ocean and on every foreign coast. Especially round colonial dependencies ships of war were to be found. For one hundred years that system has worked well and greatly strengthened the bond of loyalty, as evidence was given of a paternal interest and protection. Halifax has always been considered as a military and naval base necessary to the strength of the empire. I do not question for a moment the wisdom of placing the British navy periodically on a war footing—ready to strike at any moment in the vicinity of Great Britain. It is certain, however, that the tension of such a war footing cannot be maintained for any length of time. The strain on men, ships and the nation would be too great. The mobilization of the navy periodically need not have so completely annihilated the old system as has been done. Naval stores of all kinds need not have been removed from former naval bases to distant parts where they were not required. After all the ships have undergone a period of drill, tactics and evolution, they could easily and economically come back periodically to former colonial stations and maintain the bond of mutual trust, confidence and loyalty.

It is quite possible hon. members of this House who live in the inland parts of the country, and the people as a whole who live inland, do not realize the far-reaching consequences of the abandoning of the naval stations at Halifax and Esquimalt. Those who have not been in contact with the tramp of armed men and the booming of heavy artillery, who have not witnessed the pride of the empire and the terror of the foe, cannot so well understand the sense of pride and security felt at being part of a mighty power whose protection and care reached to all parts of the empire—commerce guarded, Britishers protected as well in foreign countries as at home. Wherever British enterprise and commerce went, there the British flag followed. Such solicitous care has been very conspicuous on the Pacific for nearly a hundred years, our ships taking an active part in bringing harmony and peace to some of the South American republics, and more recently having close connection and a naval base at Esquimalt. On several occasions ships of war have done good service in British Columbia in keeping Indian tribes in order and making a display of British power. All this is to be changed now as by a magic wand. What for ? If to save the taxpayer, it will not keep one penny in his pocket. If the present mobilization is a menace to Germany, it is decidedly wrong. We have never trod on the corns of the Germans, nor have they on ours. Jealousies there may be, but nothing to lead to war.

It may not be uninteresting to glance at the relative expenditure on naval power by the great nations of the world, and to demonstrate how capable Great Britain is to continue what she has been doing. The British naval estimate for 1905 is $177,628,660.

The Russian estimate.. ..	$61,727,835
The German estimate... ..	51,260,060
The French estimate... ...	62,694,305
	$175,682,200

This shows that the British estimate is in round numbers about $2,000,000 more than that of the combined appropriations of Russia, Germany and France. The United States estimate is $84,120,290. The Japanese estimate, that wonderful country which has done so much with so little, is $11,774,520.

If we consider the mercantile marine, or ships of commerce, pouring food and other commodities into Great Britain, we can realize how her navy must be found on every sea, and not alone round the shores of Great Britain in the event of war, to give protection to 10,263,604 tons of commerce. To show the enormous tonnage of British commerce, we will compare it with that of other nations.

The mercantile marine of—

	Tons.
Russia..	678,594
Germany..	2,203,804
France..	1,217,614
United States..	888,776
Japan....	979,423
Total of the five nations.	5,968,211

This shows that the mercantile tonnage of Great Britain is 4,295,393 tons more than that of the five largest commercial nations of the world, which necessitates, in case of war, British ships of war being on every sea and ocean.

I will conclude by reading a letter which lately appeared in a British Columbia newspaper :

The Naval Programme.

Sir,—The intrepid old navigators, Vancouver and Cook, sailing along the great Pacific, adding knowledge and discovery to the geography of the world and extending the possessions of Great Britain, would stand aghast if they knew of the changed, un-British policy about to be carried out with respect to the vast imperial possessions in North America, with which I more particularly deal now, choosing to allow Australia and other colonies to present their own ideas. Blood and money poured out to explore, acquire and conquer, great care taken in affording protection, and a friendly interest kept alive, which created and stimulated a grateful, loyal sentiment between the mother country and her colonial subjects. At one fell swoop all this previous policy of building up an empire over-sea, is to be forsaken for a parsimonious and contracted one, smacking of retaliation, as the Dominion does not contribute directly to the naval expenditure of the empire. Admiral Colomb, Lord Brassey and other prominent men, have spoken strongly as to the duty of Canada to contribute to imperial defence. The evil effect of such a policy—if instigated only partly on retaliatory, parsimonious grounds—will be much more far-reaching than the British government seem to foresee ; and like many other acts of our administrators, the mistake will be realized when too late. Alienate the feelings of the people, deprive them of the sense of British interests in their affairs, and feelings other than respectful loyalty will spring up.

If obsolete ships are recalled from distant stations to be replaced by modern ships, very good. If recalled for the more efficient drill of men and officers, such a reason will not stand the test of common sense. Officers and men fresh from the latest drills in England are being sent at short intervals to distant naval stations, and must be as expert in their various duties as officers and men in the English Channel.

If showing the flag periodically in different parts of the world is to be the new programme, it will be a waste of fuel with no good results. A squadron comes into Halifax or Esquimalt to-day, shows the flag, takes coal and water, sails to-morrow—soon afterwards an Indian rising, or an important labour trouble takes place—where are the ships of war which might be useful on such occasions ? One thousand miles or more away. This will apply equally to British commercial interests from Esquimalt to Chili.

Great Britain and her rulers must remember that Canada is part of the empire, by the will of Great Britain in her policy of conquest, and not by the will or policy of the colonists, and as far as I know, never asked for ships of war or troops ; although I fully and freely admit that such evidences of power have served a good purpose. Troops have been sent to Canada from time to time as a change from overcrowded baracks at home, and as a reserve for removal to other parts of the empire, and to take the place of troops who have been three years in hot and unhealthy countries. If we take the conditions in British Columbia we find that for sixty years ships of war visited and remained on our shores when the white population did not number 100 souls. Why was this? Because it was a British dependency and British interests were centred in the Hudson Bay Company. Not only in a British posession was this done, but wherever Britishers and British commerce were established from Cape Horn to Alaska periodical visits of ships of war were made. If this was done with good results in those early days, how much more necessary that such a binding and friendly policy should be continued without diminution for all time ?

JOHN BULL.

Now I may say this much : we know that England lavishes on India large sums of money. Troops go out continually, and India gives considerable trouble to the mother country and does not contribute one farthing towards the British navy. Our Dominion is worth to England five times as much as India is. In this country Britishers can form British homes. In India they cannot do that. This is an outlet for the surplus population of Great Britain and in that way it ought to be her duty to protect this country at any cost. As I say, Canada is an outlet for her people, and in India that is not the case. The hon. gentleman from Halifax speaks of the strategical importance of Vancouver and Nanaimo, and comparing them with Esquimalt made a great mistake. The entrance to Vancouver is at the back door, but the front entrance is Esquimalt, where the ships of other nations would come up. It forms a barrier not only in case of war, but in case of gales of winds it breaks the gale and keeps away the cold wind, and while Esquimalt is fortified, there is a place half way between Vancouver and the mainland, the Seymour Narrows, which ought to be fortified and that would close the back door.

Hon. Mr. POWER—Are not the Straits of Fuca so wide that cruisers could pass up ?

Hon. Mr. MACDONALD (B.C.)—I suppose they could pass up.

Hon. Mr. MacKEEN—I wish to make a few remarks in regard to this matter,

inasmuch as I come from the same town that the hon. gentleman who introduced this subject represents, of which I have the honour of being a citizen, and also because it is a matter that sentimentally and perhaps financially interests nearly every citizen of that town. I say financially, because, as he has already told us, there is a great deal of money expended in Halifax, in the support of the sailors and soldiers who have frequented it for the last one hundred and fifty years. In fact, the navy has been considered an institution in Halifax that has taken part in its social life and in its financial nature too from time immemorial almost, as far as the town is concerned. Hence you can understand the dismay which this movement of the English government has caused. I do not think anything need be said as to the importance of Halifax as a naval station. We know that Halifax as a harbour is peerless. It is second to none in the world. I am supported in this statement and in these opinions by conversations I have had with admirals and navy men the last seven or eight years, whose opinions I suppose are reliable in every respect. Indeed, in this regard I might say that so conversant are the admiralty and the naval officers with Halifax as a naval station, with its merits and demerits, that we can hardly suppose, and it seems strange to us, that they should ever think of abandoning it as a station, but, on the other hand, I have no doubt that we are influenced in our opinions more or less by sentimental and personal feelings; that is, we have been benefited both socially and financially, as I have already remarked, by the navy frequenting the port of Halifax. In fact the navy there in many ways is an institution socially and a great many of our most desirable citizens regret intensely the withdrawal of the navy. But while we consider and feel in this way about it, we know at the same time—we cannot but admit—that probably the admiral who had charge of this innovation, if we may call it so, understood his business too, and I am not quite sure that maybe we may be assuming a little too much when we from our port in Halifax or even from Esquimalt undertake to dictate to the admiralty or to say to them that they have not done right or that they have been wrong, or to instruct them as to what they ought to do. I say this with all respect. It is not in a criticising way, but is it a matter that we have very much to do with in the Senate? I am afraid really we may be intruding upon ground we have no right to trespass upon. There is no doubt many others here have a great deal of nautical knowledge and are able seamen, so to speak, but have we a right to say to Admiral Fisher: 'You do not know your business. And in the interests of the empire you have been making a great mistake and we differ from you and we take the responsibility of telling you and the British government that you have not been doing what you should.' Mr. Fisher, is not very amenable to dictation from anybody and he might say: 'Well, is it your business?'

Hon. Mr. POWER—We give our opinion for what it is worth.

Hon. Mr. MacKEEN—I am quite with you. I would be quite willing to give my opinion, but I want to know how it is going to affect him or affect the government of Canada.

Hon. Mr. MACDONALD (B.C.)—It will not affect them at all.

Hon. Mr. MacKEEN—And he may say, naturally, 'Have you ever done anything to support the navy of England? What have you contributed towards the support of that navy?' We all know that it is a matter that has been agitated for several years past that Canada, receiving so much on account of the navy, having been beneficiary to such an enormous extent in protecting her commerce and in protecting her coasts and giving her prestige from one end of the world to the other, our government should have done something, be it ever so little, towards supporting the British navy, but the consensus of opinion in Canada was entirely opposed to any such idea. Is that not so? They scouted the idea of Canada supporting the British navy to the slightest extent. I say in the face of that fact it seems to me—although I do not want to criticise at all—that it is a matter in which we might legitimately put ourselves in the face of a very considerable

snub from the British government. Had we done anything to support the fleet, had we any interest in it, the case might be different, but when this is a matter entirely and solely in the hands of the British government, to criticise or question their policy in this regard, I am afraid might expose us to a retort that we might not feel very flattered about. That is only my view, and I may be entirely astray. I know the hon. gentleman from Halifax has given this matter a good deal of thought, and I was very much interested in the remarks he made, but still it struck me—and I like to be cautious in these affairs—that we might run the risk of being told to just attend to our own business. That may be a rough way of expressing it. However, that is the way I would look at it. If the taking away of the fleet would do anything to interfere with the imperialism of which the hon. gentleman spoke, or tend to sever the relations between Canada and the empire, no one would regret that more than I would, and I believe that would be the feeling of the whole Senate. Any policy, or anything done to sever those relations, would be, to my mind, a calamity, but I do not think that that was in the mind of Admiral Fisher when he recommended these changes. Admiral Fisher was on the West India station for some years. I had the pleasure of meeting him—in fact on many occasions—and he struck me as one of the ablest men in the fleet. Of course, I could not say that myself, but he certainly was one of the ablest men that I have met, and he is a progressive man and doubtless he knows more about the changes that are necessary for the protection of the empire and for the proper disposition of the ships than we do. I think we will all concede that, and he is a man who is growing with the times. There is no question that the condition of matters is changing. The ships of to-day are immensely different in construction, in character and in speed to what they were even twenty years ago, and many people who have studied these matters think ships should be held in such a position that they will reach the furthest part of the empire in the shortest possible time. It was found, so I have understood, that holding a permanent squadron at Halifax did not meet that view. There is a sort of flying squadron that has to be stationed at certain places, and that squadron is, I believe, six weeks in Halifax during the summer. I regret exceedingly, I repeat, from sentimental and financial reasons, that the change has been made, but all the same I would not undertake to question the advisability of the policy of the British government, acting through its Admiralty. It seems to me that we are rather trenching on rights that are not exactly our own.

Hon. Mr. McMULLEN—I do not intend to detain the House long upon this subject which has been threshed out pretty well, but in the face of the enormous tax to which England is subjected per capita for the support of the army and navy and the exceedingly light sum that is paid by Canada for that purpose, it is not much wonder that England concluded to withdraw her forces from the Atlantic and the Pacific and leave Canada to contribute out of her own overflowing treasury the sum necessary to equip those ports. It would have been preferable had England seen her way to maintain the forts where they were until such times as Canada had completed very desirable and important undertakings which are going to cost a very large amount of money, such as the Grand Trunk Pacific, which undoubtedly will be in the interests of the empire and will prove unquestionably a great advantage when it is completed. The Canadian Pacific Railway has rendered admirable service, but we hope in the construction of the Grand Trunk Pacific that we will have a line removed from the source of danger that possibly may exist as far as the Canadian Pacific Railway is concerned. The per capita tax of England is something in the neighbourhood of $8.70 for the army and navy. She only keeps some 275,000 of a standing army. France keeps a standing army of 600,000 and her tax is $7.80, Germany, 500,000 and her per capita tax is $6.50. The United States, a new country like Canada, is just beginning to lay the foundation of a navy and her per capita tax for army and navy was $2.35 a head, while the per capita tax in Canada about 60 cents a head. We can hardly expect that England from year to year will continue imposing upon her people taxation to the extent of $8.70 for army

and navy and let Canada off with 60 cents a head. I regret very much that England has not seen her way clear to leave those forces in Canada until we had completed the undertakings which are under way. After that period I think England could have very well asked Canada to contribute in a very substantial way, either to the support of the navy of England, or else form the nucleus of a navy for ourselves. We do not run much risk of any nation attacking us, except perhaps our friends across the border, but there is a treaty in existence with them which provides that no ship carrying guns shall be allowed on any of the inland waters which separate us from the United States. The United States are making a move to build a ship canal through the State of New York which, when completed—but it will take many years to complete it—will carry to the lakes very formidably equipped vessels of war, but that is something in the future. In the meantime we are safe so far as that is concerned. I am not disposed to find fault with the course the government has taken. England decided we should be on our own resources in this matter, and that we should undertake the duty of equipping the ports on the Atlantic and Pacific. I have no doubt the government will exercise prudence in the undertaking and I hope it will not for a moment tend to weaken the tie of affection and relationship that exists between us and the mother country. We all appreciate British connection. I was glad to hear the hon. gentleman from Halifax speak so loyally in that way. I believe it is a feeling that exists from the Atlantic to the Pacific. We want to maintain that connection ; we enjoy great benefits under it. We are not quite satisfied with the way England has treated us always. I may have to refer to that matter to-morrow, but will not to-day. On the whole, we should like to see the connection that now exists perpetuated. We want Canada to remain under the British flag, and true to British institutions and loyal to the Crown. I am sure we all appreciate the existing connection and want to perpetuate it. At the same time, we cannot find fault with England under the conditions that now exist with regard to taxation, either in asking Canada to do something for herself, or else withdrawing the equipment she has had in this country and saving the expense in view of the enormous taxation to which her people are subjected.

Hon. Sir MACKENZIE BOWELL—I should like to ask the Secretary of State whether there is any correspondence of the character indicated in this motion. If my recollection serves me right, a short time ago when the question was put to the Secretary of State as to the existence of such papers, and asking if he could give any information, he answered that they knew nothing about it, that they had no intimation from the Colonial Office or the War Department of England as to their intention in reference to the removal of the force from Halifax. Am I correct ?

Hon. Mr. SCOTT—I could not define at the moment what papers there are. There has been some correspondence, of course, but whether in the direction indicated by some of the addresses, I am not able to say. Whatever papers there are will be brought down. The House has listened with great interest and some advantage to the able addresses of my hon. friend from Halifax and the hon. gentleman from Victoria, and at that stage of it I was disposed to say that I thought those addresses, if published in the right papers and sent to the British Admiralty and to representative men in the British House of Commons, might be of some value. But when the other hon. members addressed the House they rather became apologists for the imperial policy, so that I am inclined to think the value of the first addresses would be entirely lost, because I do not myself at all recognize that the motive in having a naval station at Halifax or at Esquimalt had any thing to do with the interests of Canada. Canada was not in view at all any more than in the establishment of a naval station at Bermuda. No one will contend that there was any object in spending a large amount of money at Bermuda other than as affording a valuable naval station. That was the idea with regard to Halifax and Esquimalt. It was not in the interest of Canada. There was no such British policy as that. The British troops were removed from Canada nearly forty years ago. Those that were left at Halifax were a sort of remnant, but the

main expenditure was the naval expenditure and that was done in the general interests of the policy that prevailed in Great Britain of having valuable, important and impregnable stations in different parts of the world. So that I did not consider it called for any policy, because Canada had not contributed to the navy. Canada has done her share towards building up the British empire, and we are building it in the right direction, not by the payment of a million or two of money into the British Exchequer, but in building up on the northern half of the continent a population that will be in the future, when Great Britain requires it, a stay and support to the empire. When Canada will have the population, which she will have, certainly not in our time, but in the future—I am not exaggerating when I say Canada will have a population of 50,000,000—will she not then be a prop and support to the empire? Will it not be important that Canada shall be a power on the northern part of the continent? We will then have fleets on the Atlantic and on the Pacific. We are a growing people. This is not the time to subscribe. Great Britain does not require us to do it, but she will require it in the future. I did not propose to speak like this, but when I got on my feet I had to say something after the apologetic remarks of the hon. gentleman from Halifax and the hon. gentleman from Wellington, because I do not at all subscribe to what they say and do not share their views. I think the hon. gentleman from Halifax and the hon. gentleman from Victoria, echoed the views and opinions of a large majority of the people of this country, and that is the sentiment that prevails. They gave a true version of the feelings of the people of this country. Perhaps it is not exactly my place at the present moment to foreshadow what ought to be our policy. I am not in a position to do it. I am glad to say that we will be pleased to lay before the House whatever correspondence has passed between the imperial government and the Canadian government in reference to the motion moved by my hon. friend.

Hon. Sir MACKENZIE BOWELL—It is not my intention to pursue this debate further than to express my own view as to the speech made by the hon. gentleman from Halifax. I think the Senate is indebted to him for the manner in which he has treated it, though probably there is scarcely any of us who would not differ from him on some important point. My own personal knowledge of the country leads me to think there is necessity for keeping up a naval force at Esquimalt and to differ entirely from the view expressed by the hon. gentleman. It is just as much in the interests of Canada that that station should be maintained as the station in Halifax. My principal object in rising was to say that I differ in toto from my hon. friend, the junior member from Halifax (Hon. Mr. MacKeen) as to the course which Canada and her public men should take upon questions of this kind. Being an integral part of the empire, I take it, that every British subject has not only the right, but it is his duty, to express his opinion upon Imperial policy, particularly when it affects the colonies. The sooner Canada speaks, and speaks out boldly, upon questions of this kind, the better for ourselves and for the empire. It is just as well that the statesmen in England should know what the opinion of the people in this portion of the empire is upon any policy which they may adopt, particularly when it affects the defences of the country. This is an important subject upon which every senator, I have no doubt, could speak for an hour at least. It is highly important to Canada that we should know precisely what the policy of England is, and it seems to me it is equally important for the people in England to know what our views are upon questions which affect either our defences or our commercial or political relations with the mother country. I do not think it would do any harm if we should express our opinions freely. It is true we may be wrong. My hon. friend the junior member for Halifax may be right in the view he has taken. I express no opinion upon the policy of England on that question, for the simple reason that I have not given the matter sufficient attention, and even if I had I have not that nautical knowledge or knowledge of warfare that one should have to discuss this question intelligently. Some of the remarks of the hon. senator for Halifax (Hon. Mr. Power) and the deductions he drew from the policy of England, I do not

agree with, but taking it as a whole, I think the Senate and the country are indebted to the hon. gentleman for the study he has given this question and the manner in which he has placed it before the House. I echo the sentiments of the hon. gentleman from Wellington, though I take exception to one or two expressions that he used, but as we cannot all agree upon details, I think we can all agree upon one point, and that is that as an integral part of the empire we have a right, and it is our duty to express our opinions on all occasions upon the policy of England whenever it affects our interests.

Hon. Mr. POWER—The hon. gentleman from Belleville (Sir Mackenzie Bowell) has said to my junior colleague what I had proposed to say, and he has said it better than I should have done. So I shall not say anything directly to the hon. gentleman from Halifax, but I wish to say this: The hon. gentleman seemed to think that it was very presumptuous of us to undertake to express an opinion as to the action of the Lords of the Admiralty in England. Now, if the action of the Lords of the Admiralty had been a consistent action, if their recent action had been taken with due deliberation and after careful consideration, there would be a great deal of force in what the hon. gentleman said; but, as a matter of fact, the Lords of the Admiralty for one hundred and fifty years persistently held to the policy which has just been altered. Were the Lords of the Admiralty for one hundred and fifty years right or were they wrong; and is the First Sea Lord of the Admiralty wiser, not only than all his predecessors as sea lords, but than other admirals of to-day, who do not look upon the question as he does? I think my hon. friend will find that his argument goes rather too far. I mentioned one circumstance which showed that this action had apparently been taken without due deliberation. That is that Admiral Bosanquet, when he left Halifax at the beginning of November, did not know that the dockyard was to be closed before his return; and it was stated in Halifax that when the furniture in Admiralty House was being auctioned the Admiral sent a cable to stop the sale, and the sale was continued under instructions which came directly from England. Perhaps my hon. friend thinks that that indicated a great deal of wisdom and savoir faire. I look at it differently. There is another circumstance. I saw in the newspapers a few days ago that the wires and other apparatus for setting submarine mines in Esquimalt harbour, which are absolutely necessary if the defences are to be kept up, had been removed and put on board a ship and sent to Hong Kong. I know that at St. Lucia the War Department have been carrying on extensive works in the way of fortification and have got large guns there; and, having the forts completed or nearly so, they have decided not to finish them, not to mount the guns. The War Department spent several thousand pounds on a new fort at the entrance of Halifax harbour and imported the heaviest kind of guns. They have brought the guns down from Halifax and put them close to where they were to be mounted, and then decided not to put the guns in the fort. If my hon. friend asks us to draw lessons of wisdom and prudence from men who do that sort of thing, I think he is sending us to a bad market for wisdom.

Hon. Mr. MacKEEN—My object was to inquire whether we had the right to interfere.

Hon. Mr. POWER—We are not interfering, we are expressing our opinion.

Hon. Mr. MacKEEN—My hon. friend the leader of the opposition says we have a right to interfere, not only in the policy of Great Britain, its defences and all that, but also in the expenditure of money that is paid by the English taxpayer. It has been contended here that $3,000,000 has been spent annually to maintain naval stations in Canada at Esquimalt and Halifax, and an attempt has been made to show what an immense loss the stoppage of that expenditure will be to Canada, incidentally claiming that we were entitled to that money, and that the navy should not be removed on that account. That was what I gathered from the remarks of the hon. gentleman from Victoria.

Hon. Mr. MACDONALD (B.C.)—I did not say a word about the money question at all.

Hon. Mr. MacKEEN—Then I am a little mixed.

Hon. Mr. POWER—Yes, decidedly mixed.

Hon. Mr. MacKEEN—The remark came from the hon. gentleman from Halifax. He said we were losing an annual expenditure of $3,000,000, and that was one of the reasons why we should take exception to the policy of the British admiralty, as though we were entitled to the money. Now I claim we have nothing to do with the English revenue and expenditure. I am free to say that I am in full sympathy with the hon. gentleman from Halifax that the removal of the naval station from Halifax will be a loss to us not only financially but also sentimentally and socially. We all regret it, but I fail to see how we can take the matter up and make such representations to the British government as will change the policy of the Lords of the Admiralty. In my opinion it would not do very much good.

The motion was agreed to.

THIRD READINGS.

Bill (41) An Act respecting the Regina and Hudson Bay Railway Company.—(Hon. Mr. Watson.)

Bill (43) An Act respecting the Lake Champlain and St. Lawrence Ship Canal.—(Hon. Mr. Cloran.)

Bill (56) An Act respecting the Canadian Pacific Railway Company.—(Hon. Mr. Watson.)

Bill (24) An Act respecting the Kootenay, Cariboo and Pacific Railway Company.—(Hon. Mr. Bostock.)

Bill (76) An Act respecting the Red Deer Valley Railway and Coal Company.—(Hon. Mr. Kerr, Cobourg.)

SECOND READINGS.

Bill (20) An Act to incorporate the Moosejaw and Edmonton Railway Company.—(Hon. Mr. Ross.)

Bill (49) An Act respecting the Century Life Insurance Company.—(Hon. Mr. Templeman.)

Bill (95) An Act respecting Gillies Brothers, Limited.—(Hon. Mr. Frost.)

Bill (98) An Act to incorporate the Imperial Guarantee and Accident Insurance Company of Canada.—(Hon. Mr. Gibson.)

Bill (G) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

BILLS INTRODUCED.

Bill (57) An Act to incorporate La Compagnie du chemin de fer électrique de Trois-Rivières, St. Maurice, Maskinonge et Champlain.—(Hon. Mr. Legris.)

Bill (63) An Act to incorporate the Brantford and Woodstock Railway Company.—(Hon. Mr. Power.)

Bill (73) An Act to incorporate the Montreal, Quebec and Southern Railway Company.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (74) An Act respecting the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Davis.)

Bill (82) An Act to incorporate the Annuity Company of Canada.—(Hon. Mr. Davis.)

Bill (88) An Act to incorporate the Athabaska Northern Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (105) An Act to incorporate the Ontario Fire Insurance Company.—(Hon. Mr. Kirchhoffer.)

Bill (109) An Act respecting the Hudson Bay and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (118) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Watson.)

Bill (Q) An Act for the relief of Isaac Pitblado.—(Hon. Mr. Young.)

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

SENATE.

Ottawa, Wednesday, March 29, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (R) An Act respecting the Kingston and Smith's Falls Railway Company.—(Hon. Mr. Sullivan.)

Bill (S) An Act respecting the Montreal Bridge Company, and to change its name to the Montreal Bridge and Tunnel Company.—(Hon. Mr. Domville.)

Bill (T) An Act respecting the Bank of Montreal.—(Hon. Mr. Macdonald, B.C.)

THE EMBARGO ON CANADIAN CATTLE IN ENGLAND.

MOTION.

Hon. Mr. McMULLEN moved :

That the Senate of Canada deems it its duty to put on record its deep disappointment and regret at the course adopted by the British government in continuing the embargo on Canadian cattle, in face of the established fact that neither pleuro-pneumonia nor any other contagious disease exists in Canadian herds, and in view of the stringent regulations enforced by Canada, in regard to stock imported from other countries.

That the British government, by the course they are persisting in, are unjustly discrediting the standing of Canadian herds throughout the world ; and

That a copy of this resolution be transmitted to the honourable the President of the Board of Agriculture and to the Right Honourable the premier of England.

He said : In rising to bring before the House the resolution of which I have given notice, I ask the indulgence of the House while I present some reasons why I think it should be adopted by this chamber. The embargo upon our cattle was first introduced in 1892. It was then imposed by the Board of Agriculture of England. After it had been imposed by them, a period of investigation was continued for some four years, and in 1896, by a statutory enactment, it was made permanent. The reason given for shutting out our cattle from the herds in England was that our stock was supposed to be diseased, or that contagious diseases existed amongst Canadian herds. That was the charge made. There were some animals that had been shipped home from Canada that were subjected to investigation, and in one or two instances they were supposed to have been afflicted with pleuro-pneumonia; but after a thorough and exhaustive investigation it was clearly shown that the animals were sound, and, in addition to that, it has been pretty well proven by veterinaries in this country, as well as veterinaries in England who visited Canada, that pleuro-pneumonia never did exist among our herds—at least not for fifty years.

It has existed in the United States, but they have got pretty well rid of it, no case of pleuro-pneumonia having been found there in the last twelve years. Very great care is taken, in the importation of cattle into Canada, to see that they are thoroughly disinfected before they are admitted. That regulation applies to cattle imported from England as well as to cattle imported from the United States. The object is to preserve the health of our herds. There has been a good deal of discussion in England with regard to this question, and I know that our Minister of Agriculture has made efforts to secure the removal of the stigma that has been fastened on Canadian cattle by the English law. That law is a slur upon us to which we should not be subjected. We should express in very strong terms our resentment. It is unjust to Canada to stigmatize our herds as being so diseased that they cannot be admitted into England and allowed to mix with the English herds. It has never been established that pleuro-pneumonia, or any other contagious disease, exists in Canada. If the imperial parliament wish to pass a law to protect the meat producers of their country, let them do so honestly and we have no objection, but what we do protest against is that our cattle should be stigmatized as unhealthy when it is not a fact. Many years ago John Bright said in one of his speeches that protection might be introduced into England in the future by using the plausible argument that protection should be afforded to the home producer of beef by preventing the admission of foreign cattle on the ground that they were subject to disease. This very thing has happened, and Canadian cattle are stigmatized as being diseased when there is no basis for the stigma. If the enactment was based on reasonable, honest grounds there could be no objection to it, but based as it is on the ground that contagious diseases exist in this country, it is a gross injustice to Canada, and not only the government but both Houses of this parliament by resolution should call upon England to repeal the Act. Every agricultural society from the Atlantic to the Pacific and all patriotic men should use every influence to bring England to understand that we feel the injustice that has been done us, and that the unjust law ought to be repealed. If the British parliament choose to pass another law for the purpose of protecting the British beef producers we have no objection.

Hon. Mr. McMILLAN—But they should call it by the right name.

Hon. Mr. McMULLEN—Yes, if they call it by the right name we can have no objection to any law that they consider necessary for the protection of their own trade.

Hon. Mr. MACDONALD (B.C.)—Do the cattle of any other countries go into England ?

Hon. Mr. McMULLEN—Yes, there are some ; I am not exactly certain what countries they are ; but that is not the point I am making. My resolution is to the effect that England has enacted a law on the basis that Canadian herds are diseased, and on that assumption and that alone our cattle are shut out of the English market.

Hon. Mr. MACDONALD (B.C.)—Does the Act mention Canada ?

Hon. Mr. McMULLEN—The Board of Agriculture frequently mentioned Canada between 1892 and 1896 and said that Canadian cattle should be excluded because they were subject to contagious diseases. Lord Onslow, president of the Board of Agriculture, admits that there has been no contagious diseases in the Canadian herds, but does he expect us to take the word of one man and remain content with that while a law remains on the statute-book of England stigmatizing Canadian cattle as subject to contagious diseases ? We cannot accept that as a sufficient reply—we decline to accept it. The Act on the statute-book of England has done and is doing us a gross injustice, and we ask for its repeal. Lord Onslow admits that the Act is retained because its repeal would dislocate trade in England. If so, why not repeal the Act and pass another law giving that as the reason—that it would so dislocate and disturb the meat trade in England that it would be injurious to English interests ? If they are willing to do that, Canada will accept willingly such legislation, but we object to having our cattle stigmatized as diseased when it is not the fact.

Hon. Mr. WILSON—Let them call it protection if they like.

Hon. Mr. McMULLEN—They can call it anything they please. In Scotland there is a strong feeling in favour of removing the embargo. The agriculturists of Scotland have held meeting after meeting and discussed this question, and admit that an injustice has been done to Canada. One of the best veterinaries in Scotland, who acted as veterinary for Perthshire for many years, has declared over his own signature, in a report that he has issued, that he has visited Canada frequently and found Canadian herds free from contagious diseases. He has declared over his own signature that he has closely scrutinized the cattle landed at the port of Glasgow for many years and that up to 1904 he had never discovered one single instance of a Canadian animal being diseased, that he had visited Canada on several occasions, went through our herds, travelled from one end of the country to the other and returned, and that it has been his privilege to closely criticise the arrivals of animals at Glasgow, and he had never discovered one single instance of an animal being afflicted with contagious disease. That is the certificate of that gentleman to the city board of Glasgow which controls and manages the imports and exports. There was one case in 1892 where a cow had been shipped from Canada to Scotland. She was landed at the port of Glasgow and that cow was declared by a veterinary there to be afflicted with pleuro-pneumonia, but after a close and careful investigation it was shown that the diagnosis was wrong, that it was a mistake on the part of the veterinary. We all know that animals crossing the Atlantic are subjected to such experiences that it can hardly be expected when they arrive at the other side they will be in the same condition as when taken out of the pastures or stalls in Canada to be shipped. The trip across the Atlantic unquestionably causes such a disturbance that they may show some little evidences of irritation which might cause some query on the part of an investigating veterinary, but after all, in this case it was proven on a thorough investigation that no grounds for the charge existed. Since that time over 1,500,000 cattle have been exported from this country and landed at the different ports in England, and there has not been one single instance proven that pleuro-pneumonia or any other contagious disease existed among those cattle. It is also admitted, I see by the records—because I have run over them and have closely investigated the reports issued by different veterinaries in the

old country—that no other country shipping cattle to England has a record like that of Canada for the purity of its herds. Now, in the face of that condition, certified to by veterinaries of England, why is it that England will persist in keeping in operation an Act based upon falsehood, upon an erroneous basis, charging our herds with impurity when nothing of the kind exists ? If it has been imposed for the purpose of protecting their herds from contamination and from becoming diseased by coming in contact with Canadian herds, I should like to ask why England does not shut out of her country the hundreds of tons of hay and the millions of pounds of hides and wool and hair—all those things are just as liable to carry contagious diseases as the cattle themselves ? Why does she not exclude them as well as the cattle if she is so anxious to keep her stock pure ? When she shuts out the cattle, the raw material of the farmer, why not shut out wool also ? Why not shut out hair, hay and hides ? A report of a veterinary surgeon of the Glasgow corporation in 1901, in regard to tuberculosis in that year, shows that 46,784 head of home cattle were slaughtered in Glasgow, of which 6,332, or 13½ per cent, were affected with tuberculosis. They received from Canada and the United States during the same time 49,881 head. Of this number only 66 head, under 1 per cent, were affected with tuberculosis—in fact, one out of every seven hundred and fifty-six cattle, while there were 13⅓ out of every hundred of their own.

Hon. Sir MACKENZIE BOWELL—Does it point out whether those cattle that had the one per cent were from the United States or Canada?

Hon. Mr. McMULLEN—The document I am quoting from just give the figures I am stating. It does not separate those received from the United States and those received from Canada. It simply gave the total from Canada and the United States as 49,881 head.

Hon. Sir MACKENZIE BOWELL—I think it is unfortunate it should be so, because if my recollection serves me right, those that were found to be at all tainted were from the United States.

Hon. Mr. McMULLEN—This is a report by a veterinary surgeon in Glasgow. It is not one of our own men. This is a report that he has furnished to the city corporation of Glasgow of what he discovered in the inspection of animals landed at that port. The Liverpool Chamber of Commerce as late as 1904 declared that the embargo was unjust to Canada and tended to increase the cost of meat to the English consumer. As I stated before, the embargo was not permanent until 1896, and it was made so solely on the ground of disease existing in Canadian herds. Now, I admit, and I am proud to be able to state, that the government offered inducements to England to send their veterinaries out here to go through the herds of Canadian cattle and make a thorough inspection, that they were willing to pay the cost of all slaughtering and all travelling expenses if they would send out trusted, experienced veterinaries, and thoroughly examine our stock in order to prove that there was nothing wrong in our herds. But England declined to accept that offer. In 1893 there were over $200,000 lost in shipments of 30,000 head of cattle, and the loss was due to the cattle not being properly fatted. That was the year immediately after the embargo was imposed. The people in the west and the people in Canada had not become aware of the existence of the embargo. In the Northwest they had a very large number of cattle that they had to export that year. Many of them were thin, but they were forced to send them over. The result was that they lost enormously by doing so, because they had to be slaughtered at the port of entry. James Clarke, chief veterinary surgeon, inspector of Perthshire, Scotland, had an extensive experience, from the very commencement of the trade down to 1904. He certifies in his report issued on the subject in February, 1904, that he never met one case of contagious disease in Canadian cattle. The estimated loss in the export of Canadian cattle from 1897 to 1904, is over $12,000,000, owing to the existence of that embargo. I notice that Lord Onslow quoted a resolution of cattlemen in Winnipeg against the removal of the embargo. It appears that some fifteen or twenty ranchers met in Winnipeg some years ago and passed a resolution in favour

of the embargo. We can easily understand that. Those people are anxious to get their raw material as cheap as they possibly can. They want to get young cows and steers from Ontario and the United States. I presume, at the lowest possible price, in order to fatten those cattle and send them home in a finished condition. The embargo happens to suit that section of the country, perhaps fully as well as in England. But while it might suit those particular ranchers in the west, it by no means suits the rest of Canada, although I admit, perhaps, on the whole, that it is much better for our farmers that they should finish their cattle and send them home in a finished condition; but what an advantage it would be if the farmers in England and Scotland were permitted to take these cattle and improve them, by resting and feeding them thoroughly, giving them a chance to recuperate after the hard experience they have in crossing the Atlantic. The cattle would very rapidly improve and become worth more money if they were only allowed to do that.

Hon. Mr. WATSON—Was that a meeting of the ranchers or cattle dealers of Winnipeg to which the hon. gentleman has referred ?

Hon. Mr. DAVIS—Cattle dealers of Winnipeg.

Hon. Mr. McMULLEN—It might be so. I did not notice which it was, but I noticed there were about twenty that met.

Hon. Mr. DAVIS—They were all cattle dealers.

Hon. Mr. McMULLEN—Yes, it was a resolution of cattlemen of Winnipeg.

Hon. Mr. WATSON—Cattle buyers.

Hon. Mr. DAVIS—It certainly was not the ranchers.

Hon. Mr. McMULLEN—Lord Onslow imposed an embargo on United States cattle coming into Great Britain owing to the existence of foot and mouth disease in New England, and when the United States showed that it was stamped out the embargo was removed. Now, in the case of Canada there has never been any just ground for the embargo. It was wrong. It was false. It was unjust at the start. We have proved that the alleged cause does not exist. Why not treat us as well as they treat Uncle Sam across the border ? When they took the embargo off the cattle from the United States, on proof that foot and mouth disease was stamped out there, why did they not do the same with Canada ? Why don't they permit Canada, when she has such a thoroughly clean bill of health, to ship her cattle home ? I do not know exactly what the Minister of Agriculture has done. I believe he has been endeavouring to get this Act repealed, or amended in some way, but I do say this, we have not heard enough of it in Canada. There should have been a resolution before this House and before the Commons years ago expressing in the most pointed terms their views of the action of England in regard to the matter. There should have been resolutions by every local legislature in this Dominion calling upon England in the loudest and most pointed terms to rescind that Act, and every agricultural society throughout the country should also have been asked to pass resolutions to the same effect. Let those resolutions appear in the papers and show that Canada is in earnest and determined not to live under an unjust stigma, and I believe that England would wake up. It is hard to wake her, I admit, and I do not believe it is in the power of any one man, Minister of Agriculture, or any one else to do so in a matter of this kind. It requires united action on the part of the people of this country and their different organizations both in parliament and the local houses and all gatherings of agriculturalists. Had such action been taken, I believe it would have succeeded before this. I am not blaming the Minister of Agriculture. He may think differently from me. He may fancy that is the wrong way. I think it would be the right way and the sooner we let England understand that we feel the injustice, the better for both England and Canada. We have patiently borne many things at the hands of England which absolutely and unquestionably test our loyalty. I was glad to hear my hon. friend speak so loudly and loyally yesterday with regard to the protection of our shores on the Atlantic and the Pacific. We have borne patiently and loyally many things that have

taken place. We see evidences from the Atlantic to the Pacific that injustice has been done in giving away territory which should by right belong to Canada. The state of Maine and the state of Michigan should belong to Canada. We have borne many such injustices and the last, not the least, from Lord Alverston, and still you find in Canada an expression of loyalty to England, and an appreciation of the empire to which we belong, but allow me to say this: that the name of Lord Alverston, for the course he took with reference to the Alaska boundary, will be as offensive in the memory of Canada for years to come as the name of Monteith was offensive in the memory of the people of Scotland after his dastardly betrayal and the murder of Sir Wm. Wallace. Monteith's conduct was no more unjust and unfair to Scotland than Alverston's to Canada in connection with that boundary award.

I feel a little warm on this question, not altogether because I am personally interested, but on account of the agriculturists of our country. I feel that they have been unjustly treated and that no stone should be left unturned to remedy that injustice. Get that Act repealed and let it be no longer said to the world that our Canadian herds are diseased. The idea of the head of the empire publishing to the world that they are obliged to shut out our cattle on account of disease, when we have the purest herds known in any country. No effort should be spared to secure the repeal of that Act. The Minister of Agriculture should give the imperial authorities no peace; and parliament should assist in securing the repeal of that Act, and the removal of a stigma upon our herds to which they should never have been subjected.

Hon. Mr. EDWARDS—I hope in rising to make a few remarks on the question now before the House that I shall not be regarded as antagonistic in any way to the great agricultural interests of Canada. I am myself a farmer and stock grower. Not only is that the case, but I am one of those who sympathize very strongly with everything which pertains to the benefit and advancement of the agricultural interests of Canada. Further, I will say that in offering some remarks in a measure against the resolution, I want it thoroughly understood that I am not opposed, but that, on the contrary, I am favourable to doing everything which can be legitimately done in the direction my hon. friend has suggested. But in presenting any case it should be presented fairly, and while I do not say for a moment that my hon. friend has suggested anything unfair from his standpoint, yet I am sorry to say that in some respects at least his premises are wrong. Now what are the conditions? In England for many years animals have not been admitted from foreign countries otherwise than to be slaughtered within a few hours after their arrival in a British port. Canada for several years enjoyed the advantage of being exempt from that regulation and was the only country thus exempted. The cattle of the United States and of all other countries, except Canada, were slaughtered in a short time after being landed. A shipment of United States cattle passing through Canada some years ago were found to have among their number a case of pleuro-pneumonia and the result of that discovery was that Canada was placed in exactly the same position as other countries. Ever since that time an effort has been made to regain for Canada its former position in this respect. The Ministers of Agriculture have done everything in their power with that object in view. The Canadian people certainly desire, and I for one would be very glad to see it brought about, and thus be enabled to sell my cattle in England. I admit my hon. friend's argument that the agriculturists of England and chiefly the growers of stockers in Ireland, are opposing the removal of the embargo on Canadian cattle from purely protective motives. The Scotch farmers, who formerly enjoyed the privilege of importing stockers from Canada and are now debarred from that right, are pressing very strongly for the free importation of Canadian cattle. I have read a good many of the arguments which have taken place with regard to this matter in Great Britain, and the premises taken by England are as follow: England claims that she is now and must always continue to be dependent on other countries for her food supply, that it would be dangerous to vacillate in her policy and change it from time to time, and that she must, for

her own safety, confine herself to the rigid policy of requiring all cattle imported from foreign countries to be slaughtered within a short time after they are landed. The argument used by my hon. friend with regard to the importation of hair, wool and hides is perfectly correct. There is danger of introducing disease with these articles, but while I am not apologizing for one moment for Great Britain, I cannot see how she can do otherwise than import these articles and she must take some means of disinfecting them. A further argument used by Great Britain with regard to the importation of Canadian cattle is this, that Canada is contiguous to the United States for some 4,000 miles, and that there is a free interchange of cattle between the two countries, and there again England claims there is a source of danger. My hon. friend makes a mistake in this respect when he said that a year or two ago foot and mouth disease broke out in the eastern States, and that England discriminated in favour of the United States, because that embargo was removed. England absolutely will not import animals from any country where foot and mouth disease prevails, and if Canadian cattle were suffering from foot and mouth disease to-day, their importation would be prohibited even under the regulation requiring that they be slaughtered a few hours after they are landed; but if the disease became extinct the cattle would again be admitted. So there is no discrimination against Canada, no declaration against Canada, no stigma suggested, insinuated or stated in any way as against Canada. It is simply this, that Canada is to-day in the position of other countries and not enjoying the latitude allowed her some years ago. While I myself am favourable to doing everything we can legitimately to restore Canada to its former position, I think the resolution in its present form would not be exactly a desirable one to send to Great Britain.

Hon. Mr. MACDONALD (B.C.)—Does the English Act of parliament refer to Canada specially ?

Hon. Mr. EDWARDS—No, it is simply a law which has existed for many years. For a time Canada was exempted specially from its operation, and then afterwards was simply brought under the operation of the Act as other countries were.

Hon. Mr. McMULLEN—Did not the Board of Agriculture, between 1892 and 1896, report from time to time that contagious diseases were discovered in Candian herds ?

Hon. Mr. EDWARDS—What the hon. gentleman says is perfectly true, and on thorough investigation it was found that it was that one single animal to which I have referred. Now, I do not take another position from my hon. friend's as to the condition of Canadian herds. They are undoubtedly among the healthiest in the world.

Hon. Mr. McMULLEN—They are the purest.

Hon. Mr. EDWARDS—No, my hon. friend is wrong. The healthiest animals in the world are in the Channel Islands. Even tuberculosis has never been discovered in the herds of the Channel Islands. Tuberculosis does exist among the English herds to a far greater extent than it does in Canada, but that is not the disease that is being dealt with under the English Act. It applies to such diseases as pleuro-pneumonia and foot and mouth disease, which are very contagious and infectious. Tuberculosis is undoubtedly communicated from animal to animal, but that is not the disease that is being dealt with. I am not opposing my hon. friend's motives, which no doubt are good; he desires simply that which will be beneficial to Canada and especially to Canadian farmers. I am with him so far as that is concerned, but I should be glad to see his resolution amended to conform correctly to the conditions that exist.

Hon. Mr. FERGUSON—I was very well pleased when a few days ago I observed that the hon. gentleman from Wellington had placed this notice on the order paper. I confess, however, that it escaped my observation that it was coming up to-day. Otherwise I would have felt myself in a better position to discuss it. I may say in the outset that I am entirely in accord with the resolution. I may not altogether agree with some of the observations of my hon. friend. To some extent I agree

with the hon. gentleman from Russell (Hon. Mr. Edwards) that it is not reasonable or right for us to charge England with having singled out the herds of Canada, as my hon. friend from Wellington left the impression on this House, was the action of the British government. I was tolerably familiar with the history of this question many years ago, but I confess I have not kept myself as much in touch with it now as I did in those years, but I remember when Sir Charles Tupper was High Commissioner he had to put forward very strenuous efforts day in and day out, year in and year out, to prevent the rescinding of the regulation by the Board of Trade of England which gave free admission to Canadian cattle, a free admission which was not given to other countries at that time. That favour—for that is what we had to call it—we enjoyed on the ground that our cattle were free from infectious diseases. That was admitted. The English farmer and stock-raiser was not satisfied on account of the competition that our cattle were creating in England, and they set about to find some pretext by which this regulation of the Board of Trade should be set aside and the exemption to Canadian cattle done away with. I remember in these years Sir Charles Tupper had to put forth very strenuous efforts to fight down the efforts of the English stock-raisers and veterinaries in the direction that our cattle were not free from infectious diseases.

My hon. friend from Belleville (Hon. Sir Mackenzie Bowell) reminds me that Sir Charles Tupper went personally on these occasions to Glasgow once and Liverpool on another occasion, and succeeded in defeating the efforts put forward to schedule our cattle. The British stock-raisers, and through them the Board of Trade of England, took the ground later that although our own cattle were tolerably free from disease, yet we were allowing too free admission of United States cattle into our country, and that our quarantine regulations were lax and that in consequence our cattle were liable to be mixed with United States cattle and that disease might be introduced into England in this way. The result was that the late government, before I had the honour of becoming a member of it, made very stringent quarantine regulations against the United States, sufficiently stringent to convince any person that was not prejudiced or interested in forming an opinion in another way that every effort that could possibly be made was made on the part of the Canadian government to prevent the introduction of pleuro-pneumonia or other infectious diseases into Canada from the United States. I remember that during these years we were attacked, and very persistently attacked, on the ground that we had not done enough, that notwithstanding the stringency of those regulations, we had not put forward as strenuous exertions as we should in the direction of enforcing those regulations and convincing the English government that we were living up to what we had done. However, all the efforts that I have mentioned were put forth, I contend that every possible effort was put forth in these years, and that the quarantine regulations against the importation of cattle from the United States were made more rigorous than otherwise would have been desirable, and at the time we made those regulations it was plain that the herds of the United States were almost as free from infection if not as free as our own were. I remember in 1895 that some difficulty was encountered in getting cargoes for steamers departing from the port of St. John, and some relaxation of our regulations with regard to the admission of United States cattle was made in that year in order to obtain cargoes from the United States to supplement those obtainable in Canada and to keep up the trade at our own winter port, and I remember when that was done a very strong attack was made on the government because of their action. I had the honour to represent the Minister of Agriculture that session, and had to defend the action of the government in taking that course, and I remember very well I took the ground that the cause stated by the British public and British government for enforcing that regulation against Canada was not the real ground on which they were acting, and that the herds of the United States were tolerably free, or as free almost as our own were from disease, and that we could not possibly have pleuro-pneumonia or contagious disease in Canada, for it was as impossible to have foot and mouth disease or pleuro-pneumonia and not know it, as it was to

have cholera or small-pox prevailing in Canada and be unaware of the existence of those diseases. I remember in 1895 a case occurred where the England veterinaries found that some Canadian cattle landed in England from Canadian ports, and which were traced to Canadian herds, had pleuro-pneumonia. The Department of Agriculture in that year made the most strenuous efforts to investigate that matter. These animals were traced back to the herds from which they were taken, and it was found that neither before the shipment nor after they had been shipped, nor at any other time had there been any appearance of pleuro-pneumonia among the herds from which they came. They had been taken from a herd near Kingston, and the animals of that herd and of other herds in that vicinity were found to be in the most perfect condition of health. That was the state of things up to 1896. Since that time the government of this country have relaxed to a large extent its quarantine regulations against the United States and we obtained in consequence of that relaxation freer admission into the United States of our cattle, which has been beneficial to this country. I never criticised the conduct of the government at that time. I might have retaliated and said, 'you are acting very differently from your professions when you were attacking us because we had not made the very stringent regulations of those days still more stringent; now you are relaxing them,' but I found no fault and hon. gentlemen on this side have found no fault with regard to that, because our belief is that the herds of the United States are fairly free from infectious diseases and it will be time enough to impose very embarrassing quarantine regulations between the two countries when any practical difficulty arises to require it. I am ready and willing with the hon. gentleman from Russell, to exonerate the British government from the charge of having singled us out in any respect. If the hon. gentleman from Wellington was understood in that way, I do not agree with him. We were really treated for many years in a favourable way, and finally, when the interest of the English stock-raisers prevailed and the British government were forced to schedule our cattle as well as those of other countries, I believe to a great extent English public opinion regretted that any such thing as that had to be done; but nevertheless it was done, and the ground which was taken for scheduling our cattle by law was not the honest ground. That far I fully agree with my hon. friend. It was taken on the ground that our cattle were not free from infectious disease, that we had infection in our herds and having being put on that ground it was not put on an honest ground nor one which should commend itself to reasonable men. I looked over the resolution again after my hon. friend from Russell, for whose view I have very great respect, had expressed his dissent. I know he is not only interested in this question, but is one of the best informed agriculturalists in the country, but still after hearing his remarks and looking over the resolution, I find no great fault with it as it is framed. I am in entire sympathy with the object of the motion.

Hon. Mr. ELLIS—I am not interested in the cattle trade in any way, but it does strike me, nevertheless, after the observations of my hon. friend that the resolution is couched in very strong language. We propose to pass condemnation on the British government for a policy which has been sustained through several parliaments. The whole history of this legislation is full of interest. It goes back over twenty years, and there has been a growth of public opinion with regard to the question which no government in England could very well ignore. The policy which the government has pursued was adopted in the interest of the cattle-raisers of England. It has been sustained by the public opinion of England. The hon. gentleman was wrong, I think, in his statement that it is aimed specially against Canada. As I understand the matter, it is legislation passed against the whole world. It is against all imported cattle. There has been a great deal of correspondence on the subject and the government of Canada has undoubtedly held up the Canadian side of the discussion with vigour, constantly pressing what might be called the Canadian view of the question and remonstrating with the imperial government on this matter. But it must be remembered that it is the operation of a law made by the imperial parlia-

ment and enforced by the Board of Agriculture. When Sir William Mulock was home in 1902 some correspondence passed between him and Mr. Hanbury, who was at the head of the Board of Agriculture, or one of the principal officers. Mr. Hanbury says :

There is no question whatever between us about the existence of disease in Canada. I have more than once publicly stated we believe Canada to be free from disease among both herds and flocks. The exclusion of your store cattle is due not to any suspicion of disease, but to the fact that the Act of 1896 forbids the entry into this country (except for immediate slaughter at the wharfs) of all live sheep and cattle from all countries. There is therefore no reflection upon Canada as a cattle-producing country in the circumstance that the operation of the Act is general and indeed universal. But there is on the other hand a distinct recognition of the immunity of Canada from disease in the fact that Canada and the United States are the only two countries from which fat cattle can be landed for slaughter at the wharfs, and their exceptional position is due to the admitted freedom of both from disease. The Act of 1896 does not therefore imply that Canada is not free from disease, while the existing regulations as to fat cattle distinctly declare our belief that disease does not exist there.

The Act of 1896 was certainly not passed with any special reference to Canadian store cattle. For several years the feeling had been growing that in the interest of the consumer no less than in justice to the farmer every reasonable precaution must be taken to prevent the spread of disease among the flocks and herds of this country. The danger of the importation of disease is very great when store cattle are allowed to be shipped to this country and travel to every corner of it. The examination at the port of entry must necessarily afford a very inadequate security, partly on account of the large numbers to be examined, but mainly because the disease often remains latent for a period much longer than that of the voyage, and at the time of entry there are no external symptoms indicating its presence to the veterinary surgeon. So long as the importation of store cattle from other countries was freely permitted cases of this kind were by no means infrequent.

So long, too, as the importation of store cattle from any particular country depended not upon an Act of parliament making the prohibition universal, but upon regulations of the Board of Agriculture, admitting or prohibiting the entry of such cattle from a country on the ground that the country was for the time free or not free from disease, questions repeatedly arose between us and the country affected by our regulations as to whether our veterinary advisers were right or wrong in declaring the existence of disease. Although this alone would not have been a sufficient reason for passing the Act of 1896, that Act has had the further advantage of removing the possibility which had hitherto existed of friction occurring whenever such questions unfortunately arose upon the actual facts of particular cases.

I need not, perhaps, deal with the other causes which led to the alteration of the law in 1896, because they were all due to the dangers at all times attending the importation of store cattle and their general dispersal all over this country. No special country, I repeat, was in view when general legislation of this nature was introduced.

It is satisfactory to find that the importation of fat cattle from Canada has largely increased —and it is, I am sure, unnecessary for me to add that anything which can reasonably be done to increase such a trade between Canada and the mother country ought to be done.

I ask hon. gentlemen to remember that this legislation is entirely of a general character and not directed against Canada, and I think the most the government is able to do under the circumstances, according to the law on the statute-book, is to afford facilities for Canadian cattle to be slaughtered within reasonable time after arrival in England. My hon. friend from Wellington makes a considerable point on the fact that there is injustice in some way to us in allowing the idea to exist that disease prevails amongst Canadian cattle. Well, there may be something in that, but it is not a material matter, in view of the fact that it does not affect to any great extent the general trade itself. The Canadian trade in cattle has steadily grown. It is a business that is of great value to this country, and the figures year by year show that the export from Canada of live cattle steadily grows, that it is a remunerative business, and that we are benefiting by the business that is carried on. I would just call attention for a moment to the fact that in the year 1897—I do not go back of that, although I have the figures—we sent into England cattle to the value of $6,454,000, and in 1900 we sent to the value of $7,576,000. In 1903 we sent cattle to the value of $10,842,438. In that year it reached its highest point. We sent forward 161,000 head of cattle. So that while we are not able to send our cattle in the condition in which we would like to send them, while perhaps we might be able to use some of the raw material in the other form, yet the presumption is that the cattle sell well in England and are worth something. On February 8, Lord Onslow made a speech at Yeovil and referred to this matter. He spoke as follows :

He was afraid, said Lord Onslow, that he was going to get into much trouble in the House of Commons next session, because in his desire to protect animals in England from disease he had

intimated to the Irish Department of Agriculture that, as the local authorities in Ireland would not impose regulations for the extirpation of swine fever, he had no alternative but to prohibit the importation into England of all store pigs from Ireland. However, he must be prepared to face these difficulties in the certain hope that swine fever would before long be no longer known in the land. Then there was another trouble which came upon his shoulders from their brethren across the seas in Canada. In 1896 the government found it absolutely necessary to pass an Act prohibiting the importation into this country of any animals from abroad—from British colonies as well as from foreign countries—except for immediate slaughter at the ports of debarkation. The leader of the opposition in the House of Commons only a few days ago announced that he was in favour of reopening the British ports to cattle coming from Canada.

Such a step would be most impolitic and dangerous. First, there were large numbers of farmers in England and Scotland who had invested a considerable sum of money in the breeding of cattle, and they told the government of the day, who passed the Act, that when everything was looking most satisfactory, and when they believed they were perfectly immune from animal disease, the importation into this country of a few diseased animals brought sudden ruin upon them, and they could not be expected to invest their skill and capital in the enterprise if they were to run so fearful a risk. In 1892 there was an embargo placed upon cattle coming from various countries. One animal suffering from pleuro-pneumonia passed the examination, and to trace that single case cost the country no less than £15,000. Did they think that any government was likely to introduce legislation that would reopen such a risk as that ?

Then he goes on to call attention to the growth of Canadian trade in cattle. The hon. gentleman from Wellington also seemed to make a point that in some way or another Great Britain was favouring the United States at the expense of Canada, inasmuch as when the foot and mouth disease was stamped out their cattle were allowed to enter. By special legislation or by particular legislation the foot and mouth disease was included in the Act under which the expenditure of money was allowed for the immediate killing of animals infected with that disease, but when it disappeared, of course the law was no longer operative against animals coming from the country which had freed itself from that particular disease. I think there is probably no prohibition of any kind against foot and mouth disease as regards Canada, because it does not exist. We can easily set up a claim, and probably a just claim, for the immunity of our cattle from disease. but I observe the learned gentleman who lectured here the other night before the association for the suppression of tuberculosis, before my hon. friend (Mr. Edwards') society, did not declare that Canadian cattle were absolutely free from disease ; but he did say that we had less than any other country, and in a comparison which he made with Germany, I think he said we had only two per cent—he was probably referring to tuberculosis—while Germany had something like sixty per cent. I think we might fairly pause before we pass what seems to me to be such an extreme resolution, first, in view of the fact that the existing condition is in accordance with public opinion in England, and therefore the government of England is not to be condemned in this matter, that it has been a growth of some years of legislation, and in view of the fact that the Canadian government is constantly bringing this matter forward and constantly representing it to the imperial authorities. I have the paper, but do not intend to read it, which was submitted to one of the Houses the other day, showing that as late as January 14th of this year the Minister of Agriculture called attention to some statements made in England with regard to the prevalence of this disease and denying that the people of Canada were satisfied. So that I think in view of all the circumstances of the case if it is necessary to do anything, we should first remember the position in which the British government is, and be moderate at least in the way we state our views to-day, under a resolution of this parliament.

Hon. Mr. CLORAN—For quite a number of years I have studied with interest matters pretaining to our Canadian development, and particularly the fact that the imperial government, or the British Board of Agriculture, kept our cattle out of the British Isles. I have always asked myself why this action was taken, and always came to the conclusion, a simple one, that the British farmer wanted to protect himself against the cattle of Canada, and the legislation was passed for no other reason.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. CLORAN—And I always asked myself, why does the British Board of Agriculture resort to false pretenses to protect the British farmer ? Why should they publish to the world that Canadian cattle are diseased in order to keep them out of the

British market? I do not propose to tolerate that. If they want to protect the English, Scotch and Irish farmers against foreign competition, whether it be from the colonies, from the Argentine or other places, let them do so, but let them not brand our cattle as diseased when they are not. Under the circumstances, I am fully in accord with the hon. senator who asks us to declare:

That the Senate of Canada deems it its duty to put on record its deep disappointment and regret at the course adopted by the British government in continuing the embargo on Canadian cattle, in face of the established fact that neither pleuro-pneumonia nor any other contagious disease exists in Canadian herds, and in view of the stringent regulations enforced by Canada, in regard to stock imported from other coutnries.

That the British government, by the course they are persisting in, are unjustly discrediting the standing of Canadian herds throughout the world; and

That a copy of this resolution be transmitted to the honourable the President of the Board of Agriculture and to the right honourable the premier of England.

In my estimation the hon. senator has done a service, not only to his own province and the class he represents, the farmers of this country, but to the entire community. If the government of England, through its Board of Agriculture, wish to keep our cattle out, let them say so, but do not let it go abroad that the cattle of this country are kept out because they are diseased. I consider that the only point that the hon. senator wishes to accomplish. As a man interested in the agricultural interests of this country, as a man interested in the fame of our herds, which have taken first prizes in all the exhibitions on this continent, and probably would have taken them elsewhere if we had been able to send them, I heartily and cordially agree with the hon. gentleman in asking this House to say to England: 'Brand our cattle as foreign, but do not brand them as diseased.' I am fully in accord with him that our cattle, having no disease, as our veterinary surgeons can prove, should not be branded before the world as actually unfit for food, and I hope that the Senate, notwithstanding the learned opinions on the contrary—and I have no learned opinions to offer, I have simply a bald opinion based on facts to offer, and I have had a little to do with cattle myself—will endorse this resolution and declare that we have no disease, neither pleuro-pneumonia nor any other contagious disease, to prevent our cattle going into any market of the world, and especially the market of England. While on that point let me say that England wishes to develop preferential trade; Mr. Chamberlain is signalling for it. Mr. Balfour will not vote for or against it, but if they want preferential trade, on what line can it be more profitably developed than in connection with the cattle trade. If they are going to keep our cattle out they will keep the best part of their preferential trade out, and under the circumstances I hope the resolution will pass.

Hon. Mr. McHUGH—I feel very strongly in sympathy with the agriculturists of this country who desire to have the embargo against the admission of their cattle into the British market removed. I am fully satisfied that the desire of the hon. member who moved this resolution is along the same line. I think he is a little unhappy in the form in which he has framed it. I cannot agree with the hon. gentleman who takes the stand that an injustice has been done to Canada and that we have been treated in a disrespectful way. The British government have a right to frame their legislation to suit themselves. They did not make any special legislation against Canadian herds, but included them with all other herds in the world. For many years they gave us a privilege that foreign countries did not enjoy. If the resolution was put in that way, asking them to restore to the Canadian people that special favour, I could support it with all my heart, but in the way it appears, reflecting upon the British government because they have withdrawn what was a special favour they had given to Canada, I do not think I could give it my support. In the legislation passed by the British government, I do not think that they are in any way discriminating against Canadian cattle or saying that the Canadian herds are more unhealthy than the herds of any other country in the world. I do not believe that the Canadian people can complain except that they are not receiving some of the advantages from Great Britain which they think they are entitled to as a colony of the British empire.

Rt. Hon. Sir RICHARD CARTWRIGHT—I think that everybody in the House is aware that the Canadian governments—I speak not merely of the present government, but of their predecessors—have lost no opportunity of presenting the case of Canada, and the desirability of admitting Canadian cattle into the British markets, before the British government on every possible occasion, and I think also there is very little doubt that although the terms of the Act to which my hon. friend alluded are general, the measure was more designed for the purpose of protecting certain British agriculturists than it was for excluding diseased cattle. Everybody who has paid much attention to the debates in the British parliament, is aware that that was the underlying motive. Under those circumstances, this House and the other branch of the legislature would be well advised to bring the matter to the attention of the British parliament in the most forcible manner possible. At the same time, I am bound to say that I think our hands would be strengthened by motions of this kind being made unanimously, and I would suggest to my hon. friend the mover of the resolution that it might be expedient for him to permit this debate to be adjourned in order that some form of motion could be arrived at in which we could all concur. If, therefore, my hon. friend desires, I should be disposed to move that this debate be adjourned for a week, or whatever time might suit, at which time we could consider what form of resolution we could adopt in order to bring the matter to the attention of the British parliament. Nobody could underrate the vast importance to Canada of obtaining free admission for our cattle to other markets, and particularly to the English markets, and I believe that there are special reasons why it would be to our mutual advantage that we should obtain admission to the British markets. It is a tolerably well established fact that the breed, both in men and cattle, is often improved by transportation to this side of the Atlantic, and if my memory serves me, there are some very notable instances given in former years. A member of this body, the late Senator Cochrane, who is well known to have done a great deal in the way of improving the breed of cattle in Canada, established beyond question that he succeeded in producing a stock superior to the original British cattle which he imported into this country. The same thing I believe has been found to be the case in the herds of the United States. As for the human animal, it is not for me to say whether similar results have occurred. But I may say that there is very good ground for believing—and I think the record of North America shows—that both for men and animals the country in which we have the privilege of residing has shown itself capable of producing a very superior article indeed. I move, therefore, that this debate be adjourned until this day week, if it meets with my hon. friend's wishes.

The motion was agreed to.

CIRCULATION OF MUTILATED COINAGE.

INQUIRY.

Hon. Mr. TESSIER rose to

Call the attention of the government to the defaced and mutilated silver coin in circulation in Canada which is refused by the banks and others, and to ask if it is the intention of the government to call it in and have a new issue minted ?

He said: This motion speaks for itself and it is not necessary for me to add any words. I desire to call the attention of the government to the defaced and mutilated coin of which there is a large circulation in this country, and which has become a great nuisance to trade. I do not refer to silver coins that are used for ornaments, but I am speaking of 25 and 50-cents pieces which have been plugged. A great many coins are circulated sometimes by people who receive them in good faith, not noticing the defects in them, often by dishonest people who collect and make a business of circulating them. I desire to ask whether it would not be possible to recall those coins, allowing a certain value of them, or whether the government could not adopt some means to withdraw them from circulation.

Hon. Mr. DOMVILLE—I quite agree with my hon. friend. It is a great nuisance to have these coins circulated. There is no power that I know of, except the government, which can prevent people punching holes in silver coins and plugging them

with lead. These coins pass at night. They may be taken in grocery stores, and when people get them in change they cannot use them. In our part of the country it is found to be a very great nuisance. Of course, up to a certain time it was all right among a certain class of gentlemen who happen to frequent bar-rooms. They could always pass a defaced coin for a drink, but to-day the public has got so particular that these coins will not be accepted even in a bar-room. I really think that something might be done in this matter. It is a difficult matter to approach, because the government might put out silver and people would be defacing it all the time. In olden days when silver was worth a dollar or a dollar and ten cents to the ounce, there was something made by it, but to-day, when it is worth only 61 or 62 cents to the ounce, there is not so much in it except perhaps for people who do it out of villany or wickedness, or whatever you may choose to call it. My hon. friend the leader of the House, could probably tell whether anything can be done. There is a very handsome profit in the coinage of silver. We are going to have a mint, and where they mint silver costing sixty-one or sixty-two cents to the dollar, putting it out at one hundred cents to the dollar, it affords a big profit, and possibly the hon. Secretary of State might think, with my hon. friend who has moved the resolution and others, that it might be a very good thing when this new mint is established, to adopt some means which would be well thought out to relieve the community of all defaced silver, and substitute for it the King Edward shilling from our own mint. It is a growing evil, and I think the whole country will thank our hon. friend for having brought this matter in a kindly and friendly spirit to the notice of the government.

Hon. Mr. SCOTT—The attention of the government had not been drawn to the fact that mutilated and defaced silver was in circulation. I do not think it has existed in and around Ottawa. Of course, wherever it does prevail, the mutilated currency ought at once to be removed, and I shall be very glad to call the attention of the Finance Minister to the remarks made by the hon. gentleman who has spoken on the subject, and I am sure he will be quite prepared at an early day to take any action that might be necessary to remove the nuisance.

A QUESTION OF PRIVILEGE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I wish to draw the attention of this House to an article published in the 'Mail and Empire' of Toronto, which reads as follows :—

A Stain upon the Senate.

A special committee of the legislature of Quebec has found Premier Parent guiltless of the wrong-doing of which he was charged by Hon. J. H. Legris and Hon. P. A. Choquette. These two honourable gentlemen are members of the Senate of Canada. Their accusations were of a kind which no public man should lie under unless he cannot possibly clear himself of them. If he does establish his innocence, the charges recoil with double disgrace upon the men who made them. Consequently, if the finding of the committee of the Quebec House is a full vindication of Mr. Parent, it is no less a staining reflection upon the conduct of the two senators. In the good name of these two politicians the grave and venerable body to which is concerned its honour is affected by anything that should bring the blush to their cheeks. There is a popular notion that the Senate is somewhat particular about its dignity, and that it is trying hard to deserve the epithet 'august.' If that notion is not to vanish like a dissolving view the Senate must at once take cognizance of the Quebec committee's rejection of Messrs. Legris and Choquette's charges as false. If the charges had been proved true, they would have ruined Mr. Parent. Mr. Legris is reported to have said among other things :

I do not hesitate to say that brigandage is openly practised in the Crown Lands Department with Mr. Parent's sanction. Our system of forest sales is abominable. Every year hundreds of thousands of dollars which belong to the Crown fall into the pockets of Mr. Parent's favourites. Charity prevents me from going further. Our timber limits are sold in a way which forces me to believe that Mr. Parent desires to depreciate their price instead of enhancing it. Mr. Parent has bound himself by simple Order in Council without consulting the House to no increase of stumpage or the ground rents for ten years, although timber is daily increasing in value, as well as the facilities for working it. I do not hesitate to say that this engagement is the act of a fool—and Mr. Parent is not a fool—or of a criminal. I state that in the immediate surroundings of the Prime Minister there are people who profit by this criminal policy. I assert without fear of contradiction that we lose annually in the neighbourhood of $500,000 of stumpage ; that annually hundreds of thousand of dollars are diverted in a wrong direction, always to Mr. Parent's knowledge.

Senator Choquette is accused of repeating these charges. It is expected that the Quebec legislature will adopt the report of the committee exonerating Mr. Parent. What will the Senate do ? As for Mr. Parent, he is expected

to push with renewed vigour the actions he has initiated against the two senators in the courts.

Hon. Mr. CLORAN—I wish to ask the hon. gentleman who has just read the article from the 'Mail and Empire,' if he is aware that there is another notice of motion on the paper which has not been dealt with, and I would ask the honourable House if this question of privilege is to be taken into consideration before the notice of motion on the order paper.

The SPEAKER—I call the attention of the hon. gentleman to the fact that I had called the Orders of the Day.

Hon. Mr. CLORAN—In deference to the decision of the Speaker, I state to the honourable House that a gentleman who is very much interested in the notice of motion on page 264 of the minutes, is very anxious that it should be called.

Hon. Mr. FERGUSON—It could not be called until the third reading of the Bill.

Hon. Mr. CLORAN—It is a notice of motion. I do not wish to interfere with the hon. gentleman from Stadacona, but the gentleman is here and wishes to have this other matter settled.

The SPEAKER—The notice given by the Hon. Mr. Lougheed is that he will move an amendment when the third reading of the Bill to which it relates is called.

Hon. Mr. LOUGHEED—I hope the hon. gentleman has no anxiety with reference to my motion.

Hon. Mr. CLORAN—No, but another gentleman has.

Hon. Mr. FERGUSON—The hon. Speaker decides that the point of order is not well taken.

Hon. Mr. LANDRY—Since the article has been published, the Quebec legislature has come to a decision. A special committee has been named to investigate the charges made by two hon. senators, whose names have been mentioned in the article. The committee subpœnaed those two hon. gentlemen to come before them as witnesses, to give their evidence and to sustain their charges. The hon. gentlemen have refused on the ground that they had actions pending against them in court. Two actions brought against them by the Prime Minister of Quebec, were then pending in court, and they refused to attend. The Prime Minister offered to withdraw the actions if they would come before the committee and sustain the charges. They were called but they did not appear. I merely brought this to the notice of the House to afford these gentlemen an opportunity to make an explanation to the Senate, because the charges against them reflect on this honourable body as well as on themselves, and I hope the explanations will be such as will clear the sky altogether.

Hon. Mr. SCOTT—I do not consider that the gentlemen referred to are in duty bound to pay the slightest attention to the observations made by the hon. senator from Stadacona. It is a matter personal to themselves and to the ex-premier of the province of Quebec, and not a matter which this House has any jurisdiction over or which it has any duty to interfere in.

Hon. Mr. LANDRY—I did not say that they are in duty bound to make any explanation. I merely give them an opportunity.

Hon. Mr. LEGRIS—I am glad the hon. senator from Stadacona has brought up this question in the Senate. It affords me an opportunity to make an explanation and to state the facts. I may say, in the first place, that this publication in the 'Mail and Empire' is exceedingly regrettable. It is unjust, unfair and injurious not only to Senator Choquette and myself, but, according to the principle laid down in it, also to the Senate, in throwing mud in the faces of two of its members. What are the facts? The last general election for the local house of the province of Quebec occurred immediately after the general election for the Dominion. The house was dissolved on the 4th November last, the day immediately following the federal election, which resulted in the complete defeat of the Conservative party throughout the province of Quebec. The polling day was fixed on the 25th of the month—eighteen days elapsed between the dissolution of the house and the polling day for the general election in the province of Quebec. The position of the Conservative party was such that it withdrew from the contest, and the electors

of the province had no opportunity to pronounce upon the policy submitted to them by the then Prime Minister. I was of opinion at that time, as I am to-day, that Mr. Parent's course was exceedingly wrong. During the campaign I made strong accusations, I admit, against Mr. Parent and the administration of his Department of Crown Lands, Mines and Fisheries. Those accusations were repeated a few days after by my colleague, Senator Choquette, only he went further and made other charges on his own account in the same line. A few days after we were both sued by Premier Parent for the sum of $25,000 damages each. We met the action with pleadings which are now before the courts. On the second of March the local house was summoned to meet. Mr. LeBlanc, one of the members of the local house, moved for the appointment of a committee to investigate the charges formulated by myself, Senator Choquette and others, for we were not alone in accusing Mr. Parent. The motion of Mr. LeBlanc reads as follows:

Hon. Mr. LeBlanc moved that the declaration read by the member for Laval at the sitting of the 3rd March, instant, be referred to a select committee consisting of Messrs. Carter, Decaire, Delage, Girard, Kelly, Roy (St. John) and Tellier, with power to inquire into the facts therein mentioned, the said committee being vested with all the powers this House has the right to confer upon it, and that are possessed by standing committees of the legislative assembly, and with power to send for persons, papers and records.

This motion was struck out, no doubt at the suggestion of the Prime Minister, and replaced by another. The following day Mr. Girard made the following motion:

That all the words after 'Tellier' be struck out and replaced by the following: 'Girard, Dupuis, Lafontaine (Maskinonge), Mackenzie, Allard, Roy (Kamouraska), Tessier (Three Rivers) and Marchildon, with power to inquire only into the accusations which the said Messrs. Legris and Choquette may themselves bring before the said committee in an express and specific manner against the Prime Minister of this province, Honourable S. N. Parent, or against the administration of the Department of Lands, Mines and Fisheries, immediately after the said Messrs. Legris and Choquette shall have been summoned to appear before the said committee; the said committee to be vested with all the powers which this House has the right to confer upon it, to hear witnesses and to send for persons, papers and records, in order to inquire into the facts mentioned in the said accusations, which may be made by the said Messrs. Legris and Choquette before the said committee as aforesaid, the said committee to report to this House as soon as possible during the present session, after the inquiry shall be concluded into the facts mentioned in the express and specific accusations that the said Messrs. Legris and Choquette may make, or immediately, if no express and specific accusations be made before the said committee by the said Messrs. Legris and Choquette on the day fixed for their appearance before the said committee.

So you see we were not being summoned to appear before the committee, as stated by the hon. senator from Stadacona. We were invited to appear before that committee to make specific accusations against Mr. Parent.

Hon. Mr. BOLDUC—Why did you not do it?

Hon. Mr. LEGRIS—We declined to appear; we refused to appear before that committee to make accusations. As I said a moment ago, we were sued, and we prefer to appear before the courts rather than go before that committee formed by Mr. Parent himself or at his suggestion, and selected by him, when he was Prime Minister and the leader of the house. We were not summoned to appear before that committee; we were at liberty to appear or not, and we decided not to go. We were perfectly free to choose the position we preferred. Accordingly the committee had but one thing to do according to the instructions given it by the house, make a report according to the facts. Instead of doing so, the committee heard the Prime Minister himself, not under oath, and received a few declarations from members of his department, declarations taken ex-parte, and on that the committee made a report which reads as follows:

Your committee, after deliberating upon the declaration referred to it by the house, as well as upon those submitted to it during the course of its sittings, is of the opinion——

I must say right here that this declaration is absolutely untrue. No declaration was submitted to the committee by the House. The House empowered it to investigate the accusations which Mr. Choquette and myself might be pleased to bring before them, and I have already said we declined to bring any, so that the first allegation of the committee is absolutely untrue. Then the first paragraph is as follows:—

That the accusations of Senator Legris and Senator Choquette, as contained in the declaration of Mr. Pierre Evariste LeBlanc, as amended, dated 3rd March, 1905, are false.

Well, hon. gentlemen, the committee made no investigation at all; no one appeared before the committee to make accusations; no witness has been heard; yet under those circumstances they made a report to the House. What are we to think of that? It proves that we had good grounds for not appearing before the committee. For my part, I was sure that the committee had been formed at the suggestion of Premier Parent, and had but one purpose in view, to whitewash Mr. Parent. It is not possible to arrive at any other conclusion. The committee was appointed and acted with but one object in view, to whitewash Mr. Parent, probably in order to allow him to get out of the government and perhaps come to Ottwa, or elsewhere, to have another position for himself. I do not know about that; it is what we can suppose under such circumstances. The committee say furthermore:

That in the Department of Lands, Mines and Fisheries, the administration of affairs has been always carried on by Hon. S. N. Parent and by his officers with integrity and honesty, and that no act of favour or partiality, as alleged, has been committed.

What more is necessary to say? I repeat, the committee made no investigation; it went beyond its instructions. It was appointed for the purpose of investigating charges that Senator Legris and Senator Choquette might be pleased to bring before them. I do not see that it is necessary to say more. I regret exceedingly that such an incident has occurred in my own province, but the facts are there and I cannot permit suspicion to attach to myself or to the Senate without stating the facts as they are. I hope, hon. gentlemen, you will agree with me that this article is unfair, unjust and injurious, as I have already said, and I think it would be much better for the publishers of leading papers to be sure of what they say before printing such articles.

Hon. Mr. CHOQUETTE—I have just one word to say, and it is this: When invited by the Quebec committee to go before them, I respectfully declined to do so. I think I did right, and so do my friends. Now, with due respect to this House, and without blaming the Hon. Mr. Legris for putting his case before the House, I declined to bring my case there. I have been brought before the Quebec courts, I have pleaded to the action against me, and I am in a position to defend myself. I do not fear the result and I will go there to plead my case.

CALGARY, RED DEER AND BATTLEFORD RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. YOUNG moved the third reading of Bill (19) An Act to incorporate the Calgary, Red Deer and Battleford Railway Company.

Hon. Mr. LOUGHEED—When this Bill came up from the Railway Committee I gave notice of the following amendment:

That the said Bill be not now read a third time, but that it be amended to conform to the notices and petition in that behalf, by striking out all the words 'a point at or near the town of' in the third line of paragraph 7 thereof.

Now I desire to say that when this Bill was in committee, I made the same motion, but the committee did not consider it wise to adopt the amendment. I am therefore exercising my right to move the amendment in the House. Permit me to say in the first place that I have no desire to in any way defeat or interfere with the general terms of the Bill. I am desirous that it shall pass as it is with this exception: Attention has been directed to the fact that the notices and the petition called for this road to run from the town of Calgary to Battleford.

Hon. Mr. POWER—From Calgary to Battleford. Not from the town.

Hon. Mr. LOUGHEED—Hon. gentlemen who have not followed the Bill will observe that the language now employed will permit it to run 'from a point at or near.' Clause seven reads as follows:

7. The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the town of Calgary, in the district of Alberta, thence in a north-easterly direction to Battleford, in the district of Saskatchewan, in the Northwest Territories.

I have no desire to take advantage of any technicality which may have arisen that might be considered a discrepancy between the Bill as framed and the notices and the petition. While I might with some degree of force urge upon the House that the Bill

in no case should be a departure from the notice or the petition, yet I consider that the committee and this chamber should be at liberty from time to time to depart from the exact letter of the notice or the petition as the case may be, in the event of a case being made out, but in this particular instance I submit with deference to the House that, notwithstanding the action of the Railway Committee, everything is in favour of a close adherence to the notice and the petition. I need not point out to the House that the object of inserting notice not only in the 'Gazette' but in the public newspapers is for the purpose of apprising the public of the powers which are sought by the proposed company, so as to give the public an opportunity, if there is any objection to the Bill, of being heard before this chamber or before the committee, as the case may be. If this case had stood alone I doubt if I should have directed the attention of the House, to the fact, but I might say that this expression of running from a point 'at or near Calgary' to some other point has been long debated not only in this chamber, but before the Railway Committee. Three Bills have already been passed in which this expression appears. A Bill which was passed yesterday, (No. 76), known as the Red Deer Valley Railway Bill, when originally passed gave latitude to the company permitting it to run from a point 'at or near the town of Calgary' or in language equivalent to that. Upon an amendment having been sought by the company from this parliament, the council of the city of Calgary took the matter up and by memorial approached parliament and asked that it be amended so as to require the company to run the line from a point within the city of Calgary. The committee took the memorial into consideration and granted the prayer of the petition, compelling the company to adopt as its starting point a point within the city of Calgary. If hon. gentlemen will refer to chapter 181 of the statutes of 1903, they will find that an Act respecting the Red Deer Valley Railway and Coal Company was amended by this parliament to conform to the demand now made, namely, that the point of beginning should be in the city of Calgary; and with greater exactitude than I have now urged, parliament then insisted on this being done, namely, the adoption of a point of commencement within the city of Calgary south of the Bow and west of the Elbow river.

Hon. Mr. YOUNG—Is the expression in that Act 'at or near?'

Hon. Mr. LOUGHEED—No, south of the Bow and west of the Elbow river. The point at issue is its starting from Calgary. Now, in 1890, when the Calgary and Edmonton road was incorporated—which is a road running practically from Macleod to Edmonton—the question again came up as to its running within the city of Calgary and in that Bill parliament exacted from the company the requirement of running within the city. It was provided in that Bill, chapter 84 of 53 Victoria, that the company may lay out and construct and operate a railway from a point 'within the town of Calgary' to a point at or near Edmonton. When the Grand Trunk Pacific Bill was passed by this parliament in 1903, parliament exacted from that company an obligation that their branch should be built to Calgary, not 'at or near,' but 'to Calgary.' Hon. gentlemen will observe the difference; in obtaining their charter parliament did not exact that they should go to Edmonton, but near Edmonton, but when they got permission to build a branch it was provided that they should go to Calgary with the branch, not to a point 'at or near Calgary.'

Hon. Mr. YOUNG—Calgary has been singled out for a special favour.

Hon. Mr. LOUGHEED—It may possibly be owing to the eternal vigilance of the people of Calgary, that this has been exacted from time to time. We therefore have three railways in which parliament has required that those lines shall run into the city of Calgary. I will direct the attention of the House to another Bill which has passed the House of Commons, and I fancy will have been already sent to the Senate Railway Committee, namely, Bill No. 50, and which will be found on the files of hon. gentlemen, 'An Act to incorporate the Calgary and Battleford Railway Company,' which is almost precisely similar to the

Bill we are now considering, namely, Bill No. 19. And the same latitude is sought in this Bill as is sought in the Bill now under consideration. Therefore, the same action will naturally arise when Bill No. 50 comes before the Railway Committee. That Bill provides that the road shall commence from a point 'in or near Calgary.' It may be said that these companies not having received up to the present time any subsidy therefor should be permitted to build from any point they see fit. I may say that no railway has yet been built within the Northwest Territories without government aid, and the mischief which invariably flows from this latitude of expression is such as to permit companies to hold up municipalities and to exact from them large subsidies or bonuses in consideration of their going into such municipalities as they may negotiate with. I might instance the case of the Calgary and Edmonton road, when incorporated in 1890. Instead of going into the town of Macleod as it was anticipated they would, and also into the town of Edmonton, as it was anticipated they would, they stopped short of both towns, stopped on the other side of the river, thus demoralizing, I might say, the progress and the business interests of those different places. The city of Edmonton, for the purpose of obtaining railway communication from Strathcona, which is across the river, to a point within the town of Edmonton, had not only to contribute to the building of a very expensive bridge, but also had to secure the building of the branch road running from Strathcona to Edmonton. Owing to the latitude of expression in the Grand Trunk Pacific Act, I observed lately from the public press that the city of Edmonton have had to enter into negotiations with the Grand Trunk Pacific and have offered them no less than $100,000 to enter the city of Edmonton. This I submit to hon. gentlemen would not happen if the interests of the city had been safeguarded in the passage of that Bill, and the company had been compelled in the construction of the road to come within the boundaries of the city. These roads will undoubtedly approach the Dominion government immediately they become organized, for the purpose of securing subsidies, and it is therefore for that reason, in anticipation of these being exacted, not only from the Dominion government, but also from the local governments and municipalities, that I urge upon this House the necessity of safeguarding the interests of those municipalities by amending the Bill so as not to permit of the wideness of language which we find introduced into this Bill, but rather that the company should be compelled to start from a definite point, and that such point should be within the city of Calgary. Therefore, I move that the Bill be amended accordingly.

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

The motion was agreed to.

The Senate adjourned.

SENATE.

Ottawa, Thursday, March 30, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

ABSENCE OF SENATOR RUFUS CURRY.

REPORT OF COMMITTEE ADOPTED.

The SPEAKER presented the report of the Committee on Orders and Customs in the Senate and Privileges of Parliament, re the absence of Senator Rufus Curry.

Hon. Mr. SCOTT moved that the report be adopted.

Hon. Sir MACKENZIE BOWELL—I do not know that much more light can be thrown upon this subject than that which has already been given in a former debate, but as the reasons that were given were stated in committee, and are not upon record, I intimated yesterday that before the report should be adopted I desired to put myself upon record in this matter. The report declares that Mr. Curry not having complied with the conditions of the Act under which he was appointed, the seat has become vacant. It is somewhat difficult to understand how a seat can become vacant which was never filled, the party who had been summoned never having complied with the law. That is the point I desire to bring under the notice of the

Senate. In looking at the law we find that the Governor in Council has, under the 24th section of the Confederation Act, the power and authority to summon any gentleman to the Senate. Mark the wording. If you look at the clauses referring to the appointment of judges, and of the Speaker of this House, you will find that the language is 'appoint,' not 'summon.' And when an Order in Council is passed appointing such an officer, I take it for granted he would become a judge or become a speaker, as the case might be, unless he were to resign. In the other case the language is different. The 24th clause says that the Governor General may summon a man. Now draw the distinction between the meaning of the word 'summon' and the word 'appoint,' and you will find there is a marked and great difference.

Turning as I did a moment ago to the National Dictionary of English Literature, I find that the word 'summon' means 'order or authoritative invitation.' Now, the law under which the gentleman was summoned gives authority to the Governor General to summon him. Turn to the word 'appoint' and you will observe that it has a vastly different meaning—to designate or appoint a person to some position, as in the case of a judge, or to nominate or constitute an executor or guardian. It does not follow because a man is appointed to a position, he is obliged to accept it. But I want to draw the attention of the Senate to the wording of the different clauses which apply to the summoning or the appointing, if you like, which subsequently takes place, of a senator, and the appointment of a judge or any one else to an office under an Order in Council. If a man be summoned and he declines, as in the case of Mr. Curry, to accept the invitation to become a senator—for such is the interpretation given to the word 'summoned'—is he a senator until he has taken the oath? That is the point I wish to put to my hon. friend. If we refer to the appointment of senators who had been legislative councillors at the time of the union, we find that the law provides that these legislative councillors may be appointed or summoned to the Senate, but there is a further provision in the law that if a legislative councillor so appointed declines or does not pay any attention to the summons within thirty days it is to be accepted as a resignation, and the summons or appointment, or whatever you may term it, ceases to have any force or effect. Arguing from that standpoint, it seems to me that this gentleman having failed to fulfil a single condition of the Confederation Act in order to make him a senator, the Governor in Council would have the right to rescind the Order in Council summoning him to the Senate.

Hon. Mr. SCOTT—When could they have rescinded it?

Hon. Sir MACKENZIE BOWELL—Now if you like. There is no limit to time.

Hon. Mr. SCOTT—They could not within the two years, I maintain. That is the point.

Hon. Sir MACKENZIE BOWELL—If you could not do it within the two years, you could not even at the expiration of the two years, because you are undertaking to set aside what never took place, according to the report that is now before us. A case analogous to this occurred in Nova Scotia. The late Mr. Campbell was summoned to the legislative council of that province. He never accepted the summons, as he desired to run for one of the counties in Cape Breton,—Victoria I think,—against Mr. Ross. Having been notified of his summons to the legislative council, the question suggested itself to him, 'Am I qualified, or will it be legal for me to contest that constituency. If elected could I hold my seat, having been summoned or appointed to the legislative council, though never having accepted the seat?' He consulted the Minister of Justice of Nova Scotia at that time, who gave it as his opinion that he was not a legislative councillor, and that he had all the rights and privileges of an ordinary subject. He entered the contest, was elected and sat in parliament the whole of that term. That is a somewhat analogous case to the one I am now discussing. If you turn to another clause of the Confederation Act you will find that it declares that a senator shall not be capable of being elected to or of sitting or voting as a member of the House of Commons. Now, if the mere summoning of a gentleman to the Senate makes him a senator, it might at a very

critical moment deprive him of the right of running for any constituency. A government 'in extremis' to whose existence one or two members were necessary, might, knowing that a candidate opposed to them was likely to be elected, pass an Order in Council summoning him to the Senate. By that means he would at once be disqualified from running for any constituency thereby securing the return of one of the government's supporters and thus retaining them in power. I know it might be said that no government would do that, but should the law be so interpreted as to permit a government to do a thing of that kind ? I think I could illustrate my meaning by citing a case where it might be possible. We know that a very short time ago, one of the local governments called parliament together in order to prevent—at least they were accused of it, and it did prevent, whether they acted intentionally or not—the investigation of certain contested elections which were subsequently set aside. Had the members been unseated before the House assembled, they could not have been re-elected until after the time had expired for the calling of parliament together, and if this had occurred the government would have been defeated. Then we know another case in which a certain government, when one of its own ministers was being tried before the court, and the probabilities were that he might be disqualified (certainly the election would have been annulled), parliament was dissolved and the investigation was thereby prevented. So that under this clause one can easily see what bad results might follow, if the interpretation which has been given to this Act be correct.

Hon. Mr. BEIQUE—That same government might appoint him a judge, but in one case as in the other he could resign.

Hon. Sir MACKENZIE BOWELL—They might appoint him a judge, provided he happened, like my hon. friend, to be a lawyer, but supposing they wanted to get rid of a layman who, like myself, never studied law.

Hon. Mr. KERR (Toronto)—The layman could resign.

Hon. Mr. SCOTT—So could a nominated senator.

Hon. Sir MACKENZIE BOWELL—He might die. You can suppose a number of things. I am treating of a reality and not a theoretical case.

Hon. Mr. ELLIS—The hon. member probably remembers the case of Sir Stafford Northcote, who was a member of the British House of Commons and who, unknown to himself, was appointed a peer, which had the effect of vacating the seat. The hon. gentleman will remember the consternation that existed.

Hon. Sir MACKENZIE BOWELL—I fully recognize that, but I do not see that it is at all analogous, or meets the point I have taken. If Mr. Curry had been a member of the legislature, and had been notified of his being summoned—because I want you to draw the distinction between being summoned and being appointed to any office—and had risen in the legislature of Nova Scotia and said: 'I have been summoned to the Senate and have sent in my resignation,' that would have been quite proper. But I am assuming a case in which a man who is not a member of the House would be disqualified from running under the process which I have pointed out.

Hon. Mr. SCOTT—He can resign at any moment.

Hon. Sir MACKENZIE BOWELL—I know that. We are not discussing that point. We are not dealing with a man who has resigned. We are dealing with a man who has neither accepted nor resigned. There is a gentleman now sitting in this House who was asked to come to Ottawa. He did not know what he was coming for; he was asked as a friend to come, and when he came he was notified that he had been summoned to the Senate. In this case he very sensibly accepted it; but supposing he had taken the other ground, does any one mean to tell me that that action on the part of the government would have constituted him a senator and deprived him of the right which he possessed to sit in the legislature of Nova Scotia, of which he was a member.

Hon. Mr. SCOTT—No, because he could resign instantly.

Hon. Sir MACKENZIE BOWELL—I am not talking about resigning. The hon. gentleman seems to misunderstand, or I am unable to make the point sufficiently clear.

Hon. Mr. SCOTT—I cannot see the point.

Hon. Sir MACKENZIE BOWELL—I admit he could have resigned. But he came here without knowing the object of his being summoned. If he were a member of the legislature and a member of the Nova Scotia government, would his action in coming to Ottawa have jeopardized his position in any way? He could not well resign his appointment as a senator, for he did not know the government's intention in summoning him to Ottawa. Supposing he had not resigned, does the hon. Secretary of State pretend to say that that would have disqualified him from sitting in his seat in the legislature of the province of Nova Scotia, and have deprived him of the office which he held as a minister of the Crown? I think the thing is too ridiculously absurd to discuss for a moment. That is the position in which we find ourselves at the present moment. Now the case as we have it before us, is simply this: the Governor in Council summoned Mr. Curry to the Senate. The government did not appoint him. Mr. Curry, if he desired to be a senator, should have complied with the provisions of the 23rd section of the Confederation Act, and taken the oath of qualification, and then he should have complied with clause 128. The 128th clause provides that he shall do certain things, among others that he shall take the oath of qualification and the oath of allegiance, and perform certain other acts before he becomes a senator and can take his seat. Now, having declined to obey the summons, what I contend is that he is not a senator, and never was a senator, and that in taking the action which we are contemplating, we are declaring a seat vacant which the man never held, and never was entitled to hold, from the fact that he never fulfilled any of the conditions of the Confederation Act.

Hon. Mr. SCOTT—Could the government have appointed anybody else in the interval? For a period of two years after, could they have appointed any one else? It was open to Mr. Curry to come forward at any time within two years and take his seat.

Hon. Mr. SCOTT.

Hon. Sir MACKENZIE BOWELL—I am not prepared to answer that question. Perhaps some of the lawyers can do it.

Hon. Mr. SCOTT—He could have come at any time.

Hon. Sir MACKENZIE BOWELL—But can you take the action now and declare his seat vacant?

Hon. Mr. BLACK—For two years this subject has interested me more or less, because it was supposed to be an appointment made in Nova Scotia, and some Nova Scotians have held the opinion that on account of this notice having been sent to Mr. Curry, the province of Nova Scotia has been deprived of its legitimate representation in the Senate for two years. I have somewhere noticed a quotation to the following effect, 'Speak for yourself John; why don't you speak for yourself.' The hon. gentleman who has just resumed his seat referred to me when he said a gentleman had received notice to come to Ottawa but did not know for what purpose. I have listened with great care and attention to this discussion, and it seems to me that if the proper course had been pursued two years ago there would have been no necessity whatever for this discussion, and furthermore that the province of Nova Scotia for the past two years could have had the representation in the Senate to which they were legally entitled. I should like to know, in the first place, before making up my mind in regard to this question, what does a summons mean. If a summons to the Senate involves no more than what I received, I would say that until I stood at the table and subscribed to that commission and took the oath, I had no more right to be called a senator than a man in the street. That is the position I would take on that point, because I was simply telegraphed to come to Ottawa. That was the extent of the notice or summons I received. When I came to Ottawa I was told that I was offered a seat in the Senate, and if I had then done just what I understood that Mr. Curry did, and had said, 'I will not accept a seat in the Senate,' it seems to me that nothing further would have been necessary but for the Governor in Council to rescind the summons which had the effect of bringing me to Ottawa. I have not yet

heard any person say what legal difficulty there was in the way, when Mr. Curry wrote immediately that he would not accept the appointment, of rescinding the action taken and giving Nova Scotia her due representation in this chamber. Now, I think that if there had been some very important question before this House and it was found necessary to have Mr. Curry here or a man that would act as Mr. Curry might be supposed to act here, there would have been some means adopted to get Mr. Curry here, or to get somebody from Nova Scotia in his place. I have listened to much technical legal argument on this case, and it seems to me, as far as I can grasp the question involved, that it is a very simple matter to deal with ; and if it had been dealt with in the first place there would have been no difficulty whatever when Mr. Curry refused to take his seat. I cannot see, notwithstanding all that I have heard, any difficulty in the way. I am not speaking for the purpose of retarding the passage of this resolution, for I should like to have seen this resolution passed two years ago. I shall vote for it of course, but I must say that I cannot see why the case should have been dealt with in this way, and now technically objected to, because I think we have a great deal more difficulty in passing it consistently at the present time than we would have had two years ago.

Hon. Mr. SCOTT—As far as my recollection goes, Mr. Curry was appointed without any previous consultation. I understand he wrote to say he would not accept the position. He declined to be recognized as a senator. Now that could not vacate his commission. He had a warrant under the great seal of Canada from His Excellency the Governor General, which practically appointed him a senator. It was quite within his power at any time within two years to come here and take his seat; or he could have addressed a letter to His Excellency the Governor General,—not to Mr. Fielding, or Sir Wilfrid Laurier, or the clerk of the House or anybody else, but to His Excellency the Governor General, stating that he declined to accept the position of senator. That would have vacated his seat. Mr. Curry maintained : 'I am not a senator. I did not accept the position, and I am not in the position of a man who could send in a resignation to the Governor General.' That is the difficulty that arose in the first place.

Hon. Mr. POIRIER—But was he advised by the government to take that course ? Being a layman perhaps he did not know.

Hon. Mr. SCOTT—I am not going to make any comments on it, because I do not think it is a proper thing to discuss, as he is not here to-day ; but I understand Mr. Curry rather resented his appointment and said he had never accepted the position, and therefore there was nothing to rescind.

Hon. Mr. POIRIER—There was an easy way of getting out of it, and he probably would have followed that course if he had been advised to do it. But being a layman and not knowing the legal procedure to be followed, he did not know how to act. The reason I make those remarks is that I understand it suited the government pretty well to leave the situation in abeyance, on account of the difficulties concerning the party to be appointed. As far as I am concerned, I have no fault to find with the manner in which the question is brought up. I will of course vote in favour of the motion, but like my hon. friend from Amherst (Hon. Mr. Black) I am perfectly convinced that had there been any wish or any desire to have the situation cleared up, it could have been done immediately without waiting two years.

Hon. Mr. FERGUSON—Like my hon. friend from Amherst, I will vote for the report, because it seems to me that that is the best way out of it at this stage of the proceedings, but I think it is nevertheless very desirable and important that the question should be ventilated here to prevent a similar course being pursued in the future by the government of the day to bring about a vacancy, or to cause a vacancy to exist in the Senate for a period of two years. There was no necessity for it existing even for two months. To prevent a repetition of these things it is well that senators should put their views on record fully and clearly. I agree entirely with the hon. gentleman from Amherst, and after hearing my hon. friend the Secretary of State in rejoinder admit that Mr. Curry immediately forwarded to the Governor in Council, a letter to say that he would not accept the position, that letter was to all

intents and purposes a resignation of whatever right he had to a senatorship, and should have been immediately regarded as such and a new summons issued.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. FERGUSON—My hon. friend does not agree with me, nevertheless I intend to use the privilege and right which I have of giving my opinion on the subject, and must say I do not agree with the hon. gentleman. I turn to the British North America Act and I find that several sections of it deal with the Senate. The sections leading up to 23 provide for the number of senators and all such matters. We come to section 23, which describes what shall be the qualification of a senator. There are six clauses giving the qualifications in detail. They are for the guidance of the Governor General in summoning members to the Senate; it is plain that they are put there for that purpose. Then we come to section 24, which says:

> The Governor General shall from time to time in the Queen's name, by instrument under the great seal of Canada, summon qualified persons to the Senate.

Qualified as under the preceding subsections. The section proceeds:

> And subject to the provisions of this Act every person so summoned shall become and be a member of the Senate and a senator.

'Subject to the provisions of this Act.' Will any hon. gentleman say that does not include section 128 of this Act, saying that a man summoned shall come and take the oath? That is one of the provisions of this Act, as it is very plain that whether or not the qualifications enumerated in the preceding section are included in that phrase, 'the provisions of this Act,' the 128th section is certainly so included. That being so, it is only when he has done what section 128 prescribes that he becomes a senator. He is not a senator under the words of the British North America Act until he has complied with the provisions of the Act, That being so, I have no difficulty in my own mind, in coming to the conclusion arrived at by my hon. friend the leader of the opposition, and my hon. friend from Amherst, that this was a very simple matter to deal with at the time the summons was issued. There is a distinction, as my hon. friend has pointed out, between a summons and an appointment. You summon a juryman. He does not become a juryman untill he is empanelled and has taken the oath. A judge becomes a judge from the time he receives the appointment. But the term 'summon' certainly implies something different. Having been summoned, but not having become a senator, in the words of section 24 by complying with the other provisions, and having written a letter to the Governor in Council intimating that he would not accept the seat, he by that letter resigned anything which had been conferred upon him. It was a resignation in every sense of the word.

Hon. Mr. SCOTT—He did not write such a letter that I am aware of. I never heard of such a letter.

Hon. Mr. FERGUSON—My hon. friend informed the House that he had.

Hon. Mr. SCOTT—No, I said all he had to do was to write a letter to the Governor General resigning his seat, which I believe he has not done.

Hon. Mr. FERGUSON—I understood my hon. friend to state that Mr. Curry had written a letter saying he would not accept the position.

Hon. Mr. SCOTT—I understood he had written to individual ministers that he would not accept the position.

Hon. Mr. FERGUSON—I contend that was ample.

Hon. Mr. SCOTT—I have never seen such a letter. I understood from what I heard in the House here, that he had written such a letter. I understood he was rather annoyed at having been appointed without first being consulted, and he wrote to some individual minister to say that he was not a senator and that he could not resign.

Hon. Mr. FERGUSON—On receiving this summons Mr. Curry wrote a letter. I understood my hon. friend to say it was addressed to the Governor General in Council; he now says it was to individual ministers, but whether to individual ministers or to the Governor in Council, the admission my hon. friend makes is that he wrote such a letter, and it was equivalent to the

resignation of any right he had to be regarded as a senator. The Governor General in Council, in my opinion, should have acted immediately on that letter. I agree fully with the hon. senator from Amherst that the government should have acted on that letter and summoned another gentleman to the Senate to fill the vacancy. No harm could have arisen out of doing so.

Hon. Mr. SCOTT—The hon. gentleman has no right to twist my words. I merely said it runs in my mind that I heard Mr. Curry had written to individuals.

Hon. Mr. FERGUSON—The hon. gentleman said the letter was written to members of the government. He has no right to accuse me of misrepresenting him in the matter; I am not misrepresenting him. He has admitted in this House that Mr. Curry wrote a letter to individual members of the government and that was to all intents and purposes a resignation of any rights he had acquired under that summons. Any other view would lead to a perfect absurdity, in my opinion. Supposing a man is called to the Senate and does not comply with the provisions of the Act, and does not take the oath, according to the doctrine laid down here, he is still a member of the House, though he has not complied with the provisions of the British North America Act. If one man can do that, another can do it. A large number of persons might be put in that position and two years might intervene before they could be got rid of. We know how members drop off in this House. The Governor in Council might call men to the Senate and they might not accept, and it might go on until the Senate became decimated and we would have no power to deal with it. Suppose it were carried to an extreme length—I admit an unreasonable length—and so many were appointed in that way that there would not be enough left to form a quorum, if no step could be taken to declare the seats vacant, where would we be? The absurdity of the position is shown when we push it to an extreme. A man is called to the Senate by summons; he writes a letter to a member of the cabinet—that is the way we have it now from the Secretary of State—stating that he would not accept the position. I say it was the duty of any member of the government who received that letter to lay it before his colleagues so that action might be taken, and not allow a seat in the Senate to remain vacant for two years—it may be for other than public objects. There may have been political exigencies.

Hon. Mr. POIRIER—I understood there were in this case.

Hon. Mr. FERGUSON—It is clear that prompt action should have been taken by the government, instead of allowing it to drag over two years and then forcing the House to declare vacant a seat which was never filled.

Hon. Mr. POWER—I do not share the fears of the hon. senator from Marshfield that the Senate is likely to be depleted because of a number of gentlemen following the example of Mr. Curry. We are all agreed—the hon. gentleman himself agrees—that the course now taken by the government is the proper course at the present time—that they might have taken a different course at an earlier date, but that this is, on the whole, the proper course to take.

Hon. Sir MACKENZIE BOWELL—That view is not held by every one.

Hon. Mr. POWER—A number of gentlemen here think that Mr. Curry was a senator for two years. Other gentlemen think that he was never a senator. But we all agree that it is desirable that the doubt should be removed, and that the Senate should declare that the seat is vacant. I do not propose to deal with this question at any length, but I desire to call the attention of hon. gentleman to the provisions of the British North America Act and to the position in which this question stands now. Section 32 provides:

> When a vacancy happens in the Senate by resignation, death or otherwise, the Governor General shall, by summons to a fit and qualified person, fill the vacancy.

The summons fills the vacancy. It does not say that when the senator comes and takes the cath, the vacancy is filled. It is when the Governor General by summons calls him to the Senate that the vacancy is filled.

Hon. Mr. BEIQUE—What is the summons?

Hon. Mr. POWER—It is admitted he has been summoned, so the vacancy is filled. When Mr. Curry was summoned, the vacancy which had occurred in the representation of Nova Scotia in the Senate was filled under section 32 of the British North America Act. Then what took place? Mr. Curry did not accept. Mr. Curry might have got out of the Senate by acting under section 30 of the British North America Act which provides that :

> A senator may, by writing under his hand, addressed to the Governor General, resign his place in the Senate and thereupon the same shall be vacant.

There is no other way by which a senator who has been appointed under section 32 can resign. Mr. Curry did not resign in that way. Consequently, Mr. Curry's seat was not vacant until the expiration of two sessions after his appointment. Section 33 says :

> If any question arises respecting the qualification of a senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate.

We are now doing that. I think we have acted properly from start to finish. The hon. member from Marshfield and the hon. senator from Belleville directed the attention of this House to section 128, and intimated that that section conflicted with the view taken by this side of the House. How does section 128 begin ? It begins in this way :

> Every member of the Senate or House of Commons shall, before taking his seat therein, take and subscribe, &c.

It recognizes the fact that a gentleman is a senator or member of the House of Commons before he does what is prescribed. I think it is perfectly clear, and even if it were not clear, I do not see that there is any particular object in discussing it at length, because every one recognizes the fact that we are getting out of the difficulty in a way which is, on the whole, correct. I may say in conclusion that the hon. senator from Belleville referred to section 127 of the British North America Act, which provides that any one who was a member of the legislative council at the time of the union and was appointed to the Senate was to accept by writing within thirty days. That rather confirms the view taken on this side of the House, because it was specially provided that a gentleman who was a member of the legislative council if he did not wish to accept, should resign in writing. There was nothing said about the others, and the implication is that they could not resign in that way.

Hon. Mr. KERR (Toronto)—I do not wish to prolong the discussion, but the point which has been suggested for the first time by the hon. senator from Belleville under section 127, instead of being an argument in favour of the position he has taken, is a very strong confirmatory argument for the position taken on this side. I will try to make that point plain. The statute provides for a senator resigning, but section 127 contains a special provision applying to members of the legislative council of Canada, Nova Scotia or New Brunswick. It provides :

> If any person, being at the passing of this Act a member of the legislative council of Canada, Nova Scotia or New Brunswick, to whom a place is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor General of the province of Canada, or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the case may be) accept the same, he shall be deemed to have declined the same.

There was a necessity for that. The very organization of this Senate depended upon a limited time being fixed within which something definite under the hand of members of the old legislative council, should definitely determine what they were going to do, and therefore there was a special requirement put in that case, giving them a limited time within which they should say whether they did or did not accept ; but there is no such limitation when other members of the Senate are appointed, and therefore any other member of the Senate appointed in the way the statute prescribes has two years to consider and determine whether he will accept and qualify by taking the oath before taking his seat. Thus the argument, instead of being one telling against the present action, is one which makes strongly in its favour. In the case of the first appointments to the legislative council a definite act was to be done within a definite time, but in the others the appointee is left to take the course during a period of two years. He must either attend in his place within that time or forfeit his seat.

Hon. Sir MACKENZIE BOWELL—Then during the two years he is not a senator.

Hon. Mr. KERR (Toronto)—Yes, he is a senator. If a member of the old legislative council were offered a place, he was not appointed; it was necessary to determine a time within which he should say whether he accepted or not.

Hon. Mr. FORGET—That was the thirty days.

Hon. Mr. KERR (Toronto)—Yes, for that particular person.

Hon. Mr. FORGET—The hon. gentleman said in the present case he had two years to accept.

Hon. Mr. KERR (Toronto)—In the case covered by section 127, it was not a case of providing for members being summoned to the Senate. It was providing for the case of a legislative councillor being offered a seat in the Senate. That is a different thing from being appointed or summoned. It is a different thing from being created a senator as the summons would create a senator; but the offer being made for a limited time, he had to declare within that time whether he would accept or not, and therefore the period of thirty days was fixed, because the very organization of the Senate depended upon action being taken at once. There was a case of a limited time being fixed. The fact that no time limit was prescribed in the other case is an argument in favour of the position that there is no time limit, beyond that which is given for a member of the Senate to come here and take his place; so that the argument, so far as it goes, tells against the hon. senator from Belleville who brought it forward, instead of being in his favour. While I quite agree with the hon. senator from Halifax that in the present condition there is no substantial advantage to be gained by a prolonged discussion of the matter, yet inasmuch as the one side of the case has been presented here, I shall trouble the Senate for a few minutes while I put forward the position I take in reference to the matter. In the first place, we have been asked what is a summons. We need not have any doubt in determining what the summons is which is prescribed here, because that is determined by the British North America Act. Section 24 provides that:

> The Governor General shall from time to time, in the Queen's name, by instrument under the great seal of Canada, summon, &c.

That is what a summons is. That summons has been put in form and the form that is used declares the position and status of the person named therein. It is in the name of the King.

> Know ye, that as well for the especial trust and confidence we have manifested in you, as for the purpose of obtaining your advice and assistance in all weighty and arduous affairs which may the state and defence of our Dominion of Canada concern, we have thought fit to summon you to the Senate of our said Dominion; and we do appoint you for the , and we do command you, that all difficulties and excuses whatsoever laying aside, you be and appear for the purpose aforesaid, in the Senate of our said Dominion, at all times whensoever and wheresoever our parliament may be in our said Dominion convoked and holden; and this you are in no wise to omit.

So the House will see, as the hon, senator from de Salabery suggests, it does not call for acceptance. The Act of the Governor General in the name of the King, under the Great Seal of Canada, declares the appointment to be complete when the summons is issued. The statute to make that clear, goes on to say 'every person so summoned,' having the King's warrant under the Great Seal of Canada, shall become not only a member of the Senate, but a senator.

Hon. Sir MACKENZIE BOWELL—Why does the hon. gentleman leave out the words 'comply with the provisions of this Act?'

Hon. Mr. KERR (Toronto)—I did not omit them at all.

Hon. Mr. FERGUSON—It is after complying with the provisions of the Act.

Hon. Mr. KERR (Toronto)—I said 'subject to the provisions of the Act,' he shall become and be a senator. That is to say he is declared to be, and the statute says he shall be a senator.

Hon. Mr. FERGUSON—'Subject to the provisions of the Act.'

Hon. Mr. KERR (Toronto)—He is declared to be a senator, not merely a member of the Senate, but a senator, so that there is a complete process for creating a senator. The person so summoned shall become not mere-

ly a member of the Senate, but a senator, and as such shall be entitled under the other section to hold a place in the Senate for life, subject to the provisions of the Act, of course. Then it provides one way in which he may cease to be a senator, and that is by writing, not to a member of the government nor to the clerk of this House, but to the Governor General, the high authority who has authorized the issue of the summons in the King's name. That is the definite way and the only way. It cannot be accomplished by any other means or by addressing his communication to any other person. It is not to be an informal document, but a document addressed to the King's representative and to his only. Further,

> When a vacancy happens in the Senate by resignation, death or otherwise, the Governor General shall by summons to a fit and qualified person, fill the vacancy.

The Act thus prescribes how the vacancy is to be filled. It is to be filled by a summons to another person, and when that summons issues the vacancy is filled. What more is necessary to make it a complete appointment? Then the provision is made in section 39 to which the hon. member from Belleville referred :

> A senator shall not be capable of being elected or of sitting or voting as a member of the House of Commons.

Surely a strong argument can be built on that. It simply means this, that having been summoned by the King's warrant under the great seal in the terms of the summons which we have heard quoted, appointing him to fill a vacancy in the Senate, his position as a senator would be complete, and he would have no right to vote or sit elsewhere. Why not ? Why would he not have a right to vote if he had been a member of the House of Commons before ? It is because he has ceased to belong to the one House and has become a member of the other, and although it is quite true an improper use might be made of that by such governments as we have had before, there would be no evil effect from it, because the moment he got the summons he could resign the senatorship and that would entitle him to continue as he was before. Now, with reference to section 128, the oath of allegiance which is prescribed here can only be taken by a member of the Senate, so unless the person summoned is a member of the Senate he is not entitled to subscribe to the oath which is provided in section 128. If, then, he is entitled to take that oath, it is by virtue of being a member of the Senate, and only by virtue of being a member of the Senate. That is not a necessity to his becoming a senator ; it is only an essential qualification to his having a right to come here and vote.

Hon. Sir MACKENZIE BOWELL—Supposing the Governor in Council should tomorrow pass an Order in Council summoning the Hon. J. P. Whitney to the Senate, and issue the warrant which has been issued in the case of Mr. Curry. If Mr. Whitney should treat it as Mr. Curry has done, would he be a senator ?

Hon. Mr. FERGUSON—If he did he would not be premier of Ontario.

Hon. Mr. SCOTT—He could resign.

Hon. Sir MACKENZIE BOWELL. We all know that, but Mr. Curry did not resign.

Hon. Mr. KERR (Toronto)—I do not see that that places any difficulty in the way. Either one of two things is the case ; either Mr. Whitney is disqualified from becoming a senator and therefore it would not apply, because it only applies to qualified persons——

Hon. Sir MACKENZIE BOWELL—The qualification only applies to citizenship, to his being a British subject, which is a proper qualification.

Hon. Mr. KERR (Toronto)—He is a disqualified person under the statute, or else if he is qualified he would become a member of the Senate.

Hon. Mr. FERGUSON—I understand from the answer that Mr. Whitney would be a member of the Senate unless he resigned ?

Hon. Mr. KERR (Toronto)—No, the reverse of that.

Hon. Mr. FERGUSON—Then where are all the arguments we have heard ? The argument has been that when a man is called to the Senate he is a senator until he resigns. Then, if you call Mr. Whitney to the Senate you make him a senator, and disqualify him to be premier of Ontario, and

subject to a penalty if he continues to hold that position.

Hon. Mr. LANDRY—The more we discuss that matter——

Hon. Mr. CLORAN—The more we want to discuss it.

Hon. Mr. LANDRY—The less light we have. The hon. gentleman from Toronto (Hon. Mr. Kerr) says that the words 'subject to the provisions of this Act,' must apply to the qualifications of a senator. We cannot give that interpretation to the Act, because the Act says that the Governor General shall from time to time in the Queen's name, by instrument under the Great Seal of Canada, summon fit and qualified persons to the Senate. The Governor makes his choice among the persons who have the qualifications called for by the British North America Act, which qualifications are set forth in section 23. Only such persons as are qualified are to be summoned, so when a summons is issued the questions of qualification have been dealt with. The law goes on to say 'subject to the provisions of the Act.' It does not say 'qualified persons subject to the provisions of the Act,' but it says 'qualified persons,' and then goes on to say, 'subject to the provisions of this Act every person so summoned' or so qualified 'shall become and be a member;' so that the words 'subject to the provisions of this Act' cannot apply to the qualifications, because only persons who are qualified are to be summoned, and those persons, 'subject to the provisions of this Act, shall become and be senators. The hon. member says they are. If they are, when do they become senators? 'Shall become and be'—they must become senators, and after becoming they will be senators. If they are at the time senators, they do not want to become senators; so I do not think the interpretation put upon the words by the hon. senator from Toronto is correct. The hon. senator from Halifax refers to section 32, which reads as follows:

> When a vacancy happens in the Senate, by resignation, death or otherwise, the Governor General shall, by summons to a fit and qualified person, fill the vacancy.

That is the question—is it filling the vacancy if a person refuses to accept? Suppose to-day the seat rendered vacant by the absence of Mr. Curry were filled by a person who should act as Mr. Curry has acted, will the government be filling the vacancy by issuing the summons? Not at all.

Hon. Mr. BEIQUE—That is begging the question.

Hon. Mr. LANDRY—I do not know what that means—I am not a lawyer. But nobody has answered the objection raised by the hon. senator from Belleville,—if the Governor in Council should summon Mr. Whitney, would he be a senator? That has not been answered. It is not the summons that makes the senator. If it is the summons, then if Mr. Whitney is summoned to-day he becomes a senator. No one has answered that objection, and I should like to have it answered.

Hon. Mr. LOUGHEED—I should be very much disappointed, and certainly would lose all confidence in the British North America Act, if its language were not sufficiently wide to permit every member of this House to express a different opinion as to its meaning. I have never seen a question of law raised under the British North America Act which did not permit practically every member of parliament to express himself freely and diversely from his neighbour. Such seems to be the case in this particular instance, and it has been well demonstrated in the other branch of parliament. I regret to have to differ from my hon. friends on this side of the House, but I certainly cannot subscribe for a moment to the opinions which they have expressed with reference to this subject. It seems to me there should be no difficulty in determining from the case as presented to the House, that there is a distinction between membership and vacating a seat, as the distinction is drawn in the Act. We are not asked to declare that Mr. Curry was or was not a member of the Senate.

We are simply asked to make a declaration, or place a declaration on the records of this House, that the seat is declared vacant. Now, in the first place, we have not only the section of the Act which provides as to the qualifications of appointment, but under sections 24 and 25, I think we must come to

the conclusion that immediately a person is summoned to the Senate by warrant under His Majesty's royal sign manual, as it is expressed here, he becomes a member of the Senate. That is certainly quite clear from the wording of section 128 of the Act, because it speaks of the person as being a member of the Senate when he approaches this table and before taking the oath. Now it is sufficient for me to know that Mr. Curry's appointment was gazetted. We have before us the 'Canada Gazette' gazetting the appointment of this gentleman as a member of this House. We have before us under the Great Seal his appointment as a member for the Senate. My hon. friend from Belleville seems to draw a distinction between this gentleman being summoned and being appointed. I may point out that this summons not only summons him, but appoints him. Now it seems to me that the only question we have to determine is the vacating of the seat. Section 31 provides that the place of a senator shall become vacant in certain cases, and again section 128 says:

And every member of the Senate of Canada shall also before taking his seat therein, take and subscribe before the Governor General or some person authorized by him, the declaration of qualification contained in the same schedule.

Does not the hon. gentleman overlook the fact that this gentleman has been appointed to a particular place in this Senate, and that all the records of the government show that he has been so appointed, namely, as the member for Amherst. So that we are simply called upon under the Act to declare, not that he is or is not a member of the Senate, but simply that the seat is vacant after what has happened. Under those circumstances it seems to me the academic question is not before us as to whether he was a member or not. It is enough to know that the highest authority in the realm in that behalf has appointed him to occupy the seat. True he has not filled it, but nevertheless what we are called upon under the Act to declare is that the seat is vacant. It seems to me that is the question before the House, and none other, and personally I have no doubt upon the matter.

Hon. Mr. MACDONALD (B.C.)—If a man comes up to the table of the House with a commission in his pocket and takes the oath, does that make him a senator? If he has no commission and takes the oath, does that make him a senator? He cannot come to the table unless he is a senator.

The motion was agreed to on a division.

CALGARY, RED DEER AND BATTLEFORD RAILWAY COMPANY BILL.

THIRD READING.

The Order of the Day being called:

Resuming the adjourned debate on the motion for the third reading (Bill 19) an Act to incorporate the Calgary, Red Deer and Battleford Railway Company, and the motion in amendment of the Honourable Mr. Lougheed thereto.—Hon. Mr. Davis.

Hon. Mr. DAVIS—I have no fault to find with the hon. gentleman from Calgary for moving this resolution with reference to the Bill in question, but I would like to say that I do not think there is very much in it. It appears to me that after a Bill has been before any committee of this House and fully discussed there, the proper course for the House would be to adopt the report of the committee. However, the hon. gentleman has seen fit to move this resolution and we have to deal with it. In the first place, the hon. gentleman moved a resolution in the committee which was voted down, and afterward he got some new light on the question and became seized of the fact that there was a small difference between the wording of the petition and notice which was given, and the wording of the Bill that has been presented to the House. As I understand it, the notice that was given mentioned the fact that this road should run from Calgary to Battleford, while the Bill that was introduced said it should go from a point at or near the town of Calgary. My hon. friend from Calgary takes exception to that. He says it should mention the fact that this road should go into Calgary. It appears to me that this is a system that has been adopted and has been carried out not only in this House but in the other House for years and years. In nearly every Bill there is inserted the words 'at or near' the point, whatever it may be, from which the road is to start, and I never heard of exception being taken to it. It has been intro-

duced in these Bills for obvious reasons. In the first place, when a Bill is introduced in the committee of this House and is discussed by that committee, the committee is not always seized of the facts with reference to the engineering difficulties that might be in the way. Now, before you could force a railway company to build its line to a certain place by setting that out in the Bill, you would necessarily require a report from a qualified engineer as to whether the railway company could build to that point or not. We have never had a report of that kind, and for this reason in every one of those Bills, the words 'at or near' have been inserted; and for that reason, I think it would be wise to leave the wording as it is at the present time. Now, with regard to the difference between the words 'Calgary' and 'at or near Calgary,' it does not amount to anything, because if my hon. friend will turn to the last clause he will find that there is a provision which says that the railway company must expend a certain amount of money and build a certain length of road. It does not matter to what point they construct, but if they do not complete the road, the rest of the charter is cancelled, so that if we took out the words 'at or near' and inserted what my hon. friend wishes inserted in the Bill, it would not in any way compel them to build into Calgary. They would build where they wanted to build, and I know of no law which would compel them to go further. It is strange to me, considering the number of years that the hon. gentleman from Calgary has been a member of this House, that he did not find this out before. I have taken the trouble to go through the different Bills passed last year, and I find that very nearly every Bill passed by this House last session contained the same words 'at or near.' I have a list of them here. I do not want to take up too much time, but I find that the Nipigon Railway Company Bill had these words inserted in it, and I think my hon. friend from Calgary had something to do with that measure. Again we find the same words in the Pontiac Railway Company Bill, the Thorold and Lake Erie Company Bill, the Toronto and Hamilton Railway Company, the Watertown and Lucknow Railway Company, the West Canada Railway Company, the White Horse and Alaska Railway Company, the Berlin, Waterloo and Wellesley Railway Company Bill. All these different charters have passed this House and I take it for granted that my hon. friend must have been present in the House when some of these Bills were discussed in committee, yet I have never heard him take any exception to any of the Bills passed with these words in it. These words were inserted in the Canada Central Railway Company Bill, the Brantford and Hamilton, the Campbellford and Lake Ontario Western Railway Company Bill. All these Bills were passed last year with the words 'at or near' in them, and no exception was taken. What appears strange to me is the fact that it was not five minutes after exception was taken to this Billl in the Railway Committee by my hon. friend, until another Bill came before the committee which affected the Canadian Pacific Railway Company. It contained the very same clause, word for word, but my hon. friend was conspicuous by his absence. He was not there to take up the question at that time. I think that this Bill is perfectly right. As a matter of fact, as I said before, the difference between the words 'at or near' and the word 'Calgary' amounts to nothing. It is about the same as the distinction between tweedledum and tweedledee. You cannot force the railway company to construct a line into Calgary unless they want to do so, and as to the question of bonuses which was brought up by my hon. friend in the discussion of yesterday, I suppose he is aware that before any subsidies are given to any railway company in this country, not only in the House of Commons but in any local legislature, a certain set of resolutions has to be submitted to the House, and these resolutions show exactly where the road in question is to be built to and where it is to be built from. These resolutions must be submitted before a dollar of the money is voted, and that would be the proper time for any person who is interested in having a railroad constructed to a certain place to take exception to the wording of the Bill, if any exception could be taken. But we have a Bill before us in which, so far as we know, no request is made for a cent of aid either from the town of Calgary or from this parliament or from any local legislature—as

far as we know they are not asking for a cent; and why we should go to work to change the wording at the present time is a strange thing to me. I am quite willing to admit that my hon. friend is a good lawyer. I will take it for granted that he is, but I will venture to say that he is not a very good engineer. Now he comes here and asks you to accept the proposition that they can build a line into Calgary. Now if my hon. friend had produced the report of any competent engineer to show there would be no impediment in the way of getting into Calgary, and that it would not cost a vast amount of money to construct the line into the city, we could then discuss the matter; but for a legal gentleman to come here and ask us to accept his word, without any scientific evidence as to the character and topography of the country in and around Calgary, I think is going a little too far. We do not know anything about the character of the country around Calgary. It might be possible to build a road in there, but supposing it is possible for a railroad to get into the town of Calgary, there is, I submit, a provision—and I suppose my hon. friend as a lawyer knows about it,—in the Railway Act with reference to this very point. It has been discussed in the other House and I suppose has been discussed in this House—a provision with reference to the location of lines. I am bound to say that I have myself taken exception to railways passing towns that were established before the railway company apply for their charter. In other words, supposing a town has been built by the energy of the settlers of a certain inland portion of the country where there has been no railway communication, and that a certain railway is projected through the country where that town has been established by the people. If the railway company should propose to go to one side and shunt that town, I would certainly take strong grounds and say that the railway should be compelled to build into that town if possible, if there were no engineering difficulties in the way. We must always take that point into consideration. But in the case of a town which has a main line of railway, like the town of Calgary, which has a transcontinental line of railway, and has I believe two other railways running into the town—it would not be fair to take such action. This is a branch line, constructed for the purpose of opening up certain coal fields, and without a report from some engineer as to the character of the country surrounding that town, I doubt whether we could put a clause in the Bill which should be a hard and fast clause and compel the company to build right into that town. Without our having any knowledge of the country I do not think it would be a fair thing to do. The clause as it stands has been inserted, as I said before, in nearly every Bill that has passed this House and the other House for years. To all intents and purpose it is a model clause. When the Railway Act was introduced in the House of Commons there was a provision made to cover this very case, because we had a discussion in the House with reference to railways shunting towns and that sort of thing, and it was provided for in section 122 which my hon. friend I suppose is well acquainted with, being a lawyer. The section reads as follows:

> 122. The company shall prepare a map showing the general location of the proposed line of the railway, the termini and the principal towns and places through which the railway is to pass, giving the names thereof, the railways, navigable streams and tide-waters, if any, to be crossed by the railway, and such as may be within a radius of thirty miles of the proposed railway, and generally, the physical features of the country through which the railway is to be constructed, and shall give such further or other information as the minister may require.
>
> 2. Such map shall be submitted to the minister in duplicate and prepared upon a scale of not less than six miles to the inch, or upon such other appropriate scale as the minister may determine, and shall be accompanied by an application in duplicate, stating the Special Act authorizing the construction of such railway and requesting the minister's approval of the general location as shown on the said map.
>
> 3. Before approving such map and location the minister may, subject to the Special Act, make such changes and alterations therein as he may deem expedient, and upon being satisfied therewith shall signify his approval upon the map and the duplicate thereof, and when so approved the map and application shall be filed in the Department of Railways and Canals, and the duplicate thereof with the board, and no change or alteration from the general location of the line of the railway, as approved by the minister, shall be allowed, unless such change or alteration has been first approved by the minister.

The minister has the power of altering and changing the location of any railway as he may see fit. Before a railway company can build a mile of road they have to submit these plans to the Minister of Railways for

his approval, and they cannot lay down a tie until they get the approval of the minister. He is the responsible party and he must see that the interests of all parties are protected. Now, I do not think for one moment that it makes much difference whether we leave these words in the Bill, or eliminate them. As I pointed out before, I do not think that you can compel a railway to build into a certain place if they do not want to go there, provided they are not asking for public aid. If they are asking for a subsidy, that is a different matter. My hon. friend says that they may hold up the town of Calgary, but my hon. friend forgot to tell you that the town of Calgary might hold them up. I have known cases where people have been held up by a town. If you could compel a railway to go into a certain town and did compel them by legislation, it appears to me that the value of property would go up in that town very quickly, and if the company wanted a right of way, or any grant of land, they would probably have to pay fancy figures. Of course, they have the power of expropriation, but we know what that amounts to in many cases. The people appointed as arbitrators on the value of property simply have to go by the information they receive as to the value of property in that town. I venture to say that some of the people in that country imagine their property to be as valuable as property on King street in Toronto, and I have no doubt many imagine it is more valuable; so that if the railway company could hold up a corporation like Calgary, you must take into consideration that Calgary might possibly hold up the company. But I am not putting that forward as an argument. The strong argument is that this has been the practice in this House and the other House for years. This particular wording is adopted, so that if there are engineering difficulties in the way the company will be allowed to make a detour, or to stop, or something of that kind. For instance if a town were built on the top of a mountain, you could not put a clause in the Bill which would compel the railway company to run to the top of the mountain. As far as we in this House are concerned, we have very little information. We do not know whether there is a mountain or a lake or what may be there. A great many of us have not visited the place, and my hon. friend, who is a legal man, asks us to take his word that there are no engineering difficulties in the way. I venture to say my hon. friend could not tell you whether a railway should have four per cent, five per cent or one per cent grade going into Calgary, because, not being an engineer, he would not possess the necessary technical knowledge. So that I think we are safer to stick to the practice which has been in force for years and leave the clause in the Bill as it stands. If there are engineering difficulties in the way, they may not be able to construct the road as required. If there are no engineering difficulties in the way, they want to go there. My hon. friend knows this railway is to be built to open up certain coal fields. He knows as well as can be that you cannot get the products of the coal fields to market without going to Calgary, but, it might be possible that this road might want to join the Calgary and Edmonton perhaps a little to the north of Calgary, and go in over the steel of the Calgary and Edmonton and over their bridges. There might be a possibility of that. Railway companies do not all have money to burn, and they would want to go in as cheaply as possible, but the fact remains that this road is going to be built for the purpose of opening up the coal fields and they are going into Calgary in any event. I do not think the argument advanced by my hon. friend with reference to the town of Edmonton applies here at all. He said that the railway was built to Strathcona and stopped there. I do not think there is any law in this country that could compel those people to go any farther if they did not want to. The high level bridge that they would have had to build across the river at that point would have cost several millions, and I do not think the company was prepared to expend such a sum at the time. However, as to getting bonuses, that is a matter of detail. That is a matter between the corporation of Calgary and the people who are building the road. If the corporation of Calgary think this road is of such importance to them that they want to offer a bonus perhaps they will do so. I do not say that my hon. friend did it wilfully, but he misled the House with reference to the Grand Trunk Pacific going into the town

of Edmonton. He left the impression with the House that the Grand Trunk Pacific had held Edmonton up, and that they would not go into the town of Edmonton until they got $100,000. I think if my hon. friend will take the trouble to inquire he will find that the corporation of Edmonton, or the people of Edmonton, gave the $100,000, not to get them to go into Edmonton, but to have them establish in the town of Edmonton all the workshops that they were going to construct in the western country, and it was a question for the people of the town of Edmonton whether or not it was worth $100,000 to them to have the whole of the workshops of the transcontinental line built in the town. It is not a question for us to discuss or decide whether it was wise for them to do that or not. That is a matter for themselves. The same thing will apply to the local government. My hon. friend, who is a thorough believer in provincial rights, will believe that it is a matter which the local governments up there will have to decide for themselves, whether they give assistance to railroads that are to be built or not, but I venture to say that they are astute enough, if they do give assistance, to require that the road be built where they want it to be built before they will give one dollar of their money for the purpose of having the road constructed. I have no doubt the city of Calgary will have a representative in the legislature of Alberta, and when that representative is there he will see, as my hon. friend has taken upon himself here to see, that if money is being voted by the province the road is built where it should be. The strong point is that this Bill has the same provision in it as every other Bill that has passed this House. I want to emphasize the fact that my hon. friend has assisted in putting these other Bills through. Ten minutes after this Bill went through the committee another Bill containing the same clause came up for discussion, and if my hon. friend was not there, he should have been there, and should have called attention to it. Whatever reasons my hon. friend has for the stand he takes, I think the House will see that the custom which has been followed for years should be adhered to, and that unless we have the report of a competent engineer as to the character of the country through which the road will run, we should not lay down a hard and fast rule and compel the railway company to build a road where it cannot conveniently be built.

Hon. Mr. SULLIVAN—Has that Bill been changed since it passed the Standing Orders Committee ?

Hon. Mr. MACDONALD (B.C.)—That is the point.

Hon. Mr. SULLIVAN—Were any words added after it passed the Standing Orders Committee?

Hon. Mr. DAVIS—I might say that the notice called for the building of a road to Calgary. It did not say the town of Calgary. It might be open to the interpretation that Calgary meant the district of Calgary, because if you wanted the road to come into the town of Calgary the Bill would have said so. This simply says 'at or near Calgary.' The notice which was given and the petition which was presented read 'from Calgary.' It might be considered by some that that would mean the boundary of the town of Calgary but it might be considered by others to have a different meaning and it would leave it open to arguments as to whether that meant the city of Calgary or the electoral district, and I venture to say there would be an opening for the hon. gentleman and his friends to quibble over.

Hon. Mr. McMILLAN—Tell me the area of the district of Calgary ? How large a place is it.

Hon. Mr. DAVIS—The hon. gentleman who moved the resolution could give more information about the electoral district than I could because he lives there. The notice that was given says 'at Calgary.'

Hon. Mr. McMILLAN—That is the district.

Hon. Mr. DAVIS—Yes. It did not mention the town at all.

Hon. Mr. SULLIVAN—Are the words the same in the Bill now before us as in the Bill that passed the Standing Orders Committee of this House ? Has there been any change in it from the time it passed the Standing Orders Committee until the present time ?

Hon. Mr. DAVIS—I might say for the information of my hon. friend that I think in all the Bills there is what we call the model clause and I think they are pretty nearly all drawn by the law clerk. The law clerk has followed a certain form which has been followed for years, and has put in the words 'at or near.'

Hon. Mr. SULLIVAN—The committee made no change ?

Hon. Mr. DAVIS—I do not know that we made any change. I think it was probably put in by the law clerk, but the Standing Orders Committee passed the Bill with the words 'from Calgary' not 'the city of Calgary,' but 'from Calgary.' Whoever drafted the Bill inserted the words 'at or near' the town of Calgary, which my hon. friend wishes to eliminate and make it read 'from Calgary,' but I pointed out the fact that if you read the last clause of the Bill—and this is in every Bill, it is not confined to this Bill alone—if you put in the words 'the town of Calgary,' there is no way in which you could compel them to go into Calgary that I know of. It reads :—

> And if the railway is not so commenced and such expenditure is not so made, or if the railway is not finished and put in operation, within the said respective periods, the powers granted to the said company by parliament shall cease and be null and void as respects so much of the railway as then remains uncompleted.

If they build within a mile of Calgary and stop there, and this charter lapsed, the charter would lapse for the portion of road that had not been completed, so that they would then not have a charter to build into the town of Calgary at all, but it would not interfere with the road that had been constructed, and as I pointed out before, they could build the road up to that point and then drop it, and nobody could force them to go in, so that there is really nothing in it.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman from Kingston hit the point at issue in this matter. That is, does the Bill conform with the petition, what they ask for, and with the notices asking for the Bill? They do not conform and my hon. friend who has just quoted a number of Bills was not able to tell us and did not tell us whether those Acts conform to the petitions for those Bills, or whether those Acts he read from conformed with the notice in the public press and the 'Gazette,' and that is the whole question before us. We have nothing to do with the railway, whether it is in or out of Calgary, or where it goes. We have to sustain and conform to the rules of the House. The petition for the Bill says distinctly that the company asks for power to build from Calgary to Battleford.

If we give them what they want, they ask for more. There is a notice published in the 'Gazette' and in the newspapers announcing that they intend to apply for a Bill to construct a railway from Calgary to Battleford. The petition and the notice conform to the same language. The Bill, as brought in, deviates from that, leaving it an open matter where the line shall commence. It says 'at or near Calgary.' It may be five or ten miles from the city limits. If this House wishes to sustain its own rules, if rules are to be of any use at all, we should not give the company more than they asked for. The amendment of the hon. member from Calgary eliminates those words 'at or near' and gives the company exactly what they petitioned for and what they declared in their advertisement they wanted. However anxious hon. gentlemen may be to please a member who has charge of a Bill, they should first of all look to the integrity of the rules of the House and sustain them. We cannot be doing any wrong or any hardship to any company or to any persons if we give them what they petition and advertise for. They should not be allowed to break the rules of this House by adding anything more to the Bills than their petitions call for. The very title of the Act itself is 'Calgary, Red Deer and Battleford Railway.' I hope the House will sustain the rules by striking out the words 'at or near' as called for by the amendment.

Hon. Mr. LOUGHEED—May I be permitted to say a word in explanation and reply to what the hon. gentleman from Saskatchewan (Hon. Mr. Davis) said in opposing my amendment. In fact, everything my hon. friend said seems to me to furnish the very best reasons for adopting the amendment. He has assured the House that there is no doubt whatever that this road will be built into Calgary. He has further assured the House that the inten-

tion of the company is to convey coal, and of course they will carry it to Calgary. He has further assured the House that the difference between the clause as it stands and the clause as I wish to amend it, is only the difference between tweedledum and tweedledee. All this confirms the view which I have already submitted to the House that there should be no indefiniteness in the language fixing the point of commencement, that if there is no injury going to inure to the company from adopting the specific language which I have suggested, the House therefore should at once adopt the amendment as the language of the Bill. If there is any security to the public whatever in an Act of parliament, it is to have specific language. I need not say that nothing contributes more to expense, difference between parties and litigation, and all the annoyance common to misunderstanding, than wideness of language in legislation of this kind. My hon. friend has sought to throw the onus on myself with reference to the terms to be employed in this Bill. All I ask my hon. friend to do, and all I ask this House to do, is to adopt the language which the promoters of the Bill introduced themselves into the notices and into the petition and which the Bill should necessarily follow. But my hon. friend seeks to transpose the duty and cast the responsibility upon me of assuming to say to the company that they should go where he says they do not want to go. Now so far as the engineering difficulties are concerned, no responsibility should rest upon my shoulders of convincing this House that there are no engineering difficulties in question. Under the rules my hon. friend is required to produce to the Railway Committee a map showing the point of commencement. He assumes the responsibility, in the specific language employed in the notice and petition, to adopt such a point of commencement as would appeal to their own intelligence as a starting point. It is for them to consider the point of the engineering difficulties. Then, having in their notices and in their petition named a particular starting point, Calgary, they must have taken into consideration the question of engineering difficulties and consequently none whatever remains. The very best assurance I can give to my hon. friend that insurmountable difficulties such as he has called up are not facing him is that, as I pointed out yesterday, no less than three roads have been required by parliament to start from within the city of Calgary and have already done so.

Hon. Mr. DAVIS—How many have been built ?

Hon. Mr. LOUGHEED—The Calgary and Edmonton has been built, and begins in Calgary. The Red Deer and Calgary Railroad, whose Bill received the second reading, has spent a considerable amount of money in grading and so on, and has adopted plans starting from within the city of Calgary. However, the House, I am sure, from the very fact of these gentlemen having advertised to run from Calgary, will necessarily conclude that the promoters of the road have considered the alleged engineering difficulties ; but I can assure my hon. friend there are no engineering difficulties of any consequence to be encountered. As my hon. friend has already said, the road is intended practically to convey coal to the city of Calgary. I apprehend, therefore, that the question of engineering difficulties does not stand in the way. My hon. friend has expressed a considerable degree of solicitude as to the wideness of the language I have proposed, namely, 'Calgary.' He has suggested that that might possibly mean the district of Calgary. I can assure him that I am quite prepared to assume the responsibility of the word 'Calgary' being adopted, and quite prepared to take the risk of its not being the district of Calgary from which the road will start. I may say the district of Calgary is at least one hundred miles long from east to west and seventy-five miles wide from north to south, so I fancy there is no possibility of either the public or the railway authorities, or even the promoters, entertaining for a moment the idea that the starting point is to be a district one hundred miles long by seventy-five miles wide. Further, I might say my hon. friend, in introducing the Bill, directed our attention to the fact that the regulations of the committee required a map to be prepared. Now, that map conformed with exactitude to the notices, and the city of Calgary appears upon the map in all the artistic glow of red ink that could be adopted by the draughtsman who prepared the map, and this railway is shown as starting at that particu-

lar point. Therefore, all I ask the House and my hon. friend to do, as he says the difference is not very great, is simply to adopt his own map, his own notices and his own petition, and then no difficulty will arise as to the question at issue. One word as to the fact that this language 'at or near' has been employed in other Bills. I may say that I am not urging upon the House to take a hard and fast stand in compelling railway companies to start from a specific point. That is for this House to decide from time to time, but the object of publishing notices in the 'Gazette' and newspapers is to apprise the public of the route to be adopted, the terminal points, &c. Consequently, I am bound to say that if my hon. friend had used in his notices the wide language which is now employed in the Bill, I have reason to believe that the city of Calgary would, as they did on former occasions, have appealed to this committee to tie the railway down to a point of commencement on or within the boundaries of the city. But I am quite satisfied to accept the language, even though it be broad, that is contained in the notices and the petition.

Hon. Mr. YOUNG—Do you consider the words 'at or near' a broad expression ?

Hon. Mr. LOUGHEED—Yes ; because 'at or near' might permit the company to go miles outside of the town of Calgary, while from Calgary to Battleford fixes at least the boundaries of the town.

Hon. Mr. McMULLEN—In connection with this matter the position taken by the hon. member from Calgary is one that would carry very considerable force in my mind if he backed up his statement with the fact that in the granting of charters for railways in the past, we have strictly adhered to the wording of the notices and petitions from Dan to Beersheba. If in every single case the Bill said from Dan to Beersheba and not 'at or near,' his argument would carry force, and I should be strongly inclined to vote for his amendment. But he has not produced a single instance in support of his position. If he had been able to say that the Calgary and Edmonton Railway, for instance, or any other railway, had been incorporated strictly in accordance with the petition and notices——

Hon. Mr. LANDRY—They do comply with the notices.

Hon. Mr. McMULLEN—My hon. friend does not know that ; he is merely making the assertion.

Hon. Mr. LANDRY—How does the hon. gentleman know ? Can he state to the contrary ?

Hon. Mr. McMULLEN—If my hon. friend will ask an adjournment of this debate and promise to bring before this House the notices and petitions in other cases, and show that in each of them the Bill strictly followed the notices and petitions, I promise him I will give very serious consideration to the point he has raised, but if not, I do not think it would be right to hold up this Bill because it says 'at or near.' It has been the practice to use the expression 'at or near' in Bills of this character, and I see no reason why we should make an exception of this particular company. Let my hon. friend adjourn this discussion and be prepared to submit a dozen cases to show that there are precedents for the stand he has taken, and I shall be willing to consider whether we should support his amendment or not. If he is not prepared to do that, I, for one, am not ready to make an exception of this Bill.

Hon. Sir MACKENZIE BOWELL—Does not the hon. gentleman think that all Bills should be based on the petitions and notices ? Because if they are not, then the localities affected thereby never can tell whether they should oppose them or not. Does not the hon. gentleman think that that ought to be the rule ?

Hon. Mr. McMULLEN—I quite admit that we should adopt that principle, but unless it can be shown that we have done so in the past for years. and that this is the only Bill that violates the principle, I do not think it would be right to hold up this company.

Hon. Mr. MACDONALD (B.C.)—That is no argument.

Hon. Mr. McMULLEN—If the hon. gentleman can show that we are violating a principle that has prevailed for years in this House, I shall vote against the Bill.

Hon. Mr. LANDRY—No custom can prevail against a rule. Why does not the hon. gentleman from Wellington exact from the hon. gentleman from Saskatchewan (Mr. Davis) what he wants to get from the hon. gentleman from Calgary? Did the hon. gentleman who spoke before say that all the Bills passed by the committee, were in accordance with the notices and petitions? He never said so.

Hon. Mr. DAVIS—I do not think my hon. friend has a right to make a statement of that kind. I am able to say that the hon. member from Wellington is perfectly right. It will be found on examination that frequently there is great difference between the wording of notices and petitions and the wording of the Bill.

Hon. Mr. WILSON—If we have been doing in the past things that we ought not to have done, if we have not made our Bills comply strictly with the petition and notices, it is no reason why we should continue following a wrong course. And when we find further that a member of this House, representing that district, feels that justice will not be done if we pass the Bill in its present form, I contend the House ought to hesitate and not take it for granted that, because we have been allowing Bills to pass under certain circumstances though they did not adhere to the wording of the notices and petitions, we would be warranted in doing an injustice to the locality where this road is to run. The views of the people there are represented, no doubt, more or less by the hon. gentleman from Calgary, and those views ought to have weight with us, when he calls the attention of the House to the matter. If we have been lax in our legislation in the past we ought to call a halt, and say that in this case and for the future we will adhere strictly to the rules. I hold very strongly that the hon. gentleman representing Calgary ought to know what the wishes of the people of that locality are. We can easily understand that the people of Calgary, having the notices before them, did not expect the company would come here and ask for a Bill giving them power to start at a point five or ten miles away from Calgary. If they had known that such a thing would be done, very likely there would have been strong representations from Calgary against it, and we would have been shown how it would affect the people of that locality. Feeling that we would neglect our duty, and that the people of Calgary would have just cause of complaint if we allow this Bill to go through the House without amendment, and in a shape that the people there had no reason to expect, I support the amendment.

The Senate divided on the amendment which was rejected by the following vote.

Contents:

Honourable Messieurs

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Bernier,	Macdonald (P.E.I.),
Bolduc,	Macdonald (Victoria),
Bowell	MacKeen,
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Carling (Sir John),	(Cape Breton),
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Honourable Messieurs

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Black,	McHugh,
Cartwright	McMullen,
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Casgrain	Mitchell,
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Choquette,	Robertson,
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David,	Shehyn,
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Kerr (Toronto),	

The Bill was read the third time and pased.

FESSENDEN WIRELESS TELEGRAPH COMPANY BILL.

Hon. Mr. DOMVILLE moved the second reading of Bill (I) An Act to incorporate the Fessenden Wireless Telegraph Company of Canada.

The motion was agreed to.

Hon. Mr. DOMVILLE moved that the Bill be referred to the Committee on Miscellaneous Private Bills.

Hon. Mr. POWER—I object; that is not the committee to which this Bill should

go. The title shows that it is to incorporate a company to establish a telegraph system, and surely the Bill should go to the Committee on Railways, Telegraphs and Harbours.

Hon. Mr. DOMVILLE—I do not think it is a harbour. I am sure it is not a railway or a telegraph company. I hope my hon. friend will not press his objection. It is not a telegraph company.

Hon. Mr. LOUGHEED—You so designate it in your Bill.

Hon. Mr. DOMVILLE—It is wireless. If my hon. friend thinks the Bill should go to the Committee on Railways, Telegraphs and Harbours, I am not very particular about it.

The motion was amended and agreed to.

BRITISH CANADIAN EMPIRE LEAGUE BILL.

SECOND READING.

Hon. Mr. DOMVILLE moved the second reading of Bill (P) An Act to incorporate the British Canadian Empire League.

Hon. Mr. FERGUSON—This cannot be held to be a public Bill. It is clearly a private Bill, and should be introduced by petition. It would be a bad precedent to allow this Bill to pass as a public Bill.

Hon. Mr. DOMVILLE—Last year the Canadian Artillery Association Bill was passed in the very same way, and this is exactly a copy of that Bill. It is therefore not out of the ordinary course, and there is a precedent for it.

Hon. Mr. FERGUSON—I did not know there were any precedents for it; but even if there are, it is not in accordance with the rules of the House.

Hon. Mr. DOMVILLE—There are several precedents for the Bill.

Hon. Mr. FERGUSON—Bourinot defines private Bills as follows:—

> Private Bills are distinguished from public Bills in that they directly relate to the affairs of private individuals or of corporate bodies, and not to matters of public policy or to the community in general. They must pass through the same stages as public Bills, but at the same time must originate by petition (a) and be subject to certain standing orders in both Houses of parliament. Judicial, as well as legislative functions, are entrusted to committees to which all petitions and Bills of a private nature are referred with the view of carefully protecting all the interests involved in the proposed legislation. The parties whose private interests are to be promoted appear as suitors before a select committee to whom the Bill has been referred, whilst those who apprehend any injuries and are opposed to the legislation sought for are admitted as adverse parties. The analogy which the proceedings bear to those of courts is sustained by the fact that certain fees must be paid by the promoters of a private Bill, before the House will permit its passing. All persons whose interests are affected by the measure must have due notice of its nature, so that they may have every opportunity to present themselves before the House and dispute, if necessary, its passage.

I was not aware there was any exception to the rule. That there are exceptions is no reason why we should not follow the rule as long as we have it. We have been in the habit of compelling churches, benevolent and charitable institutions, which have not their origin in a desire to make money, but to accomplish some benevolent purpose, when introducing their Bills, to proceed by petition, pay a fee and in every way follow the rules relating to private Bills. I think this Bill falls under that category.

Hon. Mr. DOMVILLE—My hon. friend has overlooked one fact. If he will read the rule he will see that it applies to Bills where there is profit or loss. There is no profit or loss in this. It is simply like a Bill to incorporate a board of trade. There is no money in it at all. This is a benevolent institution because its object is to impress on the minds of the people of Canada the great benefit of imperialism. I heard my hon. friend the other day discussing the question of withdrawing the troops and the navy from Halifax and thus weakening the imperial sentiment in this country. Here are so many gentlemen, not on any particular side of politics, all combining and joining together and seeking incorporation that they may disseminate British ideas throughout this country. Is there any great harm in that? If you say it is a public Bill, I entirely agree with you. They ask that they may imbue the people with British ideas and spread a sentiment of imperialism through this country when we are filling it up with Doukhobors and Mormons and all sorts of people from all parts of the world. I cannot see any harm in spreading British sentiment through the land. My hon. friend may say they should get let-

ters patent, but they cannot, because to get letters patent, you must have capital paid up. There is no capital in this. Their only capital is their sentiment of loyalty to the King and Crown.

The SPEAKER—Does the hon. gentleman from Marshfield insist on his point of order?

Hon. Mr. FERGUSON—Yes.

Hon. Mr. YOUNG—Inasmuch as our practice has been somewhat varied, I would suggest that the hon. gentleman defer the second reading of the Bill until to-morrow and in the meantime the Speaker can prepare his decision. Besides, the Bill has not been printed yet.

The SPEAKER—I intended to ask that the second reading be deferred until Tuesday next, because the hon. gentleman presented a petition which has not yet been reported on by the Committee on Standing Orders. As the Bill has not been printed, I ask the hon. gentleman to postpone the second reading until Tuesday next.

Hon. Mr. DOMVILLE—I have no objection.

The order was discharged and placed on the Orders of the Day for Tuesday next.

SECOND READINGS.

Bill (93) An Act respecting the Grand Council of the Catholic Mutual Benefit Association of Canada.—(Hon. Mr. Coffey.)

Bill (63) An Act to incorporate the Brantford and Woodstock Railway Company.—(Hon. Mr. Power.)

Bill (73) An Act to incorporate La Compagnie du chemin de fer Montréal, Québec et du Sud.—(Hon. Mr. Casgrain, de Lanaudière.)

Bill (74) An Act respecting the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Davis.)

Bill (88) An Act to incorporate the Athabaska Northern Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (105) An Act to incorporate the Ontario Fire Insurance Company.—(Hon. Mr. Kirchhoffer.)

Bill (109) An Act respecting the Hudson Bay and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (118) An Act respecting the Alberta Central Railway Company.—(Hon. Mr. Watson.)

Bill (121) An Act to amend the Act respecting the packing and sale of certain Staple Commodities.—(The Right Hon. Sir Richard Cartwright.)

BILLS INTRODUCED.

Bill (U) An Act respecting the South Shore Railway Company and the Quebec Southern Railway Company.—(Hon. Mr. Béique.)

Bill (V) An Act respecting a patent number 69,772 of the Underwood Typewriter Company.—(Hon. Mr. Kerr, Toronto.)

Bill (W) An Act respecting certain patents of the Underwood Typewriter Company.—(Hon. Mr. Kerr, Toronto.)

Bill (87) An Act to incorporate the International Bridge and Terminal Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (91) An Act respecting the Timagami Railway Company and to change its name to The Ontario Northern and Timagami Railway Company.—(Hon. Mr. Davis.)

Bill (96) An Act respecting the Montreal Southern Counties Railway Company.—(Hon. Mr. Davis.)

Bill (100) An Act respecting the Guelph and Georgian Bay Railway Company.—(Hon. Mr. McMullen.)

Bill (117) An Act to incorporate the Athabaska Railway Compny.—(Hon. Mr. Ross.)

Bill (86) An Act respecting the Ontario and Minnesota Power Company.—(Hon. Mr. McMullen.)

The Senate adjourned.

SENATE.

Ottawa, Friday, March 31, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MOOSEJAW AND EDMONTON RAILWAY COMPANY BILL.

REPORTED FROM THE COMMITTEE.

Hon. Mr. CASGRAIN (de Lanaudière), from the Committee on Railways, Tele-

graphs and Harbours, reported Bill (20) An Act to incorporate the Moosejaw and Edmonton Railway Company, with an amendment. He said:

The amendment to the Bill now before the House consists in striking out clause 11, which was re-enacting a clause which had been left out in the consolidation of the Railway Act in 1903. That was a clause allowing stock to be given the promoters of the Bill without their paying for it—paid-up stock. That provision was very wisely left out of the Railway Bill, and the clause in this Bill, if allowed to stand, would have permitted in this special case the granting of stock not paid for. That is the reason why the Railway Committee struck out clause 11 this morning.

The report was concurred in.

BILL INTRODUCED.

Bill (X) An Act respecting certain Patents of David Thomas Owen.—(Hon. Mr. Watson.)

THIRD READINGS.

Bill (27) An Act respecting certain Patents of the Facer Solid Steel Car Wheel Company, of Perth, Limited.—(Hon. Mr. Young.)

Bill (68) An Act respecting a Patent of the Paper Goods Company, Limited.—(Hon. Mr. Kerr, Toronto.)

Bill (M) An Act to amend an Act respecting certain Patents of William A. Damen.—(Hon. Mr. Kerr, Cobourg.)

Bill (33) An Act respecting certain Patents of Jean Effront.—(Hon. Mr. Casgrain, de Lanaudière.)

SECOND READINGS.

Bill (J) An Act for the relief of Philip Vibert.—(Hon. Mr. Young.)

Bill (O) An Act to incorporate the Owen Sound and Meaford Railway Company.—(Hon. Mr. McMullen.)

Bill (R) An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.—(Hon. Mr. Frost.)

Bill (S) An Act respecting the Montreal Bridge Company, and to change its name to The Montreal Bridge and Terminal Company.—(Hon. Mr. Domville.)

Bill (T) An Act respecting the Bank of Montreal.—Hon. Mr. Macdonald, B.C.)

Bill (H) An Act to incorporate the Anthracite Coal Railway Company.—(Hon. Mr. Lougheed.)

The Senate adjourned until Tuesday, the 4th April, at three p.m.

SENATE.

Ottawa, Tuesday, April 4, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

G.T.P. CONSTRUCTION IN BRITISH COLUMBIA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to

Ask the Honourable Senator Templeman, as a member of the Dominion government, if he at any time last year received a letter from Mr. Hays, one of the directors of the Grand Trunk Pacific Railway Company, to the effect that construction on the proposed railway would commence at Winnipeg, and the Pacific coast simultaneously. And if such a letter has been received, how does it agree with the negotiations now being carried on by Mr. Morse, an agent of the Grand Trunk Pacific Railway Company, with the government of British Columbia, for a grant of money, or land as a condition, if such a grant were made, that construction would be commenced east and west at the same time.

And whether the honourable gentleman knows that Mr. Morse has held out the threat that if no grant is made construction would proceed from the east only. And if it is the intention of the Honourable Senator Templeman, as a member of the Dominion government, to remind Mr. Hays of the promise contained in his letter. And to insist that the substance thereof shall be adhered to ?

He said: When I put this notice on the order paper, I was not aware of the substance of letters written by Mr. Hays to the hon. gentleman from Victoria (Hon. Mr. Templeman). I find after consulting the debates of last year, that there was no promise by Mr. Hays that the construction of the railway would be commenced in British Columbia at any particular time. Therefore, as there is no promise, nothing can be done in the matter; but I can say this, that if the motion I made last year and that made by my hon. friend from Victoria had prevailed, the company would have been bound to make a commencement on the Pa-

cific coast. The hon. gentleman knows how anxious the people of Victoria are that that should be done. It may be thought that from my strong opposition to the National Transcontinental Railway project last year, I am not in a position to say anything now; but I have this to say, that after the verdict of the people at the polls last election, endorsing the policy of the government, I withdrew any opposition I had to that enterprise. Now, my intention is to make the best of it that I can for the whole country, and especially for my own province. Probably the hon. gentleman will be able to tell us that he will do all he can to conserve the rights of British Columbia. We have been neglected completely in the contract, although it is the fact that British Columbia is entitled to its share of any benefit to be derived from that railway. One substantial reason for being so entitled is this: that British Columbia pays as much per head taxation to the Dominion government as all the other six provinces. All the provinces pay about $20 per head to the Dominion, while British Columbia contributes $20.60 per head; and that reason alone would entitle us to a great deal of consideration. I would impress on the hon. gentleman to use all his influence and do all in his power to have the construction of the western section commenced on the Pacific coast as soon as possible. He knows the feeling of Victoria as well as I do. He knows that Mr. Morse, agent of the Grand Trunk Pacific, went to Victoria to try to obtain from the province a grant in aid of the railway, and failing to get a promise of aid, he said emphatically that they would not commence construction at the coast until they would work their way from the east to the west. Whether Mr. Morse was authorized to make a statement of that kind, I do not know. Whether he was or not, I think he was very unguarded and very wrong in making it. He was angry with the provinces because he did not get what he asked for. What authority he had to make such a demand, I do not know; but I would impress upon my hon. friend to do all he can with the company to have a commencement made on the Pacific coast simultaneously with the construction westward from Winnipeg.

Hon. Mr. MACDONALD (B.C.)

Hon. Mr. TEMPLEMAN—I am very pleased to hear my hon. friend from Victoria has withdrawn his opposition to the Grand Trunk Pacific Railway, and is now heartily in accord with the policy of the government in its construction. It is a sort of death-bed repentance; but nevertheless we are glad to see a change even at this late hour. I am sure he must see that the building of the railway to the Pacific coast must result in great benefit to the province. My hon. friend having seen, since he put this inquiry on the order paper, a letter written by Mr. Hays to me, has practically abandoned that part of his question, and now confines himself to the appearance of Mr. Morse in British Columbia, and the negotiations which that gentleman carried on there. It is quite true that last session, when I gave a notice to amend the private charter of incorporation of the Grand Trunk Pacific Railway Company, so as to ensure early construction of the railway on the Pacific coast, I received a letter from Mr. Hays, which I considered then, and which I consider now, binding upon that gentleman, as the representative of the interests of the Grand Trunk Railway and the Grand Trunk Pacific Railway. I think it would be well, so that there may not be any mistake in future, that I should put that letter in full in the Debates of this House. Mr. Hays, it is true, did not distinctly promise that work would begin at any precise date. He did not say that work would begin simultaneously at Winnipeg and on the Pacific coast, because no one asked or expected that the company should do anything of that kind; but he made a very fair statement of the intentions of the company as to starting construction of the line. As to what Mr. Morse may have said while in British Columbia, or what negotiations he may have carried on with the provincial government, of course I am not informed. I have no means of knowing what he proposed to the British Columbia government, further than the reports of the interviews alleged to have been had with the McBride government, which have appeared in the newspapers of the west. I am bound to say, with my hon. friend, that if these reports were accurate certainly Mr. Morse was asking for a very large grant indeed from the province of

British Columbia, to carry out an arrangement, which I thought then, and still think, will be carried out without any concession of that kind from the province. I took it that Mr. Hays' letter, written for a specific purpose, justified me at that time in dropping the amendment that I had proposed to the Bill. While my hon. friend thinks it does not definitely or distinctly make any promise, I think when he reads it carefully he will change his mind. The letter is as follows :—

Letter of Mr. Hays to Senator Templeman.

Montreal, Quebec, July 12, 1904.

Dear Sir,—In reference to your inquiries as to probable date when construction on the new transcontinental line will begin on the Pacific coast, I beg to say : That surveys have not yet reached that stage of completeness to enable me to fix any definite time for commencement at either end of our road.

With regard to the western end, there are many things to consider, including the important question of harbour facilities, and the nature of the country through which the road must run is such as will necessarily consume considerable time in perfecting surveys and locating the line.

I may say, however, that it will be the policy of the company to diligently prosecute to completion the surveys which have been in operation for over a year, and so soon as the progress of the surveys in British Columbia will permit, construction will be commenced from the Pacific coast to the end of the road and be carried on continuously in an easterly direction until the road is completed. In fact such action will be necessary to complete the road within the time limit.

I think this covers the point raised, and that a more definite declaration cannot at present be made.

Your reply in the Senate to an inquiry on the subject seems to cover the ground fairly and accurately.

Yours truly,
(Sgd.) CHAS. M. HAYS.

Hon. Senator Templeman, Ottawa.

Notwithstanding the newspaper reports as to interviews in British Columbia and of the conferences and negotiations carried on, which of course we must always read, keeping in mind the fact that Mr. Morse was there as a promoter of a railway enterprise, trying to obtain a land subsidy from a government not too unwilling to part with their land, I have every reason to believe, apart altogether from this letter of Mr. Hays, that construction will begin at a very early date, as soon as the surveys are completed to the Pacific coast. The acquisition of the Kittemat Railway Company's charter, which carries a provincial subsidy of $5,000 per mile, and which opens up a large coal area on the line of the Grand Trunk Pacific, gives them a railway 150 miles long, which will be commenced within a year and completed within three years, and which will be used, as a feeder, at all events, to the main line of the Grand Trunk Pacific Railway. I am bound to say that in making this statement, I am using newspaper authority, but I have information from the promoters and original owners of the charter as well, so that notwithstanding and outside of the letter of Mr. Hays, I have no doubt whatever that the Grand Trunk Pacific Railway will be commenced on the Pacific coast as soon as the surveys of the company will permit. I think that is the correct policy. I agree with my hon. friend that a policy which would begin construction of a great transcontinental railway at the eastern end, and would not build a mile of track on the Pacific coast, until that section was reached from the east, would be a ridiculous one to pursue. I do not think any great railway corporation like the Grand Trunk Railway or the Grand Trunk Pacific or their contractors, would think of pursuing such a policy. I am possibly saying more than I should say, not being very well versed in railway construction; but I am speaking at all events with the approval of railway contractors whose opinion on the subject carries, with me, at all events, considerable weight.

Hon. Mr. LOUGHEED—May I ask my hon. friend, in view of his being a member of the government, and in view of the reliance he places on newspaper reports, whether he or the Dominion government, have communicated with the government of British Columbia as regards any agreement entered into or any proposition made between himself and Mr. Hays in regard to the company starting construction on the Pacific coast ? I make this inquiry particularly in view of the fact that authentic newspaper reports have represented that Mr. Morse, as general manager of the company, has sought to exact from the province of British Columbia very large subsidies in consideration of beginning work on the coast, and in view of the further fact that Mr. Morse has threatened, according to the press, that unless these subsidies are granted, the road will not be commenced on the

Pacific coast. There certainly should be such communication between the two governments as to prevent that condition of affairs occurring if this government is relying on the promises of the Grand Trunk Pacific to carry out the terms of the letter given to my hon. friend.

Hon. Mr. TEMPLEMAN—I have no personal knowledge that any communication has taken place between this government and the British Columbia government with respect to the terms given to the Grand Trunk Pacific, nor do I know any reason why this government should consult the British Columbia government in granting charters or making agreements regarding the building of a line of railway across the continent. At all events, as far as I know, there was no such communication, nor do I believe we should have had such communication with the British Columbia government.

Hon. Mr. LOUGHEED—Does my hon. friend think it is in the interest of the public, and more especially of his own province, in view of this arrangement between himself, as representing the Dominion government, and the Grand Trunk Pacific, that the province of British Columbia should be compelled, in the absence of information, such as he must possess, to give large subsidies for this purpose; when my hon. friend anticipates that without a subsidy the railway is certain to begin construction in British Columbia ?

Hon. Mr. TEMPLEMAN—My hon. friend seems to think the British Columbia government has been compelled to give large subsidies to the Grand Trunk Pacific. That is not the fact. You cannot compel British Columbia to give away money or land, and in fact they have refused, and to my mind properly refused, to give any.

Hon. Sir MACKENZIE BOWELL—It will be remembered by those who were present last session that my hon. friend from Victoria put a notice on the order paper, asking for an amendment to the charter of the Grand Trunk Pacific Company, which would have compelled the company to commence work simultaneously from the east and from the west. It will be remembered also that the Senate voted that motion down, the hon. gentleman from Victoria (Hon. Mr. Templeman), who represents the government, voting against the motion. It will also be remembered that a very short time after, for some reason—it is unnecessary to say what the reports were—the hon. gentleman himself put a notice on the order paper which would have resulted, if carried, in an amendment to the charter, compelling the Grand Trunk Pacific Company to commence work from the east and from the west at the same time. A short time afterward the hon. gentleman dropped that motion. Whether the reports which were circulated around the House at the time, were well founded, I cannot of course say——

Hon. Mr. TEMPLEMAN—What were they ?

Hon. Sir MACKENZIE BOWELL—I will tell the hon. gentleman if he will wait a moment. Whether they were accurate or not, I am not prepared to say; but it was whispered around the Senate, that the hon. gentleman had received intimation from Mr. Hays that he should not press that motion, because if it were carried, it would prevent the Grand Trunk Pacific Company from exacting from British Columbia aid towards the construction of the road, whether by a cash subsidy, or a land subsidy, I do not know; but it was stated that the reason the hon. gentleman dropped the motion was on account of such an intimation received by him from Mr. Hays. We know that the motion was dropped. I do not vouch for the accuracy of the report which was circulated at the time; but that the motion was dropped we know, and that it was dropped without giving any reason at that time, we know. The letter which the hon. gentleman has read, is, I think, a fair statement from a railway standpoint, but from what has transpired since, and the answer which the hon. gentleman has given to the inquiry made by my hon. friend, it is clear that there was some proof in that report, more particularly when we take the report of an interview published in the Victoria Daily 'Times,' of Friday, March 17. I suppose the hon. gentleman knows how much reliance can be placed on a report which appears in that journal; and I presume he will vouch for

its accuracy. In that report I find this passage occurs :—

Mr. Morse was asked if he could give any assurance that work would commence from the Pacific terminus when that was selected. Mr. Morse's reply was most emphatic. He said the commencement of work from the western end depended entirely on the people of British Columbia ; that if aid in the way of a land grant was refused, the company would not begin work on the Pacific coast. The line would be built, on the contrary, from the east to the west, which was the way in which the road could be built the cheapest, and thus in the interest of the shareholders.

Then he goes on to say what is in the interest of the province and the country; and there is a positive declaration on the part of a gentleman in authority, that unless the British Columbia government were prepared to be held up, and to make over to that company a large land grant or aid in some other form, the road would be built from the east to the west, that being the cheapest mode of doing the work. Inferentially we have it that if a grant were made they would begin at the western end at the same time they began construction at the eastern end, though it could be built cheaper by commencing at the east and continuing section by section until they reached the Pacific coast. That is a statement made by this gentleman who occupies the very prominent position of vice-president of the Grand Trunk Pacific Railway. It is well that the country should know, giving as largely as they do in aid of this road, what is the real intention of the company. I think the House will disagree with my hon. friend when he says that the government has no interest in the manner in which this road should be constructed—whether it should begin at the east and west simultaneously, or begin in the east and go westerly.

Hon. Mr. TEMPLEMAN—I did not say that.

Hon. Sir MACKENZIE BOWELL—It is the duty of the government, in the face of this declaration, if their attention was ever called to it; and the fact of its being published in the 'Times,' which I understand is the government organ——

Hon. Mr. TEMPLEMAN—Not a government organ.

Hon. Sir MACKENZIE BOWELL—It speaks on behalf of the government.

Hon. Mr. TEMPLEMAN—That is right.

Hon. Sir MACKENZIE BOWELL—And it enunciates the views of the government, whatever they may be. We presume the 'Times' would know what those views are; and when the 'Times' did not contain any reference to them, the presumption is that the hon. gentleman opposite, would be able, if not to dictate, at least to intimate to them what course they should pursue. It is evident, from what is taking place, that the Grand Trunk Pacific Company intends to hold up that province in the manner intimated by the hon. gentleman who has brought this question before the House. And it does seem to me that in the interests of his own province, he, as a member of the government, should take action through the Railway Department, to ascertain whether Mr. Morse spoke authoritatively or whether he alone is responsible for his utterances. I think the interests of the country, of his province, and of himself, demand some action of that kind.

Hon. Mr. TEMPLEMAN—I have heard to-day for the first time the rumour that my hon. friend says was current around the corridors of this House, that I dropped the motion to amend the Bill which I placed on the order paper, because Mr. Hays came to me——

Hon. Sir MACKENZIE BOWELL—Not that he came to the hon. gentleman.

Hon. Mr. TEMPLEMAN—That he had represented to me, directly or indirectly, that if that motion was carried it would be impossible for his company to go to the province of British Columbia and practically compel that government to give them a large land grant to enable them to begin construction on the Pacific coast. I beg to tell my hon. friend that it is inaccurate in every particular. No person, neither Mr. Hays or any one representing the Grand Trunk Company, ever made such a suggestion to me. It was represented to me by the law department of the government, that the amendment which I placed on the order paper and which remained there for a considerable time, infringed upon the terms of the original contract entered into between the government and the Grand Trunk Pacific Company, or at least that the Grand Trunk Pacific Company would

claim it infringed upon the terms entered into between them and the government, and that the management of the Grand Trunk Railway would be compelled to obtain from their directors in London a consent to the change that I proposed to make. It was not deemed wise to imperil the Bill, or postpone its passage through this House ; and I considered that if I obtained from the manager of the Grand Trunk Railway Company a letter reading as the letter reads I was obtaining all the promises necessary to bind that company to commence construction, when their surveys permitted, on the Pacific coast. I am bound to say that it is satisfactory to me, and I believe it is satisfactory to every person in British Columbia who is not a party politician, or who is not trying to give away the lands of that province to railway companies. My hon. friend must remember that under the terms of the agreement with this railway company, the line has to be completed in seven years. I should like to know how any railway company which is required to complete a line across the continent, or at all events, from Winnipeg to the Pacific ocean, in seven years, can go to the province of British Columbia, and compel them to give one dollar or one acre of land to insure that construction work shall begin in the province. It is not in the interests of the province that they should make any grant of the kind. They will reap all the benefits of the construction at all events within a few years, and that is all our province is looking for. I think if it had not been for a few ardent politicians in the province of British Columbia suggesting to the Grand Trunk Pacific that they were open to give away some of their lands, if that company would only send out an agent to the city of Victoria and open negotiations, we would have heard nothing whatever about these alleged communications between Mr. McBride and the company.

Hon. Mr. MACDONALD (B.C.)—The letter is much more satisfactory than I thought it was, and it shows that what Mr. Morse has done has been done on his own account ; and I think Mr. Hays can properly call for an explanation by Mr. Morse, because his statement is diametrically opposed to what Mr. Hays has written in that letter.

Hon. Mr. TEMPLEMAN.

Hon. Mr. TEMPLEMAN—Quite right.

Hon. Mr. MACDONALD (B.C)—With regard to the company not completing their road in the time agreed to in the contract, that does not amount to anything. We extend the charters of railways every day here, and if this company came to parliament and said, 'we are not able to complete within the time allowed and we want an extension for two or three years,' parliament would give it to them, without a single objection. I realize perfectly well the difficulty in the way of any member fastening anything on this contract unless it agreed entirely with the views of the Premier. The Premier of this country took the subject entirely in his own hands, and he and the Grand Trunk Company arranged the whole matter, and I fully exonerate my hon. friend from British Columbia (Hon. Mr. Templeman) in relation to anything that does not appear in the contract. I dare say he used his influence, but I know that the Premier rejected everything except what exactly suited his own views and those of the Grand Trunk Company. Perhaps the hon. gentleman did not notice that the other day the hon. Minister of Railways, in answer to a question by one of the British Columbia members, said he was then trying to induce the company to commence construction at the coast simultaneously with construction from Winnipeg, and I dare say he will be able to accomplish that, in view of Mr. Hays' promise.

LABOUR UNION LABELS BILL.

Hon. Mr. DAVIS—I move that Bill (10) An Act respecting the Labour Union Labels, be placed on the Orders of the Day for second reading on Thursday next. I was asked by parties interested in this Bill to have it restored to the order paper. While I may have my views with reference to this question, if a large body of the people of the country want to lay their views before the committee, I think they should be allowed to do so. The Bill has been amended in the House of Commons, and I think we might grant these people the right to be heard.

Hon. Sir MACKENZIE BOWELL—Objection having been taken to it, it cannot

go on to-day, and the hon. gentleman will require to give notice.

Hon. Mr. POWER—It has not been a practice in the past to require formal notice in a matter of this kind.

Hon. Mr. YOUNG—When the Bill came over from the House of Commons, any hon. gentleman could have moved the second reading of the Bill for to-day, without any notice, and its second reading could have been set down for to-day, and therefore there is no notice required.

Hon. Mr. FERGUSON.—A similar case occurred two years ago, in an amendment to the election law which was introduced in the House of Commons. On its being read a first time here nobody took interest in it and it was dropped. Observing some days afterwards that that was the situation, I made inquiries as to how I could have brought it before the House, and I learned then—I do not know that there was any ruling on it—that I had to give notice. I gave the notice that I would move to have it placed on the order paper, and I acted upon it. It would be perfectly regular when the Bill was read the first time, for any hon. gentleman to move that it be read a second time on a certain day, but that has not been done. Therefore, I think the proper way is to give notice.

Hon. Mr. POWER—The hon. gentleman is giving notice that he will move the second reading on a certain day.

Hon. Mr. DAVIS—If it requires a notice of motion, I am willing to give the notice, but I ask the ruling of the Speaker. I think it is still before the House.

The SPEAKER—As there has been no action taken on the Bill after its first reading, I take it for granted that this motion is a formal one to place the Bill on the order paper for a second reading at a certain date, and that could be moved at any time. Therefore, I declare the motion in order.

The motion was agreed to.

THIRD READINGS.

Bill (61) An Act to incorporate the Lebonk and Thunder Bay Railway Company.—(Hon. Mr. Frost.)

Bill (78) An Act respecting the Macleod, Cardston and Montana Railway Company.—(Hon. Mr. Young.)

Bill (85) An Act respecting the Bay of Quinté Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (89) An Act respecting the Monterey Electric Gas Company and to change its name to The Monterey Railway, Light and Power Company.—(Hon. Mr. McMillan.)

Bill (94) An Act respecting the Brockville, Westport and North-western Railway Company.—(Hon. Mr. Frost.)

Bill (50) An Act to incorporate the Calgary and Battleford Railway Company.—(Hon. Mr. Watson.)

Bill (20) An Act to incorporate the Moosejaw and Edmonton Railway Company.—(Hon. Mr. Ross.)

SECOND READINGS.

Bill (K) An Act for the relief of George Pearson.—(Hon. Mr. Perley.)

Bill (L) An Act for the relief of George Dance Harper.—(Hon. Mr. Kerr, Cobourg.)

Bill (V) An Act respecting a Patent number 69772 of the Underwood Typewriter Company.—(Hon. Mr. Kerr, Toronto.)

Bill (W) An Act respecting certain Patents of the Underwood Typewriter Company.—(Hon. Mr. Kerr, Toronto.)

Bill (82) An Act to incorporate the Annuity Company of Canada.—(Hon. Mr. Davis.)

LIBRARY OF PARLIAMENT.

First report of joint committee adopted.

Hon. Mr. POWER moved the adoption of the first report of the joint committee of both Houses on the Library of Parliament. He said :

This report is purely formal. It states that the committee met a first time on the 23rd March, that the report of the librarians was prepared and adopted, that a sub-committee was appointed to audit the Library account and that plans for the library extension were laid before the committee and referred to the two Speakers and the two librarians. It is simply a history of what has taken place.

Hon. Mr. SULLIVAN. As the question of the Library has come up, I may say that we are in need of a good dictionary. There is in the Library a dictionary of colossal proportions, but it only reached C or G a couple

of years ago, and I do not know whether it is going to be continued or not. I simply throw out this reminder and suggest that some dictionary like the Century should be purchased in the meantime. Perhaps it might be ascertained whether the Imperial dictionary, to which I have referred, is in a state of suspension or whether it is dead altogether.

The motion was agreed to.

PACKING AND SALE OF STAPLE COMMODITIES BILL.

IN COMMITTEE.

The House resolved itself into a Committee of the Whole on Bill (121) An Act to amend the Act respecting the packing and sale of certain Staple Commodities.

In the committee.

Hon. Sir RICHARD CARTWRIGHT—This is a Bill which the House will observe is intended to prescribe a certain size for apple boxes. A small penalty is fixed if after a certain date, namely, July 1st, 1906, apples are packed in boxes for export or exposed for sale in any other size of boxes than is here described. I may mention that this question has been discussed for several years by the Fruit Growers' Associations throughout the Dominion, and I believe that they have unanimously advised that the size of a box shall be fixed by statute, as is the case in respect of barrels and other packages in which similar fruits are offered for sale. There has been some little doubt as to what size of box would be best, but the preponderance of opinion appeared to be in favour of the size described here—a box 10 x 11 x 20—which is about one-third the size of an ordinary apple barrel. The British Columbia Association passed a resolution affirming this in 1902. The Ontario Association had it before them for some time, and after letting it stand over for a year, they passed a similar resolution in 1903. This was endorsed in Quebec by the Quebec Pomological Society, which recommended a box of the same size as is described here. In 1904 the Nova Scotia Fruit Growers' Association meeting at Bridgewater, passed a similar resolution, also recommending a box of this size. In February the Prince Edward Island Association at Charlottetown, recommended the same size. The matter has now been for perhaps two or three years before the several fruit growers' associations, and although, as I have said, there is some slight difference of opinion as to the size which would best suit the different markets, they are all agreed that it is desirable that a box of uniform size should be prescribed by parliament, and that, in particular, persons sending out apples for export, unless they pack them in trays, for which special provision is made, should be required to use a box of this description.

Hon. Mr. MACDONALD (B.C.)—Does this Bill apply to domestic apples ?

Hon. Sir RICHARD CARTWRIGHT—The Bill refers to export. It does not appear to apply to anything but apples shipped out of the country.

Hon. Sir MACKENZIE BOWELL—Does the word export apply to all the paragraphs?

Hon. Sir RICHARD CARTWRIGHT—I think so. I think the provision applies exclusively to apples for export. The hon. gentleman will see that the words are repeated in all the clauses.

Hon. Mr. BLACK—Does this prohibit the use of barrels ?

Hon. Sir RICHARD CARTWRIGHT—No. It merely provides for the use of boxes of a standard size. There has been a demand on the part of English merchants that apples shall be sent in smaller packages than barrels, and it is obvious that if boxes are used it is desirable that they should be of uniform size. Otherwise there would be danger of confusion and possibly of litigation.

Hon. Mr. FERGUSON—The hon. gentleman appears to me not to have fully comprehended the effect of this measure. He is a strong advocate apparently of uniformity in the size of packages ; but this Bill will not produce uniformity. It simply provides for a minimum size of box. It does not provide against boxes being made larger than the specified size. I regard the measure as a very inconsequential one indeed. It simply provides that if apples are packed in boxes, the boxes shall not be less than a certain size, and therefore uniformity will

not be the result of this legislation. My hon. friend read the resolutions passed by the fruit growers' associations in the different provinces. If they are examined closely it will be found that the desire was for uniformity. I know that was the case with the fruit growers of Prince Edward Island. This is the same sort of legislation that we have on the subject of apple barrels, and I consider it very bad legislation indeed. We should have a uniform barrel, and a uniform box, so that every barrel or box of Canadian apples sent to any market in the world would be of the same capacity. We have established a minimum barrel, and I presume it is intended that three of these boxes should fill a barrel, but our legislation is that 96 quarts shall be the minimum size of our barrel. That corresponds, not in the shape of the barrel, but in size, with the United States apple-barrels, but in the province of Ontario and perhaps also in the province of Quebec a very large proportion of apples are shipped in second-quality flour barrels, and we are very much at sea on the subject. It is very desirable that we should have uniformity. I am not opposing this Bill, but it is very insufficient and will be of little assistance.

Hon. Sir RICHARD CARTWRIGHT—The fear the hon. gentleman expresses is not likely to be realized. My experience of trade is that if you buy a box of anything you will not be in the slightest degree in danger of receiving more than the prescribed size. If the inhabitants of any particular province are in the habit of giving large measure, heaped up and running over, they are a distinguished exception to the usual rules of trade that prevail in these articles.

Hon. Mr. McMULLEN—I consider the proposed change a very desirable one. The reception that our fruit has met with in the English market, in view of the methods of shipping that have been employed, has not been at all satisfactory to our shippers. Our fruit crop is quite extensive, and is becoming greater all the time. If this legislation will improve the standard of our fruit, and place it in the English market in a more acceptable form to the English consumer, it is commendable ; and my impression is that it will have such an effect, for this reason, that there are many people who would willingly buy a box of apples of this size, who perhaps would not care to buy a barrel. They can also, in purchasing a box of apples, easily shake it up and see what it contains to the bottom. There will not be the same likelihood of putting poor apples in the centre as there would be in packing barrels. We know there has been a very general and loud complaint in regard to apples shipped to England, that in the tops of the barrels in many cases the fruit is better than in the middle of the barrel. That could not occur to the same extent when fruit is packed in boxes, and if they are shipped in that way they will command better prices. There are many people who would buy a box who would not feel inclined to buy a barrel of apples. I commend the effort to place our fruit under the eye of the British consumer in better shape than it has been in the past. There is no country in the world more advantageously situated to produce good fruit than Canada, and we produce it ; but in many cases unfortunately it gets mixed up in barrelling and the result is that the reputation of our exports has not been such as we had a right to expect. If this measure will bring about a change for the better, it should commend itself to the House.

Hon. Mr. SCOTT—As an illustration of the force of my hon. friend's observations, I have just been reminded that a gentleman on the Ottawa river, a Major Sheppard, has for many years been in the habit of sending his fruit to Scotland and England and in all cases he realizes at the rate of $7 to $8 per barrel. That would be possible to a very much larger extent, if fruit growers took the trouble to put up their fruit in the way indicated when sending it abroad. The value of Canadian fruit could be more than doubled if growers and packers were more honest in their methods of putting up their packages. Certainly the reduction of the package from a barrel to a box is an admirable one, because there will be less opportunity for fraud and deception. A purchaser can turn up the box one way or the other, and examine the fruit without trouble. Every shipper could do as well as Major Sheppard, if he were to put up fruit just as the placard attached to the box represented it to be, and he could get more than double the general price.

Hon. Sir MACKENZIE BOWELL—I do not think any one will dispute the premises laid down by the Secretary of State and the hon. gentleman from Wellington. We know that frauds are committed, and if any legislation could prevent that, it would be in the interests, not only of the buyer, but of the seller. The question is will a Bill of this character accomplish the end which I have mentioned. The hon. Minister of Trade and Commerce, when he made the first explanation, said the desire of the government and the object of this Bill was to establish uniformity in the packages. The measure does not accomplish that; on the contrary it provides only what the minimum size of the box shall be. It has no reference whatever to a larger box. The Minister of Trade and Commerce meets that argument by facetiously saying that no one is likely to give more apples than are called for by the standard box. Certainly not, but that does not prevent the shipper from shipping his apples in any larger sized box if he pleases, and consequently the object in view is not accomplished by this Bill. That is the point raised by the hon. gentleman from Marshfield. More than that, clause 4b, exempts certain boxes from the operation of the Bill, another evidence that it will not produce anything like uniformity. It says :

4b. When apples are packed in boxes or barrels having trays or fillers wherein it is intended to have a separate compartment for each apple, then the provisions of sections 4 and 4a shall not apply.

One can understand the advantages of having separate compartments for each apple. The apples would be likely to be shipped in such a way that they would be received in much better condition, particularly if they were covered, as oranges from Florida are, each one wrapped in tissue paper. Anything that will accomplish the object, so much desired, of preventing fraud, and bringing about uniformity in the size of the boxes, so that people will know exactly what they are getting, will be beneficial to the trade. The only point is, the Minister of Agriculture has not in this Bill provided for uniformity. Had he said that a box might be double or treble the size, but must be uniform, the object would have been accomplished.

Hon. Mr. FERGUSON—My hon. friend from Wellington is partly right when he says, that where a box is used, instead of a barrel, there is not the same opportunity for practising fraud, that is in facing, because the box when opened will disclose a larger proportion of the contents than in the case of a barrel. That is the only advantage to be gained by substituting a box for the barrel. If my hon. friend the Secretary of State was right in the information given to the House of the success of Major Sheppard's exportations, and apple-growers and shippers in this country were made acquainted with it, I imagine they would not be long in adopting boxes, and discarding barrels. They would be getting $7 or $8, instead of $1 to $3, per barrel. I am sorry to say that while possibly some gilt-edged shipment, striking an exceptionally good market, may have brought fancy prices such as have been quoted, no such prices are likely to be obtained for good apples in boxes or in barrels. In fact, the advantages are not very great. The cost of three boxes is greater than that of one barrel, and the difficulty of packing is also greater. It requires an expert to pack apples properly in boxes, in order to fill the box without bruising the fruit or without leaving any vacant spaces. In California and Oregon, and to some extent in British Columbia, shippers are packing in boxes, and they have to employ expert packers, who can do the work successfully. I was at one of our exhibitions this winter, where an expert gave illustrations ; and he amazed me when he said there were sixty-five combinations known to experts in packing in boxes of the dimensions described in this Bill. Hon. gentlemen can see that when four apples placed in a certain position might be too large, three might not be enough to fill the row, and it is then necessary to resort to what are known as combinations. Some of the apples are placed on their side and some flat. There are other devices known to experts ; but those who are not expert, if they tried to do such work, would find that they would be costly apples before they were packed. Only a few days ago I happened to be in the market division of the Department of Agriculture, where they receive very valuable reports of the markets, and I saw one instance where a very good consignment of apples had gone forward in boxes, the fruit wrapped in paper, and yet

the prices ranged from 4 shillings to 7 shillings per box. The shipment consisted of first-class fruit, marketed in good condition, and yet that was the price received. In other words they brought from $3 to a little over $5 a barrel in England. Major Sheppard is not the only grower in Canada who sends his apples to England in boxes. It has been tried extensively all over Canada, and while some very good results have been obtained—I think the prices on the whole are better than when the fruit was shipped in barrels—yet I am sorry to say that such a result as Major Sheppard has obtained, if it has ever been obtained, must have been under very peculiar circumstances, and in a very peculiar condition of the market. Such prices do not prevail. I am also under the impression that Major Sheppard uses fillers or trays in his boxes as provided for in the 4th clause of the Bill, and if he does, I can easily understand that apples packed with such great care would commend themselves to consumers; but that class of trade is expressly exempted from the provisions of this Bill. I do not think the Bill will do very much good. It is establishing a minimum barrel, and that is about all. It will not necessarily bring about uniformity. It would be well worth consideration whether a little more liberty should not be given with regard to the length, depth and width of the boxes. For instance, a packer may find, owing to the size of his apples, that he cannot get the requisite number of rows in without the package being a little too slack, or a little too full, if he makes the boxes exactly as described here; whereas if there was liberty to call either the 10 inches or the 11 inches the width of the box as might be found most convenient, he would be able to pack his apples much more easily than if the box were made the other way, because he could put the tiers in to better advantage. However, it is only a small point, because I am sure no inspector would find an infringement of the Act if the box was 10 x 11 x 20, whether the eleven or ten was made the top of the box, because the capacity of the box would be precisely the same in either case.

Hon. Mr. GIBSON—If the hon. gentleman from Marshfield would reflect for a moment, he would see that if this variation in the size of the boxes were allowed, it would make the shipment of them more difficult. The idea I gather is that not only should the packages contain a certain number of cubic inches, but they should all be of the same size, so as to economize space in shipping by rail or steamer, thereby enabling the steamship companies to give better rates, because the boxes can be packed more closely together. There is one point which seems to have been overlooked, and one which I had the honour of laying before the House of Commons with regard to the inspection of apples. While a great deal of care has been exercised with regard to the packing of fruit, no one can deny the fact that through the recklessness and carelessness, or shall I say greed, of some of our shippers, the market for Canadian apples has not been what it should be; and while I hold that the greatest care should be taken that people buying our apples should receive a specified quantity—whether in box or barrel—it is of more consequence to the English people and to the Canadian shippers that the fruit should be sound and good in every respect. If our fruit-growers and packers were aware of the fact that before a shipment could take place from any of our ports, a government officer would be in attendance, and if a certain percentage of the boxes or barrels opened were not up to the standard, none of that fruit would be allowed to be shipped, but would be thrown back on the hands of the exporter, the result would be that Canada would get what she has a right to get, a first place in the English market for her fruit. I want to say to the credit of Nova Scotia people, that they send their fruit out in the best possible way. It is fruit of the highest grade, and receives the greatest attention at the hands of the British public, and commands the highest prices, simply because the packers are honest in packing their fruit. The farmer sells the produce of his orchard to a packer who ships the apples in his own barrels to the seaboard or direct to Liverpool, in his own name, or in the name of an agent in England. If the farmer were allowed to pack his own apples, and compelled to put his name and the name of his farm, or the number of his lot, upon each package, then if the fruit were found to be improperly packed, he could be made

liable and sued for damages. It would soon put a stop to the attempts which are made to palm off unsound fruit on the British market. That is one of the things that our people have more right to feel aggrieved at than about the size of the packages. Fruit, if properly packed, will arrive in the British market in good condition, but the trouble in the past and the trouble today, until some stringent measures are taken, is that good apples are put at the ends of the packages, especially in barrels, while the apples in the middle are of inferior quality. The result has been our shippers and men in the commission business have had large quantities cast on their hands, and it has destroyed the name of our Canadian apples in the English market. The government ought to take stringent measures with regard to this matter; and have qualified officers to take the same precautions with the shipping of fruit that are taken with the shipping of herrings. The herrings, after being cured and barrelled, are examined by a government officer. He has a certain number of barrels opened in every shipment, and if the herring are not properly packed or of proper quality, he refuses to put the Crown brand on them. The result is that herring of inferior quality cannot be shipped. If the same thing were done in regard to fruit, and the government became responsible for the quality of the fruit on which the inspector puts the Crown brand, it would receive in the British market the consideration it deserves.

Hon. Mr. POWER—I am very glad the hon. gentleman from Lincoln (Hon. Mr. Gibson) has addressed these observations to the packers of Ontario, and I hope that his wishes may be realized, and that the time may soon come when the packers of Ontario will have reached the moral level on which the packers of the Lower Provinces now stand. It is not often we get the Ontario people to admit the fact that they are behind the Lower Provinces, but we ought to hail this confession—in fact it is a brilliant flash of enlightenment.

What the hon. gentleman said is very proper, but really it is not pertinent to the Bill before the House. It was only last year or the year before we passed an amendment to the Inspection Act, providing some guarantee that the apples shipped in barrels should be at any rate nearly of the quality represented. This particular measure is dealing simply with the packing of apples in boxes; and while the measure is not perfect—no human measure is—it goes in the right direction. It provides that the apples, when they are packed for export in boxes, shall be put up in boxes of not less than certain dimensions; and, as the hon. Minister of Trade and Commerce says, if a man is to be paid so much for a box he will generally not make the box unduly large. He will bring it up to the standard, but not much beyond that.

I wish to direct the attention of the committee to the fact that the Bill does really prescribe a size for the package. It says that the box shall represent, as nearly as possible, 2,200 cubic inches. If a box runs a cubic inch or so over that, it does not hurt any one; but the box is to contain 2,200 cubic inches. This measure is a step in the right direction, and the people who know most about the subject and who are most interested in it, appear as a whole to have approved of it; and our best plan is to follow their example.

Hon. Mr. FERGUSON—My hon. friend from Lincoln certainly gave our friends down east a good name with regard to the manner in which they pack their apples; but I am afraid if my hon. friend had a little closer acquaintance with our apples in the east, he might be inclined to modify that opinion to a certain extent. In the first place, growers will have to pack their apples pretty much as they have them. They will grade their apples, first quality, No. 1; and seconds, No. 2; and if they happen to have a bad crop, it will be hard to put good ones in either boxes or barrels. This year in Nova Scotia there was a poor crop of apples—considerable in quantity, but poor in quality—and all the growers and packers in that part of the country did not conform to the high standard my hon. friend from Lincoln referred to, as evidenced by the fact that one of the St. John papers, not more than a month ago, gave the Ontario packers very much more credit for faithful packing than the Nova Scotia people, and added, in no very complimentary words, that some of the Annapolis packers ought to be sent to the penitentiary. I do

not know that I am called upon to defend the government in this House. They have very able defenders here, and it is not necessary for any one on this side of the House to take up their defence; but I want to say a word in their favour in connection with the remarks of the hon. gentleman from Lincoln (Hon. Mr. Gibson.) He appears to be oblivious of the fact that we have a Fruit Marks Act in this country, an Act to which we gave a great deal of attention in this House when it was going through, and which we amended in some very important particulars in the Senate. I had the support of the hon. member for Halifax (Hon. Mr. Power) in making those amendments. It is an Act which is working admirably. Only last week I was in the market division of the Department of Agriculture, and I was there shown the reports of the inspectors in Halifax on every lot of apples that have been shipped on the different steamers sailing from the port of Halifax this winter. Two inspectors were stationed there, and each lot of apples was inspected. Many barrels were opened, and there is a very elaborate and complete report on the quality and packing of this fruit, and very faithfully and well done. I believe that the operation of the Fruit Marks Act has done a great deal to improve the quality of the apples packed in Canada, especially for export; and I know that many of the growers and shippers of apples sell a very much worse quality of apples on the domestic market than they export. They have learned now that it is foolish of them to try to play any tricks on the British market, because the eyes of the British public have been opened, and if a seamy lot arrives on the market it is sure to sell at a bad price, and the exporter is promptly punished for his lack of foresight. Not only so, but he is liable to a penalty under the Fruit Marks Act if it is found, before shipment, that his apples are not honestly packed. I believe the Act is working well, and the remarks of my hon. friend from Wellington (Hon. Mr. McMullen) with regard to our export apple trade are hardly fair as applied to the trade today. Several years ago it may have been true that very considerable portions of our apples were put up carelessly or fraudulently, but that time is passing away; and I shall be very sorry if my hon. friend's observations—well meant, no doubt, they are—should go forth as fixing a stigma, which is undeserved to-day, upon the apples we are exporting to foreign countries. A great improvement has been effected, and we should be very glad here to note that improvement, and to add a word of such a nature as would help to advance the reputation of our apples instead of saying things which are only applicable to the trade a few years ago, but which are not correct to-day, and are calculated to injure the name of our fruit before the world.

Hon. Mr. GIBSON—My hon. friend seems to think that the remarks that I made were for the purpose of destroying the trade of Canada, in connection with the shipping of the apples. On the contrary, my remarks were intended to raise the standard if possible, and while I have no doubt that my hon. friend, on going to the Department of Agriculture, saw satisfactory reports made by the different inspectors with regard to the shipment of fruit, at the same time it cannot be denied that large shippers frequently find that on the arrival of the fruit at Liverpool they have to take a less rate than they ought to accept, on account of the condition in which the fruit arrives there. If this inspection is as good as my hon. friend says, why should these shippers be obliged to take a less rate for their fruit because of the unsatisfactory condition in which it arrives. If the inspection and packing is proper, it would arrive in proper shape. The time occupied in crossing the Atlantic is very short. They have the cold storage system on all our fast steamers, and the fruit receives from the hands of the steamship company every consideration, but I want to say to my hon. friend that while there is an improvement and an improvement of which we are all glad, at the same time I do not think that we have reached that state of perfection that we ought to have reached, after all the years we have been shipping apples and fruit to the old country. The fact of the matter is that it is not because of the means that my hon. friend has spoken about, but simply the loss to the shippers themselves, that has caused them, more than anything else, to improve the quality of the apples that they have been shipping in the past. I do not know what was done in Nova Scotia. I was not

in the London market last year, but I do say—and I was proud as a Canadian to know—that in London market our Canadian fruit, especially that coming from Annapolis, N.S., reached the highest state of perfection ; and the highest price paid for any fruit in the London market was paid for Canadian fruit. I have no doubt that if our fruit growers in the west, whether the fruit is shipped by the grower himself or by the man who buys it, were to take as much care as the hon. Secretary of State mentions,—if our apples were as well packed as our eggs are, and reached the British market in as good shape, we would get as high a price for apples grown in Canada as is realized for those produced in the old country, where they are grown under great difficulties. I have no wish to disparage the trade of Canada. I am as anxious as any man in this House can be, to see the trade improved, and to see the condition of our shipments improve, and until this is done we cannot hope to attain the position we ought to hold. It is not because of good shipments not always being made, but it is the poor shipments that are sometimes made which destroy the trade of the honest man. The honest man has not the same chance as the man who sends the fruit away in a bad state. In my own town, within a few miles of where I live, I have bought apples, and told the man I would give him a dollar a barrel more if he would handpack them, and in the fall of the year when they were opened, they were found to be all rotten. He put windfalls in them. If these barrels had been examined by the government inspector before they left his orchard or before they were sent out for exportation, I would not have been defrauded by that farmer. Needless to say, he never offered to sell me any more apples. On another occasion I met a man on the street one day who offered me some very large strawberries. He wanted something like ten or twenty cents extra on account of the grade. I bought them on the street and had them sent to my house thinking we would have a treat with the nice big strawberries. When they were brought from the kitchen to the dining room, they were found to be very ordinary strawberries. He had defrauded me out of twenty cents extra, which he pocketed.

Hon. Mr. GIBSON.

Hon. Mr. POWER—What do you expect from Ontario ?

Hon. Mr. GIBSON—We have a right to expect the same from Ontario as we would expect from Nova Scotia or anywhere else. I do not want any reflections on Ontario from Halifax, but I do hope that the government will insist upon a proper inspection of our fruit. The package is an important matter, but I hold that the inspection is also important, and as I said a moment ago if these men knew that their apples were to be held either in Quebec or Montreal, and would not be shipped away because of the inferiority of the packing or the inferiority of the apples, then I say that the standard of apple shipping would be very much improved over what it is at the present time.

Hon. Mr. McMULLEN—Reading over this clause, I think that it would be necessary to make some alteration in clause 4A. A few years ago I know that from our section of the country a very large number of people shipped apples to Chicago and got a very good return for them that year. That year the United States crop had almost entirely failed while we in Canada had a fairly good crop. We shipped from our section and paid the duty and got a net return of about $3 a barrel. If anything of that kind occurred again, you could not ship apples to the United States unless you shipped them in those boxes.

Hon. Mr. SCOTT—Or barrels.

Hon. Mr. McMULLEN—They have to be of a certain size. I should suggest that you make it read 'When apples are shipped across the Atlantic.' I think this is intended only for apples shipped to the British market.

Hon. Mr. POWER—Not necessarily.

Hon. Mr. McMULLEN—If you ship under this clause you are precluded from shipping to the United States, unless you put them in the boxes, and these boxes are intended for the British market largely. In the United States they pack all their apples in barrels, and if anything should happen that there was a shortage in their crop you might find a very large outlet there for your surplus apples.

Hon. Sir RICHARD CARTWRIGHT—This provision does not prevent that.

Hon. Mr. KERR (Toronto)—You can still send them out in barrels.

Hon. Mr. FERGUSON—Might I ask the Minister of Trade and Commerce, have we the power under the Fruit Marks Act to send inspectors to Boston, Portland or New York, to inspect Canadian fruit going forward, or would we have to do it at the boundary?

Hon. Sir RICHARD CARTWRIGHT—I am speaking from recollection, but I think we would have to do it in our own territory and in our own ports.

The clause was adopted.

Hon. Mr. LOUGHEED, from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

INSPECTION AND SALE OF SEEDS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (7) An Act respecting the Inspection and Sale of Seeds. He said :

The object of this measure is to prevent, as far as possible, the dissemination of seeds with an admixture of injurious weed seeds. For some years past an educational work has been carried on by the Agriculture Department in sending out bulletins to the various agricultural societies and to the leading farmers of the country, calling their attention to the importance of adopting some system by which the seeds, those relating to the cereals, grasses, clover and forage plants should not contain more than a certain percentage of noxious weeds. Two years ago a Bill was introduced in the other chamber on those lines, and after being discussed there for some time, it was withdrawn with a view of giving it a wider publicity and bringing the subject more fully to the notice of the parties who were interested. Again in 1904 a Bill, improved and enlarged, was introduced in the House of Commons. That also, at the suggestion of the members, after giving it a fair discussion and drawing attention of the public to it, was withdrawn. The present Bill, I may say, is the result of repeated discussions by those who have taken an interest in the subject, and they are legion ; and I think the measure has been brought now to such a stage as to make it acceptable, at all events to the great majority of those who are affected by it. The farmers, as a rule, are in favour of the Bill. The seedsmen for some time made a very strenuous opposition to the Bill. They naturally regarded it as interfering with their trade. At the same time it ought to be remembered that we ought not to be behind other countries in legislation of this nature. They have not only in Europe, but also on this continent on the other side of the boundary line, legislation providing for the freedom of seeds from noxious weeds. In no country in the world is it of as much importance as it is in Canada. We are year by year bringing under cultivation the virgin soil, and it does seem to me to be very regrettable that we should destroy the value of that land, perhaps in the very first crop, by placing in it noxious weeds that cannot be got rid of in a life-time, so that we cannot overrate the importance of a Bill of this character. Of course it will meet with very considerable opposition, because parties think it is interfering with their domestic trade, with the seed they have to sell. The farmer perhaps gets his seeds cheaper if they happen to pass through the hands of a well-known seedsman and sold under warranty, but he is not perhaps prepared to pay a higher price. But certainly there can be no comparison between seeds that are absolutely free, the seeds to which I have referred—that is, cereals, clovers and grass seeds—as free as possible from noxious weeds, and seeds that contain from 15 to 30 per cent of noxious weeds, bringing crops of mustard and thistles and other injurious plants into existence, destroying the value of the land by fouling it for many years to come.

The object of this Bill is to enable all parties to obtain pure seed. No doubt a very great improvement has been made in consequence of the introduction of this Bill. The seedsmen have been adapting the trade to the conditions that will prevail hereafter, when this Act comes into operation. The Act will not apply as between the farmer and the person who purchases from the farmer with full knowledge that the seed he buys is not guaranteed or warranted. Farmers very often exchange seed with each other. They know pretty well the character of the seed from having seen the

plants growing on the soil, and in that way there is no deception. Of course if a man chooses to buy foul seed with a full knowledge of what he is doing, you cannot perhaps interfere with his liberty of action, or if he chooses to grow his own seed and foul his land ; but his education, once begun, is sure to grow in the proper direction. There will be an increasing desire year by year to obtain seed which is free from injurious and noxious weeds. The penalties are very low to start with and there are of course exceptions in the Bill which free it from anything like an arbitrary character. It is rather with a view of enabling persons to buy their seeds free from noxious weeds, and certainly we must at all events approve of any legislation that is directed to work so desirable an end. The Bill of course can be much more fully discussed in committee in various details. One hon. gentleman has already announced an amendment, which might be considered in committee, which I am not prepared to discuss at the present time.

Hon. Sir MACKENZIE BOWELL—I think every one in Canada who has given the slightest thought to the subject which we are now considering will agree with the remarks made by the hon. Secretary of State, that every possible precaution should be taken to secure a pure seed unadulterated by weeds, and it will be the duty of parliament to enact any legislation which can possibly accomplish that object. The simple question is whether the Bill under consideration will have that effect, or whether, when we come to examine the details, it will not be found to be absolutely impracticable to carry out the provisions. It may be said—and it has been said in this discussion—that the seedsman can procure machinery by which to extract the weed seeds from the grain itself. We know that in Ontario a large amount of money has been spent in order to procure machinery to accomplish the object which this Bill has in view, but it is a mistake to suppose that a few hundred dollars will accomplish it. I have under my hand a letter showing that in Ontario one firm in particular who deal in seeds have expended thousands of dollars in an effort to accomplish the result this Bill has in view, but that notwithstanding all the improved machinery that has been invented it has been found impossible to fully accomplish that object. This report is very voluminous, but perhaps the Secretary of State would have time to look through it. If so, he will find that after the most exhaustive investigation which has taken place in England by the Departmental Committee of the Board of Agriculture, they have found it impossible to accomplish the object which the Minister of Agriculture and the government have in view in presenting this Bill to the House. While I am making some running observations in regard to this matter. I will read some suggestions made by those who are acquainted with the subject, in order that they may be considered when they go into committee. I am not rising for the purpose of opposing the principle of the Bill; on the contrary our desire should be to make it as perfect as possible. When you come to look at it and read the third and fourth clauses, you will see that they provide for the placing on every package of seed the names of no less than twenty-five varieties of noxious weeds. When you come to take the number of little packages we have, I think it will be found to be an impossibility. Then the hon. Secretary of State said the farmers were in favour of this Bill. The farmers were so far as I could learn as much opposed to the principle of the Bill, as originally introduced, as the seedsmen themselves, but the second subsection of clause 3 relieves the farmers of a certain portion of the responsibility which might attach to them, and it goes so far that it seems to me it will destroy the the object that the Bill has in view. That result will be avoided to a certain extent, if the amendment which is proposed by the hon. senator from Wellington be adopted, but whether that clause should not go further is a question which should be considered. It seems to me that the purchaser should secure that certificate and not the farmer. If you look at the Bill carefully, you will find that the provisions cannot be carried out. There is one clause which perhaps might remove some of the difficulty. But clause 5 might destroy the whole object of the Bill. Clause 5 gives to the Governor in Council through the Minister of Agriculture the power to change and amend the law and all the regulations. What political pres-

sure may be brought to bear at any time is hard to say. The Bill says :

5. The Governor in Council may make regulations determining the maximum proportion of seeds of the weeds named in sections 3 and 4 of this Act, that may be tolerated in any seeds without affecting their character as being within the meaning of the said sections free from the seeds of the said weeds.

Then you will observe in clause 6 provision is made that a man shall be subject to a penalty if there is a greater proportion of weeds than five in one thousand of the seed sold or offered for sale, or held in the possession of any dealer for sale. How that is to be determined the law attempts to point out by providing in one clause that a certain number shall be germinable, something like 99 per cent. The English report shows that sometimes it takes weeks and weeks before you can ascertain whether the seed is germinable or not. Some seeds, as we all know, will germinate in a very short time, while other seeds will lie in the ground for years before they will germinate, particularly that seed to which my hon. friend referred, the wild mustard. That has been known to be underground for years and years, and when turned up again it germinates. How that part is to be accomplished is a marvel.

I could go into a discussion of each of these clauses—I have taken the trouble to look through the Bill carefully—but I will not detain the House by doing so. I will, however, read some of the suggestions in order that they may be placed on record for consideration when the Bill comes up again. While the seed of the farmer should be not only looked after, but should be protected against frauds of this kind, we should consider well whether in passing a Bill of this character we do not jeopardize the trade of every seedsman in the country. We must consider whether under this Bill with the heavy penalties attached to violations of it, seedsmen would run the risk of carrying on their business, or whether we would not only ruin their business, but compel them to drop it. If that is the case, with the facilities offered now for the procuring of purer seed than can be obtained by the seedsman, we should be careful how far we go in the direction of destroying that trade, or if not destroying it, placing the seedsman in the position of being subject to enormous penalties. I freely admit that the suggestions which I am about to place before the House are from the seedsmen ; but they are an important class of people in this country, and if their trade be destroyed you can scarcely expect the farmers to obtain the expensive machinery necessary to clean their seed. Nor will it be necessary under the clause of this Bill, which gives them the power and the right to sell to other farmers any kind or quality of seed they may have in their possession. It may be the rankest and foulest that is grown. It is quite true, as the hon. Secretary of State says, that certain seeds once they get into the ground are very difficult to eradicate, and there has not been sufficient attention paid to the character of the seed which has been sown, particularly in Manitoba and the Northwest Territories. Those who have travelled through that country during or just before the harvest would be very strongly impressed with the necessity of securing a purer class of seed. The soil is very rich and weeds always grow more rapidly than grain ; but under this clause of the measure, there is nothing to prevent the perpetuation of this evil either there or in any other part of the country. Unfortunately in Ontario we see, in various parts of the country, fields that are completely yellow with wild mustard. It grows so thickly that one can scarcely see the grain. Take seed from a field of that kind, and the farmer who grows it can sell it to his neighbour and thus perpetuate the evil—not only perpetuate, but increase and spread it. If the product of such a field be sent to a seedsman who knows his duty and has the machinery for cleaning it, he will take a very large proportion of the noxious seed out of it. There are other seeds which scarcely any machine will separate from the pure grain. It is with seeds as with minerals. Take alluvial diggings in the gold fields : there is a certain black sand nearly if not quite as heavy as the particles of gold, which sinks to the bottom with the gold, and it is only by using expensive machinery and electricity and the application of quicksilver that it can be extracted from the gold itself. That applies with almost equal force to the seeds of certain weeds that are noxious, weeds which grow with the grain, and further this Bill pro-

vides that unless 99 per cent of the seed sold proves to be good the seller is subject to a penalty of $25. These are points which require a great deal of consideration. While we are protecting the farmer and the country, we should be careful not to destroy by our legislation any particular trade in the country, in which large amounts of money are invested. Subsection D of clause 7 puzzles me. It says that the provisions contained in this Bill shall not apply to seed marked 'screenings' and held or sold for export only. Why that should be done I am at a loss to know, while you prevent the export of the purer kinds of grain. We should look after the interest not only of our farmers, but of foreigners besides.

Hon. Mr. SCOTT—That is for feeding purposes.

Hon. Sir MACKENZIE BOWELL—If you want to accomplish the object that is intended, then you should provide that such seeds be ground before being fed, because every one knows that in using screenings which contain large quantities of noxious seeds for feeding purposes they are scattered by the animals and fowl to which they are fed. Provision should be made that such seed should be ground to prevent them germinating. The suggestions which have been sent to me are as follows :

2. The trade having on hand a supply of seeds purchased in good faith and not anticipating any such stringent measure, have no opportunity of disposing of their present holdings until the approach of another season's trade ; the date of the Act coming into operation will therefore entail a very serious hardship.

3. While it might be possible to get small samples of the seeds mentioned in this Act pure, no seedsman would undertake to sell seeds under the penalties exacted in clause 7, because to obtain absolute purity in large quantities would be impossible.

3. According to the reading of this clause it would appear that the Act applies to all seeds whether intended for use in Canada or for export to foreign countries.

4. It is not clear but that all seeds in the possession of seed merchants, are subject to the penalties under the Act, whether such seeds have been recleaned or are in store for the purpose of being recleaned.

4. In view of the severe penalties under the Act, the seedsman has no protection against unscrupulous purchasers, who after emptying the bags bearing the seedsman's brand, might refill them with seeds of an inferior quality.

That trick was attempted during the last election, when one candidate desired to ruin the reputation of his opponent by getting a certain amount of seed and having it examined, when it was found to be very impure, and he published that to the farmers. It turned out on investigation that the seed was not sold by the candidate at all. However, such frauds are punishable under the law. The suggestions continue :

4. The proposed system of marking the bags and grading the seed would interfere with our foreign trade, as European seedsmen have their own methods of selling, and no marks are permitted on bags excepting the initials of the purchaser and destination for shipping purposes.

4. The proposed number of grades is quite inadequate for the practical carrying on of the trade.

5. Adulteration is not sufficiently provided against.

5. Germination.—It would be impossible to carry on business with the restrictions under this Act in regard to germination. A seedsman will receive a car of seed and possibly ship it out the same day. How could germination be tested under these circumstances ?

6. Why is the seedsman alone liable to criminal prosecution under this Act, while the grower who is responsible for evils this legislation is intended to cure, is exempt from the penalties ? This is certainly an injustice.

In other words, it is making that an offence in one for which the other is not liable, and the discrimination favours the man who grows and produces the article.—

No provision is made for seeds in warehouses or stores for purpose of being recleaned, or while in transit to such warehouses or stores for purposes of recleaning.

15. The principle of paying an informer any portion of a fine is pernicious and should have no place in the Act. No limit is fixed as to the time when the vendor's responsibility ceases.

I am not prepared to adopt in its entirety this last suggestion. We know in the administration of many of our laws it is almost absolutely necessary to make some provision to recoup any expenses incurred by the informer or to give a certain portion of the penalty to him, otherwise you would never be able to find out and punish the frauds. I have many other documents of a much more elaborate nature here, and other suggestions which we can bring up when the House is in committee. I deemed it advisable to make these few remarks for the purpose of bringing to the notice of the House the importance of the Bill and the necessity for making certain amendments in order to render it workable and to accomplish the object in view. I have already said that the suggestion of the hon.

senator from Wellington, while to a certain extent a good one, does not go as far as it should go to accomplish the object he has in view.

Hon. Mr. McHUGH—I do not find any fault with the principle of the Bill—I think every member is in full sympathy with the object in view; but whether or not it will be an advantage in its present form, is a question. I know full well the hardships of the agriculturists of the country in trying to contend with noxious weeds. Whether this Bill will relieve them of this hardship, or increase the hardship, is a difficult question to be decided. I know the Minister of Agriculture has conferred a good deal with seedsmen and farmers. He has had before him delegations in connection with the measure. We are entitled, before we are called upon to pass this Bill, to have all the information we can get about it. The measure touches a very important industry. When you touch the agricultural industry you are touching what has been, what is and what will be for all time the greatest industry of the Dominion, and anything that may affect it should be done in a very careful manner. I would suggest therefore that the hon. Secretary of State should appoint a committee to which the Bill could be referred. We could have the advantage of all the information that is possible to be procured from the outside as well as from individual members of the Senate. If the Bill should go before a committee of the Whole House we would not have the advantage of that information. If the Secretary of State does not care to send the Bill to a select committee, but would prefer one of the standing committees, I have no objection. I do not wish at this stage of the Bill to point out the clauses to which I might take exception. They can be more fully dealt with when we reach them in committee. I feel that the seedsmen and farmers of the country should co-operate if they are going to prevent the spread of noxious weeds. In our district at least that co-operation is going on. The seedsmen go round and select the cleanest farms they can find and purchase the seed grown there. The seedsmen have to put in machinery which is too expensive for the farmer, and with it they clean the best seed and retail it to the farmers. In this way they are trying to do away with noxious weeds as far as possible. But I do not wish to go further into the question than to ask the Secretary of State if he will let us have a committee to deal with this question where we would be able to get outside information, so that when it comes to us to deal with it, we will be able to do so intelligently.

Hon. Mr. GIBSON—I trust the suggestion of the hon. gentleman from Lindsay will be acted upon by the hon. Secretary of State. Like the hon. gentleman from Lindsay, I have a good deal of correspondence with regard to this measure and I am sure we could not properly deal with it in a committee of the Whole House. It would be wisdom on our part to take this matter up by a special committee to be named by the hon. Secretary of State. It seems rather a peculiar idea that a farmer can sell foul seed to his neighbour without being subject to a fine, but that the seedsman to whom he sells it, even after cleaning it, is subject to a fine if it contains more than a certain percentage of foul seed. There should be an arrangement by which the farmer should be obliged to have his seed cleaned before he undertakes to sell it for seed. There are many points of the Bill which require consideration. We have plenty of time to take the matter up, and we should not accept a Bill of such importance without giving it careful consideration. The whole country is interested in it. No farmer likes to buy seed without being sure that it is clean, and I am sure if seedsmen fail in keeping clean seed I cannot see how a farmer should be allowed to sell his foul seed direct to another farmer without incurring the penalty provided in this Bill. I hope the hon. Secretary of State will allow the Bill to go to a select committee.

Hon. Mr. BLACK—I entirely agree with the hon. gentlemen who have last spoken, that this measure should be dealt with most carefully, and by men who have a practical knowledge of the subject. Of course the seedsmen and the farmers are most vitally interested in the question. I know from practical observation in our country, where a large quantity of seed is obtained from Ontario, especially grass-seed, that land has been decreased one half in value by the noxious seeds it contained. I have been told by expert seedsmen that

Nova Scotia and New Brunswick are the dumping ground of Ontario for these impure seeds. I do not know whether that is true or not, but I agree with the last speaker that it seems rather an invidious distinction that we should provide legislation which allows one man to go scot-free for doing that which subjects another man to a penalty.

Hon. Mr. SCOTT—When a farmer buys seed from his neighbour he does so with a full knowledge of what he is purchasing.

Hon. Mr. BLACK—A farmer can go to a seedsman's store and if he has ordinary intelligence he can examine the seed and know what he is buying. I should like to see the law general in its scope. Under the law a man may produce grain containing 25 per cent of noxious weeds, and sell that without incurring a penalty, enabling him to sell his good seed and also worthless stuff, not fit even for feed.

Hon. Mr. SCOTT—He cannot do it under the Bill.

Hon. Mr. BLACK—I mean under the existing statute. I am most emphatically approving of this Bill, but I endorse the suggestion of the last speaker, that it should be dealt with by a select committee or one of the standing committees of the House.

Hon. Mr. POWER—It gives me the greatest pain to be obliged to differ from the three hon. gentlemen who have preceded me. I suppose I must be wrong, but it seems to me that this inquiry which is proposed before a special committee would take up the balance of the session and give senators who are anxious for employment something to do, and at the close of the session we would not know any more about the subject than we do at present. It is the duty of the Minister of Agriculture and the officers of his department to consider the interests of the people, more particularly of the farmers, and I assume that this measure is the result of the consideration which the Department of Agriculture have given to the question during several years. It does not seem to me reasonable to suppose that a committee, even of senators, would, in the course of two or three weeks, evolve a much wiser measure than has been produced by the consideration bestowed for years on this subject by the officers of the Department of Agriculture, who are, to a certain extent, experts. It is very proper that the measure should be considered fully, and I have no doubt the minister in charge of it will be prepared to deal with objections, and if he has not the necessary information, to acquire it when the measure is going through a committee of the whole House; but I must enter my humble protest against the proposition that this measure should be referred to a special committee, and that the senators should be turned into experts on a question of this kind.

Hon. Mr. KERR (Toronto)—It appears to me that all that has been said on this subject with reference to the duty of the Minister of Agriculture and the responsibility resting on him and his department will be assented to by every member of the Senate, but we are called upon here to deal with a matter about which we either have information or ought to get it in some way. If the Department of Agriculture have this information before them, it would be very useful to us to form, in an humble way, with the limited intelligence we have, some opinion on the matter before we amend the law, particularly before amending it on the lines that section 3 of this Bill would amend it. It does seem to me that on its face it is a matter which is proper to speak of on the second reading, for it is the principle of the Bill. It does seem to me to be a very extraordinary case which justifies one man in selling an article in a certain condition, while the purchaser from him may not sell it, even though he may try to make, and almost succeed in making it a perfect article. It looks like making a law for one man and one class of persons, and a different law for another man and a different class of persons, and if there is anything which is dangerous legislation, it is that class of legislation. It may be that it is possible the circumstances warrant all this, but those circumstances are not before us now. It is possible that if the evidence were here, it would appear that in order to try and accomplish something it would be necessary to take this step as an experimental matter, but we have not an opportunity of knowing what there is to justify such an experiment. No one will doubt for a moment that the subject is one of the very greatest importance, and that the great

wheat fields of the west, which are to furnish food for all the world or, at all events, for Britain, in years to come, may be absolutely destroyed by the existence of noxious weeds, and that it may be necessary to adopt extreme measures, even if the result of this legislation is to be practically to put the seedsmen out of business. The farmers have no means of cleaning their seed, and if the effect of this measure is to be that the seedsmen cannot sell seed without these penalties attached, it may put them entirely out of business.

Hon. Mr. SCOTT—That is not the interpretation of the Bill.

Hon. Mr. KERR (Toronto)—If every sale of seed containing more than one per cent of prohibited seeds is to be followed by a penalty, what business man could stand such an attack as would be made upon him ? I am told it is a fact that with reference to some weeds it is not possible to entirely exterminate them, and if so the percentage which is mentioned here, 99 per cent, is a very high percentage. While I am not saying anything against the object of the Bill—it is one we are all in favour of, yet without having more information, I think, on the face of it, the Bill is one which presents objections. These could be dealt with very much better and more satisfactorily by having a committee who could receive evidence, either from the Department of Agriculture or from other parties. If ever there was a case in which there should be an inquiry, this is one; and an inquiry such as that suggested by the hon. gentleman from Lindsay and the hon. gentleman from Lincoln, it appears to me, presents a way of dealing with the Bill without which it may be open to very serious objection. The very grievance which it is sought to remedy may be perpetuated and extended instead of being lessened. The government should see their way to accede to an inquiry of some kind. If they object to calling witnesses and hearing parties, at all events let the committee have before them the information the department have on the subject; and we will be able to arrive at a conclusion which will be more satisfactory.

Hon. Mr. SCOTT—I was quite aware that this Bill would be subjected to a great deal of criticism, but when one remembers that it is the result of many years of consideration by experts, not alone experts in Canada, but experts in other countries, it will be admitted that it is a very difficult problem to solve to meet the views of people who are interested from different standpoints. If we were to have a special committee we could learn no more than we possess now, if we choose to read over the bulletins issued from time to time by the Department of Agriculture, giving the judgment and views of experts. We could not possibly have these experts before us. We should call 30 or 40 witnesses on one side and 30 or 40 witnesses on the other. There is great misapprehension as to the position of the farmer on this subject. I stated at the opening of my remarks that the farmer did not come within the provisions of the Bill if he is selling to a neighbour.

Hon. Mr. GIBSON—Why should he not ?

Hon. Mr. SCOTT—The man who buys from the farmer must buy the seed for his own land.

Hon. Mr. GIBSON—But he can sell to a hundred farmers.

Hon. Mr. SCOTT—No, he can sell only to a farmer who is going to use the seed himself.

Hon. Mr. GIBSON—Surely he can sell to a hundred neighbours who would use the seed themselves ?

Hon. Mr. SCOTT—You could not get a Bill of this kind through and not allow a farmer, who is making no misrepresentation, who is selling seed he does not guarantee, who is selling it to a man who knows exactly what it contains——

Hon. Mr. BLACK—What is to hinder a farmer under this Bill to raise fifty bushels say of adulterated timothy seed and sell it to his neighbour ?

Hon. Mr. SCOTT—For his own use.

Hon. Mr. BLACK—I think that is very objectionable.

Hon. Mr. SCOTT—The hon. gentleman would go further than this Bill goes.

Hon. Mr. BLACK—Certainly.

Hon. Mr. SCOTT—You cannot educate the people by this one Bill. It is something that

could not be done ; it would be absurd to attempt it. You are not going to make more than a certain advance. Probably in eight or ten years more we will have a Bill of this kind before us which will be much more stringent in its character. You must make a beginning somewhere. This Bill is the result of an examination made by experts who from time to time have consulted farmers, seedsmen, and agriculturists in different parts of Canada. There is an association known as the Agricultural Seedsmen's Association, and they have taken evidence and gathered information from all quarters as to what could be done. This Bill does not claim to be perfect ; it could not be perfect. It is simply a beginning and therefore you cannot expect from it the protection which one would naturally desire. When the farmer sells to the seedsman there is no fraud or deception about it. The seedsman knows what he is buying. He purchases for the purpose of having the noxious seeds withdrawn from it. Both parties know what can be accomplished. The seedsman is not obliged to buy it. To give you an idea of the immense difference between seed grown in one locality, I will take the report from Prince Edward Island on the quality of red clover and the prices, and you will see the extraordinary difference between seeds that might be comparatively pure and those that are extravagantly foul. Here is a case of seed at St. Peter's which was sold at $6.90 per bushel. The number of weed seeds in a pound were only 180. Now at Bridgetown the market price was $7.20 a bushel and the number of weed seeds was 11,740 to the pound, yet that seed sold for 30 cents more per bushel than the pure seed at St. Peter's. At Marcil, Prince Edward Island, where the price per bushel was $8.10, the number of weed seeds to a single pound was 19,350, so you can see the extraordinary difference there is between these seeds. Of course a seedsman would readily discover the difference and would certainly be able to tell where the difference was so great as in these cases. How could the farmer tell ?

Hon. Mr. BLACK—The farmer is allowed under this Bill to act as a seedsman and sell this adulterated stuff.

Hon. Mr. SCOTT—Do you expect every farmer to have machinery to clean his seed ? It would be impossible. This Bill only calls attention to the necessity of having pure seed if it can be obtained. There is a clause in the Bill which allows the Governor in Council under certain conditions to make very liberal expanding regulations.

> The Governor in Council may make regulations determining the maximum proportion of seeds of the weeds named in sections 3 and 4 of this Act, that may be tolerated in any seeds without affecting their character as being within the meaning of the said sections free from the seeds of the said weeds.

Then it allows a large proportion of other seeds than those named which are not so injurious. It has to be a liberal Act in that sense. You could not now adopt a stringent law, such as one would like to frame to meet existing conditions, and enforce it satisfactorily. This professes to make a beginning, and it brings public notice to the Bill. It calls attention to the very great value that would attach to our farms and our seeds if we could produce a purer class of seed. We know very well that there are farms in this country that produce very clean pea seed. You know that such seed on the other side of the line commands 50 and 75 cents a bushel higher than ordinary peas will, simply because they are known to be superior seed. All seed that is known to be pure in character commands a higher price in the market and we should seek to obtain that standing for our seed in Canada. There is no country in the world in which it is so important, because we are breaking up land which has no foul seed in it, and it does seem regrettable that we cannot make a beginning and have our lands free from foul seed. There are many lands in Canada absolutely valueless on account of the foul seed in them. Hon. gentlemen may criticise the Bill. It by no means professes to be perfect. Its object is to draw public attention to the importance of improving our seed. The penalty is not high. It is limited to $1, and it will only be imposed in very gross cases. I regret, therefore, that I cannot consent to the Bill going to a special committee, because we should gain no more information, and we would not obtain as valuable information as we will be furnished with by the bulletins issued by the Agriculture Department.

Hon. Mr. OWENS—The hon. Secretary of State appears to lay great stress upon the fact that delegates from the Seedsmen's

Association and others have been before the Department of Agriculture in reference to this matter, but unfortunately the Department of Agriculture have not received their inspiration from those gentlemen. They have not acted upon the suggestion of the Seedsmen's Association; they have rather acted upon the suggestion of the farmers, who wished to impose impure seeds upon their neighbours and others throughout the country, and that is the weak clause of the Bill. I must say I heartily concur in the suggestion of referring it to a select committee, which can obtain information that will be valuable. The Bill is most objectionable in its present form, because while the seedsmen are restricted, it allows the farmer who produces foul seed to sell it. He can sell it not only to his neighbours but to others. I hope the hon. Secretary of State will reconsider the matter and consent to allow it to be referred to a special committee.

Hon. Mr. SCOTT—No.

Hon. Mr. GIBSON—The hon. Secretary of State says a beginning must be made somewhere, but there is no beginning if you allow the farmer to sell his foul seed. If the same restrictions are placed on the farmer as on the seedsman, there will be no difficulty in passing the Bill. Why not place the same restrictions upon the men who clean the seed and the men who buy the seed? The farmer is exempt, but the moment he sells his grain to a seedsman, the seedsman is liable to be fined. The farmer can sell fifty bushels of clover-seed, a bushel each to fifty different farmers, and he will have fifty farms foul and yet he cannot be fined. If you go into a seedsman's store and buy ¼ pound he is liable to be fined $1 a package, which would amount to $60 per bushel, while the farmer goes scot-free after selling fifty bushels to his neighbours. Any restriction imposed should be placed upon the farmer. The farmer, we are told, has not the same opportunity of cleaning the seeds that the seedsmen have. If the seedsman has taken every precaution, with all the machinery and ingenuity possible, and notwithstanding all these facts, foul seeds still remain, he is to be fined for having a cleaner seed to sell than the farmer who gets it from the land. Surely that is not starting with a clean sheet. Let us start equal. Why should the farmer be allowed to sell a foul article and the seedsman be compelled to clean his seed, and after it is cleaned if there is one per cent of foul seed in it, he is to be fined? That is why I object to the Bill. We ought to have fair play all round, and while I have the same consideration for the farmer as any one, I say the seedsman also should be protected.

Hon. Mr. POWER—The hon. gentleman has given the very best reason for referring this measure to a committee of the whole House. It seems to me every hon. gentleman in the House is in favour of having our seeds purer tha they are at present. The principle of the Bill is that the seeds shall be pure, and I do not see any reason why there should be a prolonged discussion on the second reading. The details of the Bill will be considered in committee.

Hon. Mr. McHUGH—I could satisfy hon. gentlemen in this chamber that there is not an inconsistency in the Bill, and that it is not an unfair thing to allow the farmer to sell to his neighbours. A farmer knows what seeds are on farms adjoining his. One farmer raises seeds with mustard in them, yet another farmer, who knows that fact, will not hesitate to go to him to buy that seed.

It being six o'clock, the Speaker left the chair.

After Recess.

Hon. Mr. PERLEY—I have taken some little interest in this Bill. I have read it carefully, and if there is one thing more than another I feel a deep interest in, it is protecting our farms from being polluted with foul seeds, more especially in the Northwest Territories, because already some portions of that new country are infested with weeds brought in from Ontario and Quebec. But whilst I appreciate to the fullest extent any legislation having for its purpose the preventing of the spread of noxious weeds, I must say I do not see much virtue in this Bill along that line. Clause 3 gives the names of a variety of weeds which the Bill is designed to protect the country against. I do not know many of them by the names

given, and I venture to say that there is not one farmer in 500 in Canada could pick out many of them by the names in the Bill. One objection of many people to the Bill, is that you allow a certain percentage of foul seed. These seeds are, many of them, very small and very prolific. I forget how many thousand may be produced from one seed of wild mustard or stink-weed, and other weeds are equally prolific; so that a small number sown in a field might produce very evil results. Then you undertake to say that a certain percentage of seed must germinate. How can you tell how many seed in a bushel of wheat would germinate? The Bill is defective in that respect, and will lead to endless trouble if any one undertakes to enforce the provisions of that particular clause. My idea is that we should compel every farmer to clean his seed. A number of years ago we were short of oats for seed in the district where I live—in fact, there was a shortage all over Assiniboia and we procured our seed oats in Ontario. I among others got Mr. McKay, the manager of the Government Experimental Farm, to get oats from Ontario. He bought the seed from good reliable men, the very best farmers in Ontario, and I procured fifty or sixty bushels for myself. The seed being bought in this way, many farmers who used it thought it would not require to be cleaned, and the result was that many farms were infested with wild mustard. It was so on our farm —we did not know it was there until it grew up, when my boys immediately went to work and pulled it wherever they could find it. They took an army of men and worked across the field, and pulled out all the mustard plants that could be found. We have kept that up for several years, and think we have now got it pretty well out of the field, but even yet we sometimes find it growing. Our rule is to send a man on horseback across the field. He can see the mustard quite a distance and pull up the plants. Even if a farmer sows clean seed—and he is bound to do so in the Northwest in the interest of the community as well as in his own interest—he cannot protect himself from the negligence or carelessness of his neighbours. We have no fences; cattle run at large from about the 15th of October, and that is long before the snow comes. In threshing his grain, the farmer separates the wheat from the foul seed, and in nineteen out of twenty cases that foul seed is left where it falls. After the threshing is over, horses and cattle roam at large over the fields and eat this foul seed, and thus it is scattered over the neighbouring farms; so that no matter how careful one farmer may be, if his neighbour is careless he cannot keep his land free from foul weeds. Every farmer should be obliged to clean his seed, whether raised by himself or not. My hon. friend says they cannot afford to buy fanning machines. They can and do. Four or five farmers can join together and buy a good fanning mill, and in that way clean their seed and soon have a very small percentage of noxious weeds. The seed of the stink-weed and wild mustard will lie in the ground for years, being of an oily nature. When the ground is stirred they sprout, and it is almost impossible to clean land when the seed once is scattered over it. Under this Bill you could not get anybody to prosecute the seedsman. There would be a good deal of bother about it, and then the fact of allowing 5 per cent of the seed sown to be foul permits the distribution of it through the country. A farmer can just as easily clean his seed as he can sow it; the cost of cleaning it is very small.

Surely when every man is able to buy a seeder, half a dozen men in a neighbourhood can jointly purchase a fanning mill which costs only $30 or $40. Then with regard to the germination clauses, there is a great difference in seed. If oats are touched in the least with frost they will not germinate, whilst wheat may be frozen to a great extent and still be very good seed. Therefore it is difficult to say what will germinate and what will not. I think this Bill should not become law, because I am satisfied it will not have the effect desired. The government might think it over and reintroduce it in the near future, trying some other method. There are some seeds which are so like many varieties of noxious weed seeds, that even an expert would be puzzled to tell the difference between them. Take clover and grass seeds for instance; there are hundreds of seeds just like them and you cannot get a mill which will separate the good from the bad. You are undertaking a very hard proposition which will lead to a great deal of trouble and do very little good.

Hon. Mr. WATSON—There is no doubt the last remark of the hon. gentleman (Hon. Mr. Perley) is correct—the government are undertaking a very hard proposition when they try to get clean seed, but I would call the attention of the House to the fact that almost all the suggestions the hon. gentleman offers are purely municipal or provincial in their character. The local authorities deal with noxious weeds on the farm. It would be absurd for the Dominion government to undertake to require farmers to sow clean seed, and pull weeds on their farms. The Bill along the lines intended is a good Bill. The hon. gentleman objects to the provision that one or two per cent of seeds sold by seedsmen may be foul. Surely that is better than having ten per cent or more of noxious seed. The Bill is in the right direction. This measure does not require the farmer to sow clean seed, does not touch him at all, but surely it is right to require seedsmen to sell clean seed. I can appreciate the importance of this measure for Manitoba and the Northwest. Quite a large portion of Manitoba is becoming infested with noxious weeds, in fact, in some of the older settlements where the people have not been careful to keep their fields clean, it is almost impossible to grow a profitable crop. It is time something was done to protect the west from the spread of noxious weeds. Like the hon. gentleman, I have had some experience in having noxious weeds introduced through purchasing timothy seed, and I found it very hard to get rid of some of them, especially the Canada thistle. I repeat the government have undertaken a difficult proposition, but from the work done by the Department of Agriculture, and the representations of delegations in connection with this matter, apparently even this difficult task of trying to prevent the spread of noxious weeds has been fairly well met by the proposed measure. Possibly something might be done to meet the views of the hon. gentleman from Wellington in reference to preventing farmers selling foul seed, but so far as the seedsmen are concerned they have appliances for cleaning seeds, and therefore the Bill goes in the right direction.

Hon. Mr. FERGUSON—The object which this Bill is aiming to accomplish is one of very great importance. I doubt if in this parliament, or possibly in many sessions past we have had a Bill of greater importance than the legislation which is now engaging our attention, because freedom from weed pests and the ensuring of sound seed are two of the most important matters affecting an agricultural country like ours. I must say that the general aim and scope of the Bill I heartily support. At the same time, possibly, when we get into committee we might make a few changes to improve the measure. There is one provision I cannot understand—that is entirely out of harmony with the general scope of the Bill. I refer to subsection 2 of clause 3, which is as follows :

> 2. The provisions contained in this section shall not apply to the sale of seed that is grown, sold and delivered by any farmer on his own premises, for seeding by the purchaser himself, unless the purchaser of the said seed obtains from the seller at the time of the sale thereof a certificate that the said seed is supplied to him subject to the provisions of this Act.

That clause will permit the freest sale of seed between farmers themselves, which means that bad weeds can be propagated nearly as effectively as if sold by seedsmen. That clause should be reversed and read something like this :

> The provisions contained in this section shall apply to the sale of seed that is grown, sold and delivered by any farmer on his own premises, for seeding by the purchaser himself, unless the vendor of the said seed delivers to the purchaser, at the time of the sale thereof, a certificate that the said seed is not supplied to him subject to the provisions of this Act.

I would not object to going this far, that a transaction between one neighbour and another might be effected, but to my mind it is a mistake to say that every farmer who sells seed to another farmer is to be exempt from the operation of this law unless he chooses to deliver a note making himself responsible, which we know he would never do. I know there are great difficulties in applying this Bill. One of them has been stated by my hon. friend from Belleville and is to be found in clause 4, which describes the seed that shall be treated as No. 1. It requires that 99 per cent of the seeds must be of the kind that has been sold, and that 90 per cent out of the 99 per cent must be germinable. The 90 per cent might be germinable and still be very bad seed and not entitled to rank as No. 1. You might get timothy seed, for instance, that is almost

entirely germinable, and still have a weak and sickly seed giving only a poor plant. It should be good plump seed. That is a point which ought to be reached in some way if possible. We should ascertain what is going to be classed as No. 1 seed, and it should be No. 1 in other respects besides being free from bad seeds and being germinable. Both these points are important, but the seed should also be plump. I am just pointing to these two provisions in the Bill which I think should certainly not be sanctioned by the House without very serious consideration. I know the general objection has been offered to the Bill that it will compel the seed trade to pass into the hands of the larger dealers, as smaller dealers and farmers cannot provide the necessary machinery to properly clean their seed. That I presume is the reason why transactions between farmers are permitted, because farmers cannot keep the necessary equipment for the separation of seeds as seedsmen will have to do. I understand it is costly to put in a complete equipment, such as will be necessary in order to render a seedsman perfectly safe under the operation of this measure. The effect of that will be to shut out many small seedsmen, but it is better so than that the country should be flooded with bad seed. Even though the farmers should be charged more for seed as a result of the enforcement of the Act, the good arising from it would quite offset any disadvantage resulting from shutting out the smaller classes of seedsmen. It is quite true that a farmer in selling seed cannot possibly have the equipment for properly separating seed such as the large seedsmen have, and all will have to instal such equipment to comply with the provisions of this measure.

Another difficulty that would arise is that when a farmer introduced a particularly good variety in his neighbourhood, his neighbours could not buy from him at all if the Bill did not contain some provision like subsection 2, of section 3, but it would be quite enough if the section were reversed as I have suggested. In that way sales between farmers would be placed under proper safeguards. I am prepared to support the Bill, although I confess that my views with regard to it are not very thoroughly matured. I see very serious objection to some of its clauses, which I think require very earnest consideration. Whether they can receive that consideration in a Committee of the Whole House, or whether they would receive it more fully if the Bill were referred to a select committee, I am not prepared to say. It is quite possible after the matter is discussed here carefully, and we come to understand the measure better, that the hon. minister who has charge of it, might hold it over for further consideration with his colleague, the Minister of Agriculture, and in that way we may make it as good a Bill as it can possibly be made.

Hon. Mr. BEIQUE—I am altogether in accord with the principle of the Bill, and although I am under the impression that the exception contained in subsection 2 of clause 3, may lead to a great deal of abuse from the fact that farmers, when dealing among themselves, will be tempted to buy inferior qualities of seed because they can get it at a lower price; nevertheless in dealing with a measure of this kind, I realize that it should not be too radical at the outset. I have no doubt that is the opinion of the Minister of Agriculture. It is a new measure, and if it were too radical in its character, there would be a danger that it might not attain its object, from the fact that farmers or the people interested would rise against the working of the measure and demand its repeal. They would possibly become biassed against the measure. It is better to introduce a Bill which, while not perfect, would leave the matter open to amendment from year to year as experience might dictate, and as the people realize the benefit arising from such legislation. I am sorry that the hon. leader of the House cannot see his way to referring the measure to a committee of some kind, who would have the benefit of hearing—possibly not all the parties interested—but the officials of the Department of Agriculture at least. It would be but right to make such a reference, if this honourable House is to be enabled to deal with the measure intelligently; and it would facilitate the passing of the Bill on proper lines. I feel there would be danger, if this Bill were discussed in Committee of the Whole, that for want of proper information changes might be made which would not be in the best direction; and I hope the hon. minister

will reconsider his decision in the matter. I quite appreciate the fact that the department is responsible to a considerable extent in presenting a measure of this kind and is jealous of leaving the Bill to be discussed and amended by a committee where all kind of opinions might be expressed, but if it were understood that a committee would be appointed for the purpose of getting such information as could be supplied by the officials of the Department of Agriculture, there should be no objection.

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

Hon. Mr. SCOTT moved that the Bill be referred to a committee of the whole House on Thursday next. He said : In referring a Bill of this kind to a special committee, the intention of the hon. gentlemen who spoke in the earlier part of the debate was to avail themselves of the views of the seedsmen and country merchants dealing in seeds and of the farmers. I felt, and I think I am safe in saying it would be the general opinion of those who have given thought to it, that we would have such a diversity of opinion, it would give us no positive or valuable information. The opinions of experts, of those who have given thought and time to the inquiry and who have examined into all the circumstances, would be valuable ; and if at a later stage it is thought desirable to have witnesses of that kind there might possibly be no objection ; but I would not like to say I would be bound by it. It has a good deal to recommend it. I quite appreciated that when my hon. friend (Mr. Béique) spoke last. In the meantime I propose that the Bill be referred to a committee of the Whole House.

The motion was agreed to.

CONSIDERATION OF BILLS POSTPONED.

MOTION.

The Orders of the Day being called.

Second Reading (Bill 86) An Act respecting the Ontario and Minnesota Power Company, Limited.—(Hon. Mr. McMullen.)

Second Reading (Bill 87) An Act to incorporate the International Bridge and Terminal Company.—(Hon. Mr. Kerr, Cobourg.)

Hon Mr. SCOTT said : I have been receiving a very large number of telegrams with respect to these two Bills and I have two letters at least from the premier of Ontario, together with a large number of communications from different parties. There are very substantial objections to these Bills. The principal parties who are objecting live at Fort Frances, and therefore it would take some little time for them to get here. I wired them to-day that we would have the Bills postponed for ten days, in order that ample time might be allowed. The premier of Ontario said he would depute a barrister of Toronto to come here and give the views of his government on the subject. I understand Mr. Ritchie was in the city to-day and was to have called on me ; however, I did not see him. I had previously announced to him that I would see that the Bills would be postponed in order that he might be in a position to give his views upon them. I therefore move that the Orders of the day be discharged and that the second reading of the Bills be fixed for Thursday, the 13th inst.

The motion was agreed to.

SECOND READINGS.

Bill (91) An Act respecting the Timagami Railway Company, and to change its name to 'The Ontario Northern and Timagami Railway Company.'—(Hon. Mr. Davis.)

Bill (96) An Act respecting the Montreal and Southern Counties Railway Company. —(Hon. Mr. Mitchell.)

Bill (100) An Act respecting the Guelph and Georgian Bay Railway Company.—(Hon. Mr. McMullen.)

Bill (117) An Act to incorporate the Athabaska Railway Company.—(Hon. Mr. Ross.)

BILLS INTRODUCED.

Bill (60) An Act to incorporate the Algoma Copper Range Railway Company.—(Hon. Mr. Davis.)

Bill (64) An Act respecting the Central Counties Railway Company—(Hon. Mr. Edwards.)

Bill (102) An Act respecting a Patent of the Gold Medal Furniture Manufacturing Company, Limited.—(Hon. Mr. McMullen).

Bill (12) An Act respecting the Ottawa Electric Company.—(Hon. Mr. Lougheed).

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

SENATE.

Ottawa, Wednesday, April 5, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS INTRODUCED.

Bill (Y) An Act respecting the Interprovincial and James Bay Railway Company.—(Hon. Mr. Davis.)

Bill (Z) An Act to amend the Act respecting the Canadian, Yukon and Western Railway Company.—(Hon. Mr. Davis.)

THE COMMISSION OF ULRIC LAFONTAINE.

INQUIRY.

Hon. Mr. TESSIER inquired :

What is the date of the commission of Ulric Lafontaine, Esq., of Montreal, as extradition commissioner ?

Has the said Ulric Lafontaine, who is a justice of the peace and clerk of a court, received instructions from the Department of Justice to sit in all the cases of extradition to the exclusion of the other commissioners who all occupy a higher rank in the judiciary of the province of Quebec ?

Hon. Mr. SCOTT—The answer placed in my hands by the Department of Justice reads as follows :

1. 26th December, 1898.

2. No. The Department of Justice does not instruct judicial officers in the discharge of their functions.

INSPECTION AND SALE OF SEEDS BILL.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I would like to say that there has been an expression of opinion from a number of hon. gentlemen that they would like to hear some expert evidence in connection with the Seeds Bill set down for to-morrow. It has been therefore arranged that if any gentlemen who take sufficient interest in it would be kind enough to meet at the offices of the Department of Agriculture, corner of Queen and O'Connor streets, the minister himself will be there to answer any questions in connection with the Bill, and also the particular officer of the department who has had for some time charge of this examination into the seed question. If I could learn from hon. gentlemen what time would be most convenient to meet, I would give notice.

Hon. Sir MACKENZIE BOWELL—Why could not the meeting be held in our Railway Committee room ?

Hon. Mr. SCOTT—They will have a number of specimens of seeds in various conditions obtained from various quarters, and in that way it would be rather illustrative of the question. I presume they could not very well bring their samples here, otherwise we could have our meeting here.

Hon. Mr. FERGUSON—The apartments down there are utterly inadequate if any considerable number of senators should go down ; they are too small and cramped. I cannot imagine that it would be difficult for them to bring up enough specimens to answer the purpose, and it would be very much better if the meeting were held here.

Hon. Sir MACKENZIE BOWELL—They would not require many specimens. What we want most is an explanation as to how the provisions of this Bill would work. I think eleven o'clock would be a suitable hour.

Hon. Mr. McMULLEN—From what I gathered from the hon. gentleman from Lincoln, I think the object was to give those who are opposed to the measure an opportunity of presenting their side of the case. I do not know whether they got that opportunity in the House of Commons or not. I have received quite a number of letters from seedsmen throughout the country strongly objecting to the Bill, in its present shape, and pointing out especially the advantage that it is proposed to give to farmers to sell to each other, thus virtually shutting out the seedsmen from disposing of seed unless it is up to a certain standard. I have met several seedsmen, and have had letters from others ; and the question is whether it is of any use giving them a hearing. They want an opportunity of stating before the committee what their objections are. I thought yesterday the object of this meeting was to hear what those who are affected by the Bill have to say. They claim they have not been well used in being given no opportunity of presenting their side of the case. Of course it would be short notice to expect them to come here to-morrow. The question is whether it is the intention to give these men an opportunity of stating their objections to the Bill. I know the seedsmen throughout the Dominion consider

this Bill a very serious interference with their business. I am entirely in favour of the government's endeavour to improve the condition of seeds by passing a law that will tend to prevent the spread of noxious weeds through the sale of impure seed. It is a commendable object if we can only get a measure which will be workable, but I should like to give the seedsmen an opportunity of showing why they are so strongly opposed to this Bill.

Hon. Mr. SCOTT—The seedsmen have had this under consideration for three years. They have been heard over and over by the officers of the department. Their objections have been stated and heard, and in most cases over-ruled. A number of seedsmen accept the Bill. I inquired over the telephone to-day and learned that several, among them, Mr. Rennie, of Toronto, are not opposed to the Bill. The question has been threshed out most completely with all the seed-growers over and over again. I give the answer for what it is worth, but the question has been threshed out completely with all the seed-growers over and over again, the objections have been heard and met as far as possible, and we have endeavoured to present a Bill that is acceptable to parliament.

Hon. Mr. McMULLEN—I am glad to hear the statement which has just been made by the hon. Secretary of State and under the circumstances I withdraw my suggestion.

BILLS INTRODUCED.

Bill (AA) An Act respecting certain patents of the Ideal Manufacturing Company.—(Hon. Mr. Kerr, Toronto.)

Bill (BB) An Act to incorporate the Monarch Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

FITZ-SIMONS DIVORCE BILL.

THIRD READING.

Hon. Mr. KIRCHHOFFER moved the third reading of Bill (F) An Act for the relief of Jane Marie Fitz-Simons.

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

Hon. Mr. CLORAN—Has that evidence been distributed yet ?

Hon. Mr. POWER—Yes.

Hon. Mr. CLORAN—I have not had the evidence yet. I want to see a copy of the evidence before I cast my vote, and I ask that it be allowed to stand.

Hon. Mr. KIRCHHOFFER—I have no objection.

Hon. Mr. WILSON—I think the hon. gentleman is labouring under a mistake. I have had the evidence before me for some time, and I think if the hon. gentleman will inquire at the post office, or will examine his papers, he will find that it has been distributed and printed.

Hon. Mr. CLORAN—So far I have received copies of evidence in two divorce cases only. And after perusing the evidence, I may say that I will vote against one of them.

Hon. Mr. KIRCHHOFFER—There is no question about it. The evidence in this case was delivered to me over a week ago, and I sent a copy of it to a member of the House of Commons.

Hon. Mr. YOUNG—The Bill has been read the third time, and the question now before the House is, shall the Bill pass. I can see no advantage in holding it at this stage. If the hon. gentleman had objected to the third reading it would have been a different matter. But it is very unusual to have such action taken on the motion that the Bill be finally passed.

Hon. Mr. KIRCHHOFFER—If any hon. gentleman objects on the ground that he has not seen the evidence, I have no objection to letting it stand.

The SPEAKER—Shall the Bill be placed on the Orders of the Day for to-morrow ?

Hon. Mr. YOUNG—Under what heading?

The SPEAKER—That is a question.

Hon. Mr. YOUNG—I have no recollection of ever seeing a Bill on the order paper in the position in which this Bill now is.

Hon. Mr. BAKER—It is a new departure.

Hon. Mr. CLORAN—They can afford to wait another day before getting their divorce.

Hon. Mr. BEIQUE—What object can there be? There cannot be any action taken to stop the final passing.

The SPEAKER—There can be a division.

Hon. Mr. POWER—In the first place this would create a very extraordinary precedent. I do not think such a thing has occurred in the Senate since we became a Senate, that a measure has been put down for its final passing in the Orders of the Day. The order after the third reading is looked upon as a merely formal one, that the Bill do now pass. There is one instance where a Bill was defeated on that motion, but it was put immediately after the motion for the third reading. Then there is this other consideration, the hon. gentleman votes against the Bill in any event, as do all members of the church to which he and I belong, so there is no object to be attained. If the hon. gentleman will tell the House that after he has had an opportunity of reading the evidence, he may vote in favour of the Bill, then there would be something in his suggestion.

Hon. Mr. CLORAN—I might have an opportunity of telling why I think the recommendation of the committee should not be adopted.

Hon. Mr. POWER—The evidence, I may say, is of the most overwhelming nature.

Hon. Mr. YOUNG—I submit the motion should be put now.

The Bill passed.

SPREAD OF TUBERCULOSIS IN CANADA.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Edwards, that in the opinion of the Senate the time has arrived when parliament should take some active steps to lessen the wide spread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis.—Hon. Mr. McMullen.

Hon. Mr. McMULLEN—When I moved the adjournment of the debate on the very important question introduced by the hon. senator from Rockland (Hon. Mr. Edwards), I did so for the purpose of making a few remarks in support of the institution at Gravenhurst, which has been doing such admirable work for some years. I may say I am in entire accord with the resolution. This subject should have been taken up by Canada years ago. It is a lamentable fact that such a very large proportion of our population has been taken from us by the disease to which the hon. senator has drawn the attention of this chamber. It has broken up and ruined many thousands of families. I know several instances myself where every member of a household has been carried away one after another, and it will be one of the most laudable acts of the government if they could adopt some method whereby a stop could be put to the ravages of this disease. I shall not offer any remarks on the infectious nature of tuberculosis or anything along that line, because we have already had three very admirable speeches in this chamber dealing with that feature of the case, and I believe there are yet one or two professional men who are thoroughly posted on the subject to be heard. It would be absurd on my part, therefore, not being a physician, to attempt to enlighten the House on the question. But the question has arisen in my mind, in what direction should the government give encouragement towards this attempt to stop the tide of destruction resulting from the existence of this disease throughout the Dominion. I do not know whether it would be wise to attempt to erect sanitaria all over the Dominion in the different provinces. I have no doubt it would burden the resources of the Dominion very seriously if the attempt were made. However, encouragement might be offered by the way of a grant towards the construction of sanitaria in the different provinces proportionate to the amount of accommodation which they would be able to furnish. Where a building is erected with accommodation sufficient for forty or fifty people, certain assistance might be given. Then there might be an annual contribution per capita towards the support of the institution. In that way there would require to be an inspector appointed who would visit the different institutions and inspect them, and keep a careful record of the work done. The provinces might be appealed to also to contribute something. They should certainly do their share.

I have had an invitation to form one of a deputation to wait upon the premier of Ontario on behalf of the sanitarium at Grav-

enhurst. They are approaching the government of Ontario for the purpose of trying to get a provincial grant towards that institution, which has been in existence for many years and has done excellent work. It was founded as the result of contributions by a number of gentlemen in the city of Toronto and throughout the province of Ontario who took an interest in the subject. There was a general appeal, and all those who sympathized with the movement for the establishment of a sanitarium in that district, which was looked upon as a desirable location for an institution of the kind, responded liberally; and very large amounts of money have been contributed. I can give an illustration of the work the sanitarium is doing by citing the case of a young man in the town where I live. He was twenty-two years of age, and to all appearances nearing his end. It was thought it might be well to send him to the Gravenhurst institution. He went there and remained for something like a year and a half. When he returned to the town he weighed something like fifty-four pounds more than when he left, and was wonderfully improved. In fact, he furnished positive evidence of the advantageous results of his going to Gravenhurst. A meeting was held in the town and a very respectable contribution was made towards the institution. I do not know what course the government may decide upon, but unquestionably it would be most desirable if institutions could be started and made successful at other points. The sanitarium at Gravenhurst has issued lately a statement showing a very substantial decrease in deaths from consumption in the province of Ontario of late years. The rate has run down, I think, something like 15 or 20 per cent in four to five years. There has been a very marked reduction from the mortality which prevailed before the establishment of the sanitarium, clearly showing that the movement to check the disease has been attended with considerable success. It would be well if we could encourage any movement that would tend still further to reduce the number of deaths taking place from tuberculosis.

Hon. Mr. MACDONALD (B.C.)—How is that institution at Gravenhurst maintained?

Hon. Mr. McMULLEN—By voluntary contributions.

Hon. Mr. SULLIVAN—They charge patients.

Hon. Mr. McMULLEN—The institution has been maintained in that way, and it is a very creditable establishment and has done remarkably good work. We have no very expensive institutions of this kind, and to increase the number would be a step in the right direction. We are spending a large amount of money to bring people to this country, and we are glad to know that for the last few years that expenditure has resulted in a constantly increasing influx of population; but when we bring people here it would be a most commendable thing if we tried to save their lives after we get them, in cases where they suffer from consumption. I notice that in England, enormous sums are expended on institutions of this kind. In Glasgow itself there is immense hospital accommodation. It covers some 31 acres, and there are no less than 35 buildings for the purpose of dealing with all cases of the disease sent there.

I could not lose this opportunity of saying a few words on behalf of the sanitarium at Gravenhurst, to which I am glad and proud to say I have been a contributor for a number of years, and intend to be in the future. I should be glad if the government could see their way to giving it some encouragement. The institution has never turned away a patient. Any one going there who has means to pay can get better accommodation perhaps—purchase accommodation to suit themselves—but there is not a single instance in which the poorest creature that had not a dollar to offer in return for the attendance, medicine, and relief supplied, has been turned away from their door. They deserve a great deal of credit for the manner in which they have treated these poor patients.

Hon. Mr. SULLIVAN—Before I begin, while the echo of the hon. gentleman's words is dying in the chamber, I wish to say that he is misinformed about the institution at Gravenhurst. It has done a great deal of good no doubt, but you pay for anything you get there, and it is a goodly sum that is charged. They could not be expected to treat patients free, because they have the cottage system, and these cottages are beautifully furnished. Lately there has been a movement to make those free, but

whether it has succeeded or not I do not know. I only wish to correct the impression about the institution, because it would be very wrong to give the idea that these institutions could be supported and maintained by private benevolence. Such an impression would largely nullify the effect of anything I have to say upon this subject. I feel it a great honour on this occasion to be asked by the gentleman who introduced this resolution to assist him, and I do so with the greatest pleasure, because I feel that no more important subject has come before the Senate in my time, and I am astonished to see there is not more interest—I cannot call it enthusiasm—manifested by hon. senators in this resolution. The hon. gentleman who just resumed his seat said he would let the physicians speak of the matter. They have nothing more to do with it than he. We are bound by duty, by the law of God, by the social law and by the law of humanity to assist our neighbour. It is incumbent upon all persons to alleviate misery and make the country as healthy as possible.

The hon. gentleman who has undertaken to introduce this resolution has done a great work. If I thought for a moment that the only object he had in view was to bring the subject before the House for the purpose of causing some excitement and showing that he was doing something, I would not have interfered on this occasion. I questioned him on the subject, and I believe he is actuated by that charity which 'suffereth long and is kind, envieth not, vaunteth not itself, is not puffed up.' I believe he is acting on the best of motives. I have known the hon. gentleman since he came into this House, and engaged as he is in a great number of occupations, I thought that it was a noble act on his part, and it did honour to the Senate, inasmuch as the honour which comes to any member of this chamber is reflected on the Senate. I say he did honour to the Senate in that he accepted the honourable office of moving the resolution now under discussion. He undertook a herculean task, a task which will be thankless, I venture to say, unless people become more grateful than I have known them to be. He has undertaken an immense obligation, and I think it is my bounden duty as a fellow-senator and fellow-citizen, as it is the duty of other hon. gentlemen, to sustain him in this respect, and to assist the object which he has in view, of initiating some movement in this House, which, radiating from this chamber, will go down to the municipalities and from them to the citizens. All must unite if anything is to be done in this country for the purpose of mitigating or removing this dread disease. I need not tell hon. gentlemen anything of the desolation and misery consequent upon tuberculosis, which causes, as hon. gentlemen have stated, such a large proportion of the mortality. In different countries where statistics are kept, we find that according to various influences, one-fourth or one-fifth or one-sixth of the whole mortality is due to this disease. It is not the first time that the subject of tuberculosis has been discussed in this Senate. In the year 1900, while the Hon. D. Mills, of most agreeable and honourable memory, was leader, a Bill came from the Minister of Agriculture for the inspection of meat. I saw that there was a great deal in that Bill which could not be accomplished. It led to a scientific discussion. I could show hon. gentlemen by reading a few words the necessity which exists that the inspector of meat should be a man qualified in the use of a microscope, qualified to estimate the value of tests on cattle, and able to examine slaughtered cattle and determine whether or not tuberculosis is present. That was the reason I asked the Hon. Mr. Mills, after explaining the necessity for this—because an immense number of these inspectors would have been required—to allow a committee of the physicians of the House, as being the members most familiar with the subject, to deal with the question. He kindly consented; and we looked into the Bill and saw that it was inoperative and could not be carried out without enormous expense. The Bill was dropped and there was nothing more about it. This brings up another question of vital importance to us as legislators. The year after that, 1901, Dr. Koch made an important announcement at the Tuberculosis Congress, of which I have the details here. First I may say to you that poultry and domestic animals are very liable to tuberculosis. It occurs in about 17 7-10 per cent of oxen, cows, and so on.

In pigs and swine it amounts to 15½ per cent; but in sheep, strange to say, it is three ten-thousandths per cent, which shows an almost incredible difference between the two. This has been attempted to be accounted for because the sheep are more in the open air, but I cannot see much reason in that. Dr. Koch, who discovered the bacillus of tuberculosis, the essential cause, at the meeting made the startling announcement, contrary to the universal belief of the civilized world, that it was not communicable from animals to men. He made the assertion contrary to the opinion of the whole of the congress of scientific men gathered from all parts of the world. There was not one man present who supported it, but he gave abundant evidence to show that he was right. I will read to the House the exact words uttered by him in his own speech, because they are of historic interest. He said :

> Though the important question whether man is susceptible to bovine tuberculosis at all is not yet absolutely decided, and will not admit of absolute decision to-day or to-morrow, one is nevertheless at liberty to say that if such a susceptibility really exists the affection of human beings is but a very rare occurrence. I should estimate the extent of infection by the milk——

I want hon. gentlemen to pay attention to this. He proceeds :

> ——and by the flesh of tubercular cattle and the butter made of their milk as hardly greater than that of hereditary transmission, and I therefore do not deem it advisable to take any measure against it.

That is an important assertion, yet he is alone in these conclusions. There were other statements made which I could read to you proving that his view was not concurred in. Experiments were made to show that human tuberculosis was transmissible to cattle. This is of great consequence. I thought the hon. gentleman from Wellington assumed a belligerent attitude some few nights ago, in his very animated speech in reference to cattle being admitted to England.. If they will only admit the truth of what Doctor Koch has stated—and it is worth while investigating—they must admit the cattle, and there will be no necessity to send over gunboats, or anything of that kind. What is the opinion of scientific men to-day with reference to this point ? For the information of the House, I wrote to the greatest pathologist in Canada, and I may say on the continent, Professor Adami, in Montreal. Here is the telegram which I received a couple of hours ago with regard to the present state of opinion on this dictum of Doctor Koch's. I mention it because a royal commission was appointed to investigate the subject, and they have not fully reported. He says that the interim report of the British Royal Commission 'on the whole was against Doctor Koch.' As I said, they were all unanimous against this opinion of his, and this would seem to be the opinion at the present time. I give it to you, as I think it would be of interest. Think of the incalculable benefit it would be if the exportation of our cattle to England could be permitted.

Another important matter is the milk supply. It is a large constituent of food—almost the whole food of infants and children, and it is most advisable that this should be pure and clean. My inclination, I must say, without, of course, attempting at all to put myself on any parity with even those who are opposing Doctor Koch's, would be against his view, because in any case in the examination of milk for infants it is of the utmost importance to take every precaution; and, therefore, I should continue to advise, as I have in the past, that it would be better that milk intended for infants should be boiled.

Of course, this does not interefere with the other matter that I have to bring before the House. As I said, this subject of tuberculosis is of more interest than any other which has come before the House, and I only consider this a trumpet note given by the hon. gentleman from Ottawa for the purpose of arousing attention. I should be greatly amazed if I believed that the members of this Senate were indifferent to a subject of such vital importance to them. In such a representative body as I see before me to-day, every member is just as much obliged as I am, and more so, to investigate this subject in the interests of humanity and of those he represents. I say this without any desire to mention what might be unpleasant, but I think it my duty to utter a warning, with the hope that it will be the beginning of an awakening which will spread through the whole of the country and be of incalcuable benefit.

The essential element of this disease is a small tubercule—a small greyish mass

—which is produced by a parasite. There are many parasitic diseases. We have the parasite of cholera, and there are certain conditions which they must undergo before they are indicated as a cause, but such tests and experiments have been carried on as to render it impossible to believe otherwise than that they stand in the relation of cause and effect. Take away the bacilli of tuberculosis and you have no tuberculosis. Take away the bacilli of cholera which are found in water, and you have no cholera. The same condition exists with regard to the bubonic plague which caused a great deal of excitement some time ago and which it was found was communicated from rats. No matter how you treat the disease, whether it be tuberculosis or any other disease, it will do no good unless you get at the cause. In the great science of medicine, the highest skill is employed to find out the causes of disease, and then to remove them. The tubercle is found in every part of the body. Wherever there is a blood vessel the tubercle is liable to exist, and unfortunately these tubercles accumulate. It is an insidious and mean disease. There is not a relieving feature about it. It is a chronic disease, lasting a couple of years or more, and in every case hope is inspired, even when the person has the appearance of death; in the death agony the patient believes he will be better in a short time. Whether that has a beneficial effect I leave those who are more philosophical to say. I rather think it is a benefit, because the suffering being so great the hope mitigates the severity of the suffering. At any rate it is an insidious disease. Every other disease comes on with a shock—some with a convulsive movement. They all announce their presence, but this disease enters the body like a thief who moves silently and stealthily, and it attacks the young particularly. The greatest number attacked are persons between the ages of 12 and 30. It has its favourite sites and often its favourite portions of the body. For instance it attacks the lungs, and we have generally four or five times as much pulmonary consumption or tuberculosis of the lungs as of any other part of the body. It may attack any other part; bones, joints or any organ. The deposit goes on for a time, and the tubercles accumulate. The natural resisting forces of the body are always present and ever on the watch for hostile invaders. The natural tendency is to recovery, and were it not for the excessive deposits and accumulations a man would recover. The tubercle constantly tends to multiply. Soon after it is deposited it softens and breaks down into a yellowish mass, which liquefies and destroys the tissues. Hectic fever occurs and often hemorrhages also. The hemorrhage in the early part of an attack of tuberculosis is slight and more easily recovered from. In the later stages, when it is the result of the destruction of tissue, it is more dangerous.

Wasting influences are exerted on the unfortunate body, diarrhœa, sweating, &c. I have seen the blankets and quilts soaked from sweating so that you could wring them. You see what attention such people require. While the body is wasting away and the attendants are straining every nerve to sustain the patient, they are subject to contagion, and that is where the danger of it arises. I have one case in particular now in mind—respectable farmers, healthy and strong, where one unfortunate man got tuberculosis of the lungs, and five members of the family passed away from the disease in succession. I stood there aghast, not knowing what to do. I could not believe it was all hereditary, because the father and mother were the last to go, but every one in that house died one after another, and I see now they all died from contagion. They all infected one another, and if I had known enough to separate them as I would have done in a case of small-pox or any other disease known to be infectious, I might have saved their lives, but it was not at that time known to be infectious. We believed then that hereditary transmission was the cause of tuberculosis, and that it was incurable and not preventable. I do not intend to dwell any longer on a description of the ravages of this disease. Suffice it to say, I never saw a case, whether sent to a sanitarium or not, that recovered. Incipient consumption is very difficult to determine, and it has puzzled many a physician. At that stage it admits of cure. The mode of entrance of the infection into the body may be mentioned. It infects by inhalation. Of course it may get in through an abrasion of the skin. The bacilli are floating

in the atmosphere, where do they come from ? Koch says on this point :

So the only main source of the infection of tuberculosis is the sputum of consumptive patients, and the measures for the combating of tuberculosis must aim at the prevention of the dangers arising from its diffusion.

This is supported by every scientific authority. There is no doctor who does not accept it, that the disease is parasitic, and comes altogether from the sputum, and that by rendering this sputum innocuous you prevent the infection from spreading. There are many other things I thought of mentioning, but I have a scheme to bring forward which I think will not necessitate my making as long a speech as I intended—I will come to that presently. Now the causes of all diseases are two, predisposing and exciting. You understand the meaning of those two terms. The exciting cause of this disease is the bacillus. What are the predisposing causes ? What is it that renders one man more easily a victim to this infectious and insidious disease than another ? There are various causes and the removal of these is what I wish to present for your consideration. All the causes that predispose to consumption are those of debility. There is no race, no climate, no temperature, you can find where this disease cannot exist and flourish. They have buried the bacillus at one hundred and eighty degrees below zero, a temperature sufficient to liquefy air, and kept it there for two months, and when it was taken up it was as active as ever. Even in the cooking of food it may be difficult to destroy it. The amount taken into the body varies according to the predisposition of a person to the disease. Damp, dark and dirty neglected premises are where it flourishes. Sunlight, cleanliness and cheerfulness are all hostile to it, and they are good things for anybody to have under any condition. Syphilis is also said to be a cause. Another cause is alcoholism. That is not mentioned by many, but in my opinion it takes away the flower of the population by predisposing to tuberculosis. I will give on this subject the words of a very distinguished Frenchman, the dean of the faculty of the University of Paris. Speaking of it he says it is the most potent factor in the causation of tuberculosis. I have seen many cases of the brightest young men, who have suffered from alcoholism. Mind you, the wretched habitations of the poor are purveyors, as Simon, of London, has said, of the public houses, and the public houses are the purveyors of tuberculosis. There is the circle for you. I cannot tell you how many extraordinarily able men—for this disease occurs very often among the best and finest characters in the world—are lost from this cause. The finest figures and chests I ever saw were those of consumptives. John C. Heenan, one of the finest specimens of humanity, and Tom Sayers, equally good physically, died from tuberculosis. What caused it in them ? It was alcoholism. So it is with many of our young men. Therefore, the people who practise temperance will be the greatest in the world. So this French authority says, and he is right. He says :

I should like to draw attention to a mistake made too easily in the different countries by ministers who have charge of the financial departments of state. They calculate the sum the state gets from the duty on alcohol, but they should deduct from it the cost to the community of the family of the ruined drunkard, his degenerate, infirm, scrofulous and epileptic children who must have shelter.

I do not know whether the Excise Ministers are to blame in any way. They are not, but I would say this as an inference from this quotation, they ought to give back a little of that money which they get from these people; I do not think it would be anything more than their duty and right to do so.

The remaining influences are found at work wherever people are living in bad habitations, I mean where there is bad ventilation, where the sewerage is defective. Previous disease has a great effect ; inflammation or cold have a decided influence in starting the disease. I mention these various predisposing causes so that you may not lay the flattering unction to your souls that if you have sanitaria you will have no consumption. The fact is you must begin at the the foundation and make the action general. and if this movement I am speaking on to-day is not general—if nothing results from it—I will say that the hon. gentleman from Rideau (Hon. Mr. Edwards) ought to resign his position. It is the duty of the head of the state, that is, the Dominion government, and equally incumbent on the provincial government, on the municipalities and on private indi-

viduals by their benefactions and otherwise, to aid in this movement. Where does Canada stand in this respect to-day ? I might read a report from Dr. Montizambert which deals with the subject. The Governor General is in favour of stamping out tuberculosis and presided not long ago at a meeting, as a result of which we were told they were going to do a great many things, but nothing has been done as yet. This country has not a great many of the causes which exist in more densely populated countries, to produce disease, but in all countries, and especially in Canada, it is much easier to effect the object we have in view, namely, to remove these causes. For example we can do something to diminish intemperance. We can do something to make our cities and home surroundings healthier. We can have better drainage and cleaner streets and avoid a great many things which lead to disease. There is one matter that has not been mentioned at all—spitting. This expectoration must be stopped by every one in the country, and would it not be cleaner, healthier and more polite if we had no expectoration in public halls, in the street cars and on the sidewalks? I get up in the morning early and I often find the sidewalks polluted by people who defile them with expectoration. That could easily be stopped if attention were paid to it.

The task begun to-day by the hon. gentleman from Rideau, must be carried out ; and here is the city in which it should be tested. Ottawa gets $60,000 annually from the federal government for the purpose of beautifying it ; here we are surrounded by the influence of the Governor General and his court and suite and all the government officials. Are they to stand idle without setting an example to the rest of the country? I say it would be a shame to the government if such were the case. Therefore I want the president of this association to say to-day that by resolution on the part of all here present we will begin by getting one or two members from each province of this Dominion to co-operate and then lay down a distinct set of regulations as to what is to be done. These regulations affect the provincial government. There is not a country in this world that has the perfect system of charities that Ontario has. I never heard of any country where charity is given so generously and so carefully, and with so much good effect. Now it is very easy to get the province of Ontario to pass certain laws. Municipalities, I dare say, can stop this abominable habit of spitting in all places, in the cars, in public halls and on the side walk. One man in Boston, a millionaire named Bradbury, was recently fined heavily for a first offence against a by-law of this character, and for a second offence was sent to jail for 24 hours. In Sydney, Australia, they fined a man one pound or $5, for a second offence. We do not want to go so far as that. I believe the people of this country are so intelligent that they will obey the law, and I trust no law will ever be passed in Canada which the people will say a word against, because here the laws are framed by the people. They have a part in the making of them and we never pass laws contrary to public opinion.

Hon. Mr. MACDONALD (B.C.)—How can you avoid expectorating ?

Hon. Mr. SULLIVAN—Can't you have a handkerchief ?

Hon. Mr. MACDONALD (B.C.)—In the field or on the street.

Hon. Mr. SULLIVAN—You can carry it in the pocket if you are subject to the habit or stay at home. There are pocket spittoons made of aluminum, there is oiled paper, and as a matter of fact in places where consumptives patients are, there are spittoons made specially. Now that mention has been made of this matter, I may say that destruction of this sputum is a very important matter, and care is taken in all places where there are consumptive patients to have it burned. They do not like to throw it on the earth ; it is destroyed in some way and burning is the most effective way.

Hon. Mr. DeBOUCHERVILLE—Asbestos spittoons might be used.

Hon. Mr. SULLIVAN. They might be too expensive. They make these pocket spittoons so cheap that they can be destroyed after being used for one day. In tuberculosis the sputum is so profuse that it is necessary to use a larger vessel. Every precaution must be taken against this infection. The provincial government can

regulate notification, which is very important too. There should be a notification of all cases of this disease wherever they may exist, just as you are bound to notify in cases of small-pox. In that way precaution may be taken to guard against infection. There are different degrees of infection in different diseases. Consumption may be contracted by inhalation, but this cannot take place unless the sputum is dry or unless you are very close to the diseased person. When the expectoration dries it is still swarming with bacilli which float in the atmosphere for a considerable time and are inhaled into the lungs. That could be avoided to a very great extent, and it is what we want to effect.

The streets could be kept cleaner than they are at the present time, and it would be a grand thing for the community if that were done. Another way to prevent the spread of the disease is by education. In our schools all the instruction needed could be put on a portion of one leaf, and the provincial government could direct the teachers to give instruction on it for a few minutes every day. Leaflets could be furnished, and the time occupied would be but a few hours in the year. We have heard of the reduction of tuberculosis in England. During Queen Victoria's reign ten Acts were passed having reference to the housing of labourers and artisans. Mr. Peabody, the great American banker, before he died gave $2,500,000 out of his own private means to build healthy houses, clean, well-ventilated dwellings, full of light and sun. They were rented at a nominal sum to artisans, so that they would not be thought to be recipients of charity. Look at the good effect that has had. We do not stand so much in need of anything of that kind. Then the clergymen of this country will be willing to speak on this subject, and there is not a doctor in the country who will not lift his voice with all the force he can command in favour of preventing the spread of this disease, although it is against his own financial benefit. These are means which I mention on this occasion, and if the people will undertake to meet the difficulty in that way—there is no great effort required—all that is necessary is a long pull, and a strong pull, and a pull all together, and the spread of the disease will be checked. The hon. gentleman from Rideau will have the proud satisfaction of saying he has made Ottawa the healthiest city of the Dominion and a model for all the other cities of Canada, and he will be the recipient of honours higher than have been vouchsafed to any man in this Dominion, and we, as members of the Senate and his colleagues, will be honoured also. I hope the same brain power he has exercised in the organization of his business, which has brought abundant success, will achieve success in this direction also. I hope God will bless him for it, and I think He will. Now, he has the opportunity of his life, he has it in his power to rise to a higher position than any man ever did before in this country, and I tell him that I shall be an humble recruit; but so far as my humble ability goes and my small means will go, I shall enrol myself under his banner, hoping he will carry it on to victory.

Hon. Mr. WILSON—It is not my intention to discuss this matter which has been so well put before the House, but when we consider the importance to this country of the adoption of some means to prolong the lives of the people, it is the duty of every one to raise his voice in furtherance of the movement. We know what sort of country we possess; we know that we have one of the finest climates under the sun for the production of strong, healthy and vigorous citizens. That being so, and Providence having provided us with the means whereby we could have a healthy community, it is our own fault if we do not have in Canada longevity equal to or greater than is known in any other country under the sun. Is it not important then that we should adopt every means to protect our people from the spread of this infectious disease? I adopt, to a very great extent, the principles my hon. friend from Kingston has advanced and the statements he has made, but we must remember that we cannot have healthy men and women unless we have healthy children. Our first duty is to see that the young generation are in a healthy condition, that every means is adopted to prevent the spread of disease among them. What is necessary for the health of children will be necessary in the future for the health of parents. If you have people living in filthy, dark rooms, with unwholesome food, can you expect children under such conditions to be healthy? In dark rooms and dirty houses you find

the seeds of disease engendered among the young. As the old adage has it, prevention is much better than cure ; so our aim ought to be, not only to establish sanitaria, but, what is more essential, we should adopt means to prevent the spread of this dire disease. That being the case, instead of expecting a government grant of $200,000 or $300,000 in aid of sanitaria, let us examine our school-rooms and the pupils attending those schools. Do you think it would be right and proper to herd together a large number of children in the school-room, where possibly the teacher is a consumptive who is not as prudent as he should be, thus engendering disease among the children ? Not only that, but generally those schools are constructed without regard to sanitary laws. You will find the children there huddled together, no care being taken to prevent expectoration, and thus children are exposed to disease.

Why do we not adopt the same method as in the United States, and in some other countries ? Before a teacher is employed, if there be any doubt or any suspicion of his not being in a healthy condition, he has to pass an examination before some capable physician, and if there be any suspicion that he is at all afflicted with tubercular disease, he is refused employment in the school. Not only that, but if any of the children in attendance display any weakness in that direction, they are not permitted to attend school. Adopt some method whereby you can prevent the disease entering into and taking possession of the human body, and you will thereby stamp it out. The next question which arises is, what means should we adopt to prevent the disease ? In our schools the children are not in as healthy surroundings as they should be. Any one who has ever taught school will tell you that in winter the ordinary school is just a pest-nest for the children. The windows are all closed, and there is no ventilation. The teacher is quite indifferent, and is constantly throwing wood into the stove, destroying what little supply of oxygen there may be—generally very insufficient, being exhausted by the children in breathing. This conduces to the early production of the disease, and that is just what our friends are now agitating to prevent. Let me say that I admire and appreciate the efforts being made by the various societies to try to eradicate from this country this dire disease. I would advise them to return to the system of sending out literature from one end of the country to the other, for the purpose of having it introduced into our schools. Let every child grow up seeing before them the danger signal so that they may avoid contagion. Then another cause, too often, is bad food—indifferent diet, and perhaps some might say that we are causing disease by starvation. We cannot possibly have the system well nourished, well sustained and well supported unless we give people good reasonable and strong food. That being so, every family should be carefully guarded to see that the children have the proper nourishment to maintain them in good physical condition, if they are in any way predisposed to disease. We are all well aware that there are many theories as to the cause of disease. We have heard this afternoon that milk from impure animals might engender the disease. My hon. friend rather conveyed the idea that you cannot transmit tuberculosis from the milk. In other words take an animal with tuberculosis and you cannot produce the disease from that animal in the human being. I am inclined to think that if the human system is in a proper condition for the reception of tubercular matter, milk from a tuberculous animal will engender disease ; and so strong is this impression that in some countries they say that if there is no such thing as milk used by the citizens of that country, they will never be afflicted with tuberculosis. My hon. friend on the other side of the House apparently takes this view to some extent. I do not advance that as a correct theory, but I say the use of milk from infected animals is frequently admitted and advanced as the cause of the spread of the disease. As to what my hon. friend said regarding the use of liquors, I may say I believe very strongly that as much tubercular disease is produced on account of the dissipation that is taking place in the country as from any other one cause. Take the individual whose system is lowered and his vitality weakened and impaired by the effects of alcoholic liquor, and place in that system the germs of the disease ; I say that there is very great danger indeed of tuberculosis of the lungs. We know the effects of liquor. No one can

take a drink of liquor but that in a few minutes it is exhaled from the lungs. We all know that liquor drinkers have to resort to something to sweeten their breath if they come in close proximity to others, otherwise the odour is at once detected. If you persist in the practice of drinking alcoholic liquors and thus weaken or impair the tissues of the lung, you prepare the way for the bacillus in the lung. Therefore it is a warning to every individual to abstain from the use of liquors under any circumstances. It is true some of the best physiologists say that the young man should not drink a drop, that the middle-aged man may take a glass, and that the old man ought to drink. I hardly believe in that doctrine, because we have had in the Senate some of the oldest men of the country who never drank in their lives. That shows that they have avoided the danger to which the liquor habit would expose them. Individually, I believe that it is an unfortunate thing that any one should weaken the system by the use of drinks.

The next question is, what is required to be done to prevent the disease? We should, in the first place, see that every means is used to prevent its further spreading. It is not necessary for me to state the loss by tubercular disease through the country. That has been fully described. But the loss to the country bears no comparison to the amount of sorrow and affliction that it brings to the people of this country, the loss to the individual and the sorrow to the parent. I have known families of five, six, eight or ten being swept away by tubercular diseases, and that being so, one would conclude that the financial loss is not to be compared to the loss in other ways. Then the next question arises, is the disease transmissible from the mother to the children. This is a disputed question. Some contend that such is the case, and others contend that it is not. We unfortunately know that in many cases one member of a family who has been afflicted with the disease remains at home with the rest of the family and it extends to the other members of the family. That may be the result of hereditary tendencies to some extent. As I said, before, if you have a system weakened in any way, the soil in which the bacillus locates itself being thus in a more receptive condition than it would be in another person, that person will be more liable to contract the disease by transmission from parent to child. We know that the lungs are not the only part affected. We know full well that every portion of the body is affected by tubercular matter. The lungs are perhaps more prone than other portions of the body on account of the bacillus coming more frequently in contact with them, but if that bacillus enters the system at any point it is liable to extend through the whole body. We have the disease located in the joints, we have the disease located in the mesentery and various parts of the glandular human system. We find it in every tissue of the body. Frequently we find it in an ulcer, where it is utterly impossible to effect a cure until the bacilli be destroyed, and removed from it; showing that no portion of the human system is free from this disease. Every portion of the body is liable to be attacked, and therefore it is necessary for us to understand the best method of excluding the germs. While I am strongly in favour of isolation, while I am strongly in favour of people being sent to sanitaria, yet I believe much can be done by careful treatment even at home. It is impossible for everybody to be sent away to a sanitarium. A great many people cannot afford it. Use the proper remedies at home. See that your children and families are properly cared for and you will not require to send them away, and you will not require to ask the government for a large grant. I am well aware, and the best authors say that from 50 to 95 per cent of human beings are to a certain extent affected by it. If that be so, how is it that they become cured? They are not sent to sanitaria; careful treatment at home, good diet, fresh air, lively exercise, and pleasant surroundings to enable them to become comfortable, happy and contented. That will go a long way to do away with the disease. I have no hesitation in saying that I believe firmly in the principles that I have enunciated here as to the circumstances in which the disease is propagated, yet I believe that even with all the care we may exercise we will find the disease springing up in certain localities. That being so what should we do? We should promulgate as much information as we pos-

sibly can from one end of the Dominion to the other. We should try and get as much information as possible into the hands of the people, in reference to the methods by which they can avoid infection. By that means we will prevent much of the loss of life consequent upon the ravages of this dreadful disease. I have mentioned to you the drinking habit. You will ask me how is it that this causes the disease. We all know what the effects of liquor are on the human body. We all know that it has a depressing effect, I can remember full well in my practice in my earlier life, we gave liquors together with cod liver oil, and various other kinds of medicine to ward off the disease. Take a certain stage of the disease where the patient is hopeless, when the system requires something to support it, and you have not the means to support it, I can understand perhaps that if some good whisky—no doubt the Scotch would say Scotch rye whisky—were used, it would enter into the system and act on the oxygen of the system to keep up the animal heat and not require the tissues of the system to be called upon. The liquor does not cure the patient. It only mitigates, perhaps, the difficulty just for the time being, and therefore there is no permanent benefit in the use of liquor in that way.

I should be greatly pleased if the government could see their way to grant aid to the various sanitaria in the different provinces of Canada, but I cannot see my way very strongly to advise a system of that kind. I have yet to see how such a system can be properly and efficiently carried out. We have an inspector here who is supposed to watch the immigrants coming into this country. I make the charge here, and I believe it is true, that the proper degree of care and interest in the various kinds of immigration coming into this country, has not been exercised as it ought to have been. We find people imported into Canada from foreign countries. They want to get rid of them there. They are the children of diseased parents and they are brought out here and mix with our own population, thereby contaminating the health of the people of the Dominion of Canada. If the officials would watch more carefully the kind of immigrants they permit to land in this country, I think perhaps they would do as much good as will be done by voting a small amount of assistance to the various institutions. Are we not entitled to know when a citizen comes from a foreign country whether that citizen be a healthy subject? Are we not entitled to have our inspectors or professors carefully examine the immigrants coming here. I have been told that the children were inspected in the old country and are also inspected in Canada, but I believe from past experience and from what I have seen, that they are not guarded and protected to the extent that they ought to be. Believing these things, and feeling a desire to offer my support to any means that may be proposed whereby we can in the future prevent the spread of tuberculosis, I am still not an enthusiast. I do not believe we will be able to eradicate that disease entirely from the country. I believe that where the causes exist and where the children are neglected and not kept in the manner in which they should be, we will have the disease engendered, and we will have the disease to fight as long as we have a country for them to live in. I believe that we cannot exterminate tuberculosis from among the people, but I am favourable to every means being adopted whereby we can prevent the spread of this disease. It is admitted to be conveyed by the sputum. If it dries and floats in the air and is inhaled into the lungs, and passes through the lungs, wherever the bacillus may be located it will produce its effect upon the tissues of the body. I believe it is transmitted in that way although it is transmissible by other means. This being the principal means of communication, we should adopt a method to prevent the spreading of the disease by this means in the future. Let us all heartily unite and let every senator feel that it is his duty to promulgate the information which is necessary so that the people may be thoroughly conversant with the causes of the disease, and extend to every school section the warning that unless the children are looked after they are liable to be afflicted. We know that many people are more anxious for the health and safety of the inferior animals than they are of their dear children at home. Let us look to it and see that those children are properly cared

for. We may then have what Canada is able to produce—the healthiest race under the sun.

Hon. Mr. BEIQUE—I rise merely to call the attention of the hon. gentleman from Russell (Hon. Mr. Edwards) to the advisability of changing somewhat the form of his motion. Before doing so, I desire to say one word only in answer to the remarks which have just been made by the hon. gentleman from St. Thomas. There is no doubt that if we could induce the people at large to live in an ideal manner, it would be the best preventive possible, and it would be such a preventive that the services of physicians would not be very often required, but unfortunately we have to take humankind with its shortcomings and we have to face the position as it exists. There is no doubt that the methods now adopted in Canada are the old methods, whereas in other countries since it has been scientifically ascertained that tuberculosis is contagious, and that means could be devised to guard against its ravages, other methods are being adopted to combat the disease and all precautions taken as a preventive ; and it seems to me that it is the duty of the federal government as well as the local government and of municipal governments and of every public spirited gentleman in this country to exercise all possible effort toward that end.

If I understand the motion as it appears on the order paper, it would imply a demand on parliament to take some active steps to lessen the widespread suffering and the great mortality among the people of Canada caused by the various forms of tuberculosis. By using the word parliament it would imply either legislation or a grant, and I think that if the resolution is passed in that form that it will be the last that we will hear of it. The resolution will be adopted, but we shall not hear of any action being taken on it in the future. The matter is more within the province of the local legislatures than within the province of the federal government, and I am afraid that that is an objection which is likely to be raised, and therefore I suggest that the scope of the resolution be enlarged, so that the motion will read in this way :

That in the opinion of the Senate the time has arrived when parliament should take some active steps to lessen the widespread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis.

And I would suggest adding the following words :

And that conferences between the Dominion and provincial governments should be had at the earliest possible moment in order that the best mode of action in the premises may be adopted.

If the hon. gentleman is willing to adopt the suggestion and place his motion in this form, then it will be incumbent—after the expression of opinion on the part of this House—on the Dominion government to organize a conference of that kind with the local governments, and after this conference then the organized body mentioned in the resolution should be invited to meet with the governments and to advise with the several governments as to the best means to be adopted in the premises.

Hon. Mr. FISET—In the few remarks I intend to make on the important question which is now before the House, I should be glad to address you in English ; but not being thoroughly familiar with this language, I hope you will allow me to speak in French. My remarks will be short.

(In French). Our thanks are due to the hon. member for Russsell (Hon. Mr. Edwards) for having drawn the attention of this Chamber to this subject, so important, of tuberculosis. His social position, bringing him as it does into communication not only with the well-to-do, but also with the poorer clasess, probably renders him better able than many others to make statements based upon his own experience as to the-ravages which this terrible plague is making, above all in families who, for lack of knowiedge, or lack of means are unable to give to the unfortunates who have contracted the disease, that particular care which their condition requires. For this fact must be borne in mind: While consumption makes ravages in all classes of society, it may reasonably be expected to work the greatest havoc among those who live in straitened circumstances, in confined quarters, and who are too poor to obtain the comforts of which they stand in need, or possibly ignorant of the means to be taken to fortify themselves against this terrible malady. It is not my intention to speak of tuberculosis as a dis-

ease ; this has been done by others, who have addressed the House before me It is enough to say that, thanks to the celebrated Dr. Koch, we are to-day acquainted with the virus of tuberculosis—its microbe, properly speaking—which is termed the bacillus. The eminent Dr. Koch having discovered the microbe, believed at one time that he had discovered a serum which would cure the malady itself. Up to the present time, however, his researches, though very useful, have not yielded the results which were expected. But these researches are being continued, not only in Germany, but also in other countries, particularly in France. This discovery of the bacilli by Dr. Koch, has had the effect of stimulating scientists to seek some way of destroying them in the human organism. Marmoreck, of Paris, was sure that he had found a serum which would cure tuberculosis. Following the example of Pasteur, Roux and many others, he commenced by rendering a horse immune to tuberculosis, and then availed himself of serum obtained from the blood of the animal thus rendered immune, for the purpose of inoculating tuberculous patients. The success which he has attained up to the present has attracted the attention of the scientific world, although the results of his work are still regarded with doubt in certain quarters. It cannot be supposed that the effects of a serum in the case of a slow disease like consumption—one which is of long duration, will be as rapid as in the case of an acute disease like diphtheria. The doubt which still exists has not, however, prevented action being taken. Actuated, no doubt, by the ideas of distinguished philanthropists like Sir Donald Smith, Sir Wm. McDonald, Sir Geo. Stephen, men who merit the appellation of benefactors of humanity, the city council of the metropolis of Canada has been impelled to send one of its distinguished sons, Dr. A. Demartigny, to study on the spot the methods employed in Paris by Marmoreck ; and in a very elaborate report, well prepared, which he has presented to the city council, Dr. Demartigny expressed the conviction that Marmoreck has actually discovered the true serum of tuberculosis. And as a matter of fact, he is bringing into practice in Montreal, the methods which he has studied in Paris. Marmoreck is also contiuning his researches, and perfecting his methods. I am one of those who have confidence in the efficacy of serums, and I firmly believe that sooner or later we shall end by discovering the true serum which will triumph over the bacillus of tuberculosis.

As to the question of this malady being hereditary, that theory is generally denied to-day. According to the maxim of M. Nocard, 'a man is born predisposed to tuberculosis, but he is not born tuberculous ;' meaning, no doubt, that children born of tuberculous parents will be more predisposed to take consumption by means of contagion than children born of healthy parents. But if the theory of heredity in the case of tuberculosis is rejected by the greater number, it is nevertheless a fact that the contrary view, namely that tuberculosis is inherited, is still held by some of the most distinguished doctors of medicine, such as Herard-Verneuil, Landouzy, Quérat, Lannelongue, Damaschino, Leroux, Sabourand, Petit, Laude, Gärtne in Germany and a great number of others. These medical authorities present arguments which cannot be disregarded, in support of the claims that tuberculosis is hereditary. And it is no doubt in consequence of this that to-day we find the widespread idea in all classes of society, but above all in the classes least instructed, that as a general thing tuberculous parents beget tuberculous children.

But every one admits that tuberculosis is contagious, and the principal point to which we ought to devote ourselves is the prevention of this contagion. It is in this direction that all our efforts should tend, and it is this object which my hon. friend the member for Russelll (Hon. Mr. Edwards) has in view in making his motion.

From a sanitary point of view, the isolation of tuberculosis patients is, beyond contradiction, the most efficacious means of preventing the spread of the disease by contagion.

This isolation of the sick can be accomplished in three ways : isolation in the family, in isolation hospitals and in sanitaria. Of these three methods, isolation in the family is the least desirable and at the same time the most difficult to carry out properly. This is the case in tuberculosis as well as in all other contagious diseases. It is necessary first of all that the people

of this country should be instructed and made to understand the great danger which exists, that a patient suffering from consumption will communicate the disease to the other members of the family. It is the work of the medical profession to carry on this work of education, and to see to it that their instructions are followed. But what power has the doctor in practice to render this isolation compulsory ? At the present moment—I speak particularly of the country districts—he has none whatever. A person suffering from tuberculosis lives day after day without being separated in any way from the other members of the family. In order to remedy this deplorable state of things, the different provincial boards of health ought to require the doctors to make to the health officers in charge of their respective districts a report in each case of tuberculosis which they treat. The patient ought to be isolated in a separate room, at least during hours of sleep ; his expectorations should be received in a vessel employed for that purpose only, and all possible methods of disinfection should be employed to prevent the communication of the infection by the sick person. The health officer should have all necessary authority to render these precautionary measures effective. These measures are perfectly practicable as regards the well-to-do classes of our population ; as for the poorer classes, patients ought to be treated, either at an isolation hospital or at a sanitarium, at the country's expense.

As to isolation hospitals, the greater number of our large Canadian cities possess such institutions, and the provincial boards of health require every person suffering from a contagious disease to be sent there for treatment. In each one of these institutions there should be established a section known as the tuberculosis section, where poor patients could receive proper treatment and attention free of charge. The establishment of such a section might be at the expense of the city, but aided by a grant from the state ; and this is the only method of protecting the poorer class of the population of the cities.

But the third method, which is the very best, is the method of isolation in a sanitarium. By sanitarium we mean an isolation hospital built as far as possible in the mountains or in some elevated situation, dry, protected from winds and surrounded by trees—above all pine and fir trees—localities where tuberculous patients and others may be treated in pure air and under the most favourable hygienic conditions.

The most important establishment of the kind which we have in the country is, I believe, the one situated in Muskoka, consisting of an hotel, hospital, detached cottages and tents. Patients are treated there under the most favourable conditions, and the results obtained are truly wonderful. It was with great pleasure that I heard the other day the remarks of the hon. member from Calgary (Hon. Mr. Lougheed). Without doubt the neighbourhood of the Rocky Mountains, like that of British Columbia, must offer superb locations having every advantage for the establishment of such sanitaria, and the government should establish, subsidize and oversee a number of such institutions. The cost would not be very great, for it has been proven that the dwelling best suited for the purpose—and it is the one which is in use in the sanitarium in Muskoka—is the ordinary cotton tent, of green colour, provided with a complete system of ventilation and with means of heating in winter. In these sanitaria the poorer classes could obtain free treatment and I am certain that the benefits experienced would amply compensate for the expenditure incurred.

This question of tuberculosis which we are now discussing has become one of such surpassing importance that the entire world follows with interest and anxiety the researches and experiments which the scientists of France, Germany, England and America have been carrying on during the past few years. I consider that this question has become for us quite as important as the question of immigration, and that it is only right that we should devote to the task of protecting our population a considerable portion of the appropriation which we set apart each year for bringing in foreigners.

Here in Ottawa itself we have highly competent officials in charge of the different departments dealing with medical and sanitary matters. We have the Director General of Public Health, the Superintendent of Immigration, the Deputy Superintendent General of Indian Affairs, the Director of the Medical Service of the Militia. Aided

by one or more secretaries, this commission might be charged with the work of inquiring into and reporting to the government on the following points :—

1. The exact number of patients to be treated.

2. The measures to be adopted by the Provincial Boards of Health to effect isolation in the family, the hospital or the sanitarium, as the case may be.

3. What subsidies are necessary to be voted by the government to defray the cost of organization, administration, &c.

4. What would not be less important, this commission would be able to advise as to the possibility of creating at Ottawa a bureau for study and research, where microscopic examinations could be made free of charge, not only in the case of tuberculosis, but as well of other diseases. This laboratory could be established as a branch in connection with the experimental farm ; and experiments in the culture of germs, inoculation and the preparation of the different serums, could be conducted at the expense of the country. This commission, to my idea, would be the most practical method for the government to come to the aid of, and worthily sustain, the unceasing efforts of the philanthropists of our country and of the medical world in Canada. In closing, I would say, like the celebrated doctor L. H. Petit, at one of the congresses held at Paris on the subject of tuberculosis,—' Let us continue to work.'

Hon. Mr. LANDRY (in French)—I may be pardoned if, though not a member of the medical profession, I venture to say a few words in answer to the hon. gentleman from Rimouski (Hon. Mr. Fiset), who has just spoken. I agree with him in all the measures he has proposed to check and suppress the disease, and influence the government to take steps in that direction, but I cannot endorse all he has said. For instance, he is under the impression that a scientist named Marmoreck has discovered an effective tuberculosis serum. This is disputed. Marmoreck belonged to the Pasteur Institute in Paris, where he made a few scientific discoveries, especially one in regard to erysipelas, which brought him great renown. He continued his researches and tried to discover a tuberculosis serum. When he thought he had succeeded, he commenced to apply it, but was obliged to leave the institute because the institute would not assume the responsibility of the application of the serum. More than that, the Medical Academy of Paris condemned the use of the serum. So in France the discovery of Marmoreck is not thought to amount to anything. In Canada, I am told that in a few days the Medical Society of Quebec, composed of the leading physicians of that city, are going to pass resolutions condemning the application of that serum in our country. The principal medical men of Quebec, who have tested the serum, find that instead of healing the disease it accelerates its progress, so much so that in view of the claims made for the serum they think it their duty to let the public know the nature of that remedy. I am told that in Montreal the serum is at present in great favour, but no clear case has been shown to establish its value. I think it is my duty to call public attention to these facts so that nobody may be misled. The remedy is in the experimental stage at present in this country, and from what we have learned so far it is a failure. It might become in the future, when improved, a valuable remedy, but for the time being its value has not been established, and I feel it my duty to state the actual results who have attended the use of the serum.

Hon. Mr. de BOUCHERVILLE—I entirely agree with the views expressed by the hon. senator from Rideau and with the remarks of the hon. senator from Kingston, showing that the hon. member (Hon. Mr. Edwards) is animated by patriotic sentiments, but I wish to call the attention of the House to the fact that the resolution, as it stands, is not in order. What would be the result if we passed it ? After members have given expression to their opinions, nothing can be done. It will be in the Debates and nobody will read it. I would suggest to my hon. friend to add to his motion an amendment calling for the appointment of a special committee with instructions to inquire into and report as to the best way of preventing tuberculosis, with power to send for persons and papers. If that is done we will have a report which, if considered sufficiently important, can be printed and published and disseminated throughout the

country. Otherwise we shall only have the speeches in the Debates, and very few people will read them.

Hon. Mr. EDWARDS—It is my intention to accept the amendment proposed by my hon. friend from Wellington, and I shall move for the appointment of a committee, as my hon. friend suggests.

Hon. Mr. de BOUCHERVILLE—There is no motion before the House. It is simply getting the opinion of the House ; therefore, there can be no amendment.

Hon. Sir MACKENZIE BOWELL—If that is accepted it becomes the original motion. It might be just as well to add to the motion before the House that a committtee be appointed.

Hon. Mr. EDWARDS—I am quite willing.

Hon. Mr. FROST moved that the debate be adjourned until to-morrow, to be the first order after the unopposed orders.

The motion was agreed to.

SECOND READING.

Bill (U) An Act respecting the South Shore Railway Company and the Quebec Southern Railway Company.—(Hon. Mr. Béique.)

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

SENATE.

Ottawa, Thursday, April 6, 1905.

The Speaker took the Chair at Three o'clock.

Prayers and routine proceedings.

THE PRINCIPAL MEDICAL OFFICER OF SEVENTH MILITARY DISTRICT.

INQUIRY.

Hon. Mr. LANDRY inquired

1. Who has succeeded Dr. Colin Sewell at Quebec, as Principal Medical Officer of the 7th military district ?
2. Did the new appointee already occupy a salaried position at the time of his appointment as Principal Medical Officer ?
3. What was the salary attached to the position which he occupied ?
4. What salary does he now receive for the position to which he has just been appointed?
5. Does he continue to occupy his late position ?
6. If not, who has replaced him, and at what salary ?
7. What salary had Mr. Sewell at the time of his appointment as Principal Medical Officer?
8. What salary had he when he was replaced?

Hon. Mr. SCOTT—The answers are as follows :

1. Major G. H. Parke.
2. and 3. No.
4. $25 per month.
5. and 6. He did not occupy any.
7. Pay of rank, which at that time was $3.50 per diem.
8. Pay of a Lieutenant Colonel—$5, and ration allowance—20 cents per diem.

Note.—Colonel Sewell, in addition to being Principal Medical officer, was medical officer of the Royal Canadian Artillery. In that appointment he has been succeeded by Major J. D. Brousseau.

BILLS INTRODUCED.

Bill (CC.) An Act respecting the British American Pulp, Paper and Railway Company.—(Hon. Mr. Power.)

THIRD READINGS.

Bill (49) An Act respecting the Century Life Insurance Company.—(Hon. Mr. Watson.)

Bill (98) An Act to incorporate the Imperial Guarantee and Accident Insurance Company.—(Hon. Mr. Gibson.)

Bill (93) An Act respecting the Grand Council of the Catholic Mutual Benefit Association of Canada.—(Hon. Mr. Coffey.)

Bill (105) An Act to incorporate the Ontario Fire Insurance Company.—(Hon. Mr. Baird.)

Bill (82) An Act to incorporate the Annuity Company of Canada.—(Hon. Mr. Davis.)

BRITISH CANADIAN EMPIRE LEAGUE BILL.

SECOND READING—POSTPONED.

The Order of the Day being called.

Bill (P) An Act to incorporate the British Canadian Empire League.—(Hon. Mr. Domville.)

The SPEAKER—When the hon gentleman from Rothesay (Hon. Mr. Domville) moved the second reading of this Bill, a point of order was raised by the hon. gen-

tleman from Marshfield (Hon. Mr. Ferguson), and I am prepared to decide that matter now.

The point of order raised by the hon. senator from Marshfield is well taken.

This Bill has been introduced as a private Bill based upon a petition which has not yet been reported by the Committee on Standing Orders and it cannot be advanced another stage without a report by that committee. The hon. senator from Rothesay claims that this Bill is a public Bill and need not, therefore, be based upon a petition. To present this Bill as a public one the hon. gentleman should have first withdrawn the present Bill and if it is his intention to proceed on those lines I feel it my duty to inform him that I have carefully examined the nature of this Bill and that I have come to the conclusion that this Bill is a private Bill.

The object of this Bill is the creation of a private corporate body which may hold real and personal property, erect buildings, borrow money, sign promissory notes as they may deem proper. The other object of the proposed association is of a public nature in the academic form only, and although it may tend to affect the public policy of the country, the members of the association individually could reach the same end without incorporating. Their present demand is to obtain a privilegium—the creation of a moral being who will assume obligations for which the persons joining will have but a limited responsibility.

The teaching of religion and of morals is a highly deserving object, yet no sect can obtain an Act of Incorporation vesting that religious association with similar powers to those presently sought for without doing so through a petition.

Hon. Mr. DOMVILLE—Accepting the decision of the Speaker, I ask that this Bill be allowed to stand until I can consult those who placed it in my hands.

The Order was allowed to stand.

SECOND READINGS.

Bill (57) an Act to incorporate 'La Compagnie du chemin de fer électrique de Trois-Rivières, St. Maurice, Maskinongé et Champlain.'—(Hon. Mr. Legris.)

Bill (60) an Act to incorporate the Algoma Copper Range Railway Company.—(Hon. Mr. Davis.)

Bill (64) an Act respecting the Central Counties Railway Company.—(Hon. Mr. Edwards.)

Bill (102) an Act respecting a patent of the Gold Medal Furniture Manufacturing Company, Limited.—(Hon. Mr. McMullen.)

SPREAD OF TUBERCULOSIS IN CANADA.

DEBATE CONTINUED.

The Order of the Day being called:

March 30—Resuming the further adjourned Debate on the motion of the Honourable Mr. Edwards, that in the opinion of the Senate the time has arrived when the State should take some active steps to lessen the widespread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis, and that conferences between the Dominion and Provincial Governments should be had at the earliest possible moment in order that the best mode of action in the premises may be adopted.

Hon. Mr. FROST said: My hon. friend from Kingston (Hon. Mr. Sullivan) yesterday, in his admirable argument, seemed to think that this honourable House was not taking quite the interest in this great subject that it deserves. Whatever others may consider, I for one desire to place upon record my views, and also to show that at least I have an interest in this grave subject. It is one of serious importance and well worthy a discussion in this honourable House. And even if it accomplishes nothing more than drawing the attention of the country to the enormous drain upon it through the ravages of tuberculosis, it will have been time well spent. The hon. senator from Kingston, in his admirable speech yesterday, very successfully impressed the House in his own inimitable way with the great importance and seriousness of this question. And I am bound to say that he made it clear, at any rate, that there was a large hope for poor suffering humanity if only proper precautions are taken in the first instance. And herein, in my judgment, lies the root of the whole matter. The 'white plague,' as it is called, stalks through the land, like a horrible ogre mowing a path for himself through the seething mass of humanity, sending annually many thousands down to premature graves. And unfortunately this has been going on for years. It is argued that because the government are annually paying large sums to bring to the country many thousands of people, they should therefore

pay out something to save many thousands who can be cured, provided they are placed in the right conditions and surroundings and receive the proper treatment. It has been demonstrated without a doubt that tuberculosis can be cured, and the remedy is a simple one. Then why permit the increasing mortality to go on ? If the government decide to contribute towards the maintenance of sanitaria, can it not, with equall good reasons, be asked to support other institutions for the stamping out of various contagious and deadly diseases, such as typhoid fever, appendicitis, scarlet fever, and so on ? The obstacle which appears to me to be the most formidable in deciding this question is to exactly discover where individual effort ceases and government responsibility begins.

My hon. friend from St. Thomas yesterday gave us some excellent advice, speaking from a large experience as a physician ; and, it was quite easy to draw the conclusion that in the proper sanitary conditions, good health could be permanently assured. I was not able to follow all the professional terms used by my hon. friend, owing to a lack of medical knowledge, but, I gathered this much, that if men and women would properly ventilate their houses and schools, keep proper hours, abolish bad food and bad liquor, wear suitable clothing for the climate, and if diseased refrain from marriage—which entails disease and misery on future generations—we would have one of the healthiest countries in the world. It was certainly an ideal picture, and if it could be lived up to, how much happier would we all be, and to what great ages would we all attain. But there is so much to interfere that we can only gaze on the picture without ever expecting to attain to it. Look at our cities, and consider the smoke and dust that have to be constantly breathed while men pursue their avocations and secure a living for their families. Take a look into some of the tenement houses, occupied by scores of families breathing air laden with odours from the stench and filth that accumulate in congested and overcrowded localities in defiance of all sanitary rules and regulations. Go down into mines and quarries where men labour by lamplight for their daily bread. When we realize how unsanitary are a large majority of the occupations of our people—how so many groan under the yoke of surroundings that must shorten life and make many living days nothing more than days of pain and misery, we can very readily see why such diseases as the ' white plague ' are so prevalent among us, and why our population is being constantly decimated by such a scourge. The problem to solve is how to overtake and annihilate it. Notwithstanding the over-crowding in cities and the imprudence and thoughtlessness of many who deliberately violate the rules of health, the country ought to show as clean a bill of health as any in the world. We are blessed with an incomparable climate. As a nation we are fond of outdoor sports and athletics. Medical jurisprudence is greatly improved over the old days when blue pills and leeches and bleeding were the favourite remedies for most of the ills to which flesh is heir. Our land abounds in schools and colleges in which sanitation and hygiene form prominent subjects in the curriculum of studies. We have a large and ever-increasing number of libraries upon the shelves of which can be found books that easily direct the reader into correct methods of living. There are very few people now-a-days, no matter what their position in life, but what take a few weeks every summer for recreation and recuperation. Yet with all these in favour of health we find men breaking down from overwork and worry at 40 to 50 years of age, heart failure and paralysis steadily on the increase, and infant mortality reaching figures that are simply staggering. Hospitals are over-crowded with patients and thousands are going down to premature graves yearly from tuberculosis alone.

No doubt much of this appalling catalogue of ills could be averted by the people themselves, if taken hold of in an intelligent manner. This is a land of lakes, rivers and streams. Is there any good reason why any one should live year after year in dirt and filth and contract the most obnoxious diseases, when water is so plentiful ? Where in the whole world can better materials for food be found ? What other country can show better flour, meat, vegetables, fruits, dairy products, and so on, than Canada ; and all within the reach of the humblest in the land, if thrift and industy are practised. Yet, what incalculable pain

and disease arises from bad food taken into the system? One prominent physician states that most of the diseases of the land come from an overloaded stomach, superinducing constipation, indigestion and all the evils that follow in their train. How much of this can be overcome by right methods? As an instance of what can be done by individual effort, I may mention a case that came under my own observation. Not long ago a young lady of my acquaintance was afflicted with tuberculosis, and it looked as though she was marked for an early grave. Her physician prescribed a simple diet and fresh air. Through summer and winter, calm and storm, her bed-room window was left open, and to-day, after a year or more of the treatment, she is perfectly well and in the enjoyment of good health. She was determined to get well and went into the treatment heroically and faithfully, and it was a success. Throughout Canada there are many patients languishing from tuberculosis, sitting idly in easy chairs in hot rooms or unventilated apartments, afraid of fresh air and simply waiting without hope until that day when they pass into the great beyond. Fresh air is the great remedy at sanitaria, but it is not necessary to go to Muskoka or Saranac Lake or Colorado to obtain it. It is everywhere in this blessed country, and if indulged in at home, and a strict regime maintained in other ways, success will crown the efforts put forth. There are, however, many that are not perhaps so favourably situated at home as to carry on a thorough treatment, and to whom a sanitarium would be a great boon. As I have already said, people who breathe impure air because there is no other, cannot open their windows and get benefit; and every one cannot live in the country. It is the lot of most people to work for their daily bread; and it is well known that the environment of factories and offices where lights burn all day and men have to toil on in spite of surroundings, does not conduce to the maintenance of health. It is for this class that by a judicious expenditure on the part of the government, much might be done to alleviate the miseries arising from this plague in our land.

The amendment of the hon. member from de Salaberry (Hon. Mr. Béique) is quite to my mind. It rounds out the motion of my hon. friend from Ottawa (Hon. Mr. Edwards) and secures future action looking to a solution of the problem. The whole subject is well worth investigation. With statistics before a conference as to the causes and extent of the disease; and with additional information as to the preventibility of it, under certain surroundings and treatment, there is no doubt that an intelligent policy will be adopted that will be worthy of our common Christianity and the terrible ravages of this great scourge in our land, greatly mitigated if not entirely wiped out. I have therefore much pleasure in supporting the motion of my hon. friend from Ottawa, as amended by my hon. friend from de Salaberry, and I trust that every action will be taken and every effort will be made to get at the bottom of the trouble, so that if it is possible by any judicious expenditure of money to eradicate this scourge, the result may be accomplished.

Hon. Mr. MACDONALD (B.C.)—I have listened with great interest to the instructive addresses which have been delivered on this subject bearing upon the scientific side of the question. I on the other hand address myself to the economic side. You know that without the sinews of war nothing can be done, and I purpose to make a few suggestions, whether they will be carried out or not. I wish, in the first place, to refer to the pollution of our rivers. It is a disgrace to this city that for years the contents of privies have been carried out on the ice and dumped into the rivers. The people living along the banks of the river have used the water of the Ottawa without filtration, and that is a cause of disease. I am sorry the hon. gentleman from Rideau (Hon. Mr. Edwards) is not here this afternoon; I wished to remind him of the deep interest which his predecessor, Senator Clemow, took in keeping the Ottawa river free from pollution. It is a disgrace to the city and to the government that the pollution of the river from the causes I have mentioned is allowed to continue. It is an avenue of filth from one end to the other. Another matter which ought to be attended to is the crowding of children in the schools without any attempt to inspect their physical condition. No doubt many children, and probably some of the teachers,

are infected with tuberculosis. We spend a great deal of money on immigration, but if a portion of the amount expended in bringing people into the country were devoted to keeping the people we have alive and in good health, it would be a wise policy on the part of the government. If we could save five out of the eight thousand lives lost every year from tuberculosis, it would be a great triumph in the interest of humanity, and the progress of the country. I would suggest that if the clergymen of this country were invited to appeal to their congregations to subscribe towards a fund to build sanitaria and take other steps to eradicate this disease, a great deal could be accomplished. If people were asked to subscribe $50 each per annum, very large sums could be raised; very few would object to paying that amount. I would also suggest to the government that if money is required to build sanitaria they should guarantee the interest on the necessary amount. If $20,000 is spent in each province, that would be $140,000 for the seven provinces, and interest at 5 per cent would be only $7,000. Surely the government could afford to contribute $7,000 a year to try and stamp out the white plague. Then for maintenance the grants from the provinces and voluntary contributions would suffice. The buildings should be put up as separate hospitals and the patients should not be crowded together. Each building should accommodate say about a dozen and not more. That would be a step in the right direction. I am glad to say that the health officer of British Columbia has done a great deal of good in securing funds for stamping out this disease. He has a long list of subscribers who give one dollar annually, and he has also got up tableaux, concerts and meetings, and in that way has gathered together a good deal of money. If something of the same kind were done in every part of the country, there would be no trouble in raising funds. I hope the government will not overlook my suggestions.

Hon. Mr. KERR (Cobourg)—It was not my intention to make any remarks upon this very important and interesting subject, and I do so now only because of a remark dropped yesterday by one who has placed us in the position of debtors for his excellent speech. It was to this effect: He could not tell whether the Senate appreciated speeches of that kind or not, that he did not discover many evidences of sympathy or appreciation, but he did discover that there was quiet, patient listening. We have had a good many discussions on important subjects in the Senate this session, but I am bound to say that we have had none of equal importance to the one now under consideration. Some one has said, perhaps truly, that a man who makes two blades of grass grow where only one grew before is entitled to be called a public benefactor. Similarly the man who is instrumental in causing a decrease in the death rate, and where two deaths occurred before reduces the rate to one death, is entitled to be called a benefactor of his race. The hon. gentleman who launched this question in the House has made us all his debtors. He evidently has devoted a great deal of time and care to the subject, and he seemed to speak from the heart, whence all good things should emanate. It must be gratifying to him and to all who so ably seconded his efforts, who have been kind enough to address this House on that subject, to find the Senate so deeply interested in the matter. I think it was that very wise man, Lord Bacon, who said that all knowledge was for the relief of man's state. Now if we have, as I am sure we have, a good deal more knowledge than we had before this discussion began, we must feel that our condition is ameliorated. I do not intend to particularize the speeches. They have all been excellent, including the very impressive and proper observations of the hon. gentleman who last addressed this House. During the discussion the thought has occurred to me, in what kind of plight would we be individually if the violation of the laws of health were made criminal offences. If they were, I think it would take several courts to try each one of us, sitting eight or ten hours a day, for I do not know of any matter about which people are apparently more careless and indifferent than they are regarding the laws of health. The wonder to me is, not that the mortality is so great, but that it is not far greater, considering how careless people are of the rules of health; and one of the lessons that I draw from the speeches which have been made is this, that in order

to enjoy good health, cleanliness is one of the indispensable conditions. Some one has said, and I am glad he said it, because I think it is very true, that cleanliness is next to godliness. I believe in that thoroughly. All, no matter how humble their origin, could live in a cleanly manner, much more so than is commonly done. In fact too many people live as though they delighted in committing suicide from day to-day, for we are practically—I do not know that we are exceptions or that some are so amenable to that phrase as others—we are practically, in our disregard and violation of the laws of health, committing suicide from day to day. That is a pretty serious problem. Another lesson I have learned from the medical gentlemen who have so kindly addressed us is this: that another indispensable condition of health is fresh air and lots of sunshine. It seems to me that if there is one thing more than another that can be called a panacea for every ill, it is fresh air and sunshine, and if that truth should go through the length and breadth of the land and the people will just sit down and think about it, a great boon will have been conferred upon the people of this country by the discussion of the subject. As an instance, up in Northumberland, where I live, an intelligent farmer writes me: 'I see in the papers that you are discussing the disease called tuberculosis. Could you send me some information about that matter?' Now, that is an encouraging sign, and it is some evidence of the value of this discussion. I hope the information given will go broadcast through the land. The hon. senator from Victoria has truly said that money is very important in accomplishing this result. I should like to add that we can accomplish a great deal without money, if we only make use of the privileges with which a kind Providence has surrounded us, that is, among other things, plenty of fresh air and sunshine.

We have a good deal, and I hope will have more, valuable information on this subject as it affects the lower animals. That is an important subject, but it is comparatively unimportant when considered in connection with the same terrible disease as it affects humanity. They are lower animals; we are animals of a higher order. These two subjects can be very fittingly discussed together, and I am very glad that they appear on the same order paper. While I try to take an intelligent interest in the minutest and most unimportant Bills—if any Bill in this House can be called unimportant—I should like to have our deliberations here occasionally varied from what some might call the monotony of Bill legislation. It seems to lift us into a higher plane and to teach us what we are, and lead us to ask ourselves the question, whither are we going. With the resolution as amended, which I think is an improvement, the door is open for a good many in the Senate and in the country to make two blades of grass grow where only one grew before, and be the means, as philanthropists, of diminishing the death rate and have only one case of mortality occur where there were two before. I hope this discussion will bear abundant fruit, and I believe it will if we show our interest in this important subject.

Hon. Mr. POWER, on behalf of Hon. Mr. Edwards, moved the adjournment of the debate until Tuesday next.

The motion was agreed to.

EMBARGO ON CANADIAN CATTLE

MOTION.

The Order of the Day being called,

Resuming the adjourned debate on the motion of the Honourable Mr. McMullen that the Senate of Canada desires to call the attention of the imperial government to the fact that Canadian herds are now and have been for many years past free from those particular diseases against which the embargo has been imposed.

That this has been repeatedly admitted by the imperial authorities themselves.

That under these circumstances the continued prohibition of the importation of Canadian cattle on the pretext that there is danger of the spread of those particular diseases among the British herds is an unjust imputation on the condition of Canadian cattle, and the Senate of Canada respectfully suggests that the Imperial Act based thereon should be repealed. And that a copy of this resolution be transmitted to the Honourable the President of the Board of Agriculture and to the Honourable the premier of England.—The Right Hon. Sir Richard Cartwright.

Hon. Mr. McMULLEN—If I am in order I beg to move, seconded by the Hon. Mr. Coffey, that this resolution be adopted in lieu of the one that was first printed.

Hon. Mr. SCOTT—No objection. Carried.

The SPEAKER—I do not see that there is any necessity for the motion being put.

With the consent of the Senate, the modification was accepted yesterday.

Hon Mr. SCOTT—The resolution was not carried.

Hon. Mr. POWER—The motion is that the resolution, as amended, be now adopted.

The motion was agreed to.

The Senate adjourned until 3 p.m. tomorrow.

SENATE.

Ottawa, Friday, April 7, 1905.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

ANTHRACITE COAL RAILWAY COMPANY BILL.

REPORTED FROM COMMITTEE.

Hon. Mr. CASGRAIN (de Lanaudière), from the committee on Railways, Telegraphs and Harbours, reported Bill (H) An Act to incorporate the Anthracite Coal Railway Company.

Hon. Mr. KERR (Toronto), in absence of Hon. Mr. Lougheed, moved that the Bill be read the third time on Tuesday next.

Hon. Mr. YOUNG—I desire to say a word or two in reference to the report of the committee on this Bill. If I understood correctly, the Bill is reported without amendment, and I am sorry that the hon. gentleman from Calgary is not here to-day, because it is in the recollection of hon. members that he took strong grounds against a phrase used in a certain Bill. My hon. friend was very much in earnest, for not only did he present arguments to this House, but after doing so he tested the sense of the House, by a division on the question as to whether this phrase, which was objectionable to him, should be removed from the clauses of the Bill.

Hon. Mr. CLORAN—What is the phrase ?

Hon. Mr. YOUNG—'At or near.' At the same time standing in his name was Bill (H), which, though not printed, was on the order paper ; and this Bill appears before us to-day. My hon. friend the other day pleaded earnestly for definite language in regard to the location of railways, and used strong arguments; but now we find the expression to which he so strongly objected repeated twice in this very Bill. The words 'at or near' appear in clause 7 of the Bill, and I am sure if he were here to-day he would object to the report of the committee and move that the Bill be referred back to have the words struck out.

Hon. Mr. LANDRY—How was the notice worded ?

Hon. Mr. YOUNG. It was not the notice he objected to, it was the expression. He said the latitude of expression permitted railway companies, sometimes, to exact a bonus or assistance from towns on account of their not being bound to carry their line into the corporation which they were passing or in the direction of which their line was projected. He cited one or two instances in the very neighbourhood to which the charter applies. I am glad the hon. gentleman brought it to my mind. He cited one or two instances in the very locality which this projected line was supposed to pass through, and pointed out that the latitude of expression was detrimental to the interest of these localities ; and I am sure if the hon. gentleman from Toronto (Hon. Mr. Kerr) had consulted my hon. friend from Calgary (Hon. Mr. Lougheed) he would have asked the hon. gentleman from Toronto, to move that this objectionable clause be eliminated from the Bill.

Hon. Mr. KERR (Toronto)—The question which has been suggested or the observations which we have just heard, probably would not have been made if the hon. gentleman had been present as a member of the committee to-day, for this question was discussed in committee, and also discussed some days ago in the Senate, and I have no doubt whatever, if the hon. gentleman from Calgary had succeeded in persuading the Senate to adopt his view at that time, he would have seen that this Bill was amended in the manner suggested.

Hon. Mr. YOUNG—Will my hon. friend assure us that the hon. gentleman from Calgary would have taken that course ?

Hon. Mr. KERR (Toronto)—I have no instructions and no information beyond this, that the subject was discussed in committee to-day and the committee determined to leave the words as they are in the Bill. I have no doubt whatever that if the hon.

gentleman had succeeded in persuading the Senate to adopt this view of the matter the other day, he would have been consistent, and had this Bill amended to conform to the view of the majority, but inasmuch as the Senate, as the result of the discussion the other day, adopted the other view, of course he bowed to the decision of the Senate, and left the phrase as it appears in the Bill now under consideration.

Hon. Mr. YOUNG—Will my hon. friend answer the question—was the hon. member from Calgary present to-day at the committee ?

Hon. Mr. CASGRAIN (de Lanaudière)—Yes.

Hon. Mr. CLORAN—Does the hon. gentleman say that because a majority may determine in a certain way against a man's principles, he must abandon them, as has been done elsewhere ? The hon. gentleman assumes that the hon. member from Calgary, did not insist upon moving to strike out the words 'at or near' in this Bill, owing to the fact that the Senate the other day, by a small majority, insisted upon leaving the same phrase in another Bill. Does the hon. member say that because a majority decided against the hon. member from Calgary that he should therefore abandon his principles ?

Hon. Mr. KERR (Toronto)—I do not say anything of the kind, and I do not think any one here would make such an insinuation against the hon. member from Calgary.

Hon. Mr CLORAN—I am putting it on general principles.

Hon. Mr. KERR (Toronto)—I say he has complied with the views of the majority in the Senate, with reference to this Bill.

Hon. Mr. WILSON—I regret very much that the hon. gentleman brought this matter up. In the first place the question was raised by the hon. gentleman from Calgary in connection with the Calgary, Red Deer and Battleford Railway Company, on account of the petition and notices for the Bill containing no intimation that such a phrase would appear in the Bill. Would the hon. gentleman who has raised this discussion to-day say that this Bill, with which he is finding fault, differs from the petition and notices on the point in question ? If it does, then he has just cause to find fault. In the other case the hon. gentleman from Calgary acted within his rights. Representing Calgary, one of the places affected by the Bill, and having petitions and notices showing that the railway was to be constructed to Calgary, he was perfectly justified in looking after the interests of the people he represents and insisting that the road should go to Calgary. He would have been derelict in the performance of his duty had he not raised the point in the manner he did, and I regret exceedingly that in the absence of that hon. gentleman he should be charged with inconsistency. The criticism of the hon. member is not a fair one.

Hon. Mr. DAVIS—My hon. friend has forgotten the speech of the hon. member from Calgary. As I understood it, he attacked the whole principle of having an expression of that kind appear in any Bill, and of course he went on to show what an injury it might be to the town of Calgary. I am very much pleased that he has been converted by the vote which was taken in the Senate the other day, and that he now thinks as the majority do. I was surprised myself this morning to see the Bill with the phrase in it 'at or near,' but I should not like to say, as my hon. friend has said, that the hon. member from Calgary had abandoned his principles. I would rather take the more charitable view of it and say that the majority in the Senate had converted him to their way of thinking.

Hon. Mr. WILSON—Might I ask the hon. gentleman did the petition for this Bill say 'at or near,' or did it mention any terminal point ?

Hon. Mr. DAVIS—The hon. member from Calgary took exception to the use of the phrase 'at or near' when the Bill was in committee. Afterwards he saw there was a discrepancy between the notice and the Bill, and he took advantage of that to move in the House that the phrase be struck out. If my hon. friend will read the speech of the hon. member from Calgary he will see that he took objection to the principle of using such a loose phrase.

Hon. Mr. FERGUSON—I rise to a point of order. This whole discussion is out of order. We are discussing a previous debate of this House.

Hon. Mr. CLORAN—We may be out of order, but it is very enlightening.

Hon. Mr. YOUNG—I was not out of order; I was discussing the report of the committee.

The motion was agreed to.

PUBLIC HOUSE TRUSTS.

MOTION POSTPONED.

The Order of the Day being called :

That in connection with the drink question, he will call the attention of the Senate to the British Gothenburg experiments and the public house trusts in England.

That in the opinion of the Senate the British Gothenburg experiments and the establishment of public house trusts in England have materially advanced the solution of the temperance question and of the social reform problem, and that the time has arrived when like experiment should be made and like public house trusts should be established in Canada.

Some hon. GENTLEMEN—Stands.

Hon. Mr. DOMVILLE—The motion has been standing a very long time, creating a great deal of unrest among my temperance friends, and I think we should proceed with it an, an early date, because if it is important we should have trusts to sell liquor as I read the motion, we should have a chance of expressing our opinion on it. I myself am not in favour of trusts, and I think the discussion should not be delayed much longer.

The motion was allowed to stand.

EMBARGO ON CATTLE.

Hon. Mr. McMULLEN—I should like to refer to the resolution which stood in my name which received the endorsation of the House yesterday, and in order to complete it I move that an humble address, accompanied by two copies of said resolution, be presented to His Excellency the Governor General, praying His Excellency that he will cause said resolution to be transmitted to the hon. Secretary of State for the Colonies with the request that one copy be delivered to the hon. premier, and one copy to the right hon. the President of the Board of Agriculture of England, respectively, for their information. With the permission of the House, I move this resolution now.

Hon. Mr. DEBOUCHERVILLE—I think there should be a notice of that. However I do not object.

Mr. SPEAKER—This will stand as a notice of motion for Tuesday.

BRITISH CANADIAN EMPIRE LEAGUE BILL.

Hon. Mr. FERGUSON—Before the Orders of the Day are called, I should like to call the attention of the House to the form of the Journals containing yesterday's proceedings. Hon. gentlemen will remember that when the hon. gentleman from Rothesay moved the second reading of the Bill which stands in his name to incorporate the British Empire League, I took objection to it. My hon. friend did not state when he made that motion that he was proceeding with the Bill as a public Bill, but I had inquired and found that the Standing Orders Committee had not reported, and that the fees had not been paid on the Bill, and therefore I assumed he was proceeding in that way, and I objected that the Bill was not of a public nature, but was a private Bill, and would have to be reported on by the Standing Orders Committee. The hon. Speaker yesterday decided that my point of order was well taken. I notice the ruling of the Speaker does not appear in the Journals of the House. I learn that in recent years the practice is not to insert the rulings. In former years the practice was to record all the decisions of the Speaker, but I think a difficulty was experienced in consequence of rulings occurring in debates, which would not fit properly into the order of proceedings, and on that account I understand the practice of omitting the rulings now prevails. I think it will be plain to hon. gentlemen that a ruling of this kind affecting a Bill should appear in the Journals. However, that is a matter I am not going to discuss fully now, or take strong grounds upon, but simply call attention to it because I think, for the guidance of the House on future occasions, on such an important point as to whether a Bill of a certain character is a public or a private Bill, the Journals should contain a note of the decision given. It would be quite concise, and it would fit into the Journals admirably. Instead of that, we have no reference to the ruling of the Speaker, and the Bill which was practically ruled out of order by the decision of the Speaker—that is what it amounted to—appears in the

Orders of the Day for Thursday next. I am not raising any very strong objection to the action of the officers of the House, but I want to make this explanation that in taking the objection which I did against the Bill, and in future objections which I may take, I am acting under the advice and the instruction of the executive of the British Empire League in Canada, of which I am a vice-president, who are strongly opposed to the Bill in any form, and I say this for the guidance of the hon. gentleman from Rothesay. I also desire to inform my hon. friend and the House that the British Empire League propose to object to the Bill in every particular, and should it reach a committee of this House they will ask to be permitted to appear before that committee and oppose it. I give this notice and this explanation because owing to the very peculiar shape in which our Journals stand, it might be possible that this Bill would come up for second reading when I was not present, and some action might be taken on it which otherwise would not be taken. The report of the Standing Orders Committee has not been received and no notice has been given, and that is the objection which will lie against it as a private Bill.

Hon. Mr. DOMVILLE—My hon. friend from Marshfield has made a statement from which I can now thoroughly understand why objection was raised by him. In drawing up that Bill I simply copied one which had been passed before, based on all the other Bills. If my hon. friend had stated what he states to-day, that he was instructed by the British Empire League in Canada, or drawing his information from them, and that he proposed to block the Bill at every point, it would have left me then open to have said something, instead of which he is attempting to-day to censure the hon. Speaker on account of some informality in not recording the decision on the Bill. Let me inform my hon. friend that there is no such thing existing to-day as the British Empire League in Canada. I state it without fear of contradiction. I am a member of the British Empire League in England. I daresay a great many other gentlemen present may be. But some gentlemen for their own purposes have thought fit to bring into Canada some other organization and arrogate to themselves a power and an authority which they do not properly possess. They cannot come forward and attempt to dictate what Canadians shall do in Canada. There is no such association. Do they desire to bar us from calling ourselves the British Empire League of Canada, because they choose to usurp the name of a league that has been established in England, and choose for their own purposes, if I may say so, to call meetings here, and publish all their transactions in this country. I have received a paper from England called the 'British Empire League,' of which organization, as I have said before, I am a member. But Mr. Tom Brown writes to John Jones, and says in effect: 'Let us form a British Canadian Empire League,' irrespective of the rest of us who live in Canada and who are members of the existing league; and they take powers to themselves which they have no right to take. They have no legal existence in Canada to-day. I took the trouble to inquire from the Secretary of State's office whether they were incorporated or whether such a corporation existed in Canada, and I have a reply in the negative. An association for the purposes which have been specified already exists in Canada, notwithstanding my hon. friend from Marshfield and his advocacy of those two gentlemen from Toronto, notably one Col. Denison and another gentleman who choose to meet in holes and corners and pass all sorts of resolutions——

Hon. Sir MACKENZIE BOWELL—Oh, oh.

Hon. Mr. DOMVILLE—There is no point of order.

Hon. Sir MACKENZIE BOWELL—Yes, it is all a point of order.

Hon. Mr. DOMVILLE—That association exists, and will exist, and will do business in Canada irrespective of my hon. friend from Marshfield and all his protests, and parliament into the bargain. If parliament thinks fit to say that the association now seeking incorporation is a loyal one, and desires to promulgate and perpetuate in this country imperial ideas and interests, well and good, but if the hon. gentleman thinks Col. Denison and nobody else shall do such work, he is mistaken, because others can go on without any parliamentary charter or Act or anything else of the kind. You can-

not stifle public opinion in this country, and two or three gentlemen, for their own interests and for their own designs, cannot control public interest; cannot say what is to be done and what is not to be done.

The SPEAKER—A summary or a mention of the decision should perhaps have been entered in the Journals, but as the point is not raised just now by the hon. gentleman from Marshfield, and as he is simply expressing a desire for the future, I will simply state why the Bill appeared for second reading at a subsequent date. It is that the hon. gentleman from Rothesay moved the second reading of his Bill, and I decided that he should not move the second reading of that Bill until there was a report of the Committee on Standing Orders; therefore, the second reading has been adjourned until next week, because between now and next week the Standing Orders Committee may report on the Bill, and then the second reading would be in order.

Hon. Sir MACKENZIE BOWELL—I was not here yesterday, but the question that arose yesterday was as to whether it was a private or a public Bill. Has that point been decided?

The SPEAKER—It has been decided this is a private Bill. The hon. gentleman contended that the second reading could be had although the Bill had been introduced as a private Bill.

Hon. Mr. MACDONALD (B.C.)—Is it customary to record the rulings of the chair on the Journals of the House? I don't think it is.

The SPEAKER—No, it is not. But as there was a point of order raised on the right of the hon. gentleman to move the second reading, there should perhaps have appeared a mention of the Speaker's decision against the second reading of the Bill at that time.

AN ADJOURNMENT.

Hon. Mr. SCOTT—It has been conveyed to me that it is the wish of the members of the Senate that there should be a recess dating from some day next week. From the present appearance of business, I do not think there will be much if any business before the Senate after Wednesday next. Three or four Bills have been set down for Thursday, but they are not Bills that can be taken up at that time. They will probably have to stand over for a further period. And therefore it probably would be convenient, particularly for gentlemen who live at a distance, to know, and I now give notice that I will move that when the House adjourns on Wednesday next, it stands adjourned until Wednesday the 3rd May.

THE EXTRADITION OF JOHANNES PETERS.

Hon. Mr. CLORAN—Before the Orders of the Day are proceded with, I wish to direct the attention of the government to a matter of public interest and one which, on the face of the statement that has been cabled to Canada, appears to me to be an interference with the duties or with the powers of our criminal authorities in Canada. Some time ago a prisoner who was wanted in Germany was arrested in Ottawa, and under our criminal code and the powers of the Extradition Treaty, I suppose, a Canadian officer was entrusted with his conveyance to Germany, which has been the procedure followed hitherto; but it appears on arriving in Liverpool, our Canadian officer was dispossessed of his prisoner, and was not allowed to carry out his instructions from the Canadian authorities. Now, if this is true, it would create a precedent that would be dangerous for the full enforcement of the Extradition Treaty. It comes from the Canadian Association Press, practically an authorized institution subsidized by Canadian money. The cable is as follows:

> London, April 6.—Johannes Peters, who was arrested in Ottawa last February, arrived on the 'Tunisian' in charge of Inspector Hogan, who thought to convey the prisoner direct to Germany, as instructed by the Canadian police. But Mr. Hogan was unable to do so, as the English police took charge of Peters on his arrival at Liverpool and took him to Bow street police court, London, where, the police stated, fresh committal order would have to be obtained there before Peters could be sent to his own country. Peters was remanded for a week.

If this statement of facts is correct, it is a direct intervention in business that has been considered our own up to the present time. No later than last month the deputy high constable, without any interference on the part of the English police, conveyed a prisoner to Switzerland. In a very short time the law of Canada may have to deal with a very serious case, under the Extradi-

tion Treaty, with regard to a crime committed in the United States, in which two persons are very prominent at the present moment. If the action of the police in London is correct, then these two parties who are now before our courts charged with the commission of a crime in a foreign country, should the court decide that they shall be extradited, may be taken out of the country by English police. Will it be necessary for English police to come here and take them to the United States ? Or will our Canadian police be entitled, as they have been in the past, to convey them across the border ? I simply call the attention of the government to this fact, with a view to having it reported to the Department of Justice to see where we stand in regard to this matter.

THIRD READING.

Bill (N) An Act respecting the Citizens' Bank of Canada.—(Hon. Mr. Coffey.)

SECOND READINGS.

Bill (AA) An Act respecting certain patents of the Ideal Manufacturing Company.—(Hon. Mr. Kerr, Toronto.)

Bill (BB) An Act to incorporate the Monarch Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

Bill (X) An Act respecting certain patents of David Thomas Owen.—(Hon. Mr. Watson.)

The Senate adjourned till Tuesday, April 11, at 3 p.m.

SENATE.

Ottawa, Tuesday, April 11, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

JOHN C. HOWE, MEDICAL INSPECTOR AT QUEBEC.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government :

1. Since when has Dr. John C. Howe, medical inspector at the port of Quebec, been in the employment of the government in that capacity?
2. What is his salary, or what are his emoluments?
3. Have there not been complaints, written or verbal, made to the Minister of the Interior, or to the government against the said John C. Howe, since his appointment, with respect to the execution of his official duties, and of what nature are these complaints?
4. Has there not been an official report, written or verbal, with reference to the said John C. Howe, made to Mr. W. D. Scott, superintendent of immigration, during the season of navigation of the St. Lawrence, in 1903, on a complaint brought by Dr. Ellis, then chief of the medical service at Quebec, to which the said Dr. John C. Howe is attached?
5. Is it not true that since 1903 several steamers have passed by Quebec on the way to Montreal without undergoing the medical inspection required from Dr. John C. Howe, notably the steamer 'Pretorian' of the Allan Line, which arrived at Quebec on June 27, 1904, because on these different occasions and more especially on this last one, the said Dr. Howe was by his own fault manifestly incapable of filling his duties?
6. Is the government aware that the said Dr. Howe, medical inspector of immigrants at Quebec, is the cause, unconsciously or otherwise, of many delays and of grave inconveniences in the service of the immigration office at Quebec, and in the movements of steamers and of railway trains which bring and transport immigrants to Canada ?
7. Does the government intend to inform itself of the truth of the facts and to remedy the inconveniences which result therefrom.

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

1. May, 1903.
2. Appointed at a salary of $100 per month during season of navigation.
3. Yes. Complaints received from immigrants, alleging that he improperly demanded a fee before 'passing' them.
4. Yes, in regard to his duties.
5. No. The inspection of the 'Pretorian' was reported in monthly report of June, 1904.
6. No.
7. The government will promptly inquire into any allegations contained in the questions.

CORRESPONDENCE *RE* PURCHASE OF LOT 4438-A AT QUEBEC.

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 the Senate copies of all despatches, letters, telegrams and other correspondence and communications received by the Department of Public Works, or any officer thereof, or by any department of the government, or by any officer thereof, from the Honourable Senator Philippe Auguste Choquette in any way relating to lot 4438-A of the official plan and book of reference of Montcalm ward, of the city of Quebec, and to

the purchase thereof by His Majesty King Edward VII., and of all despatches, letters, telegrams and other correspondence and communications sent by any and all such departments and officers to the Honourable Senator Choquette relating thereto ; also copies of all plans, if any, filed for the purpose of expropriating said lot in the registration division wherein said lot is situate, and copies of any other expropriation proceedings authorized or required by law to be followed in connection with the expropriation of lands for public purposes and which in any way relate to the lot aforesaid ; copies of all appointments of valuators regarding said lot ; copies of all applications for the appointment of such valuators, and of all correspondence, letters and telegrams relating to such appointments ; and copies of any valuations of said lot made by any valuators ; copies of all orders in council relating to said transactions and to the purchase of said property ; copies of all deeds, powers of attorney, reports and orders in council executed, made or passed relating to the purchase or acquisition of said lot by His Majesty King Edward VII.

The motion was agreed to.

EMBARGO ON CANADIAN CATTLE.

MOTION.

Hon. Mr. McMULLEN moved :

That an humble address, accompanied by two copies of the resolution regarding the embargo on Canadian cattle be presented to His Excellency the Governor General ; praying His Excellency that he will cause said resolution to be transmitted to the Honourable Secretary of State for the Colonies, with the request that one copy be delivered to the Right Honourable the Premier and one copy to the Right Honourable the President of the Board of Agriculture, of England, for their respective information.

The motion was agreed to.

AN ADJOURNMENT.

MOTION.

Hon. Mr. SCOTT moved that when the Senate adjourns to-morrow, it do stand adjourned until Wednesday, the 3rd May next, at three o'clock in the afternoon.

Hon. Mr. FERGUSON—For the convenience of those who live a long distance from the capital, I would suggest that the adjournment be to a later day. This bids fair to be a very long session.

Hon. Mr. TEMPLEMAN—Oh, no.

Hon. Mr. FERGUSON—I really think we might take an adjournment to a later day than the one named in the motion, without any detriment to the public business.

Hon. Mr. SCOTT—The adjournment I have proposed is a long one, and I do not feel warranted in extending it beyond the time named. We have stretched it as far as we can legitimately go. There is a good deal of business coming up, private Bills legislation, and it is just possible that the discussion of the vexed question now occupying the attention of the House of Commons may come to an end much sooner than some hon. gentlemen suppose.

The motion was agreed to.

THE DIVORCE COMMITTEE.

MOTION.

Hon. Mr. McMULLEN—Before the Orders of the Day are called, I desire to call the attention of the House to a matter of considerable moment. The Committee on Divorce was called to meet this morning, but we had not a quorum. Quite an important case was to be heard, and a number of witnesses were present from British Columbia and the United States. It is rather unfortunate if these witnesses must be kept here under expense because we cannot obtain a quorum of the committee. I would, therefore, with the permission of the House, move that the committee be permitted to sit with four as a quorum, to hear this case.

Hon. Sir RICHARD CARTWRIGHT—What is the regular quorum ?

Hon. Mr. McMULLEN—Five, but we cannot get more than four. Some of the members of the committee left without giving us notice, and the result is we cannot get a quorum.

Hon. Mr. DeBOUCHERVILLE—I do not intend to object to the motion, but I think the rule should be followed in a case of such importance. The majority of the committee is fixed as the quorum, and the least that should be done is to give notice of the proposed change.

Hon. Mr. McMULLEN—The clerk of the committee has wired for the purpose of trying to get the chairman here, and every effort has been made to obtain a regular quorum. I make this motion to obviate the necessity of keeping the witnesses here until after the adjournment.

Hon. Mr. WOOD—There would be no objection to giving notice if we had time to do it ; but to-morrow is the last day that the House will sit before adjourning, and it is

also the last opportunity we will have to hear the witnesses. The chairman fully expected to be here this afternoon, but he was suddenly called away to Toronto yesterday. We hope he will be back in time to attend the meeting to-morrow, but we want to be prepared for the possibility of his not being here in time. We want to be in a position to proceed with the case.

The motion was agreed to.

THIRD READINGS.

Bill (G) An Act respecting the Western Alberta Railway Company.—(Hon. Mr. Lougheed.)

Bill (74) An Act respecting the Medicine Hat and Northern Alberta Railway Company.—(Hon. Mr. Baird.)

Bill (88) An Act to incorporate the Athabaska Northern Railway Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (109) An Act respecting the Hudson Bay and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (118) An Act respecting Alberta Central Railway Company.—(Hon. Mr. Watson.)

Bill (I) An Act to incorporate the Fessenden Wireless Telegraph Company.—(Hon. Mr. Domville.)

Bill (91) An Act respecting the Timagami Railway Company, and to change its name to the Ontario Northern Timagami Railway Company.—(Hon. Mr. Davis.)

Bill (96) An Act respecting the Montreal and Southern Counties Railway Company.—(Hon. Mr. Mitchell.)

Bill (100) An Act respecting the Guelph and Georgian Bay Railway Company.—(Hon. Mr. McMullen.)

Bill (117) An Act to incorporate the Athabaska Railway Company.—(Hon. Mr. Ross.)

Bill (O) An Act to incorporate the Owen Sound and Meaford Railway Company.—(Hon. Mr. Wilson.)

Bill (S) An Act respecting the Montreal Bridge Company, and to change its name to the Montreal Bridge and Terminal Company.—(Hon. Mr. Domville.)

Bill (H) An Act to incorporate the Anthracite Coal Railway Company.—(Hon. Mr. Lougheed.)

SECOND READING.

Bill (Y) An Act respecting the Interprovincial and James Bay Railway Company.—(Hon. Mr. Davis.)

Hon. Mr. WOOD.

OTTAWA ELECTRIC COMPANY BILL.

SECOND READING.

Hon. Sir MACKENZIE BOWELL (in the absence of Hon. Mr. Lougheed) moved the second reading of Bill (12) An Act respecting the Ottawa Electric Company.—(Hon. Mr. Lougheed).

Hon. Mr. SCOTT—Several hon. gentlemen have intimated to me that they wish to speak on the motion for second reading of this Bill, and I suppose there is no objection to allowing it to stand until after the adjournment.

Hon. Sir MACKENZIE BOWELL—Just before the hon. gentleman from Calgary (Hon. Mr. Lougheed) left Ottawa, he asked me to move the second reading of this Bill and send it to committee. The solicitors of the company asked me to make this motion.

Hon. Mr. SCOTT—It could not certainly be considered by the Railway Committee to-morrow, so there is no harm in deferring the second reading.

Hon. Sir MACKENZIE BOWELL—Of course if the government say so, all right.

Hon. Mr. SCOTT—I understood from the hon. gentleman from Portage la Prairie (Hon. Mr. Watson), and other gentlemen whom I need not mention, that they desire to be present when the Bill is discussed. I asked the hon. gentleman from Portage la Prairie whether he had any understanding with the hon. gentleman from Calgary that it was to stand over, and he told me he had.

Hon. Sir MACKENZIE BOWELL—I cannot dispute that, but it is strange that the hon. gentleman from Calgary should have asked me not half an hour before leaving the city to make this motion if he had such an understanding with the hon. gentleman from Portage la Prairie. I am told there is a meeting of the Railway Committee to-morrow.

Hon. Mr. SCOTT—I have no objection to the second reading, if the committee stage is not to be taken up until after the adjournment.

Hon. Sir MACKENZIE BOWELL—With that understanding, I move the second reading.

The SPEAKER—I understand the hon. gentleman from Halifax (Hon. Mr. Power) intimated that he wished to speak on the second reading.

Hon. Mr. POWER—No, I think the hon. Speaker misunderstood me. I said there would be some discussion on the second reading, but I have no desire to speak.

Hon. Sir MACKENZIE BOWELL—That can all be done in committee.

The motion was agreed to.

The Bill was read the second time.

SPREAD OF TUBERCULOSIS IN CANADA.

DEBATE CONCLUDED.

The Order of the Day being called:

Resuming the further adjourned debate on the motion of the Honourable Mr. Edwards, That in the opinion of the Senate the time has arrived when the state should take some active steps to lessen the widespread suffering and the great mortality among the people of Canada, caused by the various forms of tuberculosis, and that conferences between the Dominion and provincial governments should be had at the earliest possible moment in order that the best mode of action in the premises may be adopted. —Hon. Mr. Power.

Hon. Mr. POWER—I moved the adjournment of this debate for the purpose of enabling the hon. gentleman from Russell to make a few remarks on the question.

Hon. Mr. CASGRAIN (Windsor)—The hon. member for Rideau (Hon. Mr. Edwards) is entitled to the great thanks of this honourable House for the eloquent, instructive and able manner in which he has addressed this House on the important question of tuberculosis. No member of this honourable House could have done it more effectively, as the hon. gentleman has made a special study of the disease, and has taken a great interest in the subject of tuberculosis, and has done a great deal, not only in giving substantial aid, but also by educating the people. I would like to make a few remarks on this question of tuberculosis, which has of late attracted the attention of the people of this country, who are anxiously waiting for future developments for the cure of the so-called white plague. But, hon. gentlemen, the subject has been so thoroughly discussed that I am afraid that it would be only a repetition of what has already been so well expressed in this honourable House. The discussion has certainly been very interesting, and will have a good effect in educating the people of the country. The death rate from tuberculosis has been very alarming in the past, but the knowledge that the disease is not hereditary and the information that we have acquired as to the best methods of fighting the disease, have given confidence to the afflicted, so that the percentage of deaths is getting smaller every year. There is no such thing as hereditary consumption; that theory is a nightmare used to scare us. It has never been inherited, either from the father or the mother. The mother may give the disease to her child in nursing, by coughing, or by kissing her children. The father may spread the disease by careless spitting about the floor of a house; and these are the real sources of danger. I believe, hon. gentlemen, that just as much good could be obtained by educating the people and putting before the public the real causes of tuberculosis as any aid from the government could effect. People generally have no idea of hygiene. They do not seem to understand that the conditions in which they live are very often injurious; that pure fresh air is essential for the maintenance of animal life; that ill-ventilated tenements, crowded school-rooms and stuffy, over-heated dwellings, have an important influence on tuberculosis; and that the disease is more prevalent in damp, ill-drained districts. Food, hon. gentlemen, plays also an important part in the disease—milk, which is so much used by old and young, carries the disease, and is capable of communicating tuberculosis if the milk is from an animal suffering from tuberculosis, because in such cases it contains the virus of the disease, as shown by Professors Gorlachn, Bang and Bollinger. It is an interesting fact that an owner of a herd known to be tuberculous withdrew the milk from market and used it, without boiling, to feed his pigs. The latter, almost without exception, became tuberculous, so that the whole stock had to be slaughtered. There is no reason to believe that young children or even adults are less susceptible to the virus than calves or pigs; so that the danger of the disease from this source is real and serious.

The question of marriage in the case of persons suffering from tuberculosis is a very important one and most difficult to decide.

In a male, the personal risk is not so great—and when the health and strength are good, and the family history is not extremely bad, the experiment is often successful, and many healthy and happy families have been begotten under these circumstances. But in women the question is complicated with that of child-bearing, which increases the risk enormously. With a localized lesion, absence of hereditary taint and good physique, marriage might be permitted. In a girl whose family history is bad, whose chest expansion is slight and whose physique is below the standard, the physician should, if possible, place his veto upon marriage. But where the disease actually exists marriage should be absolutely prohibited, because pregnancy and parturition hasten its progress in almost every case. There is much truth in the remarks of the famous French professor, Dr. Dubois : 'If a woman threatened with phthisis marries, she may bear the first accouchement well, the second with difficulty, a third never.' There is no remedy for consumption, no specifics. Drugs are practically useless, patent medicines, with their testimonials, are cruel swindles, and in many cases criminally harmful. Tuberculosis is curable, but not by patent drugs, quacks, Christian Scientists, or faith curists. It is curable solely by the unstinted use of God's fresh air and plenty of good water used inside and outside, by a good diet, and the use now and then, of a little medicine as the family physician may direct. Alcohol never has cured and it never will cure consumption. On the contrary, it is among the predisposing factors. Every city where there are hospitals, should have a special ward for its own tuberculous people, to which all consumptives, who cannot obtain proper treatment at home, may be taken, and also for advanced cases.

Of course, there are sanitaria, where persons afflicted with the disease are admitted, but they are not free institutions. Those who can afford to pay are taken in, but the poor, the labouring class, are prevented from sharing in the benefits to be derived. In my opinion the government should come to the assistance of that class of people, by granting aid for their relief. Hon. gentlemen, I am glad to see that this very important question of tuberculosis, which is at present attracting the attention of the people of this country, and, I may say, of other countries also, has been thoroughly, and generally discussed in this honourable House, not only by the members of the medical profession, but also by other members of this honourable House. It is a strong indication of the interest that the members of the Senate of the Dominion of Canada take in the welfare of the country.

Hon. Mr. EDWARDS—I take it that no other hon. gentleman desires to speak on this question, and I should like to say a few words in concluding the discussion upon it. I am very much gratified at the manner in which this motion has been received in the House, and the manner in which it has been responded to by the several hon. gentlemen who have spoken upon it. The subject is an educational one, and I am very sure that as a result of this discussion the education of our people upon the subject has been very much enlarged. True, some diversity of opinion has been expressed, dealing with the subject in an academic way, but in so far as the main question is concerned—the education of the people, the responsibility of individuals, of municipalities, of the provincial governments and also now of the Dominion government—there seems to be no dissension whatever. All seem to agree that the question is one of such paramount importance to the welfare and well-being of Canada; that the time has arrived when the Dominion government should take some action upon the matter. And this really is the great question. Discussing it in an academic way, of course disseminates information as to the disease, but the great question requiring attention to-day is to make known the extent of the ravages which this dread disease is making among the inhabitants of Canada, and to point out the desirability of the Dominion government taking some action thereon. Some years ago it would not have been supposed possible to do that which is now very well known to be possible, and responsibility would not seem to have rested upon the Dominion government in the past to a great extent ; but to-day the origin of the disease is well understood. The disease is a preventable one, and it is in a large measure a curable one. In view of these facts, if action is delayed until private philanthropy or some such instrumentality shall take hold

of the disease and deal with it, the loss to Canada would be enormous, and I submit that the government should be held responsible for any failure to act. In so far as my opinion is concerned, I think enough has now been said to show that it is desirable in the highest and best interest of Canada that the Dominion government shall take the matter up, and I for one sincerely hope that they will do so. It has been held that the matter of health is purely a provincial and municipal one. I stated in the short speech made when introducing this subject, that it is believed that the question may be one of divided jurisdiction, but in so far as the British North America Act is concerned, it would not be trespassing in any way on the domain of the local legislature for the Dominion government to move in the matter. If it should be the case that the British North America Act is found to require amendment in this respect, it is highly desirable in the best interests of Canada, that such amendment should be made at as early a date as possible. But in my humble opinion this is not necessary. No province will find fault with the Dominion government for aiding in this matter, and the aid may be given direct to the provinces. There is no doubt that the great and important question is to educate the people thoroughly upon the subject. That would be a great step. There are those who contend that education is the only necessary thing, and that home treatment should be the only treatment; but every measure of treatment and prevention is necessary. I simply throw out the suggestion that if education is one of the greatest factors in successfully coping with the difficulty—and I believe it is—there is no means whereby education can be better carried on than by the Dominion government aiding in the construction of one illustrative sanitarium in each province of the Dominion. While a great deal of information has been disseminated, there are millions yet in Canada who believe that the disease is hereditary, that it is incurable, and that when unfortunately any one contracts it, there is no hope for him. I should like to ask hon. gentlemen could there be any better system of education than would be afforded if there was an illustrative sanitarium in each province, and the sufferers sent there for treatment were to return to their homes and tell their neighbours their experience. It would be one of the very best modes of education we could have.

I stated in the speech I made when introducing this subject, something as to what has been done in the United States and other countries. The government of the United States, while not dealing with the subject generally as a national one, has at the same time erected very large sanitaria for their army and navy. So far as sanitaria are concerned, I may say that there are thousands who believe that permanent structures are not necessary, that only cheap buildings are required, and that it is a very simple matter to provide suitable accommodation for patients; but there are cases where there should be at least a central building for the purpose of administration, while smaller cheap cottages would do for housing very many of the patients. It is not necessary that a very large sum of money should be expended. The undertaking in that respect is not so great as many anticipate. I do not desire to occupy your time longer upon any of these branches of the subject, but simply to say this: In my humble opinion this should be made a national question and that at the nearest possible moment. I think perhaps the time will come when it will go beyond that and become an international question, because, bordering as we do for 4,000 miles on the United States, with the intercourse that takes place between the two countries, it is desirable that an understanding shall exist between us so that the best results may accrue. Take our railways. Travelling on a railway is one of the most productive means of spreading this unfortunate disease; and as our railways go from one province to another and connect with the railways of the United States, it is something more than a national question, and assumes an international character. To illustrate this in a very, very short way, I may mention that while going down to the Adirondacks last spring to see what was being done there, and returning through a portion of the United States, I could not go into any car without finding sufferers from this disease lying in almost the last stages of consumption, so much so that it appeared to me to be perfectly unsafe to travel on one of those cars under

the conditions which existed. For these reasons I believe that this great question should become, and will become at a later period, not only a national, but also very possibly an international question.

Hon. gentlemen have been very patient in listening to my remarks in introducing this subject, and I anticipate with pleasure the fact that this motion will pass this House unanimously. My own desire is that it shall not then become a dead letter. I sincerely hope that the legislators of Canada have been sufficiently roused upon this subject that some means will be taken of going further than simply passing a resolution or a motion in this House. It is my intention to consult with some of those gentlemen who are interested and who feel keenly upon this subject, as to some means of appointing a committee for the purpose of dealing further with the question, and at a later date after I have consulted some of my friends upon it, I hope that this will be done. I sincerely hope in the interests of humanity and in the interests of Canada that this important matter shall not be allowed to drop, but that active measures shall be taken, and that at the earliest day, upon a question which in my humble opinion, in so far, at least, as our temporal affairs are concerned, is of more importance to the welfare and well-being of Canada than any subject which could be brought before this honourable House.

Hon. Mr. DeBOUCHERVILLE—My hon. friend says that he does not want this resolution to be a dead letter. If the hon. gentleman does not move for a committee to-day he will have to go over these proceedings again. I understand that he is not prepared to give the names of the members of the committee at present, but he might move that a committee be called for such a purpose, and that the members be named at the next sitting of the House. Otherwise it will take some time to proceed with the matter after the adjournment.

Hon. Mr. EDWARDS—I quite appreciate what my hon. friend says. I hope I shall be able to take the means of bringing the matter before the House in the manner I intended to do, so that it will not occupy much time. Several of my friends have discussed this matter with me, and there seems to be a little diversity of opinion as to how the committee will be formed, but I really have not had time to get the matter into shape. However, I think I shall be able to carry out the views of my hon. friend at a later date.

Hon. Mr. DeBOUCHERVILLE—The hon. gentleman might move for a committee in this matter and might state that the members would be named by the House at a later date. I suppose the hon. gentleman desires to have the majority of the committee medical men. The House will not object to that. This will be a move in advance, and if he does not do this now he will have to commence de novo. I approve entirely of the hon. gentleman's object in bringing up this matter. It will do a great deal of good to the unfortunate people who are suffering.

Hon. Mr. EDWARDS—I am not quite in a position to ask for a committee and to be able to say just what powers I should like such a committee to have. I should prefer to allow the matter to stand until a later date.

Hon. Mr. SCOTT—I desire to join with my hon. colleagues in the expression of the thanks which are due to the hon. senator who has brought this important subject before the Senate. His opening and closing addresses have been not only interesting but instructive. It is quite evident he has given a great deal of thought and attention to this subject. I was also gratified to hear the opinions of many medical men and laymen. I was particularly struck with the very sensible remarks made by the hon. gentleman from Windsor (Hon. Mr. Casgrain). His views, and the views expressed by the hon. gentleman from St. Thomas (Hon. Mr. Wilson) were more in accord with my own than any others that have been expressed during this debate. It is probably pretty well known that I have strong individual views on this and kindred subjects, and while I recognize the very great value there would be in saving the eight thousand lives which my hon. friend stated were sacrificed and lost by want of care and want of sanitaria, still if we were to save the eight thousand lives in one year there would be eight thousand lives to take their places in the following year. It would go on increasing ad infinitum. We shall have to change

the conditions of life very largely before we can hope to stamp out this particular disease. It is due to the complex conditions under which we live. That is proven not only in this country, probably in a minor degree, but also in other countries of the world, where most careful statistics have been taken of the proportion of persons who in particular callings go into consumption. Happily in Canada, I am glad to say, the proportion is very much less. Our factories are perhaps not as crowded as they are in other countries. We have in the provinces inspectors of factories, and we have an improved condition over that which prevails in most countries, on the other side of the Atlantic at all events. But even in Canada there is a very great opening for the benefactor of the human race to point out where lives are being constantly sacrificed by forcing men to work under improper conditions. I quite agree with the hon. gentleman in what they said and probably I would go a little further, in speaking of the proportion of those who might be saved. The opportunities for saving people are abundant; they exist everywhere. As my hon. friend from Windsor (Hon. Mr. Casgrain) very well said, it is the oxygen of the air that practically is the only means by which consumptives can be cured, and that is obtainable all over the world. Although men in various ways may foul the atmosphere they are breathing, still nature is constantly readjusting the proportion as it was originally intended to be; that is, 20 per cent oxygen and 80 per cent nitrogen. I will give hon. gentlemen a few figures which have been compiled from official sources, showing that in certain particular callings a fixed number as a rule are certain to die of consumption. Of course something may depend on the proportion of persons of great vitality or of weaker constitutions, and to that degree only is the table of mortality correct. But making due allowances, we still find the death rate in some callings is exceedingly high. And that has been going on year after year for very many years, more so probably in our own days than in earlier periods, because our methods of manufacturing are different from what they were in earlier years. We crowd operatives into smaller space, and less importance is attached to providing the proper proportion of air. We do not provide the methods of ventilation for them that we ought to furnish. The desire to make the most out of the human life is perhaps the cause of it. Human life is not highly valued when compared with the value set upon gold. Since Tom Hood wrote that celebrated song which created such a sensation in England, describing the condition of the poor women who earn a living by their needles, philanthropists have been calling attention to the importance of doing something for the operatives of factories, giving them more air where they are confined in buildings, but still the employment of labour under unsanitary conditions has been going on—less, I am glad to say, in Canada than in other countries—and I may say here that it is a matter of notoriety that in many countries as a rule boys follow the calling of their fathers. Take the manufacturing towns of England, such as Birmingham and Manchester, in the cotton industry as a rule the boys and the girls fall in line and follow the calling of their parents; and the evidence is abundant that they only work a limited number of years. The larger proportion of them are carried off by tuberculosis. I have under my hand some statistics bearing on this subject. Take the linen factories of Belfast where they employ about 30,000 persons; we find five-sixths of them are women. Deaths from pulmonary tuberculosis and other diseases of the respiratory organs exceed the number of deaths from other causes by two to one. In tables that have been recently compiled it is found that among the workers in trades subject to mineral, metallic, vegetable, animal and mixed dust, compared with those of the non-dusty trades, the mortality is more than double. For each one hundred workmen in dusty trades the cases of pneumonia varied from six to seventeen; pulmonary tuberculosis 13 to 28; while for the non-dusty trades pneumonia only averaged 4½ and tuberculosis 11 per hundred. I might observe here that the most fatal kind of dust is the metallic dust and then comes stone dust. Stonecutters often carelsssly omit to cover the mouth so that the dust is inhaled. Men working on stone-cutting in the open air are not exposed to the same danger. In Berlin, taking a recent re-

turn from the mortality tables of a number of the Berlin Mutual Aid associations it was found that there was among engravers a mortality from tuberculosis of 40 per cent, among waiters 45 per cent, painters 47 per cent, polishers 54 per cent, bookbinders 63 per cent, cabinet and piano manufacturers 55 per cent, upholsterers 61 per cent. No such figures are obtainable in this country. The conditions in which workmen live here, although not of the best and not certainly what we would all like to see, still are a great improvement on many factories of the old countries of Europe where they have gone on from century to century making very few changes, crowding people in narrow spaces and ignoring altogether the resulting loss of life.

These figures are all much in the same line. There is a return from Munich, prepared in 1903, where very much the same figures appear, and I have also examined the table prepared by Miss Brandt, the statistician of the Charity Organization Society of the city of New York. She has a table of fifty-three columns. The greatest mortality is with the marble and stonecutters; the next with the cigarmakers. The irritating effect of tobacco on the surface of the mucous membrane causes the death rate to be very high, but badly ventilated buildings are also largely responsible. Then come the plasterers and whitewashers, who suffer from the dust of the plaster. There are fifty-three different callings, of which the longest lived are the bankers and brokers, and the farmers and farm labourers. Then come miners and quarrymen working in the open air; then clergymen. It shows practically that if we want to begin to improve, we must improve the condition of the unfortunate people who are exposed in this way. I desire to say here that probably there is no disease that is as easily controlled as tuberculosis. There is no ailment of the human body that is so easily combated, because Providence has surrounded the earth with pure air. You need not go up to Muskoka. It is everywhere; it abounds all over the continent. My hon. friend referred to sanitariums that the American government have placed at several points for the benefit of the soldiers. I happened to come across a very recent case, that of a sanitarium erected by the United States government at Fort Bayard, near Silver City, New Mexico, in the meridian of Charleston, South Carolina. It is erected on a considerable elevation, about 2,000 feet, if I remember rightly, and enjoys the advantage of a temperature which is nearly the same all the year round. It is in charge of Major Appel, who is a surgeon of the United States army. His report is really worth quoting, as showing the conditions under which the disease yields so readily to cure. He says:

> We have demonstrated at the Fort Bayard Sanitarium for soldiers, that we can cure consumption in any stage. I do not mean to say that if people come to us with lungs so far gone as to destroy their breathing power we can cure them, but do say that we can cure what has long been regarded as hopeless—the third stage of the disease. I have never made that statement publicly before. I have not been ready to make it.
>
> We have been working for results since the establishment of the sanitarium three years ago, and we have been doing a great deal of original investigation regarding the treatment of tuberculosis. Our hopes have been realized, and now you may inform the public that under the conditions which prevail in this territory, the dread disease has been robbed of its terrors.

The cure means, not only pure air, but it means hygienic treatment; it means a proper diet. I was glad to hear an authority so good as my hon. friend from Windsor say that drugs were of no use. I was delighted to hear that, coming from a medical man. Some doctors who took part in the earlier stages of the debate did not refer to that, We heard a great deal about Doctor Koch and the Medical Association, and their difference of opinion as to whether tuberculosis could be transferred from the animal to the human being, and that Doctor Koch and the Association differed widely. I have found medical men differ very widely, not only on that, but on other subjects; but during the last fifty-five years, during which I have been giving a great deal of attention to medical subjects, I have found the medical men, and particularly the younger ones coming forward, have changed very materially for the better, that they now rely more upon natural agencies for the treatment, not only of consumption, but of all diseases. Now, I hold that it is not necessary to go abroad to be cured. There is no better place than along the Laurentian range, on the north bank of the Ottawa, for the cure of consumption. You do not want

a sanitarium from the present date until November—all you want is a tent and plenty of good blankets and nutritious simple food.

Speaking of breathing, we ought to begin at the beginning if we want to stamp out consumption. The child in the school ought to be taught to breathe properly. The Almighty, when He first gave us life, breathed it into man's nostrils. Men nowadays, and women also, many of them, breathe through the mouth, which is, of course, absolutely wrong. Breath ought to be introduced into the lungs through the nostrils, because there is a filtering apparatus provided for the express purpose of protecting the lungs from dust and to prepare the air for its reception in the lungs. If a man goes into the open air and opens his mouth wide, allowing the cold air to strike the delicate surface of the mucous membrane of the lungs, he is likely to suffer from it. Therefore, we should teach the children to breathe properly and deeply. I venture to say that not ten per cent of the community breathe properly or to the extent they should. They are simply satisfied with inhaling air enough to fill the upper lobes of the lungs without filling the lungs as they should by inhaling deep breaths. From this time of year until November no better sanitarium can be found than a tent on the hillside, away from the dusty roads, in the neighbourhood of a wood, where plenty of water is available to keep the body clean inside and out, and where simple nutritious food can be obtained. From November until March we have in this climate, particularly during the last winter, more sunlight than they are blessed with in most countries. If one could live with the window open, getting the benefit of the pure air and sunshine, great benefit would result, because in winter our air, even in cities and towns, is pure. As a rule, in ninety per cent of the buildings in our cities and towns, one could get abundance of pure air in winter, if it be allowed to enter the building, but of course if you hermetically seal the houses and heat them with hot air or steam, and give no opportunity for the air once breathed to escape or the fresh air, which gives life to the human body, to enter, one must suffer the consequences. During the winter months almost anywhere in Canada you can get all the advantages required for the proper treatment of the consumptive; and in summer an out-door life is practicable in every part of the Dominion. There is no part of the Dominion where there are not hill-sides with adjoining woods and running streams, where simple food can be had, costing very little indeed. Nothing can be better than living in a tent during those months and sleeping on cedar boughs. These are the views I would like to see disseminated over this country. I have quoted one statement—I could have quoted others, but that is the most recent that has come to my hands—of the cure of consumption, even in what is called the third degree, where it has heretofore been considered absolutely hopeless; and this, be it remembered, is from a high authority, a surgeon major in the American army. In New Mexico, they have the advantage, as I have said, of a very equable temperature. In Canada we can only live in the open air during seven or eight months of the year. The other four months would have to be lived indoors, where the advantages could not be considered equivalent to life in the open air. But the main thing is to breathe deeply, and to breathe air which contains its full proportion of oxygen. As I said just now, such air can be had everywhere. We may poison it and destroy it, as we will, but kind Providence is continually at work readjusting the conditions and proportions. It is only when we defile the air and make it noxious that harm results, but the readjusting of it is constantly taking place. So that by relying on natural conditions I have indicated, I conceive that tuberculosis is a curable disease, and that the means of cure are within the reach of all. Of course I do not mean in any way to minimize the advantage of acting upon the advice of men who are in a position to speak wisely on the subject. No doubt there are very many persons who will not act unless under advice. They have not thought out the subject themselves, and consequently need the judgment and influence of the mind of another in order to prompt them to adopt even simple remedies. As a rule people have not any faith in simple remedies. That has been my experience in the past, and I dare say it has been the experience of medical men. If fifteen or twenty years

ago my hon. friend opposite had been called to see a patient who had been living too high, smoking too many cigars and drinking brandy and water every night, and he had told him to live on oatmeal for two or three weeks, the patient would very probably have replied, 'I did not call you in to give me such advice. I called you in to give me a prescription.' It had to be in the form of either pills or powders or in a phial —it had to be done up scientifically. The advice however, would have been the only really beneficial service my hon. friend could have rendered him.

Coming more particularly to the crucial point, while I feel all the sympathy I could possible express for the motion of my hon. friend, yet there is the recognized position of the government that cannot be departed from, that this subject, at all events under our constitution, is beyond their control to the extent that my hon. friend would like them to go. These views have been expressed in the other chamber where a number of my colleagues were present, and more particularly the minister who had charge of those branches, where it was pointed out that to the exclusive powers of the provincial legislatures are relegated the establishment and maintenance of hospitals, charities, asylums and eleemosynary institutions in the province, other than marine hospitals.

Hon. Sir MACKENZIE BOWELL—There is nothing in the constitution preventing this government making an appropriation to carry on this work.

Hon. Mr. SCOTT—Strictly speaking, I presume there is, because the powers of parliament are limited on these particular subjects to the establishment and maintenance of marine hospitals. The exclusive powers which the provinces possess are those to which I first referred. I am not one of those who like to draw the line very closely, on the contrary, my desire and my sympathies would be to err on the right side in a matter of this kind. How far my colleagues may be disposed to go I am quite unable to say. I shall be glad indeed if I can enlist them in any movement that my hon. friend has in view in bringing this important subject before the House. How far they would feel justified in going I do not know, but he will admit, I am quite sure, that the matter more particularly belongs to the provinces. They have control of the education—because after all in our schools if we had in the elementary books something to instruct children to sit up straight, to throw the shoulders back, to enlarge the breathing capacity, to breathe deeply and properly and to comply with the laws of health—that would be one of the best methods of accomplishing the result. Speaking of this, I am very much reminded of the first school I went to, considerably over seventy years ago. I have a vivid recollection of that school. It was a room with probably thirty or thirty-five boys in it, although probably it would properly have afforded air for ten. The windows were kept closed, particularly in the winter season, and a stove stood in the centre. The room was so heated and the air so fetid that we had difficulty in keeping awake. That was before the days when buildings were heated with warm air coming from the outside. The great object was to keep out the cold and save the wood-pile.

I shall be glad indeed to express to my colleagues—and I am sure my hon. friend beside me will join in doing so—the strong views expressed by my hon. friend in this chamber, and I hope that perhaps something more than a sympathetic expression will be given. There is now, I believe, some $2,000 allotted to some society—I do not know what society it is.

Hon. Mr. EDWARDS—It is the Canadian Society for the Prevention of Tuberculosis.

Hon. Mr. SCOTT—If $2,000 can be given, it follows that a good deal more could be given, because if the rule is broken it might as well be broken to give something more, and to do something more than can be accomplished by an expenditure of $2,000.

Hon. Mr. EDWARDS—There are other things also relegated to the provinces, for instance education, in which the Dominion government is actively engaged. In the matter of agriculture, there is a series of educational movements going on continually. The method of making cheese is a branch of education and yet the government are helping in that direction.

Hon. Mr. SCOTT—That is trade.

Hon. Mr. EDWARDS—But it is pure education. Further, I should like to ask my hon. friend if the provinces would object to being aided by contribution ? The government can give a contribution ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. SULLIVAN—With regard to the constitutionality of it, this is a national affair. It is a condition which does not confine itself to any particular province. The government should take at least as much interest in the mass of the people as they do in the raising of bullocks, and therefore they should look upon this as a national matter.

The motion was agreed to.

BILLS INTRODUCED.

Bill (103) An Act respecting the Richmond and Drummond Fire Insurance Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (125) An Act to incorporate the Crown Casualty Company of Canada.

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

SENATE.

Ottawa, Wednesday, April 12, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (102) An Act respecting a patent of the Gold Medal Furniture Manufacturing Company, Limited.—(Hon. Mr. McMullen.)

Bill (R) An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.—(Hon. Mr. Frost.)

Bill (V) An Act respecting a patent, No. 69772, of the Underwood Typewriter Company.—(Hon. Mr Kerr, Toronto.)

Bill (W) An Act respecting certain patents of the Underwood Typewriter Company.—(Hon. Mr. Kerr, Toronto.)

APPOINTMENT OF FARMERS TO INSTITUTE STAFF OF PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON inquired :

1. If at any time in the month of January last, a list of names of farmers in Prince Edward Island was submitted to the Minister of Agriculture or any officer of his department, by the Department of Agriculture of Prince Edward Island, for the purpose of making a selection of ten farmers to form the institute staff of the province ?
2. If so, what were the names so submitted ?
3. What are the names of the persons selected to constitute the said institute staff ?
4. Was the selection of the aforesaid institute staff made by the Provincial Department of Agriculture of Prince Edward Island, or by the Department of Agriculture of Canada, or by both jointly ?

Hon. Mr. SCOTT—The following is the reply received from the department :

1. On January 24th, 1905, Mr. J. C. Readey, Secretary of Agriculture for Prince Edward Island, submitted to the Dominion Live Stock Commissioner at Ottawa a list of names of proposed institute workers, requesting him to select ten, who when selected would proceed to Truro to take the short course in stock judging, to be held at the agricultural college there. On the 25th January the Live Stock Commissioner replied to Mr. Readey, declining to select the men to be sent to Truro. He did this because he felt he did not know enough about the island men to select institute workers, and thought it could be better done by the officers of the provincial department.

2. The names submitted were as follows :

Robert Agnew, Wilmot Valley ;
Thos. Linklitter, St. Eleanors ;
W. J. Montgomery, Port Hill ;
J. A. Annear, Lower Montague ;
John Moore, Crapaud ;
C. B. Clay, Bridgetown ;
Artemas Moffat, New Glasgow ;
Alex. Hamilton, New Perth ;
W. M. Lea, Victoria ;
David McDonald, Glenfinnan ;
N. R. McLeod, Eldon ;
M. W. Murphy, China Point ;
J. W. Scrimgeor, Cardigan ;
G. Rennie Harding, Graham's Road ;
D. N. McKay, Springfield ;
Stanislaus Peters, Bloomfield ;
Alex. Matthews, Alberton ;
J. Albert Brennan, Tignish ;

A. D. McDonald, Durell ;
Gordon McMillan, New Haven ;
T. U. Fowler, North Bedeque ;
P. J. D. Edmonds, Summerville ;
Vernon Webster, Morell.

3 and 4. The Minister of Agriculture has not been advised as to what steps have been taken by the provincial authorities of Prince Edward Island in the matter of the selection of a provincial staff of institute workers.

THE SANITARIA AT GRAVENHURST.

Hon. Mr SULLIVAN—Before the Orders of the Day are called, I desire to make an explanation of some words which fell from me in the discussion a few days ago on tuberculosis. Following the hon. gentleman from Wellington (Mr. McMullen), I said that he had inaccurate information with reference to the hospital at Gravenhurst being free. It appears there are two hospitals at Gravenhurst, one of which charges $2 a day, while the other takes money from those who can pay and treats all others free. The hon. gentleman has since showed me a letter from the secretary of that institution, containing this information, of which I was not aware at the time. Had I been so, I would not have spoken so strongly on the matter. I desire to make this explanation to satisfy the sensibilities of my hon. friend —had I known it I certainly would not have used the words I did.

SECOND READING.

Bill (Q) An Act for the relief of Isaac Pitblado.—(Hon. Mr. Young.)

BILLS INTRODUCED.

Bill (39) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (45) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Young.)

Bill (58) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Frost.)

Bill (79) An Act respecting the Toronto, Hamilton and Buffalo Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (110) An Act respecting the Toronto and Hamilton Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (62) An Act respecting the Edmonton, Yukon and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (111) An Act to incorporate the Saskachewan Bridge Company.—(Hon. Mr. Ross.)

Bill (123) An Act respecting the Board of the Presbyterian College of Halifax.

The Senate adjourned until Wednesday the 3rd of May, at three p.m.

SENATE.

Ottawa, Wednesday, May 3, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE LATE HON. JAMES SUTHERLAND.

Hon. Mr. SCOTT—Before the Orders of the Day are called, it is my sad duty to announce the death of a colleague. A member of the government, the Hon. James Sutherland, died less than an hour ago. He has for many years been recognized as one of the leading public men of this country, having been in parliament since 1880. For very many years, when the members of the party at present in power were in opposition, he filled the very important position of whip, and continued as such for some time after the change of government. Those who personally knew him will recognize the kindly manner he always exhibited, and the friendship he seemed to entertain not only for his own political friends, but for all with whom he came in contact. Years of intercourse matured very warm friendships, not alone among his political friends but among the public men of this country generally. He had been elected usually by acclamation, for he stood in very high esteem in the locality in which he lived. In the town of Woodstock he had filled a number of important positions locally. His death will create a very great gap, in the county of Oxford where he was so well known, and it will be felt throughout the province of Ontario, as Mr. Sutherland was, during a great part of his parliamentary term, recognized as the agent of the political party to which he belonged, so far as the province of Ontario was concerned. I am quite sure that I echo the sentiments of every gentleman who had the pleasure of knowing the late Mr. Suther-

land, when I say that he was held in high estimation, and was regarded as a kind, fair-minded gentleman. Although it is not usual, except on the death of a minister of the Crown, for this House to follow the example of the House of Commons in adjourning, I shall on the present occasion, following precedents which have, I believe, prevailed in the past, move that this House do adjourn until to-morrow, out of respect to the memory of the late Mr. Sutherland.

Hon. Sir MACKENZIE BOWELL—It was my good fortune to have been on somewhat intimate terms with the late Mr. Sutherland for many years. I was in the Lower House when he was first elected, and from my long personal acquaintance with him I think I may fairly say that there were very few men in the House of Commons who had fewer enemies than he. I deeply regret the loss of Mr. Sutherland to the country and it must be equally regrettable to his own party. We are constantly having these reminders that our days are numbered, and it comes home very forcibly to us when we find those with whom we have been for many years so intimately associated thus creating a vacancy among the living. This sad event is to the party to which Mr. Sutherland belonged, and of which he was a very energetic, active and useful member, a very great loss indeed. To the country at large, the loss of men of high character, who are generally esteemed and who take an active and useful part in public affairs, is necessarily a matter of deep regret. I desire for myself personally—and I think I may say on behalf also of everyone on this side of the House with whom I act politically—to extend an expression of deepest sympathy to his family in their bereavement and also to the members of the government, who have sustained this very great loss. Personally I deplore very much the loss of any of our members, more particularly those occupying prominent positions. I repeat, I deeply regret the loss to his family, to his associates, and to the country generally, occasioned by the death of Mr. Sutherland. We can ill afford to lose men who have occupied such prominent public positions as he has filled.

Hon. Sir RICHARD CARTWRIGHT—My hon. friend the Secretary of State and the hon. member from Belleville, have left but very little for me to add to the sentiments of regret which they have so well and feelingly expressed at the loss the country generally has sustained by the death of the late Minister of Public Works. It has been my own good fortune to be very closely associated with Mr. Sutherland, not merely from the fact of having been members of the same House for upwards of twenty years, and colleagues in the government for a very considerable period, but because, sitting for different divisions of the same county, we were brought into unusually close connection on various occasions; and I can therefore with very peculiar reason endorse all that has been said by my hon. friends as to the position which Mr. Sutherland occupied, both in that House and in the country at large. Mr. Sutherland, as has been said, for a great many years was the principal whip of the Liberal party, and there are many members of this body, representatives from the province of Ontario in particular, who can bear me out in saying that very few men indeed have discharged the onerous and difficult duties of principal whip of the party with such efficiency and with such acceptance to both sides of politics as Mr. Sutherland did. As every hon. gentleman knows, the position of whip is one of those important posts which is not perhaps entirely appreciated by the public at large, but on the due discharge of the duties of which the efficiency of a party very greatly depends; and I can speak with particular knowledge of the facts when I say that very few men indeed on either side of politics have discharged those duties better than Mr. Sutherland; and very few men in discharging them have contrived to retain to such an extent as he did the good will and respect of both parties. There is no doubt whatever that the Liberal party, and I think I may say the people of Canada in general, have sustained a grave loss in the death of Mr. Sutherland. For many months past he has been the victim of a painful disease, and his death therefore was not unexpected by his colleagues and by the members of the two Houses; but if anything can soften the regret which his friends must experience, it is the knowledge that members of both parties unite so cordially with us in deploring the loss which

Canada has sustained by the removal of the Hon. Minister of Public Works.

The motion was agreed to.

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

SENATE.

Ottawa, Thursday, May 4, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADA ATLANTIC RAILWAY COMPANY BILL.

FIRST AND SECOND READING.

A message was received from the House of Commons with Bill (46) An Act respecting the Canada Atlantic Railway Company.

The Bill was read the first time.

Hon. Mr. YOUNG—Bills (46) and (45) are what might be termed twin Bills, both dealing with the same matter. One is for the purpose of empowering the Grand Trunk Railway Company to purchase, and the other is to empower the Canada Atlantic Railway Company to sell. It is very desirable that these Bills should go before the Railway Committee together, and I ask the indulgence of the House to permit this Bill to be read the second time to-day so that it can be referred to the Railway Committee at the same time as the other Bill on the order paper. I therefore move that Rule 41 be suspended in so far as it relates to this Bill.

The motion was agreed to.

Hon. Mr. YOUNG—I move that the Bill be now read a second time.

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

Hon. Mr. YOUNG—Is it the intention of the House to facilitate the passage of Bills which should have been read a second time yesterday, but which were not read owing to the fact that the House adjourned without dealing with the order paper. Is there any objection to suspending rule 60 ?

Hon. Sir RICHARD CARTWRIGHT.

Hon. Mr. FORGET—Does the hon. gentleman desire the suspension of the rule for all Bills which may come before us to-day.

Hon. Mr. YOUNG—No, my motion is to suspend the rule so that this Bill may be considered by the Railway Committee to-morrow. Our rule requires twenty-four hours' interval to elapse between the second reading and the consideration in committee of Bills originating in the House of Commons; and it is to avoid this delay that I make the motion.

Hon. Mr. FORGET—The hon. gentleman wishes to have the rule suspended simply as regards this one Bill.

Hon. Mr. YOUNG—I make the motion on the understanding that other Bills may be dealt with on the same basis.

Hon. Mr. SCOTT—I move the suspension of the 60th rule in so far as it relates to Bills set down on the order paper for second reading yesterday and also to Bills read the second time to-day.

Hon. Mr. LANDRY—The motion is limited to Bills which are being referred to the Railway Committee ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. FORGET—Is it the intention to suspend the rules in regard to all Bills which are to be referred to the Railway Committee ?

Hon. Mr. SCOTT—No, only the Bills that are read a second time to-day. The only exception is the Bill relating to the Canada Atlantic Railway. I am not aware of any others.

Hon. Mr. FORGET—So far the hon. gentleman is not aware of any others.

Hon. Mr. SCOTT—The motion that I propose submitting to the House is that the Bills at present on the order paper and any others which will be read a second time to-day may be considered by the Railway Committee to-morrow. A number of Bills have been on the order paper for three weeks, so that there has been ample notice to all parties ; and I understand it will be a great convenience to many members that those Bills be taken up by the Railway Committee to-morrow. I understood there was a unanimous feeling with regard to the matter.

Hon. Mr. FORGET—This is to dispense with the twenty-four hours interval as regards to the Bills already on the order paper ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Is it understood that the suspension of rules to which the House is asked to agree covers only the Bills coming from the House of Commons ?

Hon. Mr. SCOTT—It includes the Bills that have been on our order paper for second reading for three weeks past.

Hon. Mr. LANDRY—There are Bills on the order paper which originated in the Senate, which require eight days notice. I suppose the suspension simply refers to Bills coming from the House of Commons, the rule in regard to which requires 24 hours to elapse between the second reading and the committee stage.

Hon. Mr. SCOTT—There was no qualification of the motion. It included the Bills on the order paper.

Hon. Mr. LANDRY—It would not include Bills originating in this House.

Hon. Mr. YOUNG—I think it was the understanding of the House that it was to include Bills coming from the House of Commons, where an interval of 24 hours is required to elapse. I think that is clear.

The motion was agreed to.

BILLS INTRODUCED.

Bill (65) An Act respecting the James Bay Railway Company.—Hon. Mr. Ellis.)

Bill (71) An Act respecting the Great Northern Railway of Canada.—(Hon. Mr. Power.)

Bill (75) An Act respecting the Battleford and Lake Lenore Railway Company.—(Hon. Mr. Davis.)

Bill (81) An Act respecting the Ottawa River Railway Company, and to change its name to the Central Railway Company of Canada.—(Hon. Mr. Domville.)

Bill (83) An Act respecting the Alberta Railway and Irrigation Company.—(Hon. Mr. Watson.)

Bill (84) An Act respecting the Huron and Erie Loan and Savings Company.—(Hon. Mr. Coffey.)

Bill (90) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Templeman.)

Bill (97) An Act respecting the Kingston and Dominion Central Railway Company, and to change its name to the Dominion Central Railway Company.—(Hon. Mr. Frost.)

Bill (99) An Act to incorporate the Title and Trust Company.

Bill (104) An Act respecting the Northern Bank.—(Hon. Mr. Watson.)

Bill (107) An Act respecting a certain patent of Céleste Joly.—(Hon. Mr. Lougheed.)

Bill (108) An Act to incorporate the Canadian West Life Insurance Company.—(Hon. Mr. Kerr, Toronto.)

Bill (112) An Act respecting the Hamilton, Galt and Berlin Railway Company, and to change its name to the Hamilton, Galt and Guelph Railway Company.—(Hon. Mr. McMullen.)

Bill (113) An Act respecting the Ontario Hudson Bay and Western Railways Company.—(Hon. Mr. Kerr, Toronto.)

Bill (124) An Act respecting the Farmers' Bank of Canada.—(Hon. Mr. McMullen.)

Bill (142) An Act for the relief of Edward Norman Lewis, a member of the House of Commons.—(Hon. Mr. Scott.)

Bill (106) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

PUBLIC HOUSE TRUSTS IN ENGLAND.

MOTION.

Hon. Mr. BEIQUE rose to :

Call the attention of the Senate to the British Gothenburg, experiments and the Public House Trusts in England.

That in the opinion of the Senate the British Gotherburg experiments and the establishment of public house trusts in England have materially advanced the solution of the temperance question and of the social reform problem, and that the time has arrived when like experiments should be made and like public house trusts should be established in Canada.

He said : A few weeks ago the hon. gentleman from Russell drew our attention to the necessity of adopting measures to check the progress of a natural disease—tuberculosis. I desire to-day to draw the attention of the honourable House to a disease

of another kind, a social disease, which impairs the lives of the persons affected and is a source of great trouble and misery for themselves and their families, a disease which is seriously subversive of economic and social progress, not only in this country but I may say in every country of the world—intemperance. I read very recently an article published and signed by a French gentleman giving what is in my humble opinion, a good account—it is the best account that I have seen—of the effects of alcoholism generally. I will take the liberty of quoting from that article, which I have translated into English. It says :

Look upon the habitual user of alcohol, look upon him from all points of view, and see what miserable fate his intemperance has brought on him.

In the first place, consider his health. Far from sustaining him, alcohol exercises on his whole system a weakening and degenerating influence, paralyzing the vital organs, fostering all sorts of diseases, particularly tuberculosis, and carrying with it a hideous train of accidents and disorders, a precocious impairment of strength, and very often untimely death.

Consider also his mental faculties. You can follow how his understanding is gradually becoming clouded, his memory gradually extinguished ; and oftentimes you will see him sink down to total loss of sense, to complete madness.

Consider, above all, his moral character. See how alcohol impairs his energies and depresses his power of will, to the extent of making him absolutely incapable of offering the least resistance to bad temptations. See how it perverts his moral sense, how it checks the natural impulses of the heart, the fatherly or motherly love and the feeling of the child for the parents. See what aversion and disgust it brings him for religion, even to the extent of destroying in his soul the noblest and most comforting belief.

Go on with your examination, enter his home, and you will ascertain that alcohol, by leading the parents to laziness and carelessness, begets misery and abjection to the household, provokes dissension and strife in the midst of the family, brings about separation and divorce, and sometimes scandalous and infamous revenge. You will ascertain that the children are soon prompted to disgust and hatred of their home, contempt of their parents, forsaking of the old people, to bad habits, dissoluteness and precocious crime. And all this is not fancy. Does not every one of those features revive the remembrance of some lamentable tragedy ?

If you now leave the drunkard himself to look at his children—it is yet worse—you will see that alcoholism is imprinted upon his issue, that the drunkard transmits to his sons the blemish, the physical, intellectual and moral deterioration which alcohol has inflicted upon him, and particularly diseases of a convulsive type, as epilepsy for instance ; and that the children are often born only to be mowed down in the prime of life and thus make home emptier and more desolate. And whilst home is being emptied, by a fearful contrast, the tribunals and prisons are being filled, the insane asylums overflow.

The writer, after speaking of the effect of alcoholism upon the life of the nations closes his article by the following citation from Dr. Legrain :

The nation which uses alcohol has lost its strength, and alcoholism will inevitably tend to the downfall of a race.

We may be divided as to the remedy which should be applied. Some are no doubt in favour of prohibition. Others may be contented with controlling the sale and consumption of intoxicants, but everybody is agreed that action of some kind should be taken to combat intemperance. In the few remarks which I propose to offer I shall not dwell at length on the question of prohibition, but will confine myself mainly to the question of control, and more especially to that known as the Gothenburg system.

The total suppression of the drink traffic under legislative enactments has been tried in the United States, and I have here a valuable paper containing an able address made by Sir Charles Bruce in November last, from which I desire to make a few quotations. He says in this address :

All measures for the solution of the drink problem may be classed under the two heads—prohibition and control. The policy of a large and influential section of temperance reformers has ever been in favour of the total suppression of the drink traffic, but only in the United States of America has this policy been carried out under legislative enactments on a scale large enough to be considered a satisfactory test of the value of the system. The first prohibitory Act was passed in the state of Maine in 1846, and similar Acts were subsequently passed in fourteen other states. In each case the legislation provided for the complete suppression of the liquor trade throughout the particular state. At the present time, however, prohibition is the law in only five states. In the other states it has been abandoned in favour of a system of local option exercised within special localities or districts either directly by the popular vote, or indirectly through the discretionary powers vested in popularly elected local bodies.

The working of prohibition and local option in the United States has been the subject of exhaustive personal inquiry and research by Messrs. Rowntree and Sherwell. As regards prohibition, they have arrived at the conclusion that it has succeeded only in very thinly populated rural districts; that it has failed and been abandoned in the more densely populated states.

Then Sir Chas. Bruce goes on to speak of similar attempts having been made with

success in rural districts in Sweden and Norway, and also in Canada.

Measures of control may be subdivided as control by the state and control by local authorities or companies. As to the control by the state, referring to the same address I find this :

The experiment of control by the state has been made on a most extensive scale in Russia where the spirit traffic is a government monopoly.

'The government has taken complete control of the manufacture and sale of vodka in all the provinces east of the Urals ; has closed all the private drinking saloons (kabaks) ; has opened shops of its own, where liquor is sold only in sealed packages to be taken away for consumption ; has established official temperance bureaus in all the provinces to which its monopoly extends ; has opened, through the medium of those bureaus, hundreds of tea shops, libraries, reading rooms, and 'people's houses'; and will spend, in the course of the coming year, no less than 4,000,000 roubles (£400,000) in establishing places of resort and entertainment for peasants who have hitherto been accustomed to go to the town and village barrooms or kabaks. ('Results of the Russian Liquor Reform,' by Mr. George Kennan in the 'Outlook.' New York.)'

By taking control of the liquor traffic, the Russian government hoped to attain the following objects :

To convey into its own treasury the profits derived from the manufacture and sale of intoxicants.

To substitute pure liquor for the adulterated and injurious compounds often sold by private dealers.

To break up the saloon habit and lessen the temptation to drink by forcing consumers to carry their vodka home.

To discourage intemperance by opening tea shops, people's houses, libraries, summer gardens, and cheap theatres, where the common people might find diversion and entertainment without liquor.

The result of the working of the system is shown in a report issued by the Russian Minister of Finance, from which the following extract is taken :

'It is claimed that the reports addressed to Your Majesty by the governors of the provinces where the new system is in force, and the accounts communicated to the Minister of Finance by the highest ecclesiastical authorities, by the officials of the nobility, by the zemstvos, and by the municipalities, are almost unanimous in bearing evidence to the salutary effects of the reform. . . . Drunkenness has perceptibly diminished, debauchery, with its inevitable consequences, has given place to a more regular use of alcohol ; offences and crimes provoked by drunkenness have become rarer. Nor has the usefulness of the reform been limited to the preservation of health and good mora's ; it exercises a salutary effect upon the material resources of the people.'

According to a statement in the 'Times' of 15th November last, the net profit accruing to the government of Russia from the state sale of alcoholic liquors during the year 1903 amounted to £40,000,000. It is estimated that the excess of revenue under the new system as compared with the licensing system, amounted to about £8,500,000. In other words, this amount has been transferred from private profit to public uses.

I have no intention of expressing an opinion on the question of control by the state, but I thought that I would take this occasion to draw attention to the different systems which have been tried in different countries.

Control by local authorities or companies has been applied under what is known as the Gothenburg system, first in the Scandinavian countries during the last forty years, and lately in the British Islands. This system consists in entrusting the management of public houses and the sale of liquor to companies whose profits are applied to paying a maximum of 5 per cent in dividends on the capital invested and the balance to the reduction of taxes or to objects of public utility. That kind of company was first established in Sweden, where the profits go to reduce the city taxes. About one-third of the total municipal revenue is derived annually from that source, and it will be seen that the ratepayers of the municipality have a direct interest in encouraging the sale of liquor. In order to guard against that danger, the Norwegian law of 1871, under which the trust companies were established, expressly provided that the profits should be devoted to objects of public utility, and not to the reduction of taxes as in Sweden. It is claimed that the effect of the introduction of that system in Sweden and Norway has been to transform these countries from the most drunken to the most sober of nations. I take my statistics from this address of Sir Chas. Bruce from which I observe that the consumption of liquor per capita in the United Kingdom, the United States, Russia and Norway and Sweden—(the three latter countries presenting typical methods of temperance legislation)—to be as follows :

	Per head.
United Kingdom..	2·08 gallons.
United States..	1·14 "
Russia..	·61 "
Norway and Sweden	·52 "

I have also in a book published by Mr. Shadwell, statistics showing how the consumption, has gone on decreasing in Norway and Sweden. In 1875 the per capita consumption was 27·04 litres (about 6 gallons) in 1887 it had fallen to 16·09 litres, and in

1897 to 13·06 litres. You can see that from 1875 to 1897 it had fallen from 27 to 13 litres—to one-half.

One of the first who attempted an experiment on the Gothenburg system in Great Britain, was the Rev. Mr. Mordaunt, in 1877; but the license which he applied for and which he obtained excluded the sale of spirit. The system received a much more extensive application in England by the organization of the People's Refreshment Houses Association in 1896 by the Bishop of Chester and Major (now Colonel) Craufurd, and by the establishment of the Public House Trust Companies, which were organized in 1901 by, or at the suggestion and under the direction and inspiring influence of His Excellency the Governor General, Lord Grey. In July, 1901, the People's Refreshment House Association had 18 houses under its management. In a letter published in the 'Times' of the 30th November, 1903, His Excellency, speaking of that association, says :

The experience accumulated from the houses under their management suggested in 1901 that the time had arrived when an organized effort should be made to 'Gothenburg' all new licenses. Accordingly a public house trust company was formed for the county of Northumberland in May, 1901. Kent and Durham and North Yorkshire followed the example of Northumberland in July, 1901 ; and in August, 1901, was formed the Central Public House Trust Association to promote the establishment of separate county trust companies, with the object of providing an organization for the taking over and managing, in the interest of the community, every new license which might be created in any part of the United Kingdom, and of thus building a ring fence round the public houses and beer shops which, according to the figures published by Messrs. Rowntree and Sherwell, and never yet disputed, realized during the year 1899 a net profit of £19,400,000.

If the building of this ring fence had been commenced fifty or even thirty years ago, thousands of licenses which have been given to private individuals would now have been under public control, and millions of pounds, representing the capital value of these licenses, would have been held for the public benefit.

Although the Central Public House Trust Association is barely more than two years old, it has been able, during that short time, to cover nearly the whole of England with trust companies. The only counties whose Lord Lieutenants and other leading gentlemen have refused to give me any support, and in which a trust company is not yet in existence or in the process of formation, are Berkshire, Buckinghamshire, Leicestershire and Oxfordshire.

After speaking of the work done in England, Ireland and Scotland, His Excellency proceeds :—

The total result of our propagandist work, which has cost the Central Public House Trust Association up to date £4,300, has been to bring the number of houses under trust management up to a total of 114, and to ensure the application of trust principles to over 100 additional houses on the termination of current leases. Up to the present time the rate of growth has given an average of one public house per week to be added to those already under trust management, and this rate of growth is likely to increase, several landowners having expressed their intention to hand over to trust companies the public houses on their estates on the expiration of existing leases.

I believe I am correct in saying that never in the history of social reform has any movement fixed its roots so firmly in so wide an area in so short a time.

The reason for this widespread acceptance of the trust principle arises from a general recognition :

First, that a public house as a social institution is a public necessity, and that consequently it is desirable to convert it as far as possible from a mere drinking bar into something more closely resembling a well-conducted club.

Secondly, that under the present system : (1) the interest of the publican is to press his neighbourhood to drink as much as possible ; (2) the customer's choice is frequently limited to the liquors, good or bad, manufactured by the brewery or distillery company to whom the house belonged ; (3) the high profits resulting from monopoly rights are diverted from the pockets of the community, to whom they belong, to those of privileged individuals ; and

Thirdly, that it is right that monopoly houses should be brought wherever possible, under a system of management which will discontinue the exhibition of liquor advertisements, which will push the sale of food and non-alcoholics rather than of drink, which will study the tastes and wants of customers, and sell only the purest and most wholesome drinks that can be obtained, and which will secure for the public the profits to which they are entitled from the monopoly they have created.

At the end of September, 1904, there were in the United Kingdom 145 licenses under trust management. If we notice the names of the persons who have taken the lead in originating and establishing that system so firmly in England, it is no wonder that they have attained such great success, having introduced or having established, within three or four years, some 145 public houses. I have here a pamphlet issued by the Central Public House Trust Association and I find that the following are the officers :—

President.—Earl Grey.

Vice-Presidents.—The Right Rev. the Lord Bishop of Chester, the Right Hon. J. Chamberlain, M.P.

Executive Committee.—Earl Grey (chairman), Major General Lord Cheylesmore, Lieut-Colonel H. J. Craufurd (chairman of

the Committee of Management of the People's Refreshment House Association), W. Cecil Harris, Esq., Colonel Sir Colin Scott Moncrieff, K.C.M.G. (chairman of the Executive Council of the People's Refreshment House Association), Hon. A. Stanley, M.P., and E. Tennant, Esq.

Hon. Treasurer.—W. Cecil Harris, Esq.

Secretary, Oliver Williams; assistant secretary, Hugh Paget.

From the pamphlet in question I find the objects of the Central Public House Trust Association are the following:—

1. To promote temperance.
2. To secure that all new licenses, with their enormous monopoly values, shall be held as trusts for the community, and not given to private gain.

For the purpose of carrying out these objects the association is establishing in each county and large town a local trust company, whose aim it will be to acquire existing licensed houses, or to offer to manage them for their owners, and also, whenever the magistrates decide that it is advisable to create a new license, to ask that, on public grounds, it shall be granted to the trust company.

The leading principle on which a trust company is constituted is the limitation of the dividend to a maximum of five per cent, thus giving the shareholders only a nominal monetary interest in the trade. All surplus profits are handed to a council to be applied to objects of public benefit other than those properly chargeable to the rates, the provision of counter attractions to public houses being especially kept in view. Should the trust company be wound up, the assets after repayment of the shareholders' capital at par, would be handed to the council for appropriation to public objects.

The administration of a trust company, as of other limited liability companies, is in the hands of directors, who are responsible to the shareholders for the conduct of the business. A main feature in the constitution of the company, is the council, composed partly of members holding official positions in the county, e.g., the Lord Lieutenant, the chairman of the county council, &c., and partly of members elected by the first directors. The powers of the council are secured by the allotment to them of twenty deferred shares of 1 shilling each in which are vested one-half the voting power of the company. By this means they are able to ensure that the original policy of the trust company shall be permanently maintained in its integrity.

The houses under trust management are conducted as refreshment houses rather than as mere drinking bars, non-intoxicating drinks, including tea, coffee, and cocoa, as well as food, are readily served to customers as beer or spirits, and the food and drink supplied are of the best quality obtainable. The managers are paid a fixed salary. They have no interest whatever in the profits arising from the sale of intoxicants, and are, in consequence, under no inducement to push this part of the trade. On the other hand, they are encouraged to promote the sale of food and non-intoxicants.

I have here an article which I believe was published the other day in the 'Witness' showing the decrease in the consumption of alcohol in Great Britain from 1900 to 1904 inclusive, which decrease is no doubt due in great measure, if not entirely, to the establishment of those companies. In 1900 the decrease amounted to $5,230,155 as compared with the previous year 1899. In 1901, it amounted to $15,714,765. In 1902, $11,192,130. In 1903, $25,272,730, and in 1904, $25,458,106.

These public house trusts associations as I have stated apply their profits to objects of public utility, and I have here the amounts which have been thus applied by one of those companies. It is the Cowdenbeath Trust House. Up to the end of 1903, they had applied £366 13s. 4d. and at the annual meeting in February, 1904, they applied a further amount of £726 5s. to like objects. These objects are mainly the following:—

	£	s.	d.
Towards fund for building recreation rooms, baths, &c..	306	5	0
House for ambulance waggon..	30	0	0
Towards providing Saturday evening concerts..	150	0	0
Soup kitchen..	20	0	0
Ambulance class..	5	0	0
Dunfermline Cottage Hospital..	50	0	0
Cowdenbeath Brass Band..	10	0	0
Salvation Army..	5	0	0
Contribution to cost of building hall..	100	0	0

—leaving a balance of £50 to be applied as the committee desired.

To my mind, one of the best elements in this system is the elimination of private profits. It is well known that when a person is interested in earning his living by the sale of liquor, oftentimes he must be tempted to induce people to drink, and I think that as a general rule the owners of taverns have their regular clientele who go occasionally to the place for the purpose or enjoying themselves with their friends. If that element of private profit be removed, and if the manager of the institution is interested, not in the sale of intoxicants, but in the sale of temperance drinks, a great source of danger is removed.

They sell everything in those establishments, food and drinks of all kinds, but the manager is paid a premium or a commission on temperance drinks only. He does not get any compensation for the sale of intoxicants and therefore his interest is to push the sale of temperance drinks. All those in favour of prohibition should favour

the establishment of a system of that kind as the best means of preparing the way for prohibition, because a certain amount of the profits can be applied towards a sinking fund for the purpose of covering within a certain period the capital invested, and at the expiration of a certain number of years those companies would be prepared to favour the abolition of the sale of liquor under ordinary licenses. The abolition of licenses would then entail no compensation or indemnity.

In bringing this question before the Senate I do not lose sight of the fact that legislation on the matter belongs to the provincial legislatures, but it is incumbent upon us to try to educate the people towards the establishment of some such system in this country. The system may easily be introduced not only in the large towns of the several provinces, but especially in the new sections of the Dominion about to be opened up by the construction of the new Transcontinental Railway. It would be an easy thing at the outset, instead of permitting the establishment of ordinary licensed houses in these large areas of new country, to entrust the sale of liquor or the management of all houses of that kind to trust companies under the Gothenburg system. I am sure that the government, the National Transcontinental Railway Commission, the Grand Trunk Pacific Company, and contractors generally connected with the building of that railway will find it to their advantage to encourage the adoption of a system of that kind. It would make for peace and good order in those new territories not only during the construction but after the completion of the road.

These are the only remarks I intend to offer on this question, and I have only to close by saying that I hope men imbued with philanthropic and public spirit will be found who, taking example from high quarters, will devote some of their means, their time, and their energy, towards establishing in this country public houses under the Gothenburg system.

I have therefore the honour to move:

That in the opinion of the Senate the British Gothenburg experiments and the establishment of public house trusts in England have materially advanced the solution of the temperance question and of the social reform problem, and that the time has arrived when like experiments should be made and like public house trusts should be established in Canada.

Hon. Mr. BEIQUE.

Hon. Mr. GOWAN—I hope I may be excused for saying a few words upon a subject that has not been immediately under my attention, but a long life and long experience in this country has given me a right to express an opinion in respect to the matter now before the House. The hon. gentleman who has drawn attention to the Gothenburg system, deserves a great deal of credit for all the facts he has brought out, and amongst them the paper he quoted from by an expert, a man of high standing, showing that alcohol is in no shape beneficial to mankind. It shortens life instead of prolonging it, and is in no way conducive to the health or to the happiness of mankind. My friends the teetotallers are, I think, in a certain sense logical. They desire to do away entirely with the manufacture and sale of intoxicants. I think that that is more logical than even the Gothenburg' system, which only professes to diminish the existing evil, and it has not a disadvantage which may possibly, in the minds of some, flow from the adoption of the Gothenburg system in a country like Canada. The Gothenburg system will to a large extent, if adopted in this country, make drinking respectable.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. GOWAN—And in that sense it may do a certain amount of good, but it does not strike at the root of the evil. My friends the teetotallers, while aiming at prohibition, look to the logical end, that is, changing the habits of the people. Habits are particularly difficult to overcome. Legislation has been tried in vain—it has utterly failed. The great remedy is to educate the people, to teach them that alcohol will not prolong their life, and will not add to their happiness, that intemperance in the use of liquor in all cases is fraught with evil of every kind. Any one familiar with the administration of justice knows the number of crimes that occur from excessive drinking, the unhappiness it has produced in families, the poverty that results from it; but that has been known for ages, and those who aim to make a reformation, must, if they are to meet with success, continue in their endeavour to shape public opinion. In a speech which I made some years ago in the Senate I showed how utterly powerless we are to repress an evil unless we

can influence public opinion to change the habits and customs of the people. I was alluding at the time to the matter of smuggling. Smuggling no doubt is an offence against the law, but there was a time in England and in many other countries—and I am not sure that it does not prevail to a certain extent now—when if a man could evade the law and avoid paying duty upon imported articles, his conscience was not wounded. There was a time in England when the peer smuggled his expensive wines and the poor man his tobacco, and public opinion did not pronounce such smuggling any great evil. It was an offence against the law certainly, but public opinion was not sufficiently educated to frown it down. Nothing but a complete change in public opinion will cure the drinking habit in Canada or in any other country. In this country especially, I have noticed an immense improvement in public opinion and I think it is due largely to the efforts of the temperance people. No doubt they have been helped a great deal by the authorities compelling those who have licenses for the sale of liquor to keep decent houses, and surrounding them by certain safeguards, calculated to prevent excessive drinking and so on, but it has not produced any great effect in that way. It is upon the general opinion of the people of Canada that we must depend for reformation, and there is far less drinking in Canada now. It is now considered a disgrace to be seen drunk in public, but fifty or sixty years ago the best men in the country did not consider themselves disgraced if they were seen staggering about the town half drunk. It is the same with regard to duelling. Under the Common Statute Law, if a man shoots another in a duel, he is guilty of murder. It is within my memory, and probably in the memory of many other members of this House, that there was a time when no man dared to refuse to accept a challenge. I recollect a very sad occurrence in Ireland, my native land, caused by public opinion requiring a man to accept a challenge, but public opinion has been completely changed, and any one who would challenge a man to a duel at the present day would be merely laughed at. Public opinion does not expect any one to risk his life in that way, and certainly would not consider it a settlement of any question on which parties differed. But so strong was public opinion on that point in my native country years ago, that a very respectable and worthy man who had been out once or twice yielded, as all his contemporaries had to yield, to the strength of that public opinion, and killed his opponent in a duel; and he was brought up on a charge of murder. The judge in charging the jury said, 'Gentlemen of the jury, I am bound to tell you that everything was conducted with perfect fairness; the seconds were men of experience in these matters and saw that everything was right, and I certainly think I never heard of anything conducted with greater propriety, but I am bound to tell you that according to the law of the land, it amounts to murder; but so help me, gentlemen, a fairer thing I never saw.' The jury naturally acquitted him, so I think we have ample proof in the history of the British Islands, that public opinion and habits particularly are not to be put down by law. In my own experience I have had to deal with cases of drunkenness; and in reading the evidence before me I could see the names of many most respectable men who gave their evidence in such a way as to show that they had a strong desire to screen the offenders, and that feeling was because they had been drinking themselves. The law of the land really conduces to immorality in that way. Then came the change in public opinion, to which I have already referred.

Reverting to what I said in the first place, the Gothenburg system, so far as I know anything about it, aims to make the liquor trade respectable and to conduct it in a very business-like way indeed, and holds out the inducement that all profits derived from it are to be devoted to some useful purpose. The whole business is to be conducted very respectably and honestly, and I have no doubt it will be found that, failing all other remedies, it might perhaps have a very good effect, but I must say that I do not think it will be entirely successful. To conclude, in one word, I think there is nothing but the proper education of men to make them know and feel and act from the conviction that drinking is injurious to the person who drinks, is injurious to morality, and leads to crime. To educate them

in that way is the true principle, but every other scheme deserves fair consideration. For my part I cannot say at present that I have any faith in the scheme which has been outlined to-day. I have more faith in the efforts of those men who have worked so diligently and have been in such a large measure successful during past years.

Hon. Mr. LANDRY—I rise to a point of order. This motion conflicts with rule 14 of this House which is as follows:

No motion prefaced by a written preamble is received by the Senate.

This motion commences by this preamble:

That in connection with the drink question, he will call the attention of the Senate to the British Gothenburg experiments and the public house trusts in England.

And then comes the motion:

That in the opinion of the Senate the British Gothenburg' experiments and the establishment of public house trusts in England have materially advanced the solution of the temperance question and of the social reform problem, and that the time has arrived when like experiments should be made and like public house trusts should be established in Canada.

When we want to ask a question of the government, we may call the attention of the House to certain facts, but that is in regard to an inquiry asking what is the policy of the government on any question. But when we come to deal with a motion like this, calling for the opinion of the House upon a certain question, we cannot preface that motion by a preamble, and this is a direct violation of our rule. I call the attention of the Speaker to a precedent; it will be found on page 440 of the Senate Debates, for 1877. A Bill was before the House which the Acting Speaker (Mr. Power) opposed, and Mr. Trudel moved an amendment:

That inasmuch as the very essence of the Bill before the House has been changed so that the original Bill has disappeared and that a new Bill on a matter essentially different from the first has been put in its stead that this House has before it a new Bill altogether, that this Bill has never been preceded by a petition.

And he moved that the said Bill be not read the third time. The Speaker said:

In my opinion the motion is not in order. It is prefaced by a preamble, which is contrary to the 15th rule of this House.

Hon. Mr. GOWAN.

It was rule 15 at the time. It is rule 14 now. I ask the decision of the chair on that question.

Hon. Mr. BEIQUE—In my humble opinion the point of order is badly taken. The precedent which the hon. gentleman has cited does not bear at all on the question. There the preamble was in the motion, but I respectfully submit there is no preamble in the present motion. The motion is contained in the second paragraph of the notice. The other is merely an intimation bearing on the fact that in connection with the drink question I would call the attention of the Senate to the Gothenburg experiments and the Public House Trusts in England. This is apart from the motion—it is a notice that I have given to the House in order that hon. members who might desire to speak on the question might have an indication as to the lines on which I proposed to address the honourable House; but the motion is contained exclusively in the second paragraph. All that the point of order can lead to would be merely to strike out the first paragraph, which would not impair the motion in any shape or form. The motion would remain complete as it is, and therefore it is plain that the motion itself does not contain any preamble. It is merely an expression of opinion. I refer the honourable House to the Journals of the Senate for 1900, page 70, where the following motion is made:

The Honourable Sir Mackenzie Bowell moved, seconded by the Honourable Mr. Ferguson,

1. That the establishment of a telegraph cable across the Pacific to connect Canada with the Australasian colonies has been long regarded as of high importance to the empire; it having been recognized to be of imperial importance at the Colonial Conferences of 1887 and 1894, affirmed by an agreement between the home government and the governments of Canada, New South Wales, Victoria, Queensland and New Zealand, and ratified by the Canadian parliament last session; this House, therefore, regrets that serious delays have occurred in the prosecution of the undertaking, manifestly through the hostility of the Eastern Extension Telegraph Company, which company is now demanding concessions from the Australasian colonies which, if granted, will imperil the success of the Pacific cable.

2. That this House is of opinion that any further delay in proceeding with the actual construction of the undertaking would be inimical to the interests of the empire, and strongly deprecates granting any further concessions to the Eastern Extension, or any other company.

3. That it is expedient, in granting permission hereafter to private companies to lay cables between British possessions, it be on the

express condition that the state may assume ownership whenever in the general public interest it is advisable to do so.

I refer to this as a precedent, to show that the reasons mentioned in the motion itself——

Hon. Mr. LANDRY—Was there any objection taken to that motion ?

Hon. Mr. BEIQUE—No I do not think there was.

Hon. Mr. LANDRY—Was there a ruling given on that point ?

Hon. Mr. BEIQUE—No, I do not think there was. But I could find any number——

Hon. Mr. LANDRY—Yes, I made some motions like that myself.

Hon. Mr. BEIQUE—In the Journals of 1896, page 14, I find another motion by the Hon. Mr. Boulton. I may say that for the short time that I have had the honour to sit in this House, it has been almost the universal practice to do as I have done. I might refer to the motion which was moved by Sir George Drummond with reference to the postage question. It was framed exactly on the lines of my own motion. I repeat that the objection of my hon. friend bears merely on the first paragraph. I say that the first paragraph of the notice is altogether apart from the motion and that the motion contained in the second paragraph is complete in itself, and does not in any way refer to the first paragraph ; and I submit it is in order.

Hon. Mr. LANDRY—The difference between my hon. friend and myself in the present instance is that he cites what has taken place in one, two or three instances where no objection was taken, but I give as a precedent a decision which was rendered, and I have the rule. The rule is there and speaks for itself. The hon. gentleman says 'if you take my motion alone it is complete.' Now it is because it is complete when it is taken alone that I object to the preamble to the motion. Every motion may be complete by itself if you take out the part which is objected to, but the rule says that such a motion with a preamble cannot be put. The preamble is there and it is avowed by the hon. gentleman himself that there is a preamble.

Hon. Mr. GIBSON—The Speaker has been asked for a ruling. Meantime, I want to call my hon. friend's attention to the fact that in the instance he has quoted the objection which was taken, and the reason for that objection, was that the Bill was entirely at variance with the measure as introduced in the first instance. The motion of my hon. friend is exactly as it was when first brought to the notice of the House, and no change has been made.

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

Hon. Mr. GIBSON—In the other case the Bill was entirely at variance with the notice.

Hon. Mr. YOUNG—Does the hon. gentleman contend that there is a preamble to this notice ?

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. LANDRY—Certainly.

Hon. Mr. YOUNG—In what words ?

Hon. Mr. LANDRY—I have read it. It is in the first two lines.

Hon. Mr. YOUNG—The first paragraph reads :

That in connection with the drink question he will call the attention of the Senate to the British Gothenburg experiments and the public house trusts in England.

Hon. Mr. LANDRY—That is the part I refer to.

Hon. Mr. YOUNG—I scarcely think that is a preamble.

Hon. Mr. LANDRY—That is the hon. gentleman's opinion—not mine.

Hon. Mr. YOUNG—The hon. gentleman places his motion before the House for a certain purpose, and he states his purpose in the first four lines, and it is contained in the first four lines.

Hon. Mr. LANDRY—All preambles are for that purpose.

Hon. Mr. YOUNG—I think my hon. friend could have found dozens of resolutions that have been brought before this House, that certainly went a long way further than this resolution goes in the way of having a preamble preceding the motion.

Hon. Mr. LANDRY—But two blacks do not make a white.

Hon. Mr. YOUNG—That may be very true but we have in our rules a provision—in which we differ from other representative bodies—under which a member may call attention to certain things. An hon. gentleman must distinguish between merely calling attention to facts and moving a resolution. Where he desires to point out facts he must do it in certain words. He must either place these words before his resolution or after. The practice here has been to place them at the beginning of the question which the member desires to raise.

Hon. Mr. LANDRY—The question—not the motion.

Hon. Mr. YOUNG—The hon. gentleman can call it a question if he likes.

Hon. Mr. LANDRY—It is the same thing. What would constitute a preamble ?

Hon. Mr. YOUNG—That is a very broad question, and would take a long while to answer, because there are so many things that might constitute a preamble,—'whereas this' and 'whereas that.' That is what constitutes a preamble in my opinion.

Hon. Sir MACKENZIE BOWELL—Supposing the word 'whereas' was inserted in this case ? Would that make it a preamble ?

Hon. Mr. YOUNG—It would not make sense, unfortunately.

Hon. Sir MACKENZIE BOWELL—I am not talking about sense.

Hon. Mr. YOUNG—I am not saying it jokingly.

Hon. Sir MACKENZIE Bowell—There are many preambles that have no sense in them.

Hon. Mr. YOUNG—The object could not be attained if the word 'whereas' were used. It would not accomplish the direct object which the hon. gentleman has in view. He desires to call the attention of the House to certain facts and therefore the word 'whereas' would not be applicable. It shows it is merely a formal notice to the House that he is going to do a certain thing. as I understand it.

Hon. Mr. LANDRY—Yes, that is certainly a preamble.

Hon. Mr. YOUNG—And it does not form part of the subject matter at all. The preamble would pave the way to the subject matter.

Hon. Mr. LANDRY—That paves the way.

Hon. Mr. YOUNG—It merely makes a statement.

Hon. Mr. SCOTT—The preamble rather presupposes that it contains an averment of certain statements, while this does not.

Hon. Mr. LANDRY—Certainly it does.

Hon. Mr. SCOTT—The statements might be open to question. I do not consider this would be open to question, because it is for the purpose of calling attention to a subject. It does not aver certain facts. It does not aver that so-and-so exists. I think my hon. friend has pushed this point rather too far. I really do not think it could be sustained, because the objection to the preamble is that you at once give an opportunity to challenge the facts. You state facts that are open to controversy. I presume the two lines which are regarded merely as a notice to the Chamber, can scarcely be called a matter of controversy.

Hon. Mr. LANDRY—In that case you will find the controverted facts in the second paragraph.

Hon. Mr. SCOTT—They are not in the first.

Hon. Mr. LANDRY—Well, they might be controverted and we are asked to accept those facts.

Hon. Mr. SCOTT—The whole subject is open to challenge, no doubt.

Hon. Mr. LANDRY—It is or it is not a preamble. That is what we want to know.

The ACTING SPEAKER—(Hon. Mr. Power). I think the hon. gentleman from Killarney has indicated the proper criterion to ascertain whether or not a preface to a resolution is a preamble. He suggests that in the case of a preamble you could use the word 'whereas.' I do not think that this is a preamble. You could not use the word 'whereas' and then base the resolution which follows on that preamble. At the same time I must say that I think that the motion is in a way irregular. We have a practice in this House, introduced in the session of 1877, of calling attention to a matter, and then asking a ques-

tion ; but I think it is slightly irregular to call attention to a matter, and then to move a resolution upon the matter to which you have called attention. I do not mean to say that a member has not the right to do it, but I think it is an unusual practice and somewhat irregular. I may say in connection with this matter that it struck me that the hon. gentleman from de Salaberry (Hon. Mr. Béique) had omitted certain words. After the first three lines, if he had said 'and will move,' it would have put the matter perhaps in a little better form. As a matter of fact, the motion which I put from the chair was the latter part of this notice. I did not put the first part at all. As I understood him the hon. gentleman simply moved the latter part as a resolution, and that was the question which I put from the chair. I treated the first two lines and a half as mere surplusage ; and while I think the hon. gentleman from Stadacona, is in a way justified in contending that the motion is slightly irregular, still the irregularity is of so small a character that I should hardly be disposed to rule that the resolution which was moved was out of order because of this preliminary observation.

Hon. Mr. LANDRY—If I understand the decision of the Chair, there is no preamble.

The SPEAKER—No.

Hon. Mr. LANDRY—Because the Chair took upon itself to strike out the first three lines, that is the case.

The SPEAKER—I stated that the hon. gentleman from de Salaberry (Mr. Béique), in making the motion, only moved the second part—'that the opinion of the Senate,' and so on.

Hon. Mr. LANDRY—The hon. gentleman moved in one way and the Chair moved in the other.

The SPEAKER—I think there is one rule of this House which the hon. gentleman might observe, and that is not to reflect on the decision of the Chair.

Hon. Mr. LANDRY—No, I am simply stating facts.

Hon. Mr. YOUNG—This matter might well be considered in the revision of the rules.

Hon. Mr. LANDRY—We would want a little more light.

Hon. Mr. CLORAN—In regard to the merits of this motion, I as one desiring to see provincial rights respected in this parliament, would have liked a more formal declaration. If the hon. gentleman is prepared to tell this House that we are taking out of the hands of the provincial legislature, subjects that distinctly and completely belong to their control, we should know it. He alluded to the matter in his remarks. He said he felt that it did touch on provincial rights, getting into the domain of provincial jurisdiction, but did not state so emphatically, and I, for one, think this resolution deals with a matter that comes solely and simply under provincial control.

Hon. Mr. BEIQUE—The hon. gentleman can scarcely have read the motion. It does not call upon this government to take any action in the matter, but merely asks that an opinion be expressed by this House that the time has arrived when private companies of the same kind as have been established in England should be established in this country. It does not call for any action on the part of the government in this matter. It suggests merely that philanthropic people should take action and establish proper companies, which are private companies ; and therefore there is no encroachment on either federal or provincial power. Surely it is open for this honourable House to express a theoretical opinion on any given point in order to aid in the formation of public opinion on any given question, and that is the only object which I had in view in moving this resolution.

Hon. Mr. CLORAN—That explanation is quite satisfactory.

Hon. Mr. DAVID—I do not think it is necessary to speak at any length on the question of the evils which arise from the excessive use of intoxicating liquors. I think there is only one opinion as to the disastrous effects of strong liquors on the mind and on the body. In the great struggle which is going on in this world between good and evil there is no doubt that alcohol is one of the principal agents and principal lieutenants of the wrong-

doer, and the great enemy of humanity. It is a source of crime and of political and moral disorganization. I may say that it is also a terrible grave-digger, and a liberal patron of cemeteries. How many men of talent have I known, how many brilliant intellects have I known to be demoralized by the use of alcohol. How many talents which otherwise would have been destined to contribute to the strength and glory of the world, have been destroyed before having accomplished what society had a right to expect from them. If all the graves of the victims of alcohol were to be marked with black stones, our cemeteries would have a great many of them. We all agree as to the existence of the evil, but many of us disagree considerably as to the remedies to be applied. Very respectable people are in favour of prohibition and think that probibition alone can destroy that great enemy. Although I respect the opinion of those people, and especially of the honourable and venerable gentleman who has spoken before me, I think that prohibition is not always a good thing. I think it is not wise sometimes to prohibit, to try to destroy completely certain things which are not bad in themselves, but which are bad only on account of the evils which they produce. If we were to do away with the very thing which produces abuses, I think that the best institutions themselves, and even religion itself, could not escape destruction. I think the wisest thing we can do is to try to limit the evil, and one of the reasons which may be alleged is that prohibition, to be effective, should be absolute, and if it is absolute it is necessary that it must be unjust, because wine is a food. There are many people in this country and in all countries for whom wine is considered proper food, and even recommended by doctors under certain circumstances as a remedy. There are many circumstances in a country like this, where a moderate use of alcohol is prescribed by certain doctors, and no one can deny that wine is used for the celebration of Mass, and it is absolutely necessary in that case. I propose to advance a theory which perhaps will not be approved of by all the hon. members of this House, but I have no hesitation in saying, relying upon certain eminent men who have written articles on the question, that in cold countries the use of alcohol is sometimes almost a necessity. The colder a country is, the more the people living in that country feel the need of substantial food and of a beverage which warms and stimulates. Mr. Buckle, in his celebrated work on Civilization in Europe, has established that fact and explained it by reference to physical conditions which are very interesting. He says that in a cold country there is an excess of oxygen in the air. That excess of oxygen must be compensated by the introduction into the human system of a carbonic acid ; and a carbonic acid may be produced by the food and by the beverage which is consumed by people in those countries. Why do the Esquimaux, living on the shores of Hudson bay, drink oil ? Is it because oil is good and agreeable to the taste ? No ; but because the people in those cold regions feel the need of eating a substantial food, of eating fat meat and of drinking something which gives them the warmth and the stimulation which they require ; so that I conclude that Buckle and many other eminent writers and philosophers are right when they say that in a country like ours it is almost impossible to prohibit entirely the use of alcohol, and that the best means which can be taken are to restrict as far as possible the disastrous effects of the use of alcohol. That is the reason why I am in favour of the motion of the hon. gentleman from de Salaberry. I think that the trust system which he has mentioned is one of the means which can be taken to limit and restrict the abuse of the use of alcohol. It has been tried, so that we know what it has done in other countries, and we have no reason to think that it will not produce in Canada the good results that it has produced elsewhere. The effect of the system is to replace the use of intoxicating liquors by the introduction of more wholesome liquors, such as light wines and beer. I think, for the reasons which I have given, that the most we can do in a country like Canada, is to substitute light wines and beer, which would not have the same effect as strong liquors upon the moral and physical condition of men. Nobody can deny that the countries where wine is drunk, and where strong liquors are not used to any great extent, have the most

sober population in the world. I think the statistics are published to prove that fact, and nobody can deny that in the provinces of France where wine is produced in great quantities, the people are sober compared with the people of other countries. Those who drink wine do not care about using strong liquors, in fact when they get accustomed to wine they cannot drink strong liquors. I am therefore of opinion that the government of this country and all the public men of this country should endeavour to devise a means, not of establishing prohibition, but of inducing the people to replace the use of strong liquor by the use of wines or light beers, and to attain that object I think that the local governments should introduce the system which has been established in the United States, and which has produced a beneficial result there, the high license system, the effect of which will be to do away with all those taverns and shebeens which exist on the four corners of the principal streets of the cities in Canada. What is the greatest danger to the labourer coming home from his workshop? It is that he has to pass thirty, or forty, or fifty of these shebeens and taverns. When he is walking along, carrying his dinner pail, and wearing his working clothes, do you think he would go to the Windsor hotel, in Montreal, or the King Edward in Toronto? No, he would not go there to drink. In those places he would not meet the companions with whom he is accustomed to drink. And do you think that in the evening he would go to the trouble of dressing himself to go to the Windsor in Montreal, or the Queen's in Toronto, to drink a glass of liquor? I think that the high license system, which has been tried in England and in the United States, would have a very good effect in Canada. The best means to fight this terrible evil is not to try to destroy it, but to endeavour to limit and restrict its pernicious effect. I think the provincial legislatures should not only have recourse to the license system, but that they should adopt the means indicated in the motion of the hon. gentleman from de Salaberry, and should try to introduce the use of light wines and beer by establishing a system of low licenses for the establishment of restaurants, where they would sell only light wines and beer. I do not believe in mixing strong liquors and wine or beer. Make the law so severe that people will not dare to violate it. Impose a heavy a fine on those which violate the law, and in this way you would succeed in preventing frauds. I think that the federal government should do its share in this good work by imposing very high duties on all strong liquors imported from foreign countries, or manufactured in this country, and very light duties on wine and beer. I think that moral suasion should be used as much as possible. The ministers of this country who preach the gospel have a great field before them in which to exert their influence. They might intervene, and go as far as they liked, and nobody would blame them for their intervention. They might preach as much as they liked and the effect would be beneficial to the country, and no complaint will be made of their intervention on that ground, although complaint may be made in regard to intervention in other matters.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—To sum up in a few words what I have said, I am under the impression, relying on the opinion expressed by great philosophers, that we cannot hope that prohibition will have the effect which is anticipated by so many respectable and well-meaning people, and that the only remedy is to restrict the disastrous effect of the abuse of the use of alcohol, by the means suggested by the hon. gentleman from de Salaberry, and by the means which I have just mentioned. I do not pretend to say that I have indicated all the ways and means which could be employed, in curing the evil, but I think I have indicated enough to enable hon. members to supply what I have not said. It is one of those questions which is worthy of the consideration of this House. I agree with the hon. gentleman from de Salaberry when he says that the Senate is the place where all those great questions which concern the welfare of our country should be discussed, and no effort should be made to close the door to such discussions.

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

The motion was agreed to.

ONTARIO AND MINNESOTA POWER COMPANY BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (86) An Act respecting the Ontario and Minnesota Power Company, Limited.

Hon. Sir MACKENZIE BOWELL—In permitting this Bill to be read the second time without discussion, it must be distinctly understood that the Senate does not commit itself to the principle involved in the Bill. There are very many objections to the measure, as it interferes materially with provincial rights and with certain agreements made with the locality and the town interested. I am not going to oppose the second reading now, because it can be discussed and if necessary amended in committee; but I wish it understood that in allowing the second reading to take place without discussion we do not commit ourselves to the Bill as a whole.

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

INTERNATIONAL BRIDGE AND TERMINAL COMPANY BILL.

SECOND READING.

Hon. Mr. KERR (Cobourg) moved the second reading of Bill (87) An Act to incorporate the International Bridge and Terminal Company.

Hon. Mr. McDONALD (P.E.I.)—Explain.

Hon. Mr. KERR (Cobourg)—The Bill explains itself. It is to incorporate a company to construct a bridge over the Rainy river from a point in or near the town of Fort Francis, in the province of Ontario, to a point in or near the town of International Falls in Minnesota. A deputation from Fort Francis will appear before the Railway Committee, to-morrow possibly, to oppose the measure. They will throw light on the subject. The Senate in consenting to the second reading reserve, I suppose, the right to take whatever course they may see fit after full light is shed upon the measure.

Hon. Sir MACKENZIE BOWELL—This is in much the same position as the Bill which we have just read the second time.

Hon. Mr. WILSON.

Hon. Mr. SCOTT—Yes. It may be necessary for the government to take action in regard to both these Bills, as it is necessary for the plans to be approved by the government; and I am very glad the hon. member from Belleville has indicated to the House that in allowing the second reading of these two Bills we in no way commit ourselves to the principle, and that we will be quite free at any future stage of the Bill to take such action as we think proper.

Hon. Mr. FORGET—The government must have examined these Bills, because they come from the House of Commons. Surely if there had been anything wrong in them the Minister of Justice would have called attention to it.

Hon. Mr. SCOTT—I may say that the attention of the government was not called to the Bills in the House of Commons. The opposition to the Bills has arisen since they have passed the other House. It would not be proper for me to set forth the reasons for the objections to the Bills, but there is this peculiar feature about them, that they passed without attracting notice in the House of Commons.

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

TORONTO AND HAMILTON RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. KERR (Toronto) moved the second reading of Bill (110) An Act respecting the Toronto and Hamilton Railway Company.

Hon. Sir MACKENZIE BOWELL—Does this affect either of the present railways, from Toronto to Hamilton, or does it deal with a new line?

Hon. Mr. KERR (Toronto)—It is an amendment to a charter that has already been granted by this parliament. The Bill is quite simple, but is a little formidable in this way; it is a Bill to authorize the construction of a railway across a certain tract of land at Burlington Bay, and this is to enable the company to do the work without the consent of the municipalities that are named, and whose consent would be required under the general law. The Bill is being passed with the consent of the municipalities.

Hon. Sir MACKENZIE BOWELL—The municipalities I understand have objected to the building of the road, and this Bill is to enable them to build it without their consent.

Hon. Mr. KERR (Toronto)—They have given their consent to its being done in this way.

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

SECOND READINGS.

Bill (CC) An Act respecting the British America Pulp, Paper and Railway Company.—(Hon. Mr. Power.)

Bill (103) An Act respecting the Richmond and Drummond Fire Insurance Company.—(Hon. Mr. Kerr, Cobourg.)

Bill (79) An Act respecting the Toronto, Hamilton and Buffalo Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (58) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Frost.)

Bill (39) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (45) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Power.)

Bill (62) An Act respecting the Edmonton, Yukon and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (111) An Act to incorporate the Saskatchewan Bridge Company.—(Hon. Mr. Ross.)

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

SENATE.

Ottawa, Friday, May 5, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (45) An Act respecting the Grand Trunk Railway Company of Canada.—(Hon. Mr. Young.)

Bill (46) An Act respecting the Canada Atlantic Railway Company.—(Hon. Mr. Young.)

SECOND READINGS.

Bill (Z) An Act to amend the Act incorporating the Canadian Yukon Western Railway Company.—(Hon. Mr. Davis.)

Bill (123) An Act respecting the Board of the Presbyterian College, Halifax.—(Hon. Mr. MacKeen.)

Bill (125) An Act to incorporate the Crown Casualty Company of Canada.—(Hon. Mr. Lougheed.)

The Senate adjourned until Tuesday, 9th May, at 3 p.m.

SENATE.

Ottawa, Tuesday, May 9, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

TESTS OF THE EFFICIENCY OF THE ROSS RIFLE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government :

1. Has the government submitted the Ross rifle to tests to establish its efficiency ?
2. What were these tests ?
3. What were the results of them ?
4. What changes have been made in the manufacture of this rifle since the government entered into a contract with the Ross Rifle Company ?
5. Does the government know whether this rifle has undergone tests in England, and if such is the case, what report has the government obtained on this subject ?
6. How many rifles have been manufactured since the date of the aforesaid contract ?
7. How many containing the latest improvements have been received by the government?
8. What number of rifles is the government bound to accept ?
9. At what cost?
10. Has the government distributed any of these rifles to military corps ?
11. What regiments have been provided with them ?
12. If no distribution has yet been made, when does the government intend to commence it?

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

1. Yes.

2. Test for rapidity and accuracy; test for endurance; test for dust; test for defective cartridges; test for excessive charges; test for rust.

3. Satisfactory in every case.

4. The receiver or body, and the bolt action have been strengthened to take higher velocity ammunition. In doing so more perfect loading and feeding and a freer extraction has been secured.

A backsight containing the latest ideas has been adopted instead of that of the first pattern.

5. The rifle which it is proposed to adopt and issue has not undergone tests in England, consequently no report has been received.

6. About 10,000 except placing of new sight.

7. None.

8. 12,000, for the first year, and not less than 10,000 a year afterwards, as may be necessary to meet the requirements of the government, subject to conditions as to modification of pattern and price.

9. $25.

10. No.

11. None.

12. Impossible to say yet. Probably 1st September.

DIVISION OF MILITARY FORCES.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government:

1. Have the military authorities divided the forces into five army corps?
2. Who are the commanding officers of each of these corps?
3. Who are the chief staff officers of each of these commanding officers?
4. What is the salary of these commanding officers?
5. What is the salary of these chief staff officers?
6. What is the nationality of each of the commanding officers?
7. Where will the headquarters of each of these commanding officers be?

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

1. No, but to institute four higher commands, viz.:

(a) Eastern Ontario; (b) western Ontario; (c) Quebec, and (d) maritime provinces.

2. (a) Brigadier-General W. D. Otter, C.B., A.D.C.

(b) Colonel W. D. Gordon,

(c) Colonel L. Buchan, C.M.G.

(d) Colonel C. W. Drury, C.B.

3. (a) Lieut.-Col. S. J. A. Denison, C.M.G.

(b) Lieut.-Col. V. A. S. Williams.

(c) Lieut.-Colonel O. C. C. Pelletier.

(d) Lieut.-Col. J. D. Irving.

4 and 5. Not yet decided.

6. All four are Canadian.

Hon. Mr. LANDRY—I know now that Canada is a nation.

Hon. Mr. SCOTT—The answer to the seventh question is:

7. (a) Toronto; (b) Kingston; (c) Montreal, and (d) Halifax. Those are the only four.

Hon. Mr. LANDRY—I suppose there will be headquarters for the corps for the west.

Hon. Mr. SCOTT—Those I named were eastern Ontario, western Ontario, Quebec, and the maritime provinces.

Hon. Mr. LANDRY—But the answer of the hon. minister is that there are five higher commands.

Hon. Mr. SCOTT—No, I named only four.

Hon. Mr. LANDRY—I understood the hon. minister to say in answer to the first question, that there were five.

Hon. Mr. SCOTT—No, I said there were only four higher appointments.

Hon. Sir MACKENZIE BOWELL—Before the hon. gentleman leaves that question, I understood him to say that there were to be 12,000 of these rifles presented in one year, and ten thousand the year afterwards. For how long period is that to continue?

Hon. Mr. CLORAN—For ever and ever.

Hon. Mr. SCOTT—Whatever may be necessary for the requirements of the service—whatever may be necessary to equip the force. That was the arrangement.

FRENCH REPRESENTATION IN THE SENATE.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government:

Does the government know that, under the three administrations which preceded its own, the French element in the country was represented in the Senate by a member of the executive?

Is it the intention of the government to break completely with this tradition, and is the elimination of a French representative member of the cabinet from a House which already counts three English members of the executive, to be considered as the realization of the promise which was made that the Senate should be reformed ?

Does the government intend to give the Senate, in the near future, a French minister ?

Hon. Mr. SCOTT—1. I accept the hon. gentleman's assumption of the fact as being correct.

2. I am unable to foreshadow the policy of the government on the subject. The absence of a representative of the government in the Senate from the province of Quebec is due to other causes than those suggested in the hon. gentleman's inquiry.

3. I am unable to express a positive opinion on the subject.

ICE-BREAKER 'MONTCALM'.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government :

1. How much has the ice-breaker 'Montcalm' cost the government up to this date, for purchase, repairs, equipment and provisions ?
2. What is the number of men employed on this vessel ?
3. Of how many is the crew, properly so called, composed?
4. What is its daily consumption of coal when it is in use ?
5. How much a ton is paid for this coal ?
6. How many tons of coal have been expended on board the 'Montcalm' since this vessel has been in the government's service?
7. What is the amount of daily wages and salaries paid to all those who are employed in the service of this vessel ?
8. What is the number of days, and what is the number of hours (on the average) daily, during which the 'Montcalm' has been specially employed in breaking the icebridge at Cap Rouge ?
9. Has it succeeded in this work ?
10. Was it the 'Montcalm' which brought about the breakup or was it stranded when the breakup came about ?
11. When did the breakup take place, and when did the 'Montcalm' return to Quebec ?
12. Has it suffered any damage, and what?
13. Does the government intend to renew next year the experiences which it has undergone this year?

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

1. $295,509.79.

2. Forty-seven (47) men.

3. Captain, three mates, steward, two assistant stewards and waiters, cook, two assistant cooks, four quarter-masters, one carpenter and boatswain, twelve A.B., four engineers, four oilers and twelve firemen.

4. When running under two boilers about forty tons per day ; when running under four boilers, full power, about seventy-two tons per day.

5. $3, $4.50, $5 and $5.25, according to where obtained and cartage included.

6. 2,182 tons.

7. The amount of daily wages and salaries paid is $54 per day.

8. Forty days, or 207 hours work at the ice bridge.

9. The 'Montcalm' rendered valuable services.

10. The 'Montcalm' was engaged in breaking up the ice when the bridge gave way ; she was put into a place of safety until the crush was over, then came out with a great portion of the body of the ice.

11. The breakup took place on the 12th April last, then jammed again until the 20th April when it started again ; the 'Montcalm' returned to Quebec at 12.45 on the 21st April last.

12. The 'Montcalm' has suffered damage by breaking several blades off her starboard side propellor ; she has also lost a few rivets and slightly opened some seams in the bow due to the heavy work she was doing in the ice ; it is rare that any new vessel after some months service does not require overhauling and caulking ; the 'Montcalm' is no exception to the rule.

13. It is the intention of the government to endeavour to keep the ice bridge at Cap Rouge from forming next year.

FREE CANADIAN PORTS.

INQUIRY.

Hon. Mr. LANDRY rose to inquire of the government :

1. Does the government intend to make Montreal, Quebec, St. John, N.B., and Halifax free ports ?
2. Which of the Canadian ports are free at the present time ?
3. Which of the Canadian ports does the government wish to declare free ?

Hon. Mr. SCOTT—The answers are as follows :

1. The subject has not been considered.

2. Not any one of the cities can be called an absolutely free port.

3. The government has not expressed any opinion on the subject. It has never been discussed.

Hon. Mr. LANDRY—Is there any free port besides those named ?

Hon. Mr. SCOTT—I am not aware of any free port.

PACKING AND SALE OF CERTAIN STAPLE COMMODITIES ACT AMENDMENT BILL.

FIRST READING.

Hon. Sir RICHARD CARTWRIGHT introduced Bill (DD) An Act respecting the administration of an Act respecting the packing and sale of certain staple commodities.

He said : This is a very small alteration intended to facilitate the working of the Act, only introducing two or three words.

Hon. Sir MACKENZIE BOWELL—Is it to amend the Act passed this session.

Hon. Sir RICHARD CARTWRIGHT—A question was raised whether the Governor in Council could properly subdivide the Act and allow one department to administer one portion and another department to administer another portion.

The Bill was read the first time.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask the hon. Secretary of State if he can give me any information about a return to an address which was passed by this House on the 14th June, 1904, calling for a statement showing the names, ages, &c., of the members of the crew of the ship sent in 1903 to explore Hudson bay? In the month of August I asked why the return to the address had been delayed, and the hon. gentleman promised that I should get it in a few days. Later I repeated my question, and also again at the beginning of this session. I do not know if the answer is on board the ship or not.

Hon. Mr. SCOTT—What is the name of the steamer ?

Hon. Mr. LANDRY—The 'Neptune.' As I am on my feet, I would also inquire for the return which I moved for on the 11th of April last, of copies of all despatches, letters, communications, &c., received by the Department of Public Works, or any officer thereof, from the Hon. Senator Choquette relative to the sale of land made to him by the government.

Hon. Mr. SCOTT—I will inquire.

BRANTFORD AND WOODSTOCK RAILWAY COMPANY'S BILL.

THIRD READING.

Hon. Mr. POWER moved the third reading of Bill (63) An Act to incorporate the Brantford and Woodstock Railway Company.

Hon. Mr. KERR (Toronto)—Before this Bill is read the third time, I desire to call attention to the fact that what is proposed here is to incorporate a company for the construction of a line of railway from Brantford to Woodstock, a distance of twenty-eight miles, over a level section of country, and within the boundaries of two adjoining counties of the province of Ontario. It appears to me that the introduction and passing of this Bill is not a true appreciation of the spirit of the constitution under which we are legislating. This is a purely local work, which should be authorized only by the province of Ontario, in which it is wholly situated. Nothing has been shown, either in the Bill or outside of the Bill, to indicate that it is not a local work, or a work which should be authorized by the legislature of Ontario. It is time we should call a halt about legislation in respect of small works or unimportant railways, or at all events works which, whether important or unimportant, are within the jurisdiction of the provincial legislature. This line of railway is not defined in the Bill except in very general terms. The eighth clause provides that :

> The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Brantford, through the townships of Brantford, Burford East, Oxford and Blandford, to a point at or near the city of Woodstock.

There is no further definition of the line of railway than that, but a map was produced, when the Bill was under consideration in committee, on which was indicated —and, so far as I understand, it cannot be disputed—that the course of the railway will be almost due west from Brantford, fourteen or fifteen miles, practically paralleling the Grand Trunk Railway for that distance, and for the remainder of the

twenty-eight miles in a northwesterly direction to the city of Woodstock. There is already railway communication, as was shown on the same map, between Brantford and Woodstock by way of Paris, so that the necessity for a railway between the two cities does not exist. There is no necessity for it unless it be to furnish further and better means of transit and transportation between the two places; but if that is the only reason, then it is open to the Ontario legislature to provide, on proper application made, for the construction of such a line of local railway as would connect the two places. As I say, there is nothing in the Act to define anything more than that, but that itself prima facie excludes the possibility of its being a work of any more general importance than is implied in a line of railway connecting those two points, a distance of twenty-eight miles. It was stated that it was to connect the line of the Toronto, Hamilton and Brantford Railway at Brantford with either the Canadian Pacific Railway or the Grand Trunk Railway at Woodstock, but there is nothing in this Bill to indicate that there is any such intention, or that either of these two railways is in any sense a party to any arrangement of this nature, or that legislation should be obtained for the purpose of enabling it to be done. There was no person appearing to represent either of those companies to indicate to parliament or the committee that there was any intention of making such connection. The Bill does not describe the proposed line as connecting the two railways in any way, so I think we may fairly exclude the idea of this legislation having any such object or intention, unless it may be done by an independent company as a local enterprise. It is said that the line is to be operated by steam. We all know that under the Railway Act a company which is incorporated may be operated either by electricity or by steam. It is not provided in this Bill—although it has been said outside for the purpose of influencing members of the committee in dealing with the matter—that it is the intention to operate this road by steam ; therefore, it is quite open to this company to operate the line as it may choose. Its line is not defined to be its own distinct right of way ; it is not defined that it is to be built on the company's own land ; and, therefore, it is quite open to conclude, the power being given by this Bill, that the road may be nothing more or less than an electric tramway, built on the public highways, with the assent of the municipalities through which it will pass, and operated as an electric tramway. There is nothing in this Bill to prevent such or to show that the contrary is intended. There is nothing in the Bill to make it appear that the line will be anything but an electric tramway, operated by electricity, built on the public highways, or partly on public highways and partly on its own property. Under the circumstances, there is no justification for saying that this road is in any sense a work which ought fairly to be declared to be a work for the general advantage of Canada, or which should, for any reason, be taken away from the legislative control of the province of Ontario and be incorporated under the control and authority and with the powers conferred by an Act of this parliament. It seems to me that it is trespassing to a very great extent upon the jurisdiction of the provincial legislature, and that it is entirely contrary to the spirit of the British North America Act, that parliament should be called upon to legislate in this way, ousting, as I have pointed out, the authority, control and jurisdiction of the legislature of the province in which this work is wholly situated.

Under these circumstances, what should be done ? Should not parliament now take a stand on this question ? We have been for three years past speaking on this subject. Two years ago, when the Railway Act was under consideration, provision was made in that measure that a provincial railway which crossed another line of railway should not necessarily be called a work for the advantage of Canada, nor should it pass under the control of parliament by reason of that crossing, but, on the contrary, that control of the crossing alone should be vested in parliament, while the railway itself should continue under the control of the province—that is, if incorporated by the province. There is no reason, therefore, why this road should not have been incorporated by the province. It would then have had all the power that is in any way claimed for it. Formerly, when application was made to parliament for an Act of incorporation for the construction of a railway wholly within the province, the excuse was offered that

it was going either to connect with or to cross a railway already under the legislative authority of parliament. That is no longer a reason for anything of the kind being done, and the crossing cannot now be fairly urged as an excuse.

It has been said here that it was intended that this road should cross the Grand Trunk at a point near Eastwood, but there is nothing in the Act to show that there will be such a crossing. Even if that were to be the case, the Railway Act would apply, and the line would continue under the legislative control of the province of Ontario, the railway crossing itself and that only, being under the control of the Dominion parliament. Under these circumstances I say that the present legislation is a misuse of the provision authorizing a work to be declared for the general advantage of Canada. That is an expression which ought not to be lightly used in an Act of parliament. The constitution did not contemplate that it should be used lightly, or used at all in cases of a purely local character, where the work itself had no extended influence, where it was not connected with any kind of Dominion work, and where the people at large, outside of the province, would have no interest in it. I submit that no case has been made out either for incorporating this company as a Dominion railway or for declaring it to be a work for the general advantage of Canada. Under these circumstances we should take a stand, and take it now. This question has been raised before, and it has been declared that a stand should be taken in the future and that we should adopt a rule; but the rule will never be adopted unless it is adopted at the time objection is taken. If parties are to be encouraged by this course to apply to parliament for authorization to construct local works, they can come next year and say 'we have a precedent. You have conferred this right before, and therefore, you should confer it again'; and that will go on for all time. The time has come to put a stop to this procedure. The argument is advanced that we should not interfere with the rights of these people, having in the past given similar rights to others. There is no right to claim such legislation. There could be no right until parliament had passed the Bill, and it is now open to parliament to say: 'The proper course for you is to apply to the local legislature which is vested with authority to confer these privileges.'

Now there is a very strong reason why this Bill should not be passed, and why the promoters should be left to apply to the legislature. The local legislature has the control of the municipalities concerned. These municipalities and their local circumstances are better known to the representatives of the districts affected in the local legislature than they can well be known in the Dominion parliament; and therefore they can legislate in such a way as the circumstances may call for, which circumstances are not presented to parliament here in dealing with such cases. I maintain, therefore, that when a Bill is clearly within the powers of the local legislature, parliament should hesitate —nay, more, should refuse to interfere, and should refuse to confer the legislative authority which is sought by a Bill of this kind. There is nothing fairer than to say that a railway such as this, situated wholly within the province, is one within the legislative authority of the province of Ontario, under the provisions of section 92 of the British North America Act. Hon. gentlemen will bear with me while I read the section I refer to. Section 92 reads:

> In each province the legislature may exclusively make laws in relation to matters coming within the class of subjects next hereinafter enumerated, that is to say;—
>
> 10. Local works and undertakings other than such as are of the following classes:
>
> (a) Lines of steam or other ships, railways, canals, telegraph and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the provinces.

Those are the cases in which the legislatures cannot pass laws. They can legislate in all works other than those I have named. This is not one coming within the class excepted from local authority and it is a work which comes within the class mentioned in subsection 10. Instead of going through the farce half a dozen times in the year of objecting to this exercise of legislative function, which is admitted to be an interference with the legislative authority of the province, I think we should now take a stand and say that in future such applications must be made to the province, and that this application must be referred to the local legislature to be dealt with there.

Therefore, I for one, am opposed to the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—Before the hon. gentleman concludes his remarks, I should like to ask him whether in the construction of this road frem Brantford to Woodstock, it is possible to construct it upon any line, no matter how crooked, without connecting with the Canadian Pacific Railway, the Grand Trunk Railway or the Toronto, Hamilton and Buffalo ? Must it not necessarily connect with one or other of those three lines ?

Hon. Mr. KERR (Toronto)—I am glad the hon. gentleman has called my attention to the point, and I ask him to look at what the Bill really is.

Hon. Sir MACKENZIE BOWELL—I am not disputing his statement as to what the Bill contains, but I am asking whether the line could be constructed between those points without connecting with the three lines mentioned.

Hon. Mr. KERR (Toronto).—Certainly it could. Connecting with a line of railway is very different from going to one side of a town and connecting with a line of railway on the opposite side of the town. For instance, the Toronto, Hamilton and Buffalo, runs through the city of Brantford, but the western side of Brantford is not touched by the Toronto, Hamilton and Buffalo at all. The Grand Trunk Railway runs through the city of Brantford, but this Bill does not provide that the line is to commence at the city of Brantford at a point which will connect it with either of these railways. It does not provide either, that the line is to pass through the city of Woodstock so as to connect with either of the railways there. In other words, it may start at a point in or near the city of Brantford, a mile away from either of these other railways, and run to the city of Woodstock to a point a mile or more distant from any of the railways in the city of Woodstock, and it need not cross any line of railway whatever. It is perfectly true, as I pointed out, that the map which was produced for the purpose of promoting the Bill showed that it was proposed to cross the line of the Grand Trunk Railway at Eastwood, near Woodstock, but there is nothing obligatory about that being done. We do not know how far that map portrays what is to be done or what is not to be done, or even if it is the intention at present to construct in that way. There is nothing committing the company constructing this line of railway to build it at all on that line, and it is quite open to them to start at a point a mile or two away from any railway, at a point in or near Brantford and carry it, without crossing any line of railway, to Woodstock, and there have its terminus a mile or more distant from any line of railway in that city. I think, under these circumstances, it is the height of folly to say that this work is one for the general advantage of Canada.

Hon. Mr. De BOUCHERVILLE—I do not rise to object to what the hon. gentleman has said ; on the contrary, I think that he is perfectly right, but it seems to me that it is useless to make a speech without presenting a motion. He should move that the Bill be not now read a third time, but that it be read a third time this day six months. I think that is the only practical solution of the matter.

Hon. Mr. KERR (Toronto)—I was contemplating a motion, and with the permission of the House, I now move, seconded by the Hon. Mr. Béique, that this Bill be not now read a third time, but that it be read a third time this day six months.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to make that motion, because he had made his speech and another hon. member had spoken before he presented his motion.

Hon. Mr. KERR (Toronto)—I only made the motion because I was asked to do so. It is quite open to reject the Bill by a vote on the third reading.

Hon. Mr. DeBOUCHERVILLE—I think I have a right to explain. I did not make a speech, but merely made a suggestion to the hon. gentleman, and I think that my hon. friend ought not to insist that the hon. gentleman is debarred from making the motion.

Hon. Mr. LANDRY—He can find another hon. gentleman who will make it for him.

The SPEAKER—The hon. gentleman from Toronto was interrupted in his speech. A question was put to him if he moved the

six months' hoist, and I consider his motion is in order.

Hon. Mr. DOMVILLE—The hon. gentleman sat down.

Hon. Mr. WATSON—Has the hon. Speaker decided that the hon. gentleman is in order in rising the second time after he had resumed his seat ?

The SPEAKER—Yes, as the hon. gentleman from Toronto (Hon. Mr. Kerr) was only interrupted by a question from the honourable senator from Montarville (Hon. Mr. De Boucherville).

Hon. Mr. WILSON—While perhaps in some particulars I might agree with the hon. gentleman from Toronto (Hon. Mr. Kerr), yet we have been going on for some length of time in our present practice, and it seems very strange that the hon. gentleman on this occasion should make objection to the Bill. If my hon. friend had always taken the same view, and had pursued this course in bygone days, if he had always maintained that the legislatures of the provinces should have absolute jurisdiction and control over measures of this kind, I could understand his course on this occasion. If my hon. friend has become converted, if he has abandoned his former ways of sin and wrong-doing, and if he now considers it necessary to offer this motion as a peace-offering for his previous conduct, we would expect to hear him state that he had been wrong in the past, and that he has become converted to the principles of provincial rights. We know that my hon. friend has a record in reference to provincial rights. We are well aware that not many years ago, not only here, but in the Railway Committee, he uttered strong and unrestrained language in reference to the rights of the province in regard to a certain Bill being passed, authorizing the construction of a road from Toronto to Hamilton. He held forth, as he always does when he advocates any measure, in strong and forcible language, maintaining that it was right on that occasion that a charter should be granted to the Toronto and Hamilton Railway. We all know full well that the course he took did not meet with the approbation of the people of Toronto. We know that the government organ at that time proclaimed that he was sacrificing instead of representing the just interests of the people of Toronto and of the muncipalities between Toronto and Hamilton. Has that anything to do with his conversion on this occasion ? Does he wish to make amends to the government organ, and let that organ know that the views he entertained previously are not the views he now holds ? Perhaps he fears that the lash or the whip that was used on that occasion might be brought into play at the present time, and he dreads its application. He has given us no reason why he has changed his view, and given us no just cause why he should oppose this measure. What is the position of this road ? It is certainly more intimately connected with the railroads between Woodstock and Brantford than was the case with the railroad between Toronto and Hamilton. We know that at both Brantford and Woodstock the Grand Trunk, the Canadian Pacific Railway, and also another road from Port Burwell are connected, and this road must of necessity —and it is a steam road, too—make more or less connection with these various roads. Can he pretend to say that it is not in the interests of the Dominion of Canada that this road be enabled to make connection with those other lines ? If there ever was a road to which it is in the interest of the Dominion of Canada to grant a charter, I maintain this is one that really is entitled to that distinction. Has the hon. gentleman shown you that it is not entitled to that distinction ? I think he has not.

Let us turn to the road which he advocated in August and September, 1903. He fathered that road and advocated its construction—and, of course, he would do nothing which was not just and fair and in the interests of the province. The Act is intituled :

An Act to incorporate the Toronto and Hamilton Railway.

And it provides :

The company may lay out, construct and operate a railway of the gauge of four feet eight and a half inches from a point in or near the city of Toronto.

The hon. gentleman objects to the expression 'In or near Brantford.' He claims that it is not right to use that expression ; but it was perfectly right to use the words 'in or near Toronto in the county of York, to some point in or near the city of Hamilton.'

Mark you, to some point 'in or near the city of Hamilton'—the very words he now objects to. This Bill was a virtuous Bill, it had a foster-parent who really considered it drawn to perfection; and no doubt his fatherly care over the Bill rendered it fit to pass the House on that occasion. The Act continues:

In the county of Wentworth, passing through the counties of York, Peel, Halton and Wentworth, in the province of Ontario, but nothing in this Act shall authorize or empower the company to lay out or construct any railway track upon or along any portion of Burlington Beach in the said county of Wentworth without the consent of the municipal corporations of the townships of Saltfleet and Nelson.

What was this road? Was it a steam road? Was it a road in the interest and for the benefit of the Dominion of Canada? No, nothing of the kind. They had the right to use steam only for the construction of the road, and after that it was to be an electrical road, —an electrical road, mark you, not a steam road as this road is, but an electrical road, to be operated entirely by electricity. Would not hon. gentlemen agree with me in saying that the use of electricity should pertain more especially to the jurisdiction of provincial authorities, because the company intended to draw their power from the Niagara Power Company. Yet that road was then declared to be for the benefit of the Dominion of Canada. The road now applying for a charter is a steam road, but it is not, according to the hon. gentleman's opinion, a work for the benefit of the Dominion of Canada.

Hon. gentlemen will see that the Act in regard to the Toronto and Hamilton Railway provides that steam may be used for the purposes of constructing the said railway, but shall not be used as a motive power for its operation. Here we had a clause inserted whereby this road could not be run by steam but must be run in future by electricity. The Bill in question was introduced—no doubt by the hon. gentleman—in the latter part of September; it was read the first time on the 27th of September, on the motion of my hon. friend. The second reading of this measure—Bill (147) 'An Act to incorporate the Toronto and Hamilton Railway Company,' was moved by the hon. gentleman for Toronto (Mr. Kerr); and we find that the hon. Mr. McMullen, ever watchful, ever careful of the interests of the province of Ontario, according to my hon. friend's idea, raised objection and stated that were it not for the adjournment, which might delay the Bill, he would object to it altogether. He said that the Bill was absolutely and entirely local in its character and should be dealt with by the province. Where was my hon. friend, who now appeals so strongly for provincial rights, on that occasion? Was he expressing the views on that occasion that he gives utterance to now? He has been, as I said before, converted from the views which he entertained in 1903 to the views that he expresses now, in 1905. Which of those are the correct view? Which view will he be found to advocate to-morrow? I know not if I am to judge by what I read in the debates. The hon. leader of the opposition made some remarks pertaining to the question when it came up in 1903, and we find that some other members also spoke on that occasion. We find the hon. gentleman from Kingston objecting to the Bill. We find the hon. gentleman who is now in the chair (Hon. Mr. Dandurand) saying:

It seems to me the view expressed by the hon. gentleman from Belleville (Sir Mackenzie Bowell) does not cover the whole doctrine.

My hon. friend from Belleville took the view that it was right and proper that the provinces should have control of this matter. We also find the Hon. Mr. Béique speaking in reference to this very Bill. He said:

Will the hon. member from Belleville permit me to ask him if this is a railway crossing the Grand Trunk Railway?

The hon. mover of this motion (Hon. Mr. Kerr, Toronto) did not allow the hon. gentleman to answer the question. He said distinctly 'yes.' Will he tell me what line the railway as laid out in this case crosses. He, for instance, tells us in 1903 that the road from Toronto to Hamilton was to cross the Grand Trunk Railway. He objects to-day to making any statement as to crossings because the road is not built yet. He says: 'How do we know that it will cross either the Grand Trunk or the Canadian Pacific Railway?' How did he know in 1903 that the road which he was contending for was going to cross any other roads? He knew nothing of the kind, yet he insisted upon the passing of the Bill. Further on in the debate the hon. gentleman from Toronto said (page 1022, 'Hansard,' 1903):

Perhaps it is due to this House that I should say a word or two with reference to this Bill.

I did not anticipate there would be any opposition.

Neither did the mover of this Bill to-day expect there would be any opposition. He did not for a moment suppose that the opposition would come from the hon. gentleman from Toronto (Hon. Mr. Kerr). But surprises will never cease. We are surprised on this occasion, and no doubt he was surprised on that occasion. He said :

The Bill is an important one. I did not understand the hon. member from Belleville to say that by giving the Bill a second reading the principle of it was adopted.

He was anxious that the Bill should be rushed through and sent to the committee, and he doubtless hoped he would get it through the committee in the same manner. He continues :

On the contrary my understanding of what he said was that it was not a recognition of the principle of the Bill and that the committee was quite able to deal with that matter when we sent it to the committee, or the House could, on its return, deal with the principle of the Bill. That being so, I would call the attention of the hon. gentleman from Kingston to the fact that the Bill is, after all, only a very short one.

It was a short one and could not do much harm—such a little Bill, and therefore the suggestion was made this honourable body should let the Bill pass, it being such a little Bill. It appears he thought more of the size of the Bill than he did of the violation of the constitutional principle he is advocating to-day. He adds :

There is very little in it—

A Bill depriving the province of its rights, depriving the municipalities of their rights, a Bill trenching upon the constitutional right and prerogative of the province of Ontario, is a little Bill, has very little in it, and therefore it should be permitted to pass.

There is very little in it,—permission to build a railway—and I am quite sure from what I know of the hon. member for Kingston, it would not take him very many minutes to see all that there is in it.

No doubt he expected to influence the hon. member from Kingston by saying it was to give 'permission to build a railway.' Why did he want to emphasize the word railway ? Because he wanted the Senate to understand it was a steam railway, in the interest and for the benefit of Canada, when he knew perfectly well that it was an electric road, and that they could not use steam at all except merely for the purpose of constructing the road. Further on he says :

I want to emphasize the word 'railway'—To build a railway from Toronto to Hamilton.

He says to-day there is ample railway accommodation from Brantford to Woodstock. Was there no railway accommodation from Toronto to Hamilton ? Were they such benighted people in that locality that they were obliged to transport all their freight by wagons, and people had to travel on foot ? I have always understood that the country between Hamilton and Toronto is a gridiron of railways ; and that it possesses every facility for transportation. He says :

It is designed to be a main through railway from Toronto to Hamilton, crossing the Grand Trunk Railway near Burlington Beach.

Had he a right to say that they would cross the Grand Trunk Railway near Burlington Beach ? Did they not have a proviso in the Bill that they should not run across Burlington Beach unless they got permission from the corporation ? It was only on that condition they could cross into the city of Hamilton. He says :

The impression is that it is an electric tramway.

Read the Bill and ascertain what it says. Was not the fact stated distinctly that it was to be an electric railway and not a steam railway. He says :

It is designed to be a main through railway from Toronto to Hamilton, crossing the Grand Trunk Railway near Burlington Beach, and crossing at Burlington Beach with the permission of the municipality, if that can be obtained, and which no doubt can be obtained of the townships of Saltfleet and Nelson, and to a point connecting with the other two roads leading from there to Niagara Falls.

Now, to-day, we find the people of Brantford and Woodstock both desiring and asking for this road. I ask my hon. friend where was the mayor and the corporation of the city of Toronto at the time he was introducing his Bill. They were bitterly opposed to it, and did everything in their power to prevent it passing. The 'Globe', the leading newspaper of Toronto, denounced his scheme in the strongest terms. Was it the opposition of the 'Globe' on that occasion which converted him ? It is an old saying that people may be converted—may change their mind, and even the hymns convey the impression that it is never to late to mend. The city of Toronto, through its

mayor opposing the Bill, ought to have brought to my hon. friend's mind the fact that it was a Bill entirely within the jurisdiction of the province of Ontario ; and I might say here in passing, that I am favourable to the protection of provincial rights and strongly a believer in making application to the local legislatures for such powers as are now being asked. Yet on this occasion, after going on as we have been going, and with the precedent established by my hon. friend from Toronto in 1903, when by his eloquence he converted this honourable House to his views, why should we not say that we have a right to pass this Bill and that it would be an injustice to the people concerned if we did not pass it. On the occasion to which I have referred he says :

I may add, all the opposition to this Bill was excited by the action taken by the city council of Toronto.

There was no other opposition—when nearly every municipality between Toronto and Hamilton raised objections, and sent their delegates here to oppose that Bill. I would here say that I am surprised that we should, on this occasion, have this opposition to contend with. I might refer also to what the hon. gentleman from De Salaberry (Hon. Mr. Béique) said on that occasion, as well as my hon. friend from Wellington (Hon. Mr. McMullen). Nearly every hon. gentleman who spoke on that occasion very strongly condemned the passing of that Bill. Now is it right, are we justified on this occasion, when it is desired to construct a road from Brantford to Woodstock, through one of the finest sections of Canada, where prosperity prevails on every hand, and people are progressive and enterprising, to suddenly check the construction of a railway which would do so much good and be for the general benefit of the Dominion of Canada. While I am in favour of provincial rights, I hope this honourable House will not hesitate a moment in saying we have a right to grant this charter, because the people require the road. The only opposition to it is from my hon. friend from Toronto ; nobody else has raised any objection. He raised the objection in committee, and he is raising it again on the floor of this House. He says the people of Brantford and Woodstock shall not have the road, if he can prevent it, and he has moved the six months hoist with a view to slaughtering the Bill. Is that fair treatment? Like himself, when the opposition arose to his Bill, I may say this opposition was entirely unexpected. Had the people of Woodstock and Brantford known it was coming they would have had representatives here to meet the objection. I hope this honourable House will see its way clearly to giving this Bill its third reading and placing it upon the statute-book.

Hon. Mr. EDWARDS—My hon. friend from St. Thomas is entirely mistaken when he says that only my hon. friend from Toronto is opposed to the passage of this Bill. He has administered quite a castigation to my hon. friend from Toronto, but he has not made any statement as to the wrong principle upon which this Bill will be passed if it is granted. His speech has been simply on these lines, that parliament has sinned for many years, and that my hon. friend from Toronto sinned once. He wants him to sin again because he has sinned once, and he wants parliament to sin again because parliament has sinned on many occasions. A refusal to pass this Bill today would not at all hinder the company obtaining a charter ; but there is a proper place for the promoters to apply for legislation and that is the legislature of the province in which the railway is to be constructed. I have always been opposed to legislation of this kind, and I hold firmly to the view that parliament should lay down some principle as to its legislation in regard to railways and all other matters, and adhere strictly to that principle. In my judgment it is entirely wrong to come to this parliament for a charter to construct a small local railway, when legislation can be obtained at Toronto, which is much nearer to the locality interested. Supposing an application should come from British Columbia, for the construction of a small local line there, how many members of parliament would know anything about the locality through which it would be constructed? We should simply have to pass the Bill on the general principle which we have been following. It is time for parliament to call a halt. These insignificant Bills should be left to the local legislatures and shoud not be dealt with by this parliament on the ground that they are for the general advantage of Canada. My hon.

friend from St. Thomas says that this is a work for the benefit of Canada. All Bills passed are for the benefit of Canada ; every man who works in this country is working for the benefit of Canada, but the principle involved in this declaration that the work is for the advantage of Canada is quite another matter. It means that everything pertaining to that railway comes within the jurisdiction of the central government and not of the provincial government. The principle is absolutely wrong, and I for one protest strongly against it and will protest against every such Bill that may be introduced here.

Hon. Mr. BEIQUE—I desire to say a few words in answer to the remarks of the hon. gentleman from St. Thomas. I must say at first it did not appeal to me as a reason why we should pass this Bill, that a Bill which should not have become law had been passed in a previous session ; but in answer to the attack which has just been made on the hon. gentleman from Toronto, I may say I have a distinct recollection that the reason assigned why the Toronto and Hamilton Railway should be regarded as being within the jurisdiction of the parliament of Canada, was that they were to use electricity from Niagara Falls, and it would be the means of testing, in the public interest and for the general advantage of Canada, the use of electricty on a large scale for railway purposes, and also of the practicability of transmitting electricity for that purpose from the Falls to Toronto. That reason, when it was assigned, appealed to my mind to a very considerable extent. It was a reason why the work should be declared a work for the general advantage of Canada. Then there was another reason why that Bill, as the law then stood, should be declared to be for the general advantage of Canada, because it was intended to cross the Grand Trunk Railway. At the time the new Railway Act had not been passed, and under the operation of the old Railway Act from 1888 to 1903, it was provided that all railways crossing or connecting with the Grand Trunk Railway, the Canadian Pacific Railway, or any other railway, declared to be under the jurisdiction of the parliament of Canada, were ipso facto declared to be works for the general advantage of Canada. Therefore this was a peremptory reason, from the fact that it was intended to connect with or cross the Grand Trunk Railway, for making the declaration. But it is not the question now as to whether the Bill passed in 1903 should have been passed or not ; the question before us is whether this Bill comes within the jurisdiction of this parliament. Now let me call your attention to what I believe to be the proper view which should be taken of this question. Section 92 of the British North America Act defines the classes of subjects respecting which the local legislatures may exclusively make laws, and enumerates them. In subsection 10, the local legislatures are given exclusive jurisdiction to legislate for local works and undertakings, with certain exceptions. It will not be denied that this is a local work. It is a local work from the fact that it is situated entirely within the province, and therefore we have to see whether it can be brought within any of the exceptions. The first exception is ' lines of railway connecting the province with any other province or extending beyond the limits of the province.' It cannot be claimed that it is such a railway. Then ' such works as, although wholly situate within the province are, before or after their execution '—and I draw your attention to the words—' declared by the parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces.' The imperial parliament, when enacting this constitutional Act, had to pass an Act for perpetual application, and they felt it was unfair to deny the parliament of Canada the right of asserting its jurisdiction, and therefore limited the jurisdiction of the provinces when the interest was declared to be an interest for the general advantage of Canada. What shows the intention very clearly to my mind is that they provided that this declaration might be made, not necessarily when the company was incorporated, but after the works had been commenced, at any time when it was shown that it was to be a work for the general advantage of Canada. Now it is not for the hon. member from Toronto to show that it is not a work for the general advantage of Canada; it would have been for the hon. member from St. Thomas, or for the promoter of the Bill to give us a sound reason why this parliament should assert its jurisdiction over this railway and

oust the province of Ontario from its exclusive jurisdiction under section 92 of the British North America Act.

Hon. Mr. WILSON—Might I ask the hon. member was it shown in the case of the Toronto and Hamilton Railway Bill, that it was for the benefit of Canada ?

Hon. Mr. BEIQUE—As far as that Bill was concerned, I myself raised the objection, but I was satisfied for the two reasons which I have mentioned, first, because at that time, under the law as it stood, from the fact that it was intented to cross the Grand Trunk Railway, it was declared a work for the general advantage of Canada, and second, because of the test which was intended to be made of the transmission of electric power. Therefore, in my humble judgment it is unbecoming on the part of this parliament, to assume jurisdiction when that jurisdiction is not intended to apply under the terms and spirit of the British North America Act. If we do it in this case, we may do it in all cases. We may be asked to incorporate companies for manufacturing shoes, or supplying electric light. This parliament has done so in the case of the city of Quebec, has incorporated a local company exclusively for the purpose of vending electric light in the city of Quebec, declaring it to be a work for the general advantage of Canada. To my mind it is a gross abuse of power. Let me call attention to an additional point. I have shown that it is an assumption of power contrary to the letter and spirit of the British North America Act, but I go further; I say it is contrary to the Railway Act of 1903, section 7 of which is as follows :

> Every railway, steam or electric street railway or tramway, the construction or operation of which is authorized by a special Act passed by the legislature of any province, now or hereafter connecting with or crossing a railway which at the time of such connection or crossing, is subject to the legislative authority of the Parliament of Canada, is hereby declared to be a work for the general advantage of Canada in respect only to such connection or crossing or to through traffic thereon or anything appertaining thereto, and also to the provisions set forth in this Act relating to offences and penalties, navigable waters and criminal matters, and this Act shall apply to that extent only.
>
> 2. This section shall not, however, operate as regards through traffic on railways owned by any provincial government, without the consent of such government.

When we considered this Railway Act, the Senate came into conflict with the House of Commons. We came to the conclusion that it was advisable to go back as far as 1888 and adopt a new principle, and to disregard the principle which had been applied up to that time, and to treat those railways merely as local railways—to treat the connection or crossing and that part only, as a work for the general advantage of Canada, and for the purpose of dealing with through traffic. This is the principle. We did revert on that occasion to the true principle of the Constitutional Act, and now, if we were to pass this Bill as well as other Bills, we would be again departing from the principle which we applied in 1903, and reverting again to the old Act of 1888. For my part, I am perfectly indifferent to this Bill. I do not doubt that it is a railway which should be constructed, but if it should be constructed, the proper authority to grant a charter is not the parliament of Canada, but the legislature of the province of Ontario.

Hon. Mr. WATSON—I do not rise for the purpose of discussing the constitutional aspect of the Bill. I have no doubt we all fully appreciate the position taken by the hon. gentleman from de Salaberry (Hon. Mr. Béique) that he has always been consistent on every occasion, on the question of provincial rights and matters pertaining to the local legislatures, and the same remark applies to the hon. gentleman from Russell (Hon. Mr. Edwards), but some other hon. gentlemen are not consistent in that regard. What I do object to is the selecting of a Bill near the end of the term during which Bills are introduced in this House to demonstrate the great principle that underlies the legislation of this House. We have had numerous Bills before us this session, providing for undertakings which are just as much provincial works as this proposed railway is, and no objection has been taken. In fact the gentlemen who are opposing this Bill on high and lofty principles, supported similar Bills. We passed the Niagara-Welland Power Company Bill, and it was supported by the hon. gentleman who moved the six-months hoist to-day. We gave these people power to build an electrical railway seven miles in length. The hon. gentleman thought it was all right

to give it at that time, but now, because the applicants are asking authority to build a line of railway crossing the Grand Trunk Railway, as shown in the plan, which I think has something to do with the——

Hon. Mr. KERR (Toronto)—What Bill does the hon. gentleman refer to ?

Hon. Mr. WATSON—The Niagara Power Company Bill.

Hon. Mr. KERR (Toronto)—I absolutely opposed that Bill in the committee on the very ground I have taken to-day.

Hon. Mr. WATSON—I will not repeat a private conversation. I say there was no motion made in this House on those grounds, and that Bill was passed this session. I might go back to numerous Bills passed this session as much provincial in their character as this very Bill. There is a Bill passed this session—if the measure I have referred to does not suit the hon. gentleman —local in its character and introduced by the hon. gentleman from Toronto (Hon. Mr. Kerr)—Bill (39) giving power to build a line of railway, 'An Act respecting the Niagara, St. Catharines and Toronto Railway Company,' which gives them power to build a few miles along the beach—additional powers to build along the Burlington Beach.

Hon. Mr. KERR (Toronto)—That Bill was relating to a company already within the jurisdiction of parliament.

Hon. Mr. WATSON—Yes, and giving them power to build along the beach.

Hon. Sir MACKENZIE BOWELL—To which the municipalities were all opposed.

Hon. Mr. WATSON—Yes. I say it is not fair at this stage of the Bill to raise the objection that has been urged. I know a number of gentlemen who are paying attention to this Bill, who are in business in Brantford and Woodstock, who are bona fide applying for the charter and intend to build the road; and I say it would not be fair to throw out the Bill. It has been taken for granted that as similar charters have been granted by this Parliament, these people were perfectly justified in coming and asking for this legislation so far as the rights of the province are concerned. If the hon. gentlemen who speak so strongly in favour of this proposition will rise in this House and move a resolution laying down a strict rule that only certain legislation shall be passed here, and that Bills that are entirely within the jurisdiction of the provincial legislature shall not be considered here, I shall support the resolution ; but I decidedly object to any gentleman, for any particular reason he may have of his own, rising here and seeking to obstruct legislation of this character. For that reason I ask the House to give this Bill the third reading as well as any other Bills similarly situated that may come before us.

Hon. Mr. KERR (Toronto)—I think I am entitled to answer the hon. gentleman for a few moments——

Hon. Mr. LANDRY—The hon. gentleman has no right to speak. He moved an amendment and exhausted his right.

Hon. Mr. MACDONALD (P.E.I.)—I have no special interest in the matter now under consideration, but I think this discussion is going to lead to some good in the end. I have frequently stood up here in years gone by to oppose the system of placing in Bills providing for works of a local character the statement that such are for the general advantage of Canada, and I think we are quite justified now in opposing this Bill on that account. How can we say that works of such a character as this are for the general advantage of Canada ? The road is confined to a very small section of the province and does not extend beyond some 30 or 40 miles. It may be of local advantage to the people in that particular section, but cannot be said to be for the general advantage of Canada. I believe this parliament and this Senate ought to pass a resolution against applying that expression to works of a local character. We find Bills which are for works of a purely local character containing that clause, and the object of placing such a clause in the Act is that the promoters may have a claim on the government of Canada for a subsidy which they would not perhaps be otherwise entitled to if the work were incorporated by the provincial legislature and not by the parliament of Canada. The subsidy which they acquire in that way is oftener for the benefit of the promoters themselves than for the general interest of the Dominion. The present discussion has shown that there is some desire to do away with that abuse, as I

may call it, of legislation, and that if a motion of that kind were now made to do away with the use of the expression in Bills of this nature, it would now receive more support than when in the past I ventured to give expression to such views. Under these circumstances I shall give my support to the motion which has been made by the hon. gentleman from Toronto, and I hope that it may lead to something more than is embraced in the motion which the hon. gentleman has now moved—that it may be the means of doing away with the abuse which the parliament of Canada is led into by giving its sanction to that declaration in the case of a work of a purely local nature.

Hon. Mr. SCOTT—I presume it will require no argument to establish the fact that this Bill would be quite within the jurisdiction of the provincial legislature, and if the motion were made in the beginning of the session it would certainly have my hearty concurrence, and I am quite sure probably the concurrence of many hon. gentlemen who may feel inclined, under the circumstances in which this question is now presented to us, to vote contrary to what their judgment would have been had the course been adopted at the beginning of the session. Parliament has been availing itself of a right under the British North America Act to declare any work for the general advantage of Canada, in that way securing jurisdiction over the undertaking. It is not wise to carry the principle to the extreme length it has been carried in the past, but we ought at least to be consistent in our proceedings and therefore it seems rather singular that this particular Bill should be singled out as a sacrifice to the principle when other Bills of a similar character have been allowed to pass. This measure has passed the House of Commons, and possibly the same question was asked there. However, it came to the Senate and in the early stages no objection was taken to it on that ground. It went to committee and the question was raised there, but it was claimed that as there were other similar Bills which had already been passed by the committee it would be simply a mark of caprice for the committee to single out this particular Bill for sacrifice. That is the only justification, that we ought at least to be consistent in our legislation. I feel that it would be noted as a mark of very extraordinary caprice to change our practice in this instance after passing other Bills of this kind—and probably we will later on pass others also—I think there are two others on the order paper for to-day. It would seem unfair after the parties have gone to some expense, as no doubt they have, in obtaining the legislation, for the Senate to capriciously say 'we will throw out those Bills.' I do not think it would be dignified or proper to do so. This is not the time to take exception. It should be taken after the initiative stage of the Bill. When the Bill passes its second reading we concede that the principle of the Bill has been adopted by the chamber, and it would be an extremely unusual thing to adopt a proposition of this kind at the final stage unless we are prepared to adopt it in all other cases. It is too late, however, in my judgment, to rectify our—I won't say errors, but our impropriety in allowing measures of this kind to pass. I hope most sincerely that the Senate at the beginning of the next session will adopt a resolution to rigorously exclude from consideration any provincial Act—any Act that fairly comes within the jurisdiction of the province. It will have my hearty support, as I am quite sure it will have the unanimous support of the House, but I think it would be a mark of caprice and would be regrettable if at this particular stage, when the Bill is on the order paper for third reading, we should offer it as a sacrifice to this feeling.

Hon. Mr. McGREGOR—I do not want to vote on this Bill without knowing what I am voting for. I have strong opinions about incorporated companies and the powers which they should and should not have. I would give no powers to any company that I would not give to an individual. I have no objection to any clause in the Bill except the 8th, and I wish to understand what that clause means. The clause reads as follows :

> The company may lay out, construct and operate a railway of the gauge of four feet eight and one half inches from a point at or near the city of Brantford, through the townships of Brantford, Burford East, Oxford and Blandford, to a point at or near the city of Woodstock.

What I want to know is, have they the power without going to the city of Brantford, to lay out the road either on public

or private property ? Does the Bill give them the power of expropriation ?

Hon. Mr. SCOTT—Not expropriation of a public highway. They cannot intrude on a public highway, although they can cross it.

Hon. Mr. McGREGOR—Can they expropriate private property ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—That is in the Railway Act.

Hon. Mr. SCOTT—Yes, all railways have the same power.

Hon. Mr. McGREGOR—If it is in the Railway Act there is no objection. They have no power except what is given them in the Railway Act ?

Hon. Mr. SCOTT. No.

Hon. Mr. DAVID—If there was no declaration in this Bill that the work is an undertaking for the general advantage of Canada, nobody would deny that the other provisions of the measure are provincial and that the Bill is essentially a provincial Bill, and the question is whether this declaration will make it a Dominion measure. If that declaration on the face of the Bill is false and bears the mark of fraud, and is contradicted by all the other provisions of the Bill, then I think we should not be deceived by it. If I am convinced in my conscience and judgment that this declaration is false and is contradicted by all the other provisions of the Bill, then it would appear that this clause has been put in expressly for the purpose of making this Bill a federal measure, that it is contradicted by clause 8, which reads :

> The company may lay out, construct and operate a railway of the gauge of four feet eight and one-half inches from a point at or near the city of Brantford, through the townships of Brantford, Burford East, Oxford and Blandford, or a point at or near the city of Woodstock.

Does this clause not contradict clause 2 and show that it is a provincial railway ? If so, I do not see how the Senate can consent to be deceived by a false and fraudulent declaration. If we pass this Bill what is the result ? I attach some importance to what has been said by the hon. Secretary of State. If I were convinced I would do harm to those who are interested in this Bill, and that I would do an injustice by voting against it, I do not know what course I should take. I would not wish to do harm to anybody, but at the same time the parties interested have been notified and they know very well the position the Senate has taken.

Hon. Mr. WATSON—No.

Hon. Mr. DAVID—They must have lawyers who know the constitution. For the past two years, since I have had the honour of a seat in this Chamber, it cannot be stated that I have not protested on each occasion when a measure of this kind came before the House. I do not, however, pretend to be strong enough to have my opinion prevail in this House, and I have said many times that if the members of the province of Ontario do not deem it proper to protect their own interests, it is not necessary that I should show more zeal than they, but when such measures come from Quebec I have been in the habit of moving amendments. But now some hon. members from Ontario have decided to put an end to such legislation, and I intend to vote for the motion of the hon. gentleman from Toronto. It is said that it is too late to take such action because other Bills of a like nature have been passed ; but if we must vote for this Bill because other Bills of the same kind have been adopted, the argument next year or two years hence will be much stronger. If we must vote for the Bill on account of that argument this year, we will be still more obliged to vote for such measures next year, because the argument will have more application, so that every year there will be less reason to oppose such Bills. I think the time has come for the Senate to take action now, and for that reason I will vote for the motion.

Hon. Mr. KERR (Toronto)—I claim the right to reply which the rule give me.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to reply.

The SPEAKER—I draw the hon. gentleman's attention to rule 21.

Hon. Mr. LANDRY—I know the rule, but this is not a substantive motion. He has no right to reply where he moves an amendment.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will refer to page 470 of Bourinot, he will see that it is stated distinctly that an hon. member who has moved an amendment cannot reply. The hon. gentleman claimed the right but he has no right. If he asks it as a favour, it is a different matter. Bourinot says :

A member who has already spoken to a question has no right to rise again and propose an amendment or the adjournment of the House, or of the debate, though he may speak again to those new questions, when they are moved by other members (u). For the same reason a member who has moved the adjournment of the debate which has been negatived cannot speak to the original question (v). A member who has moved or seconded the adjournment of the debate can afterwards rise to move the adjournment of the House (w). And as a member who moves an adjournment cannot speak again, so a member who speaks in seconding an amendment, is equally unable to speak again upon the original question, after the amendment has been withdrawn, or otherwise disposed of.

Hon. Mr. LANDRY—And at page 469, Bourinot says :

No member may speak twice to a question, except in explanation of a material part of the speech, in which he may have been misconceived, but then he is not allowed to introduce new matter. A reply is allowed to a member who has made a substantive motion to the House, but not to any member who has moved an order of the day, an amendment, the previous question, or an instruction to a committee.

Hon. Mr. KERR (Toronto)—I will withdraw the reply so as to have no question about it. There is another way of getting at it.

The Senate divided on the amendment, which was rejected by the following vote :

Contents :

The Honourable Messieurs

Béique,	Ellis,
Boucherville, de	Kerr (Toronto),
David,	Macdonald (P.E.I.),
Edwards,	MacKeen—8.

Non-Contents :

The Honourable Messieurs

Black,	McDonald (C.B.),
Bolduc,	McGregor,
Bostock,	McHugh,
Bowell (Sir Mackenzie),	McKay (Truro),
Cartwright (Sir Richard),	Merner,
Casgrain (Windsor),	Mitchell,
Cloran,	Power,
Coffey,	Robertson,
Dobson,	Scott,
Domville,	Sullivan,
Fiset,	Templeman,
Gibson,	Tessier,
Kerr (Cobourg),	Thompson,
King,	Watson,
Landry,	Wilson,
Lougheed,	Wood,
	Young—23.

The Bill was then read the third time.

On the passing,

Hon. Mr. KERR (Toronto)—I desire to take this opportunity to say a word or two in furtherance of the view I have that this Bill should not now pass, and by way of clearing the atmosphere, perhaps I may be permitted to say that it does not appear to me to be a matter of any moment at all in dealing with this Bill, whether I was or was not inconsistent in the course I have pursued here as compared with the course I pursued on a former occasion. But the hon. gentleman from St. Thomas failed to appreciate the difference between the two cases, and I should like to point out to the hon. gentleman just wherein they differ. The Toronto and Hamilton Railway was an exceptional case which might fairly have been claimed to be a work for the general advantage of Canada, not only for the two reasons mentioned by the hon. gentleman from de Salaberry (Hon. Mr. Béique) a moment ago, but also for other reasons, one of which was that it crosses a Dominion canal. The Railway Act did not apply to such a case as that, and the province could give no authority or power to cross a canal which was a work vested in the Dominion and under Dominion control. In addition to that it crosses the Grand Trunk Railway, and as the law then stood it became, by virtue of that fact, a work for the general advantage of Canada. These are the two reasons, apart from the general consideration that it was a railway between two large and important cities and that it was a work which was of very great advantage from a scientific standpoint to the whole Dominion. In addition to that I may say that the power at Niagara Falls is being generated and other preparations are being made. The right of way for the road has been secured, but a difficulty in the way of the construction of the line existed in the fact that under the very clause read by the hon. gentleman the work could not be constructed across the Desjardins canal without the consent of the two townships named in the section of the Act, and the consent of both those townships was withheld until quite

recently—within the last week or two—so that it interfered with the construction of the road. I may also call attention to the fact that although at one time the corporation of the city of Toronto——

Hon. Mr. WATSON—Does it state that it is to cross the canal ?

Hon. Mr. KERR (Toronto)—I stated it could not cross the canal at that time.

Hon. Mr. WATSON—Did the Bill say so ?

Hon. Mr. KERR (Toronto)—Certainly the Bill said so ; it provided that it could not be built without the consent of the two townships.

Hon. Mr. WATSON—The point is, did the Bill state that it was to go from a certain point ?

Hon. Mr. KERR (Toronto)—Yes, but it said more than that—it was not to cross Burlington Beach without the consent of the municipal corporations of Saltfleet and Nelson, one being the township on one side of the canal and the other the township on the other side of the canal. With that consent the Railway Department can give power to cross the canal, but the province could not give that power. Then again it was said that the mayor and corporation of Toronto opposed that Bill, and that I was on that occasion interfering with their rights. If the hon. gentleman had been candid enough to read the whole of the observations made there, he would have found it stated, as the fact was, that the Bill was consented to by the corporation of the city of Toronto at the conclusion of the contest in the committee room of the House of Commons, so that I was not acting in opposition to the mayor and corporation of Toronto, but in accordance with the agreement made between them and the promoters of the Bill.

Hon. Mr. WILSON—Will the hon. gentleman state when the consent of Mayor Urquhart was obtained sanctioning the Bill as passed through the House ?

Hon. Mr. KERR (Toronto)—Before I made my observations in the Senate. It was done at the meeting of the committee in the other House, before the Bill came to this House at all. I may say in addition that there was another reason why legislation was sought here. By section 8 of that Act provision is made for the purchase and amalgamation of several other roads, two of which were within the jurisdiction of this parliament. This power could not have been given by the Ontario legislature, those railways having been incorporated by the Dominion and being within Dominion control; so that for these various reasons, as well as those mentioned by the hon. gentleman from de Salaberry (Hon. Mr. Béique) there is a distinction between that Bill and the Bill now before the House.

Hon. Mr. LANDRY—I rise to a point of order. The hon. gentleman has no right to refer to a previous debate. He is seeking to answer arguments used in a previous debate. If he can give reasons why this Bill should not pass we will be glad to hear him, but so far he has not offered a single reason why this Bill should not pass. My point is, he is referring to a previous debate.

The SPEAKER—The hon. gentleman has a right to try and convince the majority of the Senate. He wants to change their minds and persuade them to vote contrary to the way they did, and I suppose he is entitled to some latitude.

Hon. Mr. KERR (Toronto). I was only endeavouring to point out that the reasons which were given by the hon. gentleman for the Bill passing——

Hon. Mr. LANDRY—The hon. gentleman is out of order.

Hon. Mr. KERR (Toronto)—I do not know that I can undertake to convince the hon. gentleman. I have said all I want to say from the personal point of view. I am endeavouring to give a reason why I thought I was not open to the charge of inconsistency and why I was consistent in saying that this Bill should not have been read the third time, and why it should not now pass. If the Bill is one which is within the authority of the provincial legislature, it is one that should be dealt with by that legislature. If the Bill is not one which should be declared to be one for the general advantage of Canada, then this Bill, which contains such a declaration, should not pass, and in discussing the subject it is a matter of no moment what

action may have been taken with reference to a previous measure, although I think I have a right to assert that in dealing with that other measure, the position which I then took was for the reasons which I have stated, perfectly consistent. The case being totally different from the one we are now considering, I was perfectly right in taking the course I did.

The Bill passed.

It being six o'clock, the Speaker left the Chair.

After Recess.

THIRD READINGS.

Bill (73) An Act to incorporate La Compagnie du Chemin de fer Montréal, Quebec et du Sud.—(Hon. Mr. Choquette.)

Bill (U) An Act respecting the South Shore Railway Company and the Quebec Southern Railway Company, as amended.—(Hon. Mr. Béique.)

Bill (60) An Act to incorporate the Algoma Copper Range Railway Company.—(Hon. Mr. Davis.)

Bill (64) An Act respecting the Central Counties Railway Company.—(Hon. Mr Edwards.)

Bill (Y) An Act respecting the Interprovincial and James Bay Railway Company.—(Hon. Mr. Davis.)

SECOND READINGS.

Bill (65) An Act respecting the James Bay Railway Company.—(Hon. Mr. Ellis.)

Bill (71) An Act respecting the Great Northern Railway of Canada.—(Hon. Mr. Power.)

Bill (75) An Act respecting the Battleford and Lake Lenore Railway Company.—(Hon. Mr. Davis.)

Bill (81) An Act respecting the Ottawa River Railway Company, and to change its name to 'The Central Railway Company of Canada.'—(Hon. Mr. Domville.)

Bill (83) An Act respecting the Alberta Railway and Irrigation Company.—(Hon. Mr. Watson.)

Bill (84) An Act respecting the Huron and Erie Loan and Savings Company.—(Hon. Mr. Coffey.)

ESQUIMALT AND NANAIMO RAILWAY COMPANY BILL.

The Order of the Day being called :

Second reading Bill (90) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Young.)

Hon. Mr. YOUNG—This is a Bill which relates to the sale of the Esquimalt and Nanaimo Railway to the Canadian Pacific Railway Company. Two documents purporting to be petitions were presented to this House, one by the Canadian Pacific Railway Company, praying to be authorized to purchase, and another purporting to be from the Esquimalt and Nanaimo Railway Company, which the Standing Orders Committee felt they could not accept as a petition, inasmuch as it was not sealed by the corporation in question as the rules of the House require. Rule 37 provides :

No petition is received from any corporation aggregate unless it be duly authenticated by the seal of such corporation.

Upon examining this petition the Standing Orders Committee found that the seal of the corporation was not attached. Further, it was signed by the solicitor of the company, who had been instructed by wire to sign the petition and have it presented to the House. In looking at the authorities I find in Bourinot, page 347, that 'A petition forwarded by telegraph cannot be received, inasmuch as it has no real signature attached to it.' This Bill therefore, has had one petition presented to the House in proper order, the petition of the Canadian Pacific Railway Company. The other petition, or what purports to be one, was not passed upon by the Standing Orders Committee, because we considered it informal. The trouble arises from our practice here in not having some one to supervise these petitions when presented and see that they comply with the rules of the House. We took it, in the Standing Orders Committee that it was our duty, inasmuch as this did not seem to be a petition, not having the seal of the corporation, not to report upon it. Now I come to a further stage in our procedure. Under rule 59 the Senate is probably going to refer this Bill to the Standing Orders Committee. You can see that our committee would then be in a very unusual position. We have already the petition of the Canadian Pacific Railway Com-

pany, praying for the purchase, which is in proper order, and I think it is for this House to decide whether that petition is sufficient to proceed with on this Bill. I do not see how the Standing Orders Committee can deal with the Bill when it cannot deal with the petition that preceded it. I would ask advice from this House whether the Standing Orders Committee would be justified in ignoring what occurred with reference to this other petition, simply taking the Bill and seeing whether it complies with the notices without reference to what has occurred in the past. We would not take any action on it unless we were advised by this House, after laying the matter before you for your consideration.

Hon. Mr. SCOTT—I suppose the Bill passed through the House of Commons?

Hon. Mr. YOUNG—Yes, but that will not help it. I have both petitions here and if any one wishes to see them, will be pleased to show them, so that the House may know exactly the circumstances of the case.

The SPEAKER—Has the Chairman reported upon those petitions?

Hon. Mr. YOUNG—We have reported on one, but not on the other.

The SPEAKER—But there is no Bill passed upon that petition?

Hon. Mr. YOUNG—Yes, this is what you might call a double-barrelled Bill. The practice in this case is somewhat different from what has arisen in the case of the Grand Trunk Railway and the Canada Atlantic Bills. In that case there were two Bills introduced, one on each petition, one empowering one company to buy, and the other empowering the other company to sell, but in this case it is intended that one Bill shall serve both objects.

Hon. Mr. TEMPLEMAN—If it will meet the case I will move that the Order of the Day be discharged. As the hon. gentleman from Killarney has explained, this is a Bill authorizing the Canadian Pacific Railway to buy and the Esquimalt and Nanaimo Railway to sell. As I understood, they both sent down petitions. They started to obtain this legislation late in the session, and the matter was arranged by wire. This is not the Bill originally presented under those petitions, but is one which was substituted for it in the House of Commons. It is an entirely different Bill, and is to remove an objection in case of an infringement of a provincial right to taxation of lands, and it was found necessary to substitute these clauses for the clauses in the former Bill. I am not seized of the facts referred to by my hon. friend, but if it will facilitate matters we can postpone the Order of the Day until to-morrow. If the objection which has been raised is fatal, it would be quite easy to procure from Victoria a properly authenticated petition of the Esquimalt and Nanaimo Railway in the course of a few days. There would be no difficulty whatever in obtaining the petition and no harm would be done, if the Senate takes the view that the petition already presented is not a proper one.

Hon. Mr. YOUNG—It is just possible a regular petition may be on its way, because the parties interested were notified that this petition was not according to the rules of the House.

Hon. Mr. TEMPLEMAN moved that the Order of the Day be discharged and placed on the Orders of the Day for Tuesday the sixteenth May.

The motion was agreed to.

SECOND READINGS.

Bill (97) An Act respecting the Kingston and Dominion Central Railway Company, and to change its name to 'The Dominion Central Railway Company.'—(Hon. Mr. Frost.)

Bill (104) An Act respecting the Northern Bank.—(Hon. Mr. Watson.)

Bill (107) An Act respecting a certain Patent of Celeste Joly.—(Hon. Mr. Lougheed.)

Bill (108) An Act to incorporate the Canadian West Life Insurance Company.—(Hon. Mr. Domville.)

Bill (112) An Act respecting the Hamilton, Galt and Berlin Railway Company, and to change its name to 'The Hamilton, Galt and Guelph Railway Company.'—(Hon. Mr. McMullen.)

Bill (113) An Act respecting the Ontario, Hudson's Bay and Western Railways Company.—(Hon. Mr. Kerr, Toronto.)

Bill (124) An Act respecting the Farmer's Bank of Canada.—(Hon. Mr. McMullen.)

EDWARD NORMAN LEWIS RELIEF BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (142) An Act for the relief of Edward Norman Lewis, a member of the House of Commons.—(Hon. Mr. Scott.)

He said: Mr. Lewis represents the riding of West Huron. After he was elected and had taken his seat in the House of Commons it was discovered that he was on the bond of one Thomas Gunby, a contractor for carrying the mails between the post office and the Grand Trunk depot at Goderich. The amount received daily for carrying the mails was 7⅞ cents for the double trip, not a very large financial transaction; nevertheless, it came within the purview of an Act of parliament, which imposes very heavy penalties on a member who becomes elected and takes a seat while he holds a contract or acts as security in connection with a contract with the government. Many instances of this kind have occurred, when parties inadvertently have forgotten about the signing of a contract which is of a very insignificant character, and, as a rule, parliament has relieved the party of the consequences.

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

DOMINION ATLANTIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. POWER moved the second reading of Bill (106) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

He said: The Dominion Atlantic Railway Company have recently arranged to purchase a railway in Nova Scotia known as the Midland Railway Company, which connects the Dominion Atlantic Railway, at Windsor, with the Intercolonial Railway, at Truro, and the principal object of this Bill is to authorize the Dominion Atlantic Railway Company to acquire the property of the other company. The Dominion Atlantic Railway Company are also authorized to extend this road from Truro to a point on the Straits of Northumberland.

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

DELAYED RETURNS.

Hon. Mr. POWER—I should like to ask the hon. the Secretary of State when the return to the address passed by the House on my motion with reference to the withdrawal of naval forces from Canada, will be brought down.

Hon. Mr. SCOTT—I will make inquiry and inform the hon. gentleman.

The Senate adjourned.

SENATE.

Ottawa, Wednesday, May 10, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (104) An Act respecting the Northern Bank of Canada.—(Hon. Mr. Watson.)

ESQUIMALT AND NANAIMO RAILWAY COMPANY BILL.

PETITION PRESENTED.

Hon. Mr. TEMPLEMAN—It will be remembered that, yesterday, exception was taken by the chairman of the Standing Orders Committee, that the petition presented by the Esquimalt and Nanaimo Railway Company was not properly authenticated, having simply been authorized by wire from Victoria. The petition presented by the Canadian Pacific Railway, who are interested together with the other company, was in proper form, and I asked that this Bill be placed on the Orders of the Day for next Tuesday in order that I might communicate with the Esquimalt and Nanaimo Railway Company, and obtain a petition bearing the seal of the company. It seems that such a petition has been in the possession of the solicitors of the Canadian Pacific Railway, and it was presented to me to-day to be placed before the House. I, therefore, beg to move that rules 17 and 52 be suspended in so far as they relate to the petition of the Esquimalt and Nanaimo Railway Company, and that the said petition be received. The petition is properly signed and sealed.

Hon. Mr. POWER—The difficulty I see in connection with the motion is that the

House yesterday postponed this matter until Tuesday next, and we cannot pass a resolution to-day contradicting a resolution passed yesterday, unless yesterday's resolution is rescinded.

Hon. Mr. YOUNG—There seems to be a little misunderstanding with reference to the proceedings which have taken place. The hon. gentleman from Victoria (Hon. Mr. Templeman) has presented a petition to the House, and he asks that rules 17 and 52 be suspended, because of the fact that the time for presenting petitions has expired. He simply asks that the petition be now read and received, so that it may be dealt with promptly by the Standing Orders Committee at their first meeting, which takes place to-morrow. The second reading of the Bill was deferred until the House should have the proper petition presented and considered by the Standing Orders Committee.

Hon. Mr. POWER—I sit corrected.

Hon. Mr. YOUNG—We have just got that corrected now, and with the consent of the House, which can very properly be given, the petition can be taken into consideration, and at the time the second reading is reached it will be in order.

Hon. Mr. LANDRY—If I understand rightly, there is a motion to suspend the rule.

Hon. Mr. YOUNG—Merely for leave to present a petition because of the fact that the time has expired.

Hon. Mr. LANDRY—What are the rules which the hon. gentleman asks to have suspended ?

Hon. Mr. YOUNG—Rules 17 and 52.

Hon. Mr. LANDRY—Rule 17 reads :

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 precisely 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 rules upon any petition for a Private Bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders.

We cannot suspend that rule unless we have a report of the Committee on Standing Orders.

Hon. Mr. YOUNG—My hon. friend is perfectly correct in his reading, but in the past we have followed two different practices here—so I am informed. One is to present a petition for leave to present a petition, the other, which has been adopted in some cases, is to obtain the consent of the House to present the original petition in the first instance. It is, of course, a matter for the House to deal with, but I think it has already been threshed out to such an extent that hon. gentlemen are seized of the facts. The Committee on Standing Orders having reported on the petition of the Canadian Pacific Railway Company, which relates equally to this Bill, it is only for the protection of the House that this other petition has been presented.

Hon. Mr. LANDRY—If there is no urgency we should follow the rules.

Hon. Mr. TEMPLEMAN—But there is urgency.

Hon. Mr. LANDRY—We do not see it.

Hon. Mr. TEMPLEMAN—I understand both parties to this agreement, the Canadian Pacific Railway Company and the Esquimalt and Nanaimo Railway Company, would like to have this Bill passed as soon as possible, as there is an agreement between them which has a time limitation—I think the first of June.

Hon. Mr. LANDRY—Is it the intention of the government to ask the Governor General to come here to sanction this Bill ?

Hon. Mr. TEMPLEMAN—When he comes to sanction other important Bills he will sanction this also.

Hon. Mr. LANDRY—When ?

Hon. Mr. TEMPLEMAN—Before the end of the session.

Hon. Mr. LANDRY—When will that be ?

The motion was agreed to.

FORM OF PRAYER.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to know from the chairman of the committee struck some time ago to consider the question of the form of the prayer used at the opening of the House, if they have made any progress, and if they will soon report to the Senate.

Hon. Mr. DOMVILLE—A very proper question.

Hon. Mr. KIRCHHOFFER—Perhaps the chairman will rise and report progress.

Hon. Mr. GIBSON—I have been waiting for my hon. friend (Hon. Mr. Domville) to take some action, as he was placed on the committee at his own request.

Hon. Mr. DOMVILLE—I have never been placed in such a mixed association before, and therefore I am paralyzed to know what action to take in conformity with what is required to be done.

THIRD READINGS.

Bill (K) An Act for the relief of George Pearson.—(Hon. Mr. Perley.)

Bill (L) An Act for the relief of George Dance Harper.—(Hon. Mr. Kerr, Cobourg.)

McDERMOT RELIEF BILL.

THIRD READING.

Hon. Mr. GOWAN moved the adoption of the twenty-fifth report of the Standing Committee on Divorce on Bill (C) An Act for the relief of Clara Bidwell McDermot.

Hon. Mr. POWER—As a rule, I do not take any part in discussions on divorce Bills, although I think it is my duty as a member of the House to read the evidence. And while perhaps the weight of evidence in this case as printed is rather in favour of the report, I cannot say that it is perfectly conclusive, and I think it would be desirable to have a further expression of opinion from the acting chairman or some other member of the committee, to satisfy the House that the case has been clearly proven.

Hon. Mr. KIRCHHOFFER—If the hon. members of this honourable House had taken the trouble to read the evidence which has been printed and circulated during the last week or two——

Hon. Mr. POWER—I took that trouble.

Hon. Mr. KIRCHHOFFER—I mean the other hon. members. Very many hon. members of this House do not take the trouble to do so, but if they have I think there will be none—outside of the hon. gentleman who has spoken—who will not be of the opinion that the evidence in this case is altogether irrefutable. The fact of the matter is that the defence was conducted by the respondent himself, and under those conditions the committee allowed him latitude in the way of introducing all sorts of evidence, which they would hardly have done if he had been represented by counsel, so that he had an opportunity of stating his case fully. He went into the box and made a statement in a way that did not carry conviction to any member of the committee who was there. I do not think it is necessary for me to recapitulate the evidence in this House, but if any hon. member had been there and had listened to the evidence of the respondent to the effect that for sixteen years he had lived apart from his wife, and that for four or five years he had been in the habit of going daily to different houses of ill-fame and taking all sorts of liberties with the women who were there, as he himself said he had done, they would, I think, be convinced. The respondent's claim that he had not committed any crime is more than human nature would be disposed to stand, I think. At the same time his evidence was contradicted by two of the keepers of the houses of ill-fame which he frequented. They came on subpœnas, without any reason whatever except the fact that they were subpœnaed, all across the continent to give their evidence. The fact that they were immoral women does not in any way detract from the value of their oath, unless there is some reason shown to controvert the evidence they have given. They are entitled to as much credence as the respondent, who certainly, according to our idea, led an immoral life, and there was nothing to show these people had any interest in coming across the continent. They admitted connection with this man—they were asked the question and answered it: and one of these women said she had frequently gone and served drinks to him when he was in bed with these women. In the face of that, I cannot see how my hon. friend can pretend to say due proof was not given.

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

BRITISH CANADIAN EMPIRE LEAGUE BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Bill (P) An Act to incorporate the British Canadian Empire League.—(Hon. Mr. Domville.)

Hon. Mr. DOMVILLE—This is a very important Bill, but I have been in communication with two or three gentlemen who think the empire is in their pockets, and I have tried to point out to them that a matter of such importance as this should not be confined to any one or two persons, but that the whole of Canada has an interest in it. I have made them an offer on behalf of the existing association—which is doing good work in Canada—as they have not proceeded very far themselves, to amalgamate with us and share in this great national work. Pending the issue of these negotiations, I move that the Order of the Day be discharged and placed on the Orders of the Day for Wednesday next.

The motion was agreed to.

FREE TRANSPORTATION OF SENATORS AND MEMBERS OF THE HOUSE OF COMMONS BILL.

House again in Committee of the Whole on Bill (D) An Act to amend the Railway Act, 1903, as regards the free transportation of senators and members of the House of Commons.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. KERR (Toronto)—In the absence of the hon. gentleman from de Lanaudière (Hon. Mr. Casgrain), I move that the Order of the Day be discharged and be placed on the Orders of the Day for Tuesday next.

Hon. Sir MACKENZIE BOWELL—I should like to ask if there is any intention to proceed with this Bill or are we just playing with it and postponing it from day to day ?

Hon. Mr. KERR (Toronto)—It is not my Bill, and the hon. gentleman who has charge of it is not here. He should be present when the matter is disposed of, and it is out of courtesy to him that I make this motion.

The motion was agreed to.

PACKING AND SALE OF CERTAIN STAPLE COMMODITIES BILL.

SECOND READING.

Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (DD) An Act respecting the administration of an Act respecting the Packing and Sale of certain Staple Commodities.

He said : It has been found that under the law which at present gives the Governor in Council the right to assign to any single department the administration of this Act, a little practical inconvenience has arisen. We desire to employ two departments sometimes in the working of this Act—to assign one portion to one department and another portion to another department—and we propose to introduce two or three words which will enable that to be done.

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

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

SENATE.

Ottawa, Thursday, May 11, 1905

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE TRELAWNEY DIVORCE CASE.

MOTION.

Hon. Mr. KRICHHOFFER, from the Committee on Divorce, presented their 28th report, recommending that Agnes Hedevig Helga Salusbury Trelawney be allowed to present a petition for leave to petition for a Bill of divorce from her husband, and moved that the report be adopted.

Hon. Mr. POWER—The hon. gentleman might state what led the committee to make this recommendation.

Hon. Mr. KIRCHHOFFER—The original notice was given in the month of September of last year, but the advertising was not completed until a comparatively recent date, and there is no great object in the House carrying over proceedings, which are partly completed, to another year.

The motion was agreed to.

THIRD READINGS.

Bill (107) An Act respecting a certain patent of Céleste Joly.—(Hon. Mr. Lougheed.)

Bill (BB) An Act to incorporate the Monarch Bank of Canada.—(Hon. Mr. Kerr, Toronto.)

Bill (123) An Act respecting the Board of the Presbyterian College, Halifax.—(Hon. Mr. MacKeen.)

Bill (125) An Act to incorporate the Crown Casualty Company of Canada.—(Hon. Mr. Lougheed.)

Bill (103) An Act respecting the Richmond and Drummond Fire Insurance Company.—(Hon. Mr. Kerr, Toronto.)

PACKING AND SALE OF CERTAIN STAPLE COMMODITIES BILL.

THIRD READING.

The House resolved itself into Committee of the Whole House on Bill (DD) An Act respecting the administration of an Act respecting the Packing and Sale of certain Staple Commodities.

(In the Committee.)

On clause 1,

Hon. Sir RICHARD CARTWRIGHT—The reason for the change effected by this clause is that this particular Act deals with a very large number of commodities, and it is found in practice that it is expedient for the Governor in Council to divide the administration, assigning one portion to one particular department and one portion to another. These words have been inserted to give that power to the Governor in Council.

Hon. Sir MACKENZIE BOWELL—Could the hon. gentleman inform the House which department has been administering this Act ?

Hon. Sir RICHARD CARTWRIGHT—It was recently assigned to my own department and a part of it has been retained there, but it is found in practice that the Department of Agriculture can more conveniently administer certain sections of the Act, and we wish to divide the administration accordingly.

The clause was adopted.

Hon. Mr. BEIQUE, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

BILL INTRODUCED.

Bill (EE) An Act respecting the Canada Central Railway Company.—(Hon. Mr. Frost.)

SECOND READING.

Bill (90) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Templeman.)

The Senate adjourned until tomorrow at three o'clock.

SENATE.

Ottawa, Friday, May 12, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (79) An Act respecting the Toronto, Hamilton and Buffalo Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (90) An Act respecting the Esquimalt and Nanaimo Railway Company.—(Hon. Mr. Templeman.)

Bill (111) An Act to incorporate the Saskatchewan Bridge Company.—(Hon. Mr. Ross.)

THE DEATH OF MRS. SCOTT.

Hon. Mr. TEMPLEMAN—As the House is no doubt aware, our honourable colleague, the Secretary of State, has been absent from this chamber for several days in consequence of the very serious illness of his wife. That very serious illness has resulted in the death of Mrs. Scott since this House last met. It has been suggested to me by some hon. gentlemen that it would be a mark of courtesy and respect to our colleague if this House should adjourn. I therefore move, seconded by Hon. Mr. Ferguson, that as a mark of sympathy to the hon. Secretary of State in his bereavement, this House do now adjourn.

The motion was agreed to.

The Senate adjourned until Tuesday next at three p.m.

SENATE.

Ottawa, Tuesday, May 16, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE CLAIM OF HENRY F. COOMBS.

MOTION.

Hon. Mr. FERGUSON moved :

That an humble address be presented to His Excellency the Governor General; praying that His Excellency will be pleased to lay upon the Table of the Senate copies of all correspondence between Henry F. Coombs, of Sydney, C.B., and the Department of Agriculture of Canada, or any officer thereof, relating to articles forwarded by the said Henry F. Coombs to the Paris Exhibition, in 1900, and his claim for expenses in connection therewith and for payment to him for articles damaged or not returned.

The motion was agreed to.

THE TRAIN SERVICE ON THE INTERCOLONIAL RAILWAY BETWEEN MONTREAL AND HALIFAX.

INQUIRY.

Hon. Mr. LANDRY inquired :

Does the government intend to give orders that the Intercolonial Railway Maritime Express, between Montreal and Halifax and between Halifax and Montreal, shall make every day a regular journey between these two cities ?

Hon. Sir RICHARD CARTWRIGHT—It is intended that the Maritime Express between Montreal and Halifax and vice versa shall continue to make regular journeys between these cities every day except Saturdays from Montreal and on Sundays from Halifax.

ATTENDANCE OF SENATORS AT COMMONS COMMITTEES.

The SPEAKER—Before calling the Orders of the Day, I wish to give an opinion which was asked for on the point of order raised by the hon. gentleman from Halifax (Hon. Mr. Power). A special committee of the House of Commons, appointed to consider the Telephone question, wrote lately a circular letter to all the members of the Senate, requesting their attendance before that committee, so as to get the benefit of their experience upon the matter inquired into.

The hon. member for Halifax has raised the point that no member of this chamber could accept an invitation to appear before a committee of the Commons without leave from the Senate, according to the terms of our 91st rule which reads as follows :

When the attendance of a senator, or any of the officers, clerks or servants of the Senate is desired, to be examined by the Commons or to appear before any committee thereof, a message is sent by the Commons, to request that the Senate will give leave to such senator, officer, clerk, or servant to attend; and if the Senate grant leave to such senator, he may go if he think fit, but it is not optional for such officer, clerk or servant to refuse. Without such leave, no senator, officer, clerk or servant of the Senate shall, on any account, either go down to the House of Commons, or send his answer in writing or appear by counsel to answer any accusation there, upon penalty of being committed to the Black Rod or to prison, during the pleasure of the Senate.

It is claimed that this rule can only be applied or enforced when a summons is issued in a regular way to a senator to appear as a witness, and that a simple invitation, as in this case, does not fall under its prescriptions.

Bourinot (Flint's edition) page 557, makes no such distinction.

He gives his interpretation of the rule in the following general terms :

Whenever either House desires the attendance of a senator or a member before a select committee, a message must be sent to that effect. Leave must be given by the House to which the member belongs, and it is optional for him to attend. In case the attendance of one of the officers or servants of either House is required, the same course will be pursued ; but it is not optional for them to refuse to attend.

The distinction sought to be made as between a voluntary appearance upon a simple invitation and the issuing of a coercive process has no possible raison d'être, inasmuch as there can never be a summoning of a senator as in the case of other witnesses. A senator may be authorized by this chamber to appear before a committee of the Commons, but such authorization must always contain these words : 'If he thinks fit.' He is the sole judge as to the propriety of his appearance after he has thus been authorized.

May, page 402, lays down the same principle as governing the members of the British parliament based on the uniform practice of both branches of parliament :

If the attendance of a peer should be desired, to give evidence before the House, or any

committee of the House of Commons, the House sends a message 'to the Lords, to request that their Lordships will give leave to' the peer in question to attend, in order to his being examined' before the House or a committee, as the case may be, and stating the matter in relation to which his attendance is required. If the peer should be in his place when this message is received and he consents, leave is immediately given for him to be examined, if he think fit. If not present, a message is returned on a future day, when the peer has, in his place, consented to go. Exactly the same form is observed by the Lords when they desire the attendance of a member of the House of Commons.

A great number of cases are reported in 'Hatsell's Precedents' on this very question. I quote the following :—

1. On the 16th of March, 1620, Lords send a message desiring certain members, whom they name, may attend and be sworn, and give their information on an inquiry in which the Lords were engaged concerning grievances. After debate it is resolved, That as many of the gentlemen as will, may, without derogation to the House, or blame to themselves, be sworn. There are further messages passed between the two Houses on the 17th and 19th; and on the 20th of March the Lords send word, 'That they have no intention to violate any' of the Privileges of this House, but desire that any other 'Members, whose testimony shall be needful, may, by private motion, without further message, attend.' To which the House of Commons send for answer, 'That if their Lordships shall have cause to examine any member upon oath (in the business then depending) the House giveth them leave, as private men, and as voluntarily, to go unto them, upon private notice ,to be examined.

2. On the 1st of December, 1669, Colonel Birch, informing the House that he and some other members of the House had received a note, desiring them to attend a committee of the House of Lords concerning Trade, moved for leave of the House to attend the said committee. The question being put, that Colonel Birch, and the rest of the members, have leave of this House to attend the committee, it passed in the negative.

3. On the 18th of May, 1675, it is resolved, that it is the undoubted right of the House of Commons that none of their members be summoned to attend the House of Lords during the sitting or privilege of parliament.

4. On the 9th of January, 1705, the Lords desire that Sir Cloudesly Scovell, and several other sea officers, members, may have leave to attend the Lords committees appointed to consider of proper measures of more effectually manning the fleet ; and leave is accordingly granted.

5. On the 26th November, 1707, the Lords desire that Sir J. Jennings may come to a committee, appointed for encouragement of Trade with the West Indies ; which leave is granted, if he thinks fit.

6. On the 5th of July, 1714, the Lords having under consideration matters relating to the Trade of this Kingdom, desire that such members as are Commissioners for Trade may attend them ; and this is granted, if the members think fit.

7. On the 8th of July, 1714, the Lords desire that such members as are of the Committee of the South Sea Company, and also William Lowndes, Esq., may have leave to attend them. On the question being put for leave, it is carried in the negative ; and a message is sent to acquaint the Lords that the Commons do not give leave, their Lordships not having specified the cause upon which they desire their attendance. The Lords immediately sends another message, that they having under their examination matters relating to the South Sea Company, which are of great consequence to the trade of the Kingdom, therefore desire the attendance of the said members , and on this message leave is granted.

A number of other similar precedents follow.

This procedure is uniformly continued up to the present date.

I find the following precedents in the English Common Journals of 1877 (pp. 99 and 261) :

1. The Lords request, that this House will be pleased to give leave to Joseph Chamberlain, Esquire, a member of this House, to attend in order to his being examined as a witness before the committee appointed by their Lordships, in the present session of parliament, on intemperance.

And Mr. Chamberlain being present in his place declared that he was willing, with leave of the House, to go to the House of Lords, as desired by their Lordships.

Resolved, that Joseph Chamberlain, Esquire, have leave to go to the House of Lords, as desired by their Lordships, if he thinks fit.

Ordered, that a message be sent to the Lords to acquaint them that this House hath given leave to Joseph Chamberlain, Esquire, to go to the House of Lords, as desired by their Lordships, if he think fit: and that the clerk do carry the said message.

2. The Lords request, that this House will be pleased to give leave to Joseph Whitwell Pease, Esquire, a member of this House, to attend, in order to his being examined as a witness before the Select Committee appointed by their Lordships in the present session of parliament, on intemperance.

And Mr. Pease being present in his place, declared that he was willing, with leave of the House, to go to the House of Lords as desired by their Lordships.

Resolved, that Joseph Whitwell Pease, Esquire, have leave to go the House of Lords, as desired by their Lordships, if he think fit.

Ordered, that a message be sent to the Lords, to acquaint them that this House hath given leave to Joseph Whitwell Pease, Esquire, to go to the House of Lords as desired by their Lordships, if he think fit: and that the clerk do carry the said message.

Many other precedents could very likely be found, upon which May bases his own dictum.

I have cited a certain number of cases so as to explain the existence of our own rule 91 which is quite plain, but which, nevertheless, could well be redrafted by the special committee presently charged with the revision of our rules.

Both branches of our parliament seem to have interpreted and applied our rule as it is understood and followed by practice in England.

I will cite three precedents only, out of the six or seven cases I have under my hand.

1. Journals of the Senate, 1877, Vol. 11, page 163 :—

A message was brought from the House of Commons by their clerk in the following words:

House of Commons,
Monday, 26th March, 1877.

Resolved,—That a message be sent to the Senate, requesting their Honours will give leave to the hon. Messrs Sutherland and Girard, two of their members, to attend and give evidence before the Select Standing Committee of this House on Immigration and Colonization.

Ordered,—That the clerk of the House do carry the said message to the Senate.

Attest. ALFRED PATRICK,
Clerk of the House.

And then he withdrew.

The messenger was again called in and informed that the Senate will send an answer by a messenger of their own.

On motion of the Honourable Mr. Scott, seconded by the Honourable Mr. Pelletier, it was

Resolved,—That this House doth give leave to the Honourable Messieurs Sutherland and Girard, two of its members, to attend and give evidence before the Select Standing Committee of the House of Commons on Immigration and Colonization as desired by that House in their message received this day, if they think fit.

Orderd,—That the foregoing resolution be communicated to the House or Commons by one of the Masters in Chancery.

2. The Debates of the Senate, 1883, page 158:—

A message wes received from the House of Commons that senators Haythorne, Carvell and Howlan be allowed to attend and give evidence before a committee of the House of Commons on the subject of steam communication with Prince Edward Island.

Hon. Sir ALEX. CAMPBELL moved that leave be given the senators mentioned to attend and give evidence, if they should see fit.

Hon. Mr. MILLER—I think it well to remark here, while this motion is before the House, that it seems not to be as well understood as it should be that a member of the Senate has no right—in fact, he renders himself liable to be taken into custody by the sergeant-at-arms and fined or imprisoned for going before a committee of the other House without the leave of the Senate. That has been done through inadvertence on several occasions, and it is just as well to call attention to the fact now, in order that it may not occur again, because it is a very important privilege of this House and should be strictly regarded.

Hon. Sir ALEXANDER CAMPBELL—Attention was drawn to the importance of the privilege by the hon. gentleman from Prince Edward Island, and he declined to go before the committee, and the result has been the message which has just been read to the House.

3. Journals of the Senate, 1891, p. 341 :—

On motion of Mr. Girouard, seconded by Mr. Stairs,

Resolved,—That a message be sent to the Senate, requesting that their Honours will give leave to the honourable Théodore Robitaille, one of their members, to attend and give evidence before the Select Standing Committee on Privileges and Elections, in the inquiry into certain circumstances and statements made in connection with the tenders and contracts respecting the Quebec Harbour works, Esquimalt graving dock, Baie des Chaleurs Railway, &c., &c., &c.

Ordered,—That the clerk do carry the said message to the Senate.

It will be noticed that the two first are parallel cases to the one presently under review.

May adds at p. 403 : 'Whenever the attendance of a member of the other House is desired by a committee it is advisable to give him private intimation and to learn that he is willing to attend, before a formal message is sent to request his attendance.'

I take it that the circular letter sent to the members of this House had for its object to find who were the senators who were in a position to give useful information and who would express their willingness to be heard.

Instead of appearing forthwith before that committee, it would be the duty of such senators as were willing to appear, to wait, before so doing, for a message from the Commons, asking the Senate's leave for certain members to go and be heard.

I may add that in England, according to May, these formalities, though occasionally adopted, are not usual or necessary in the case of private Bills. I am not called upon to say if our rule, in its general terms, can admit of such exception.

THE TRELAWNEY DIVORCE CASE.

MOTION.

Hon. Mr. WATSON presented a petition from Agnes Hedevig Helga Salusbury Trelawney for a Bill of divorce from her husband, and moved the suspension of rule 17.

Hon. Mr. LANDRY—Is that suspension of the rule recommended by the Committee on Standing Orders ? Rule 17 provides that no motion for the suspension of the rules upon any petition for a private Bill shall be

in order unless recommended by the Committee on Standing Orders.

Hon. Mr. YOUNG—Read rule 52 which excepts Bills of divorce.

Hon. Mr. LANDRY—We are asked to suspend rule 17 which applies to petitions for all private Bills.

Hon. Mr. POWER—I have not the rule by me now, but I think the first of the divorce rules states substantially that the Committee on Standing Orders have nothing to do with divorce Bills.

Hon. Mr. LANDRY—Rule 52 is as follows :

No petition for any private Bill (except a Bill of divorce) is received by the Senate after the first three weeks of each session; nor may any private Bill be presented to the Senate after the first four weeks of each session ; nor may any report of any standing or special committee, upon a private Bill be received after the first six weeks of each session.

Hon. Mr. YOUNG—If the hon. gentleman will turn to rule 101 he will find that it provides that :

All petitions and Bills for divorce, and all matters arising out of such petitions and Bills, shall be referred to the Standing Committee on Divorce, and no reference to any committee other than the said committee shall be necessary with respect to such petitions, Bills and matters.

So that divorce Bills seem to be separate and distinct from all other Bills, and it would appear from that rule that my hon. friend did not require to suspend any rule at all.

Hon. Mr. LANDRY—If rule 101 deals with it, he cannot ask for a suspension of the rules.

Hon. Mr. YOUNG—No, it is referred to the Divorce Committee.

Hon. Mr. WATSON—I withdraw the motion, so far as the suspension of the rule is concerned, and present the petition.

BRANDON, SASKATCHEWAN AND HUDSON BAY RAILWAY COMPANY BILL.

PETITION PRESENTED.

Hon. Mr. WATSON presented a petition from the Brandon, Saskatchewan and Hudson Bay Railway Company praying for the passing of an Act extending the time for the commencement and completion of their railway and moved the suspension of the rule.

Hon. Mr. LANDRY—That can only be done on the recommendation of the Standing Orders Committee.

Hon. Mr. YOUNG—There are two courses open to the hon. gentleman ; one to present a petition praying for leave to present a petition, and the other to do as was done the other day, with the consent of the House, to move for the suspension of the rules.

Hon. Mr. LANDRY—I do not agree with the hon. gentleman. Rule 17 gives us the right to suspend the rules, but there is a proviso that 'No motion for the suspension of the rules upon any petition for a private Bill shall be in order unless the same shall have been recommended by the Committee on Standing Orders.'

The SPEAKER—I think the point is well taken and that the petition should be referred to the Committee on Standing Orders.

Hon. Mr. WATSON—Does the hon. gentleman persist in his objection to the suspension of the rules ?

Hon. Mr. LANDRY—Yes, I do. This is not a divorce case.

Hon. Mr. WATSON—No, but it is important that this company should have the extension of time for which they petition. Of course if the hon. gentleman presses his objection, I shall have to take another course, but as the Bill originates here I am anxious to have it passed and referred to the House of Commons.

Hon. Mr. LANDRY—If there is no urgency claimed——

Hon. Mr. WATSON—But there is urgency.

Hon. Mr. LANDRY—We do not see it.

Hon. Mr. WATSON—Parliament has been in session now over four months, and I think it is important that there should be no delay which could be avoided in getting this Bill through the Senate.

Hon. Mr. LANDRY—I want our rules to be observed. Every day we are asked to

suspend the rules of this House, and they amount to nothing. I will let it pass for to-day.

A CORRECTION.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to call the attention of the Senate to our minutes of the last meeting of the House. It appears in this form :

The Honourable Mr. Templeman moved, seconded by the Honourable Mr. Ferguson, that as a mark of sympathy for the Honourable the Secretary of State in his present bereavement, the Senate do now adjourn.

The question of concurrence being put thereon, it was unanimously resolved in the affirmative.

Then on motion of the Right Honourable Sir Richard Cartwright, seconded by the Honourable Mr. Power, the Senate adjourned until Tuesday next, at 3 o'clock in the afternoon.

I never heard of that second motion.

Hon. Sir RICHARD CARTWRIGHT—I may remark to my hon. friend that as I was not in the House on that occasion the motion could not have been made.

THIRD READINGS.

Bill (AA) An Act respecting certain Patents of the Ideal Manufacturing Company.—(Hon. Mr. Kerr, Toronto.)

Bill (108) An Act to incorporate the Canadian West Life Insurance Company.—(Hon. Mr. Kerr, Toronto.)

Bill (Z) An Act respecting the Canadian Yukon Western Railway Company.—(Hon. Mr. Davis.)

Bill (75) An Act respecting the Battleford and Lake Lenore Railway Company.—(Hon. Mr. Davis.)

OTTAWA RIVER RAILWAY COMPANY BILL.

Hon. Mr. DOMVILLE moved the third reading of Bill (81) An Act respecting the Ottawa River Railway Company, and to change its name to the Central Railway of Canada.

Hon. Mr. OWENS moved in amendment :

That section 4 be amended adding after the word 'substituting' in the 29th line, the words 'section 281 of the Railway Act of 1903,' for the words 'section 239 of the Railway Act.'

That section 7 be amended by adding the following words: 'and the charter and the rights of the company thereunder are hereby declared to be in full force as if the said section 13 had not been passed.'

He said : The first is to correct a clerical error. The object of the latter is to give to the clause the effect which the sub-committee intended.

Hon. Mr. DAVIS—I should like some further explanation from the hon. gentleman. He is proposing to amend two sections of the Bill by means of one motion. I do not understand the second amendment ; will it change any provision of the Bill as it passed the Railway Committee ?

Hon. Mr. OWENS—As hon. gentlemen will see if they will look at the Bill, the intention of the committee was to revive the section relating to the $25,000, which had practically, according to the views of some hon. gentlemen, lapsed ; but the clause does not show very clearly what the intention was, and the object of this amendment is to give the effect to clause 13 which the committee intended.

Hon. Mr. POWER—I think there is a slight error in the amendment proposed by the hon. gentleman to clause 4. The clause in the Bill reads as follows :

The said section 9 is further amended by substituting the figures 281 for the figures 239 in subsection 2, and by adding thereto the following subsection.

What the hon. gentleman intends to do, I think, is to substitute in the 29th line, the words : 'Section 281 of the Railway Act of 1903' for the words : 'Section 239 of the Railway Act.'

Hon. Mr. OWENS—Yes. It might have been more clear if it had stated ; strike out section 281 of the Railway Act of 1903.

Hon. Mr. POWER—Let it go ; I think probably it is all right. It is merely a clerical error.

Hon. Sir RICHARD CARTWRIGHT—I am not quite conversant with the rules of this honourable House, as to matters of procedure, but should not my hon. friend move to refer this back to Committee of the Whole to amend in the manner he proposes.

Hon. Mr. OWENS—It is not necessary.

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

EDWARD NORMAN LEWIS RELIEF BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (142) An Act for the relief of Edward Norman Lewis, a member of the House of Commons.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

SECOND READING.

Bill (99) An Act to incorporate the Title and Trust Company.—(Hon. Mr. McHugh.)

FREE TRANSPORTATION OF SENATORS AND MEMBERS OF THE COMMONS BILL.

ORDER OF THE DAY POSTPONED.

The Order of the Day being called :

House again in Committee of the Whole on Bill (D) An Act to amend the Railway Act, 1903, as regards the free transportation of Senators and Members of the House of Commons.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. CASGRAIN (de Lanaudière)—I might inform this honourable House that, as ordered by the Senate when the measure was first before us, the clerk of the Senate has had proper credentials prepared and has communicated with the various railways. The certificates are being printed, and will be submitted for the approval of senators in a few days or a week at most ; and in the meantime I move that this Order of the Day be discharged, and placed on the Orders of the Day for Tuesday next.

Hon. Mr. YOUNG—I should like to ask the hon. gentleman if the suggestions made by the Senate met with the approval of the railway corporations ?

Hon. Mr. CASGRAIN (de Lanaudière)—I have very much pleasure in informing the Senate that the proposal has met with the approval of the railways with which the clerk has communicated, They have written in reply suggesting a few alterations in the form of the certificate, which alterations have been accepted. I hope that during the course of this week we will be able to present hon. members with proper credentials.

Hon. Sir MACKENZIE BOWELL—Why not let this matter drop.

The motion was agreed to.

CANADA CENTRAL RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. FROST moved the second reading of Bill (EE) An Act respecting the Canada Central Railway Company.

Hon. Mr. FERGUSON—Before the Bill is read the second time, I wish to call the attention of the hon. gentleman to the fact that we have to-day passed the third reading of a Bill which gives to another railway the name of the Central Railway of Canada. The name of this company is the Canada Central. The names are too nearly identical to be at all useful, and I think it a pity that there should be a collision, as there will be, with regard to the names. The names are precisely the same, with the inversion of the words.

Hon. Mr. FROST—I might say that the company in question has had this name for a number of years, and if it is thought there will be any clashing in the names, the matter might be adjusted in committee.

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

LABOUR UNION LABELS BILL.

SECOND READING.

Hon. Mr. DAVIS moved the second reading of Bill (10) An Act respecting Labour Union Labels.

He said : In moving the second reading of this Bill, I should like to say that the Bill has been placed in my name at the request of the gentlemen interested in it. In moving the second reading of this Bill, I do not consider that I am in any way pledged to the principle of the Bill, because I may say I am not in favour of the principle of the Bill at all, but I do recognize the right of any large portion of the people of this country to be heard before a committee of this House. The gentleman promoting the Bill asked me if I would see that it received a second reading and was laid before the committee. He said that the same legislation had been before the House on several occasions, but that they had

never managed to have the Bill put through. He said they had some new arguments to present—I do not know what weight they will have with the committee—but he intimated they had some arguments they would like to place before the committee of the House.

Hon. Sir RICHARD CARTWRIGHT—What committee does the hon. gentleman propose to refer to ?

Hon. Mr. POWER—Banking and Commerce.

Hon. Mr. DAVIS—I do not know what committee. We will take one motion at a time.

Hon. Mr. FERGUSON—I did not expect that this Bill would come up just at this stage, and I had no intention of entering upon the discussion of it ; but under the very doubtful way in which it has been presented to the House I do not think that we would be justified in going on with the second reading. I would be inclined to say, in the words of Shakespeare 'Thou comest in such a questionable shape that I would speak to thee.' The hon. gentleman who introduced the Bill tells us he is not in favour of its principle. That being so, I think it is only trifling with the matter to pass the second reading on any such motion. I think that this question has really been very thoroughly discussed and threshed out in the committee year after year ; and the opinion of members is so well known and so nearly unanimous on the question that it is not worth our while to pass the second reading ; therefore I shall vote against the motion.

Hon. Mr. McMULLEN—I am sorry my hon. friend decided to move the second reading of the Bill to-night, but of course if there is a distinct understanding that the House is not at all pledged to the principle of the Bill I have no desire to prevent the advocates of the measure having an opportunity of appearing before the committee and presenting any new arguments which they may desire to bring forward. We had this Bill before parliament two years ago, I think, when we gave it very full consideration. Every opportunity was afforded to discuss the provisions of the Bill, and after careful consideration and discussion, it was rejected by this chamber. In my humble opinion, Canada cannot afford to transplant into our soil vicious measures of this kind. This legislation has its origin in the United States, which was the first country in which any Act of this character was ever brought into force. It was adopted in 1874 for the purpose of enabling manufacturers of cigars in San Francisco to distinctly draw the line between cigars that were manufactured by white labour and cigars manufactured by Chinese. They employed the label to designate the cigars that were manufactured by white labour, and any that were not so labelled were thereby known to be the manufacture of Chinese labour and were boycotted. They commenced with that, and they succeeded fairly well. The next thing they undertook was to apply the principle to the hatters of the United States. There were about 58 or 60 hat manufacturers in the United States and the Union of Hat Manufacturers commenced to unionize every factory. They went so far as to unionize 46 or 48 factories, and then they addressed circulars to the remaining hat manufacturers in the United States demanding, virtually, the right to unionize the labour in their factories. Some of the employers refused, and were immediately boycotted. Circulars were sent out to all wholesale and retail dealers in hats in the United States, telling them that these hat manufacturers had refused to come into the union and to give their artisans reasonable and proper wages, that some of them were utilizing apprentices who had only been in their employ for a year, to do skilled men's work ; and they went so far as to boycott several dealers. The unions in the United States publish a journal, which has a very large circulation, the 'American Federationist," as it is called. That journal publishes each week and each month the names of all manufacturers who will not consent to bring their factories under the operation of union labour. Every manufacturer receives that paper, and of course carefully reads it, and there he finds the names of all the shops which will not consent to unionize their institutions.

All those who sympathize with union labour are desired to boycott those shops and to boycott every shop that handles their goods. A firm in Danbury—D. K. Loy & Company

—was successfully boycotted in this way in connection with the manufacture of hats. The firm employed about 230 men and manufactured about 400,000 hats per year. They were one of the twelve who refused to unionize their factory, saying that they wanted the opportunity of employing free labour wherever they could get it. The result was that the unions made an effort to stop the sale of goods manufactured by those people, and they did. The firm was compelled to take action, and they issued a writ, and named in that writ every member of the union in Danbury. There was a number of hat manufacturers there who had become members of the union, and a committee was appointed to take charge of the matter. In the writ which was issued they mentioned 400 or 500 men who were the owners of property, in order to prevent the transfer of that property until such time as this question was settled. The case was fought out in the law courts most bitterly and determinedly. The result was that, having the power of the whole labour union of the United States opposed to them, that firm was ruined, simply because they would not consent to have their establishment brought into the union in the way proposed. Now, if there is one thing that we boast of it is the liberty and right of every man in Canada to sell his labour in the highest market and at the best price. Every man should have a right to do that. I do not believe in any person going around organizing shops and bringing men into one organized union in order to force employers of labour to place all their men upon the same footing, giving them the same wages all round, on penalty of being boycotted or having to submit to a strike.

I was in Detroit but a short time ago, and while waiting for the train I noticed some 40 or 50 men painting a boat. The man in charge was standing on the wharf, and I observed that there were one or two workmen pretty drunk and not able to paint very well.

Hon. Mr. CASGRAIN (de Lanaudière)—They were painting red.

Hon. Mr. McMULLEN—They could not even paint the telegraph poles, and I said to the foreman : 'Why do you keep those men ? What is the matter ?' He said : 'I dare not discharge those men—if I discharged them all the rest would leave. I have to do the best I can with the crowd ; I cannot make any choice, they are here along with the others, and if I made an attempt to dismiss them the whole crowd would strike at once.' That is a bad condition of affairs. Why should not a sober, industrious man, a man who makes a study of his business and who becomes an expert, who is capable of earning a good wage, be allowed to sell his own labour as he pleases, without being tied down and kept back by some miserable drone who is no good, but who has to be employed and paid at the same price because he belongs to the organization ? That is the condition of affairs in the United States. If there is any country on the face of the earth to-day that is cursed with organizations of that kind, that is honeycombed with corruption and fraud, it is the United States ; and we cannot afford to transplant into this country the miserable legislation appearing on the statute-book of the United States legalizing organizations of this kind. It is a curse to that country, and will be a curse to us if we permit that state of affairs to exist here. I have nothing to say against labour. I desire to encourage in every proper way all honest artisans and all honest mechanics. We should be in a position to say to every honest man who comes to Canada : 'You will get a fair opportunity to sell your labour in the highest market and to the best advantage. When you come to Canada you come to a country where British liberty exists, and where men are allowed to fight the battle of life untrammelled and unshackled by organizations which tend to keep him back and hold him in bondage.' I have no desire to stand in the way of permitting the advocates of this measure to present their arguments to the committee. It is a British privilege—a right which I have no desire to withhold. If it is the desire of the House I am willing to let the Bill go to committee in order that they may have the opportunity which they desire. My own idea is—I speak simply for myself—that unless they can produce better arguments than I have ever heard, more substantial arguments than those that have already been advanced, it would be imprudent on the part of this independent section of the legislature of the Dominion to enact such a law.

I do not know whether I am expressing the sentiments of others or not. I have not canvassed any one against the Bill; I simply speak the honest sentiments of my own mind. I read the United States newspapers very carefully, and from what I see in them, and from what I gather through institutions with which I am connected in the United States, I know something of what the public suffer from day to day and from year to year, through legislation of this kind in different states of the union. It is a curse to them and they themselves now acknowledge it. The best minds in the United States express openly their regret that they were ever unfortunate enough to permit such legislation to have a place in their laws. They regret it now, but they cannot withdraw it; there is no party powerful enough to remedy this unfortunate condition of things. Where it is going to end I do not know. I hope that Canada will so guard herself against the results of organizations of this kind that we will not permit legislation of that obnoxious character to be transplanted into our virgin soil, take root and grow up to become a curse and injury to our country.

Hon. Mr. CASGRAIN (de Lanaudière)—I understand that this is a public Bill. If so I do not see how it could be, except by special motion of the Senate, referred to any standing committee. As I understand it, the Bill must be discussed in Committee of the Whole. If it is to be discussed in Committee of the Whole, I do not see how we could get any further information.

Hon. Mr. SULLIVAN—There is no motion to refer the Bill to any committee yet. The hon. gentleman has only moved the second reading,

Hon. Mr. CASGRAIN (de Lanaudière)—I understood the hon. gentleman who moved the second reading of the Bill to say that he was not yet in a position to state whether he was in favour of the principle of the Bill or not, that his only object was to have it referred to some standing committee of the House to receive further information; and if they could obtain better reasons than had been given before for this legislation, perhaps the Senate might reverse the decision it has given on similar measures several times in the past. However, I find on looking over the Bill that it is a public measure, and as such should be, according to our rules, discussed in Committee of the Whole, where we could not get any information further than could be afforded by members of this House.

Hon. Mr. McSWEENEY—Two years ago a similar Bill was referred to the Committee on Banking and Commerce.

Hon. Sir MACKENZIE BOWELL—There is no question that this is a public Bill; but it has been the practice in both Houses for a number of years to refer such measures, and in some cases even government Bills, to some of the standing committees or to a special committee, to be discussed by those interested who are not members of parliament. The practice in the past, particularly with respect to this Bill, has been to send it to the Committee on Banking and Commerce. Whether it is advisable to send it again to that committee is a question for the House to decide. I do not think it is necessary for me to explain what my views are upon this measure. I have on every occasion opposed such measures, both in the Senate and in committee. My views upon the question are stronger to-day than they ever were in consequence of the events that are constantly occurring in every part of this country of which we read in the newspapers. The manner in which trades unions have been exercising their powers have, to my mind, placed them beyond favourable consideration by any portion of the community. But I said to the gentleman who is very much interested in this measure, when he spoke to me some little time ago, 'You know very well what my opinions are on these trades unions and the effect they are having on the investment of capital and trade generally; and, speaking for myself, anything I can do to defeat your Bill I shall most assuredly do; but I am not opposed to its going to a committee, if the Senate decide that it is well to hear the further arguments which you say you can advance in favour of the measure.' Having made that promise, if my hon. friend on my right insists on having a division on the second reading, in order to keep my word good, I shall have to vote against his motion although my sympathy is entirely against the Bill.

Hon. Mr. LOUGHEED—Without committing myself to the principle of the Bill as is usually done upon the second reading, I desire to point out that the impression is not correct that this is the same Bill that was introduced in former sessions. An important element has been introduced into this Bill which gives rise to new considerations, and which possibly might affect the ultimate fate of the Bill in the Senate. It is limited to incorporated associations of workingmen; former Bills only related to aggregations of workingmen entirely irrespective of their having any corporate responsibility. This matter of corporate responsibility has been very much discussed, particularly in the English courts and in our own courts, with reference to unions of workingmen. It may be possible that the advocates of this Bill may be able to demonstrate to the Senate that where there is a corporate centre, so to speak, as distinguished from an aggregation of individuals without a corporate entity, this would furnish a better guarantee for the observance of public as well as private rights. We know that where there is a common centre of responsibility such as vests in a corporation, there is usually a much greater guarantee for the observance of law and order and of the private rights which pertain to individuals as well as to the public. I simply say this to disabuse the minds of hon. gentlemen of any misapprehension, and to show that this is not the same Bill that has been before the Senate on former occasions. I do not desire even yet to commit myself to the principles embodied in the Bill, but it seems to me that a discussion of this important element would certainly do no harm; and if it were sent to a special committee where the matter could be duly considered, we could not be said to be doing more than our public duty in giving proper consideration to the measure.

Hon. Mr. CLORAN—I would not have taken any part in this debate if the protest entered by the hon. member for Belleville, and the denunciation made by the hon. gentleman for North Wellington had not been so severe and drastic. I, for one, do not wish this country to understand that the Senate is opposed in principle to the rights of the workingmen of Canada to organize and form unions. They are entitled to organization and to union among themselves, quite as much as the medical or legal fraternity. They are as much entitled to organization as manufacturers or any other class of the community; and why such experienced men as the hon. member for Belleville and my hon. friend for North Wellington should undertake to tell the people of Canada that workingmen can have no place in this country if they belong to unions, is more than I can understand. Are these gentlemen not aware, in talking of British liberty, that there are in England, Scotland and Ireland the strongest and best unions in the world, under the law, along the law, and within the law; that these unions in Great Britain send to the British parliament some of the ablest and most intelligent members that represent British opinions on the floor of the House of Commons? We are asked to-day by these hon. gentlemen to put our foot down once and for all, and stamp out that right to organize, the right of self-preservation, the right of union, because in union is strength——

Hon. Mr. MACDONALD (B.C)—This is not a question of union.

Hon. Mr. CLORAN—I am answering the arguments—not the arguments, but the denunciations, so heavy and so drastic, which have been levelled at the labour organizations of this country. Because in other countries crimes have been committed—not by the unions——

Hon. Sir MACKENZIE BOWELL—The result?

Hon. Mr. CLORAN——the same as crimes are committed in all professions, are we to denounce all organization because of the crimes or misdeeds of individuals? Why urge such drastic measures in the case of workingmen when you do not take the same course when dealing with manufacturers or other classes of people? It is not right that this should go abroad as being the unanimous opinion of the Senate, or even the opinion of the larger portion of this House, as against the rights of the workingmen of Canada. I will not discuss the merits of this Bill to-day, but as a matter of principle I say that our Canadian workingmen have a right to organize and

form unions ; and the desire and effort of parliament should be to keep the unions along the line of the law and within the law. If that is done nothing wrong can come from them ; but if by law you should trample on their rights, then beware that they do not take improper means to get beyond the law. These people are law-abiding citizens ; they pay their taxes into the public treasury ; they are citizens equal with us on the floor of this House ; they are entitled to the protection of the law. Let the law be fair to them, and they will be fair to the laws which govern this country.

Hon. Mr. POWER—I regret to say that I cannot quite agree with the hon. gentleman from Hawkesbury.

Hon. Mr. CLORAN—That is not surprising.

Hon. Mr. POWER—I sometimes agree with the hon. gentleman, but I cannot agree with him on this occasion. The hon. gentleman speaks of the interests of the trades unions being identical with the interests of the workingmen of Canada, and he undertakes to say that any one who crosses the path of the unions is interfering with the rights of the workingmen of Canada. The truth is that the rights of the workingmen of Canada have been more interfered with by members of trades unions than by any other body of people in the country. I wish to call the hon. gentleman's attention to the fact that the number of members of labour unions in Canada is very small indeed as compared with the whole number of workingmen, and those who do not happen to agree with the hon. gentleman may be really looking at the interests of the vast majority of workingmen, even though they are not endorsing the actions of labour unions.

Hon. Mr. CLORAN—How many of the men on any railroad in Canada do not belong to a union ? How many moulders, how many mechanics of any kind, are outside of the trades unions ? I know the agricultural population are not organized, but the artisans are.

Hon. Mr. POWER—I have read the statistics within a comparatively short time, and I know that what I state is correct ;—that there is a very much larger number of workingmen who are not members of unions than there are in the unions.

Hon. Mr. CLORAN—Ordinary labourers.

Hon. Mr. POWER—In this country we are pretty nearly all workingmen, in fact. The hon. gentleman said that the particular class of workingmen who are members of trades unions should have the same rights that doctors and lawyers have. There is just this difference, however. The lawyers are in a sense organized into a union, and the doctors are also. They are fenced around, no doubt ; but it is not the kind of fence which is around the labour unions. No man is allowed to practise law or medicine in this country who has not established, by examination, his fitness to do the work. Now the labour unions have no such tests. They do not as a general rule inquire into a man's fitness. A man, no matter how poor a mechanic he may be, is admitted as a member of a union, sometimes without having undergone any reasonable apprenticeship. The essential qualification for admission of a lawyer or doctor is that he shall have passed an examination to show his fitness to practice his profession. If the principal object of labour unions was to do that——

Hon. Mr. CLORAN—What about serving an apprenticeship? Is not that qualifying?

Hon. Mr. POWER—I happen to know that in a great many unions—I cannot speak of the whole of them—in my own province, there does not appear to be any preliminary apprenticeship. Any man who can drive a nail without hitting his thumb is admitted as a member of a carpenters' union. Then the hon. gentleman talks about the question of the right of workingmen to unite. I do not think any one questions that right. Their right to interfere with other people who do not choose to go into the unions has been questioned, but not their right to unite. I had intended saying—though not as well as he has done—what has just been said by the hon. gentleman from Calgary (Mr. Lougheed). This Bill is altogether different from the Bill which was sent to a committee two or three years ago, because the operation of this measure is limited to labour unions which have become incorporated.

Hon. Mr. SULLIVAN—The last Bill was not sent to a committee. It received the six months hoist.

Hon. Mr. POWER—It undoubtedly makes a difference that the Bill is to apply only to incorporated unions, because when a union becomes incorporated it can be made party to a lawsuit or prosecuted just as an individual might be who did anything improper or illegal. Further, this Bill, assuming that there is nothing in its provisions which does not appear on the surface, does not seem to contain anything which is open to serious objection. It merely confirms to the labour unions the right to use the label which they have registered. I do not say that I shall support the Bill, but I do not see anything very objectionable on the face of it. It was distinctly understood when the hon. gentleman from Saskatchewan introduced the measure, that in sending it to a committee the House would not be committed to the principle of the Bill. The better course to take is to let it go to the committee, probably the Banking and Commerce Committee, which has dealt with a similar Bill, and is very well qualified to deal with this one. While it may be held that the members of the labour unions, or at any rate the persons who control them, are mistaken as to the course they should pursue, still the fact remains that they are a very large, important and valuable class of our population ; and whatever arguments they may have to propose in favour of this measure should be carefully and respectfully heard. The proper place for that hearing is before a standing committee of the Senate where the matter can be discussed in a calm, and good-tempered way. As has been very properly indicated by the hon. gentleman from De Lanaudière, in a Committee of the whole House there would really be no opportunity for hearing what the advocates of the Bill have to say in its favour.

Hon. Mr. MACDONALD (B.C.)—Hon. gentlemen can see perfectly well the drift of this Bill ; its object is to boycott people who do not use the union label. Why should we put a bludgeon in the hands of these unions ? The hon. gentleman from Hawkesbury has spoken as though he were going to face an election—holding out a threat against members of this House because, as he says, we are trying to oppress labour. There is nothing of the kind intended. No one is opposed to labour or to labour unions so long as they behave themselves ; but if they are granted any concession by parliament, they ought to be bound by the strictest rules not to break the law.

We have an object lesson before us in what is occurring in Chicago to-day—labour unions guilty of arson, murder and almost every crime ; and those are the men who dictate to the unions in Canada. All the Canadian unions are affiliated with the United States unions, and the men who commit those crimes which we read about are the men who dictate to our trades unions here. I read not long ago in a California magazine an article by a gentleman who was travelling as a visitor through that country, a man who was perfectly disinterested and who observed the conditions throughout the state. He found that the prices of labour were so high that no work could go on. Plumbers and others were getting $10 a day, blacksmiths and carpenters $5 a day and hod-carriers $3.50. With wages so high building operations and improvements were at a standstill. A contractor who was erecting buildings in that city procured mantels made in Chicago, but when they were delivered in San Francisco the trades unions would not allow them to be touched. The building could not go on. Finally, after a time, they gave in, and said : 'We will forgive you this time ; we will put in the mantels, but do not do it again.' This writer described having seen non-union teamsters dragged from their wagons and their arms broken with iron bars on the streets. The police would give them no protection, because they were under the control of the mayor, who was himself a union man. In the face of such facts, are we justified in giving any class of people who are not oppressed, who are as free as others, this special power ? Are we justified in putting a bludgeon in their hands to strike down other people ? They talk about freedom ; where is the freedom that these people allow ? They are the most tyrannical men in the world ; and if you want proof of it, read the descriptions of incidents that are occurring every day in the neighbouring country.

This Bill has received consideration enough. I shall not move the six months hoist, as some hon. gentlemen wish to have it discussed to ascertain what arguments these men can advance why they should be permitted to put their label on goods. I think it is a piece of gross impertinence—nothing more or less. I pay men wages to do certain work; they get what I agree to give them, and that should satisfy them. They have nothing to do with my goods or the marks I put on them. If the Bill goes to a committee it ought to be amended to provide that all alliances with unions outside of Canada should be illegal. In that way our own people might control their own affairs and not be subject to the dictation of men who are continually breaking the law and are guilty of the grossest crimes.

Hon. Mr. SULLIVAN—It is greatly to be regretted that the hon. gentleman who launched this measure should have given it a black eye at the start, thereby awakening a certain amount of animosity and ill-feeling. Had he introduced it in a gentler manner, it might have been discussed more quietly. I congratulate the Senate on the more amicable spirit expressed to-day as compared with the last occasion. I suppose these gentlemen believe that by persistence and perseverance they will succeed. On the last occasion I remember it was summarily dealt with. There was not any discussion or special attention given to the Bill. I supported it on that occasion, not because I approved of all the purposes of the Bill, but because I think it is the inalienable right of any citizens of this country to submit to the Senate any measure they desire, provided it is not in violation of the rules of propriety and procedure of the Senate. They should have that right and it is not becoming—it is very ungracious and not calculated to make this Senate popular—to hastily reject any measure submitted to them, whether it be just or not. That is the ground on which I supported this Bill on a former occasion, and it is the spirit which should actuate the Senate to-day, whether they approve of the principle of the Bill or not.

I have not read this Bill carefully, but the point under discussion now is whether it should be given a second reading or not. From the expressions of hon. gentlemen who are very much opposed to it, I am glad to see that an opportunity will be given to discuss it in committee. I am sure the discussion will do a great deal of good, and it is only ordinary politeness and courtesy, which the Senate should show to every citizen.

Hon. Mr. GIBSON—My hon. friend from Hawkesbury takes the ground that many members of this House are opposed to trades unions. I am within my rights in saying that few men of my age have had more experience of trades unions than I have, but while I have always been willing to accept the principle of trades unionism, I think the Senate should pause before committing itself to the passage of this Bill. What is the object? To dominate through trades unions and wage warfare against manufacturers who do not see eye to eye with them. Take the case of a large manufacturing concern producing ready-made clothing. If this Bill should become law, a workingman going into a store where ready-made clothing is sold, if he does not find the union label on the goods will not buy them. They may be properly made, they may have been made by union labour, under union hours, union wages, and union rules, but without the union label he would not buy them. The object of this Bill is to compel the manufacturer to use the union label, and to prevent the sale of his goods if he does not use it. No one objects to trades unions. A man who does not belong to a trades union is either incapable of doing his work, or an inferior workman. I hold it is the duty of every workman to belong to a union of his craft.

While I admit that, at the same time I ask why should the union be permitted to dictate to the tailors as to whose label should be put upon my coat, vest or trousers? The effect of these unions is more far-reaching than hon. members of the Senate have any idea of. Take the case of a brickmaker; an architect is employed, and a contractor consents to erect a certain building. The foundations are put in by masons who belong to the union, by labourers who belong to the union and bricklayers who belong to the union; but the bricks have not the

marks of the labour union upon them, and therefore the bricklayers refuse to proceed.

I move the adjournment of the debate.

The motion was agreed to.

BILLS ASSENTED TO.

The Honourable Sir Henri E. Taschereau, acting as Deputy to His Excellency the Governor General, 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 the Deputy Governor's desire that they attend him immediately in this House.'

Who being come with their Speaker,

The Law Clerk of the Senate read the titles of the Bills to be passed, as follows:—

An Act to amend the Mounted Police Act, 1894.

An Act to amend the Quebec Harbour Commissioners Act, 1899.

An Act to incorporate the London and St. Clair Railway Company.,

An Act to incorporate the Georgian Bay and Seaboard Railway Company.

An Act respecting the Calgary and Edmonton Railway Company.

An Act respecting the Walkerton and Lucknow Railway Company.

An Act respecting the Atlantic, Quebec and Western Railway Company.

An Act respecting Contracts for Government Works.

An Act to amend the Act respecting the Department of Railways and Canals.

An Act to amend the Public Works Act.

An Act to amend the Railway Act, 1903.

An Act respecting the Census and Statistics.

An Act respecting the Canada and Michigan Bridge and Tunnel Company.

An Act respecting the Canada Southern Railway Company.

An Act respecting the Canada Southern Bridge Company.

An Act respecting the Columbia and Western Railway Company.

An Act respecting the Ottawa, Northern and Western Railway Company.

An Act respecting the Vancouver, Westminster and Yukon Railway Company.

An Act respecting the Toronto and Hamilton Railway Company.

An Act respecting the Niagara-Welland Power Company.

An Act respecting the Regina and Hudson's Bay Railway Company.

An Act respecting the Lake Champlain and St. Lawrence Ship Canal.

An Act respecting the Canadian Pacific Railway Company.

An Act respecting the Kootenay, Cariboo and Pacific Railway Company.

An Act respecting the Red Deer Valley Railway and Coal Company.

An Act respecting the Molsons Bank.

An Act to incorporate the St. Mary's and Western Ontario Railway Company.

An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company.

An Act to incorporate the Sovereign Fire Assurance Company of Canada

An Act to incorporate the Calgary, Red Deer and Battleford Railway Company.

An Act respecting certain patents of the Facer Solid Steel Car Wheel Company, of Perth, Limited.

An Act respecting a Patent of the Paper Goods Company, Limited.

An Act respecting certain Patents of Jean Effront.

An Act to incorporate the Lebonk and Thunder Bay Railway Company.

An Act respecting the Macleod, Cardston and Montana Railway Company.

An Act respecting the Bay of Quinté Railway Company.

An Act respecting the Monterey Electric Gas Company, and to change its name to 'The Monterey Railway, Light and Power Company.'

An Act respecting the Brockville, Westport and Northwestern Railway Company.

An Act to incorporate the Calgary and Battleford Railway Company.

An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities.

An Act respecting the Century Life Insurance Company.

An Act to incorporate the Imperial Guarantee and Accident Insurance Company.

An Act respecting the Grand Council of the Catholic Mutual Benefit Association of Canada.

An Act to incorporate the Ontario Fire Insurance Company.

An Act to incorporate the Annuity Company of Canada.

An Act respecting the Medicine Hat and Northern Alberta Railway Company.

An Act to incorporate the Athabaska Northern Railway Company.

An Act respecting the Hudson's Bay and Pacific Railway Company.

An Act respecting the Alberta Central Railway Company.

An Act respecting the Timigami Railway Company, and to change its name to 'The Ontario Northern Timigami Railway Company.'

An Act respecting the Montreal and Southern Counties Railway Company.

An Act respecting the Guelph and Georgian Bay Railway Company.

An Act to incorporate the Athabaska Railway Company.

An Act for the relief of James Arthur Prior.

An Act to incorporate the Moose Jaw and Edmonton Railway Company.

An Act respecting a Patent of the Gold Medal Furniture Manufacturing Company, Limited.

An Act for the relief of Edward Albert Murphy.

An Act respecting the Grand Trunk Railway Company of Canada.

An Act respecting the Canada Atlantic Railway Company of Canada.

An Act to incorporate the Brantford and Woodstock Railway Company.

An Act to incorporate the Algoma Copper Range Railway Company.

An Act respecting the Central Counties Railway Company.

An Act respecting the Northern Bank.

An Act respecting the Board of the Presbyterian College, Halifax.

An Act to incorporate the Crown Casualty Company of Canada.

An Act respecting the Richmond and Drummond Fire Insurance Company.

An Act respecting a certain Patent of Celeste Joly.

An Act respecting the Toronto, Hamilton and Buffalo Railway Company.

An Act to incorporate the Saskatchewan Bridge Company.

An Act respecting the Esquimalt and Nanaimo Railway Company.

An Act to incorporate the Canadian West Life Insurance Company.

An Act respecting the Battleford and Lake Lenore Railway Company.

An Act to incorporate the Montreal, Quebec and Southern Railway Company.

An Act respecting the Citizens' Bank of Canada.

An Act respecting the administration of an Act respecting the Packing and Sale of certain Staple Commodities.

A QUESTION OF PRIVILEGE.

THE DEPUTY GOVERNOR.

Hon. Mr. LANDRY—Before the House adjourns, I wish to call the attention of hon. members to two or three matters which have arisen since the session of the House has been suspended. During the proceedings which have just taken place I notice that a stranger has been sitting on the floor of this House. I think that this should not happen in the future. No stranger should be admitted, except by special leave of this House, within the precincts while Bills are being assented to by the Governor General or Deputy Governor.

I wish further to know if any notice was given to this House that the Governor General or his deputy was to come here and assent to Bills ? Referring to the proceedings of last year, we find that during the sitting of this House on the 6th day of June, 1904, a message was sent to the Senate by the Governor General. His Honour the Speaker informed the Senate that he received the following communication from the Governor General's secretary :

Office of the Governor General's Secretary,
Ottawa, June 6, 1904.

Sir,—I have the honour to inform you that the Honourable Mr. Justice Sedgewick, acting as Deputy to His Excellency the Governor General, will proceed to the Senate Chamber this afternoon at 4 o'clock, for the purpose of giving assent to certain Bills which have passed the Senate and House of Commons during the present session.

I have the honour to be, Sir,
Your obedient servant,
F. S. MAUDE, Major.
Governor General's Secretary.

The Honourable
The Speaker of the Senate.

The SPEAKER—Will the hon. gentleman tell me by whom this notice was signed ?

Hon. Mr. LANDRY—By the Governor General's secretary. He sent a notice stating that the Deputy Governor would be here at a certain hour to assent to certain Bills, and in accordance with that notice the Deputy Governor came here and assented to certain Bills. This was done in the middle of the session, just as Bills have to-day been assented to. As every one knows, at the end of the session, when the Governor General comes here, we are always notified of the hour at which he will attend. In 1904 a notice was sent by the Governor General's secretary, Major Maude, informing the Senate that His Excellency would proceed to the Senate chamber and prorogue parliament.

Hon. Mr. BAKER—That is always done.

Hon. Mr. LANDRY—It has always been done except by one person. On the 10th August last year, the following notice was received and read by the Speaker of this House :

Office of the Governor General's Secretary,
Ottawa, August 10, 1904.

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 parliament on Wednesday the 10th instant, at four o'clock p.m.

I have the honour to be, Sir,
Your obedient servant,
F. S. MAUDE, Major.
Governor General's Secretary.

The Honourable
The Speaker of the Senate.

The Bills were assented to on that occasion by the Governor General himself ; he came after having given us proper notice. As already stated, on the 6th June of the

same session a similar notice was sent by the Governor General's secretary informing the Senate that Mr. Justice Sedgewick, acting as deputy to His Excellency the Governor General would proceed to the Senate chamber at four o'clock p.m. for the purpose of giving assent to certain Bills. Again, on the 18th July of the same session, and in accordance with notice given beforehand we find that :

'The Hon. Mr. Justice Sedgewick, acting as deputy to His Excellency the Governor General, being seated at the foot of the throne', assented to certain Bills which are set forth in the minutes of that date.

On the 25th June, 1903, I find the following entry in the minutes, but there is no notice or intimation from the Governor General's secretary as in the other cases I have mentioned :

'The Hon. Sir Henri E. Taschereau, acting as deputy to His Excellency the Governor General, being seated at the foot of the throne,

The Hon. the Speaker commanded the Gentleman Usher of the Black Rod to proceed to the House of Commons, &c.'

It will be seen that there is nothing on record to show that notice was given on that occasion, as is usually done. I wish to know why no notice has been given to the Senate on this occasion to explain why our proceedings have been interrupted, and in what way the hon. the Speaker received notice that the Governor General's deputy was coming to assent to some of the Bills passed this session.

The SPEAKER—I received no written notice of the intention of the Honourable the Deputy Governor to be in the Senate at five o'clock to assent to certain Bills. I was only notified by the Honourable the Deputy Governor verbally, through a page of this chamber, that he had reached my private chambers in order to be here at five o'clock to assent to some Bills. I had been informally notified by a minister of the cabinet that the Deputy Governor would be here at five o'clock, but I received no written notice.

Hon. Mr. LANDRY—I think it is one of the privileges of this chamber to be notified in the proper way, and in the future we should insist upon it, that the Governor General when he comes here or sends his deputy, should give us notice in the usual way. I do not see why we have departed from this rule which has always been followed in the past. I have been able to find but one precedent for the course pursued to-day, the one which I have mentioned, when the Hon. Justice Taschereau came here at one time last year and took his seat at the foot of the throne. I do not object to his taking the throne this time, if he is entitled to it, but if he is entitled to it, we are entitled to some courtesy on the part of the Crown.

Hon. Sir MACKENZIE BOWELL—There can be no question that the proceedings to-day have been of a very irregular character, and not in accordance with the precedents or usages of this House. In what manner will the clerk make an entry of to-day's proceedings? The first we knew or heard of any intention on the part of the Governor General or the deputy representing the Governor General coming to this House was on a motion of a private member to adjourn the debate. No one knew why that adjournment was proposed until the hon. gentleman intimated that he understood the Governor General or his representative would be here in a very short time to assent to certain Bills.

Hon. Mr. GIBSON—I am sure the hon. gentleman does not wish to misrepresent me. The Speaker called my attention to the fact and asked me to stop speaking.

Hon. Sir MACKENZIE BOWELL—I am not misrepresenting the hon. gentleman. I am stating what occurred. How was the Senate to know that the Speaker conveyed the intimation to the hon. gentleman.

Hon. Mr. GIBSON—He spoke in an audible voice.

Hon. Sir MACKENZIE BOWELL—I did not hear it. I am not complaining of the hon. gentleman. I am speaking of the proceedings as being not only undignified, but not at all in accordance with the usages of this House. This is the first time I have heard of the Deputy Governor coming down and ordering the Speaker's chair to be removed.

Hon. Mr. TESSIER—Did he order the Speaker's chair to be removed ?

Hon. Sir MACKENZIE BOWELL—I understand he informed an official of the House that he would not appear in this chamber to assent to the Bills unless the Speaker's chair was removed so that he might occupy the chair of His Excellency. That is something new. Whether he is entitled to that position or not, I do not know; but I am of the opinion expressed by the hon. gentleman who has brought the matter before the Senate, that if there is anything in the constitution or practice and precedents of parliament to entitle him to it, the Senate is equally entitled to notice. The hon. minister who represents the Government in this House at the present moment, has not been long in the Senate, but I can say that since I have been here nothing, so far as I recollect, occurred which would be a precedent for the course pursued to-day. I think it is well that the members of the Senate should take some little time to consider this matter and place on record its disapproval of the manner in which the proceedings of to-day have been conducted, and let us ascertain where the blame lies. We are getting into very irregular ways, and we are somewhat lax, I am sorry to say, even in our rules. To my mind this is carrying things a little too far.

Hon. Sir RICHARD CARTWRIGHT—As the hon. member from Belleville has said, I have not assisted in any ceremony of this kind before, but I am disposed entirely to agree with the hon. gentlemen who have spoken in thinking that a formal communication should have been made to you, Mr. Speaker, and I will take care that it be represented in the proper quarter. I am not absolutely certain who has been in error in the matter, but it appears to me that the secretary of His Excellency should have communicated with you in writing, as I have understood has been the practice on former occasions, and as it appears to me is far more consonant with the dignity of the House than sending a message to you in the way the leader of the opposition has described. I will see that this matter is represented in the proper quarter.

Hon. Mr. LANDRY—What about the Throne?

Hon. Sir RICHARD CARTWRIGHT—As to the point the hon. gentleman has raised touching the chair, that possibly may require, as on other occasions, to be referred to the home authorities for decision. It involves some grave constitutional questions.

Hon. Mr. CLORAN—He has the right to the title of His Excellency, and therefore to occupy the chair.

BILLS INTRODUCED.

Bill (141) An Act respecting the Kaslo and Lardo-Duncan Railway Company.—(Hon. Mr. Templeman.)

Bill (No. 148) An Act to amend the Act respecting the incorporation of Live Stock Record Associations.—(Sir Richard Cartwright.)

Bill (131) An Act respecting the Vancouver and Coast-Kootenay Railway Company.—(Hon. Mr. Young.)

Bill (140) An Act respecting the Northwest Coal and Coke Railway Company, and to change its name to the Great West Railway Company.

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

SENATE.

Ottawa, Wednesday, May 17, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

EMPLOYMENT OF ALIENS ON GRAND TRUNK PACIFIC RAILWAY.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to :

Call the attention of the government to a portion of the report of Judge Winchester, who was appointed to inquire into the truth or falsity of the allegations that the Grand Trunk Pacific Railway managers were employing civil engineers from the United States to the exclusion of Dominion engineers, as follows:—

Referring to the capability and availability of Canadian engineers, Judge Winchester says: 'Mr. Hays and Mr. Stephens, having stated that they were unable to obtain capable Canadian engineers to do the necessary work in connection with this railway, I made inquiry with reference to the capability and availability of

engineers bona fide residents in Canada, and examined a number of eminent engineers on that question. The consensus of their evidence is that there was a sufficient number of capable engineers to perform the work as well, if not better than, the American engineers appointed, and that had reasonable efforts been made by Mr. Hays or Mr. Stephens, they would have had no difficulty whatever in obtaining the necessary talent for the work to be performed.'

Judge Winchester quotes from the evidence of Sir Sandford Fleming and others as to the ability of Canadian engineers and says: 'In addition to the evidence of the engineers above mentioned, who were unanimous in stating the Canadian engineers were not inferior to the American engineers for the work in question, and some of whom stated that they were superior, having a better knowledge of our northern country, and that a sufficient number were available for such work at the salaries offered, I examined Mr. William Mackenzie, whose firm are constructing the Canadian Northern Railway, and he stated that he did not know a single engineer in connection with that railway who was an American. I also examined Mr. A. W. Campbell, Assistant Commissioner of Public Works for Ontario, and a civil engineer, and who had charge of the construction of the Temiscamingue and Northern Ontario Railway. He stated that he had no difficulty in obtaining Canadian engineers to take charge of the location and construction of that railway; in fact, he had so many applications that he did not know what to do with them.'

The conclusion of the report is as follows:—'As a result of the evidence taken before me during the investigation I am of opinion that there was no earnest endeavour made to obtain Canadian engineers for the location of the Grand Trunk Pacific Railway by those having authority to employ such; that had such an effort been made there would have been no difficulty in obtaining a sufficient number capable not only of locating, but of constructing the whole work. In the word "engineers" I include all from the chief engineer and harbour engineer to the trasitmen, draughtsmen, levellers and topographers. There was, however, a very earnest desire to obtain American engineers for the work, and in some cases applications were made to the heads of other railway companies to relieve men for the purpose of having them brought to Canada to be employed on this road. I have already stated the number of American engineers so employed. I find also, from the evidence, that the Canadian engineers are not inferior to the American engineers for the work in question, but having a superior knowledge of the country they are better qualified for that work. I also desire to state that the Canadian engineers are not asking for protection for themselves, but merely desire that no discrimination be made against them. That discrimination has been made against them, in my opinion, there is no doubt.'

And to ask if the government has taken any steps to enforce the Alien Labour Act? How many United States civil engineers are employed on the Grand Trunk Pacific Railway survey and how many Dominion engineers?

He said: I suppose the hon. Minister of Trade and Commerce realizes fully that some injury has been done to the people of Canada by the importation of engineers from the United States to work in Canada, and if the Alien Labour Act is not sufficiently comprehensive to put a stop to that abuse it should be amended by the government of Canada. The government tell us that it is not their business to institute a prosecution. It is perfectly clear that individuals have not the means to pursue a long prosecution in the courts, and if the matter is not taken charge of by the government, or some power with authority and money to carry on the prosecution, the abuse will continue. The report of Judge Winchester is clear and exhaustive. I think he is a splendid man for that class of work. He has demonstrated conclusively that the Grand Trunk Pacific people have told untruths, and that they did not endeavour to use their influence in the employment of Canada engineers on this work, but that they have sent to the United States of America for the members of their engineering staff. They have not employed idle men but have selected men that were employed on other railways, taking them from their work in the United States, to give them employment in Canada. That is very reprehensible, and constitutes an injury to our people. Since I placed this notice on the order paper, Judge Winchester has conducted an inquiry into the conduct of the Père Marquette Railway Company and it has been found that Canadians have been dismissed without any cause and United States citizens employed in their stead.

Hon. Sir RICHARD CARTWRIGHT—In reply to the questions asked by the hon. member from Victoria, I may say that I am informed that out of twenty-four persons reported against by his Honour Judge Winchester, fifteen have left the service of the company, in consequence of the steps taken by the government to enforce the Alien Labour Act. Some of those parties were deported at the express instance of the Attorney General, and some others left to escape the consequences of violating the Alien Labour Act. With respect to the hon. gentleman's second question, I have here a list of the positions occupied on the Grand Trunk Pacific survey which I will read to the House and lay on the table. It is as follows:

Positions.	Americans.	Canadians.	British.	Total
Division engineers		....	1	3
District "	....	1	....	1
Assistant "	3	14	3	20
Draughtsmen	3	19	5	27
Levellers	2	10	...	12
Transitmen	2	9	..	11
Topographers	....	10	1	11
Harbour engineers	1	....	..	1
Office "	1	3	....	4
Stenographers	....	4	1	5
	14	70	11	95

Axemen, chainmen, cooks, packers, &c., all Canadians.

Hon. Sir MACKENZIE BOWELL—I understand the hon. gentleman to say that some of those parties who had been brought to this country in violation of the Alien Labour law were deported at the expense of the country.

Hon. Sir RICHARD CARTWRIGHT—I said at the express instance of the Attorney General.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman's reply is much more satisfactory than I thought it would be. I am glad some steps have been taken to enforce the Alien Labour Act. I wish it distinctly understood that in this matter we did not throw the first stone. The United States began it, and we are only paying them in their own coin. In everything, including the tariff, we should be prepared to meet them. I would not have moved in this matter if our friends to the south had not moved first; and I hope we will always be able to meet them, and hold our own.

Hon. Mr. CASGRAIN (de Lanaudière)—I would remind the hon. gentleman that a very great many of the best graduates of McGill have found profitable employment as engineers in the United States, and are drawing very large salaries there. I was told by Prof. Bovey, who is the head of the engineering faculty at McGill, that of the engineers who have graduated at McGill, Canadians, a certain number are drawing salaries aggregating in some years $1,000,000; so I believe we should be very guarded, and not be too hard on engineers coming from the United States, when the neighbouring republic has in the past shown such consideration for and appreciation of Canadian engineers.

Hon. Mr. MACDONALD (B.C.)—Does the hon. gentleman know whether the Canadians to whom he refers, who are employed in the United States, have taken the oath of allegiance or declared their intention to do so.

Hon. Mr. CASGRAIN—I am not aware of that.

Hon. Mr. MACDONALD (B.C.)—I think it is very likely they had to do that to get employment, and if engineers from the United States come here and become naturalized, or declare their intention to become naturalized, they would be treated the same as Canadian engineers.

THE DEPUTY GOVERNOR.

Hon. Mr. MILLER—Before passing to the Orders of the Day, I desire to call attention to what I consider the unseemly and unprecedented proceedings of yesterday in this chamber, in consequence of the extraordinary action of the Deputy Governor. That gentleman seems to have—in fact it is a matter of public notoriety—a very high estimate of his own rights and dignity, but it strikes me that he does not entertain the same estimate of the rights and dignity of the Senate, although it is the highest legislative body in the land. I am induced to call the attention of the acting leader of the House, the Minister of Trade and Commerce, to the subject to-day in consequence of a remark which fell from him during the discussion yesterday when I was not present. The hon. gentleman said that he would take care that the debate of yesterday was reported in the proper quarter, with a view, I presume, of having some satisfactory explanation or apology offered to this House, for the very cavalier manner in which we were treated by the Deputy Governor. I desire, however, chiefly to call the attention of the leader of the House, and of the House itself, to a larger and more important phase of the question discussed yesterday than the discussion itself disclosed. The incidents of the removal of the chair and the want of notice are of themselves very important, and I think involve gross discourtesy to this branch of parliament. I wish to ask the

attention of the House and of my hon. friend the Minister of Trade and Commerce, in view of the representations he intends to make in the proper quarter, to another and higher phase of the case. I contend, and have always contended, that the Governor General of this country has no higher duty to discharge than when he comes down to this chamber, as one of the three constituent branches of parliament, to give his solemn assent to the laws of the land. I know of no function of the Governor General's high office which is more important and which should be exercised with more solemnity than that function. It is a more important occasion than when the Governor General comes here with so much pomp and ceremony to open the session of parliament. It is true it may be said that in England sometimes, a commission is issued by the sovereign to give assent to Bills and perform other functions of the King as one of the branches of parliament. The three branches of parliament, as all know, are in England the King, Lords and Commons, and in Canada, they are Governor General or the Deputy of the Crown, the Senate, and the House of Commons. I say it may be true that this duty sometimes devolves upon a commissioner in England, but the commissioner then becomes the direct deputy of the King. It is only one remove from the King himself, but here it is very different. The Governor General who I say is the deputy of the King, authorizes his deputy —that is, the deputy of a deputy—to come down here and perform the most essential function of his office.

This is not, in my opinion, treating the Senate and the House of Commons with that respect and consideration to which they are entitled under the spirit of our colonial constitution, and I think according to all the traditions of colonial parliaments. When the Chief Justice comes down, the highest rank he can have is that of Chief Justice, His office as Deputy Governor is not in the table of precedence or titles. He has no special rank under the table of precedence settled by the Crown. The highest rank he can claim is that of Chief Justice, when he comes down under the commission to give his assent to Bills. I am told it is questionable whether the commission was made out yesterday or not. That is a very important matter. If the Deputy Governor came down yesterday before he received his commission and before the commission was made out, to assent to Bills, they may be called in question hereafter. But I say his special rank as Chief Justice, as settled by the Crown, is inferior to that of Speaker of the House, and I think that the chair which is good enough for our Speaker is good enough for any Deputy Governor that may come down for any purpose whatever.

Before passing from this subject I wish to relieve the present Governor General of all blame whatever in regard to the practice which has prevailed in Canada for some years past in regard to the manner of giving the royal assent to Bills. The custom has been on occasions such as yesterday to send down Deputy Governors to do the work of the Governor General. I think it is a bad custom. It originated in the Tory time, and there is too much pomp and frills about it. I do not think it is a custom which the present Governor General would care to adhere to if he thought it was not entirely satisfactory to both branches of parliament; but the present Governor General finds this custom existing and he does not wish to depart from it. He might be accused of wanting to make too ostentatious a display in coming down in person unnecessarily. I suppose that is the light in which the present Governor General looks upon it, because we have seen enough of the present distinguished occupant of the vice regal position to know that he is not a man to desire unnecessary ceremony.

We have other Deputy Governors besides the gentleman who was on the floor of the House yesterday. We have, for instance, the Clerk of the Privy Council. Now suppose the Clerk of the Privy Council comes down here under commission to assent to Bills as he has done previously, what would be thought of his sending a message through a page of the House that he would not come in unless the Speaker's chair was removed and he was given a seat on the Throne? More than that, we have a clerk in the Governor General's office, a Deputy Governor; and it would be just as proper to authorize him by commission to come down here and perform any function that the Deputy of the Governor has the power to perform. Supposing that Mr. Jones, of the Governor

General's office, comes to the Senate and goes to the Speaker's chambers, where he has no right to go unless he is invited. He has no right to go there unless with the authority of the Speaker of the House. But supposing Mr. Jones were to come here, authorized under commission to perform certain functions in this House, and he were to send in a message to this House that he would not come in here unless the Speaker's chair was removed, and unless he was given the privileges of the vice regal chair and permitted to occupy the Throne, would not that be a pretty state of things ? There is another breach of the privileges of this House, and that is in sending a page with the message. There is only one proper authority to convey messages from the Crown or the representatives of the Crown to either House of parliament. The message sent yesterday to the Speaker was a message to the House. The Deputy of the Governor General has a right to send the message through the sovereign's messenger, Black Rod, and not through a page of the House. Black Rod is specially appointed for the purpose of conveying messages from the Crown to the Houses of parliament, and it was his duty to deliver the message to Black Rod. I do not care to remark upon the extraordinary eccentricities of the gentleman on the floor yesterday. They are matters of notoriety in this country, and I venture to say have to some extent brought his high once into ridicule in this country. His predecessor, who was admittedly a great lawyer—which the present Chief Justice is not supposed to be, although he is very strong on the dignity of his office—frequently came down here and occupied the Speaker's chair and never had any hesitation in doing so. When I was Speaker I laid down the rule that my chair was not to be removed for any Deputy Governor, and that the Deputy Governor should occupy it, and while I was Speaker that rule was adhered to, and I think if the message had been sent to me yesterday, if I had been in the Speaker's chair I should not have consented to it ; but I can readily understand that the present Speaker who has been only a short time in the chair, and who has given marked tokens of ability, impartiality and courtesy, of which we all approve—I can readily understand his being taken aback by the extraordinary proceedings of yesterday, and not vindicating the dignity of his position perhaps as strictly as other people might do. I think it would be a good time for the government, as their attention has been called to the subject, to consider the whole matter. Of course in unavoidable cases neither House would object to the high functions of the Governor General being performed by a deputy, but I think where there is no unavoidable necessity, since it is one of the highest functions which the Governor General in this country is called upon to perform as a representative of the Crown as one of the three branches of parliament, that that duty should be performed in person. It would not perhaps be an analogous case, but would it not be most incongruous if the other branch of the legislature should send up its Deputy Speaker with the Sergeant-at-Arms to assent on its behalf to the Bills requiring the royal assent, which has constitutionally to be given in presence of both Houses of parliament. As the matter has been brought under the attention of the government, something may be considered due to both the Senate and the House of Commons as well as to the third branch of parliament ; and perhaps a little more care and a little more courtesy would be exhibited in dealing with this House and the House of Commons on such occasions. I believe that the present Governor General would be one of the last men to desire anything that would give occasion for dissatisfaction of a public character, and I believe that he would be met in the most cordial spirit if any steps were taken to remedy the present unsatisfactory state of affairs.

Hon. Sir RICHARD CARTWRIGHT—As I intimated yesterday, I entirely concur in the view which was expressed on both sides of the House that there had been a lack of the proper ceremonial and of the formalities which ought to be observed on such occasions as the hon. gentleman has referred to, and I can only repeat the assurance then given that I intend to take—and have already taken—steps to call the attention of the proper authorities to the questions which have been raised. As to the important point which my hon. friend has raised, whether the Governor General being himself in a sense the deputy sovereign,

could properly delegate such a matter, I must refer him to the precedents that have occurred. I believe on many occasions a deputy has been authorized to give the royal assent to measures which have passed both Houses.

Hon. Mr. MILLER—No doubt about that.

Hon. Sir RICHARD CARTWRIGHT—That is my recollection, and I think I am correct in that. Other things being equal, I have no doubt the Governor General would discharge that function in person, but he was absent some days from the capital I am told, and could not very conveniently return in time to give the sanction of the Crown to the measures which we have passed. I do not think, however, that at the present moment there would be much gained by prolonging the discussion. I simply repeat the assurance that I have already given to the House that I will take care that this matter is fully represented in the proper quarters.

Hon. Mr. BEIQUE—I rise merely to say that I cannot remain silent after the personal attacks which have been made on the Chief Justice of this country. I well understand the advisability of claiming the privileges of this honourable House and I was one who appreciated the remarks which were offered in that direction yesterday. I doubt, however, if it tends to maintain the dignity of this honourable House to raise the same question too often. It was very properly brought up yesterday, and I think for my part that we might be content with the remarks which were then offered; but to take occasion, when asserting the dignity of this honourable House, to make aspersions and personal attacks on the Chief Justice of this country is a matter which I cannot for my part listen to without protesting against the remarks which have been made. Exception may be taken to the course which has been adopted by the learned Chief Justice, but with reference to his standing at the bar or on the bench—his qualifications for his office—I think his ability is appreciated all over the country, and that he is not in any way inferior to his predecessors as has been suggested.

The SPEAKER—When I was notified last evening by the Gentleman Usher of the Black Rod that His Honour the Deputy Governor was claiming the right to the vice-regal chair, I was not unaware of clause 8 of the Forms of Proceeding of the Senate of Canada which reads as follows:

> The Deputy Governor being come all rise and do not sit down until he has taken his seat on a chair placed at the foot of the throne.

I was not unaware of this statement being found in our manual of procedure, but took it as an indication of the practice heretofore followed rather than a direction. We have no rule on this question, and I was and am still in doubt as to the right of the Senate to determine it. It was not the time to take the sense of this chamber, and I did not know if the Senate claimed the right to interfere in such a matter. I had no occasion to see what is the procedure followed in the House of Lords, and I do not know with whom it rests to decide what is the proper place of the Deputy of His Excellency the Governor General when he comes into this chamber.

AN ADJOURNMENT.

Hon. Sir RICHARD CARTWRIGHT—Before the Orders of the Day are called I should like to mention to the House that I have been approached by several gentlemen on both sides with the proposition that as this House has shown a very commendable spirit of promptitude and brevity in its discussions, which might perhaps be well imitated elsewhere, and as it appears that there is very little likelihood of any business being sent up to us for some time to come, it would meet the wishes of hon. gentlemen on both sides if we were to adjourn to-morrow say for a fortnight. That is a matter of course on which the government feel themselves in the hands of the House. If the House so desire, I will give notice that to-morrow I will move that, when we adjourn, we adjourn for say a fortnight from Tuesday next, if that will meet the views of the House. If there is no objection I should like that this intimation be taken as a notice of motion for to-morrow.

BRITISH CANADIAN EMPIRE LEAGUE BILL.

ORDER OF THE DAY DISCHARGED.

The Order of the Day being called:

Second reading Bill (P) An Act to incorporate the British Canadian Empire League.—(Hon. Mr. Domville.)

Hon. Mr. DOMVILLE—I move that the Order of the Day be discharged and placed on the Orders of the Day for the 6th June.

Hon. Mr. WOOD—I regret that the hon. gentleman has seen fit to make this motion of delay the second time. He has this time given no reasons for asking that this Bill remain upon the order paper. It will be recollected that this Bill was first placed upon the order paper as a public Bill, but when the second reading was moved the question was raised and the Speaker's decision given that it was a private Bill, and such being the case, the rules regarding private Bills should be complied with. The hon. gentleman then, I understood, asked as a favour that it should remain upon the paper for a week pending some negotiations with an influential organization which has its headquarters in Toronto who have given notice that they are opposed to the Bill. I do not see myself how any negotiations which may be carried on with that organization can remedy the objection or overcome the objections which were offered to the Bill having its second reading. In any case it would require public notice, and the rules regarding private Bills would have to be complied with. I do not think, from letters which I, with others, have received from the officials of that organization, that there is any probability or even possibility of these negotiations being brought to a successful conclusion. They desire to oppose this Bill and will oppose it if it reaches the committee stage. Under the circumstances I think the hon. gentleman should not ask that it remain on the paper. If he wishes to bring in a Bill of this kind, he should start at the beginning, give the necessary notice, and proceed in the regular way.

Hon. Mr. DOMVILLE—If the hon. gentleman had spoken to me privately I might have consented, but it is too late now. It would suit me to go on to-morrow, but the adjournment will take place to-morrow. It must come before this honourable House, and I do not think I am asking anything out of the way to fix another day for it. I certainly will on that day lay before this House my views on the measure, and it will be for the House to deal with it. I do not propose to dictate to this honourable House. If the House should come to the conclusion that they do not wish it to go on, I would have no objection to drop the Bill; but before doing so I desire to place my views on record.

Hon. Mr. FERGUSON—It does not matter in the slightest degree whether the delay is till to-morrow or till the 6th of June—the question before us is altogether in regard to the principle involved. This measure comes before us as a private Bill, so declared by the Speaker. No notice has been given of it, no report of the Standing Orders Committee has been made regarding it, and none can be made under the circumstances. Furthermore, when my hon. friend asked for the last postponement he did not say that notice was going to be supplied, nor that the defects in the proceedings were going to be removed in any way. He did not say the Standing Orders Committee were likely to report in favour of it, but he said negotiations were being carried on with some other company or organization and an amalgamation was likely to be effected. What I wish to submit is that no amalgamation with any other society or company, or agreement between them, will affect the question as it stands before us. The Bill has come to us, and it stands in its present position without any notice having been given of its introduction. No report from the Committee on Standing Orders has been received with regard to it, and none can be received under the circumstances. That being the case, I see no reason why the House should be trifled with by postponing the consideration of it and allowing it to have a place on the order paper to which it is not entitled.

Hon. Sir MACKENZIE BOWELL—There is another point to which I wish to draw attention. As I understand it, none of the conditions necessary for the presentation of a private Bill have been complied with, and the moment the hon. gentleman would rise to discuss the question the point of order would be taken that it could neither be discussed nor passed, the rules not having been complied with, nor would there be any probability of their ever being complied with; but until they were complied with, and that would be by the suspension of the rules of the House pertaining to the introduction of private Bills and payment of the fee of $200 and expenses—until that

is done we are not warranted in discussing it at all, and there is no probability of this Bill being passed this session or even being considered. I think my hon. friend had better at once drop the Bill and waste no more time with it.

Mr. DOMVILLE—I hardly see it in the same light as my hon. friend. We presumed when this Bill was introduced that we were perfectly in order. To bring it in a proper shape we had copied a Bill that had already passed this House. Had we known that it contained objectionable clauses, we would very willingly have withdrawn them. As I say, we desire a private Bill. Of course we are entitled to that, if we cannot get it in the form of a public Bill. We have only to comply with the rules of the House, whatever they may be. My hon. friend from Prince Edward Island spoke of this being a company. I did not know it was a company. I thought it was the British Empire League we were discussing.

Hon. Mr. WOOD—Organization I said.

Hon. Mr. DOMVILLE—I refer to the hon. gentleman from Marshfield.

Hon. Mr. FERGUSON—Society.

Hon. Mr. DOMVILLE—It will do no harm to let it stand, and I can get at it in another way if necessary.

The SPEAKER—Is a point of order raised ?

Hon. Mr. FERGUSON—I raised a point of order that the Bill must be dropped. We cannot put it on the order paper for a future day, there having been no petition.

The SPEAKER—I am not prepared to say there has been no petition.

Hon. Sir MACKENZIE BOWELL—I am informed that the fee for a private Bill has not been paid, neither has the expense of printing been paid, consequently the Bill ought to be dropped.

Hon. Mr. DOMVILLE—Notice was given, and a petition was presented in a proper order.

The SPEAKER—I think the second point is well taken, but the first point raised by the hon. gentleman from Marshfield was based on an erroneous impression. As far as my recollection goes, I decided that this was a private Bill, but the hon. gentleman was trying to transform it into a public Bill although he had preceded it by a petition, so that there is no question that the formality of notice has been complied with, I doubt, however, if the hon. gentleman can proceed with the second reading, since I am informed that no money was paid for the printing as there should have been.

Hon. Sir MACKENZIE BOWELL—Nor the fee.

The SPEAKER—Rule 55 says :

> Any person seeking to obtain a private Bill shall deposit with the Clerk of the Senate, eight days before the meeting of Parliament, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the officers of the Senate and the printing of 600 copies in English and 200 in French.

I am informed by the clerk of the Senate that this rule has not been complied with.

Hon. Mr. DOMVILLE—I never was asked for any fees, thinking it was a public Bill. I think we have a right to pay that $200 at any time.

The SPEAKER—I am not speaking of the $200 ; I am speaking of the preliminary disbursement for printing.

Hon. Mr. DOMVILLE—I never heard of that ; we are willing to pay it.

Hon. Mr. FERGUSON—My point is that no notice was given.

The SPEAKER—I understand the hon. gentleman to say that it was introduced as a public Bill.

Hon. Mr. DOMVILE—Yes.

The SPEAKER—Then I declare that the Bill must be dropped.

AN ERROR IN THE MINUTES.

Hon. Mr. LANDRY—I want to call the attention of the House to an irregularity in the minutes. Yesterday when the proceedings were suspended on the arrival of the Deputy Governor, the motion before the House and which was under discussion was the Bill relating to labour union labels. The hon. member from Welland (Hon. Mr. Gibson) was speaking at the time, and he moved

the adjournment of the debate until to-day. According to rule 12 :

An Order of the Day which at the adjournment is under consideration shall stand first on the order of the following day next after orders to which precedence has been assigned under this rule; unless the Senate shall order otherwise.

I think, therefore, that order should appear first on the Orders of the Day. It stands last on the list, and appears as if the second reading had never been moved. The entry should appear 'adjourned debate.'

The SPEAKER—The point taken by the hon. gentleman is correct ; this should have been the first Order of the Day, and it should appear as an adjourned debate.

LABOUR UNION LABELS BILL.

SECOND READING POSTPONED.

The Order of the Day being called :

Second reading Bill (10) An Act respecting labour union labels.

Hon. Mr. DAVIS said : This Bill was under discussion yesterday on my motion that it be read the second time. The hon. gentleman from Welland moved the adjournment of the debate, and I find on the orders that it stands for second reading. It should be a continuation of the debate.

The SPEAKER—That is the point to which the hon. gentleman from Stadacona (Hon. Mr. Landry) has just called attention.

Hon. Mr. CASGRAIN (Windsor)—In the absence of the hon. gentleman from Welland (Hon. Mr. Gibson), I move that the Order of the Day be discharged, and that the debate be proceeded with to-morrow.

Hon. Mr. DAVIS—This Bill has been before the Senate on several occasions. Having charge of the Bill, I consented to have it postponed from day to day with a view to meeting the wishes of hon. gentlemen who desire to take part in the discussion. We had it arranged for discussion yesterday, and the debate was adjourned until to-day. The hon. gentleman who moved the adjournment should be here if he wishes to continue the debate. If he cannot be present, others should be allowed to proceed with the debate and let the Bill be read a second time.

Hon. Mr. FROST—Yesterday when the hon. member for Welland was speaking on this Bill the Deputy Governor arrived unexpectedly, and he was obliged to move the adjournment of the debate. He was suddenly called to Montreal to-day, but will be back to-morrow prepared to resume his speech. He is very anxious to complete his speech. I would, therefore, ask the indulgence of this honourable House to further postpone the debate until to-morrow.

The motion was agreed to, and the order was postponed until to-morrow.

THIRD READING.

Bill (E) An Act for the relief of Arthur Howe Hersey.—(Hon. Mr. Lougheed.)

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

SENATE.

Ottawa, Thursday, May 18, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

FARMERS' BANK OF CANADA BILL.

AMENDMENTS CONCURRED IN.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (No. 124) An Act respecting the Farmers' Bank of Canada, with one amendment. He said: 'I have to explain that the amendment consists in expunging clause No. 3, which rendered lawful and binding acts and agreements entered into by the directors in the interval. The Act itself consists of a provision for the extension of the period during which the Farmers' Bank of Canada can be organized ; and the third clause was expunged because the committee was not cognizant of what acts and agreements might exist.

Hon. Mr. McMULLEN moved concurrence in the amendment.

The motion was agreed to.

The Bill was then read the third time and passed.

AN ADJOURNMENT.

MOTION.

Hon. Sir RICHARD CARTWRIGHT moved :

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, 6th June next, at three o'clock in the afternoon.

The motion was agreed to.

FRENCH EDITION OF MILITIA RULES AND REGULATIONS.

INQUIRY.

Hon. Mr. LANDRY inquired :

Is it the intention of the government to cause a translation to be made immediately of the Rules and Regulations of the Militia in force under the name of the King's Regulations for Canada, and to cause this translation to be distributed to the French officers of the Canadian militia before the opening, next month, of the training camps ?

Hon. Sir RICHARD CARTWRIGHT—The first part of this inquiry has been already answered, vide page 34 of the Senate debates. It is expected that the French edition of the regulations will be ready for distribution next month.

THE EMPLOYMENT OF R. AIME TISON.

INQUIRY.

Hon. Sir RICHARD CARTWRIGHT—I have here an answer to a question by Mr. Desjardins, which I will lay on the table. The inquiry is as follows :

By Mr. DESJARDINS :

1. Did one R. Aimé Tison obtain from the government a position in the Dominion Printing Bureau ?
2. If so, at what date ?
3. What is his salary ?
4. On whose recommendation was he so appointed ?
5. Has the said Tison passed the Civil Service examinations ?

The reply is as follows :

1. Yes.
2. On May 1, 1905.
3. $18 a week.
4. On the recommendation of the hon. the Secretary of State.
5. He is employed as a proofreader on weekly wages and not as a civil servant. No civil service examination is required.

AN IRREGULARITY IN THE MINUTES.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to draw the attention of the House to what I think is an irregularity in our minutes of proceedings. Yesterday the first Order of the Day was the second reading of the Bill to incorporate the British Canadian Empire League. A question of order was raised and a decision was given, and the Bill, in accordance with that decision, disappeared from the Orders of the Day. Nothing of these proceedings appears to-day in our minutes. By reference to the journals of former years it will be seen that all such decisions have been entered in our records, in proof of which I will cite a few precedents which I found after very little search.

On the 3rd of June, 1898, on a simple motion which I made myself, a question of order was raised under rule 14 of the Senate, that the said motion being prefaced by a written preamble cannot be received. His Honour the Speaker ruled that the point of order was well taken and that the motion was therefore out of order. All this is recorded in the minutes.

In the same year there is a case where the title and the first and only clause of a Bill being read, it was moved in amendment:

That the words 'And the company's land subsidy shall apply to the line hereby authorized,' at the end of said clause be struck out.

A question of order being raised, that the amendment proposed to alter the disposition made by the Bill of certain public lands and so to change the subsidy which the House of Commons have decided to offer for the construction of the line of railway mentioned in the Bill, and that the Senate have no power to make such change ;

The chairman came to the conclusion that he should report the point of order to His Honour the Speaker for his ruling.

The House was resumed and the Hon. Mr. Clemow, from the said committee, reported the said point of order raised in the committee, and the Hon. the Speaker gave his ruling thereon, as follows :

The SPEAKER—It has been maintained during the discussion of the point of order that the Senate had no right to interfere with Bills which increased the expenditure of money.

The whole of the Speaker's decision, the first words of which I have just read, will be found in the Journals of the House for the 7th June, 1898. The Bill did not disappear at that time, but that amendment was set aside.

On the 11th June of the same year, on Bill (173) being presented to the House, it was moved by the Hon. Mr. Power, seconded by the Hon. Mr. Perley :

That the words 'and for each session of parliament hereafter held' in the first and second lines of the first section, be struck out.

Upon a question of order arising that the Bill under discussion being a money Bill, it cannot be amended by the Senate :

His Honour the Speaker ruled that the point of order was well taken.

This also is entered in our Journals. In the year 1895 I find the following :

Pursuant to the Orders of the Day, the Bill (150) intituled 'An Act respecting the Winnipeg Great Northern Railway Company,' was read a second time.

A question being raised that the 4th clause of the Bill is out of order ;

His Honour the Speaker ruled that said clause is out of order inasmuch as a provision affecting a private Act and private interests cannot properly form part of a public Bill.

In all those precedents the decision of the Speaker is given in the Journals. Then in 1897 I find the following :

The Order of the Day being read for the second reading of the Bill (68) intituled 'An Act respecting the American Bank Note Company,' the Honourable Mr. Clemow moved, seconded by the Honourable Mr. Casgrain,

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.

A point of order being raised on the said motion, His Honour the Speaker ruled that the said motion requires an intermediate day's notice under the thirteenth rule.

Then on motion of the Honourable Mr. Clemow, seconded by the Honourable Mr. Casgrain, it was ordered that the same be postponed until to-morrow.

The Bill did not disappear from the order paper, but it was moved that the second reading be postponed to a future date.

With all those precedents, I think mention should be made in the Journals of the Senate of what took place in this House, and I call the attention of the House to it so that our Journals may be corrected.

The SPEAKER—The hon. gentleman calls our attention to these precedents for our guidance in the future. I am informed that a decision was given when Sir Alphonse Pelletier was Speaker in 1900 or thereabouts, that those decisions of the Speaker should henceforth appear in 'Hansard' and not in the Journals.

Hon. Mr. LANDRY—I beg the hon. Speaker's pardon, it was in regard to a question that arose in a debate, and not a question affecting the Orders of the Day. There is quite a difference between the two.

Hon. Mr. FERGUSON—A similar matter occurred a few weeks ago with reference to this same Bill, and I then called attention to it, and I thought that would prevent the recurrence of the difficulty in future. It must be evident to every hon. gentleman that when a point of order is taken affecting the standing of a Bill in the House, in order to account for the fate of the Bill, the particulars should go on record. Our minutes must be very imperfect if they do not contain any notice of what happened. For the future there must be a clear understanding on this point, that the facts shall appear in the minutes. Of course a ruling by the presiding officer of the House on any matter that arises in debate is altogether different.

Hon. Mr. LANDRY—I think in the corrected Journals it should appear.

The SPEAKER—I will examine the point raised and decisions rendered, to see how far they are binding upon this House, and will give instructions to the clerk to have it corrected.

BILLS INTRODUCED.

Bill (FF) An Act respecting the Sterling Bank of Canada.—(Hon. Mr. Watson.)

Bill (GG) An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company.—(Hon. Mr. Watson.)

Hon. Mr. FERGUSON—Should there not have been notice and a suspension of the rule in introducing a private Bill at this stage of the session. My hon. friend is aware that there is a rule which prevents the introduction of a private Bill at this stage, so many weeks after the beginning of the session.

Hon. Mr. WATSON—I ask for the suspension of rule 52. The rules are suspended as far as the petition is concerned, but if it is necessary to suspend the rule on the Bill itself, I will move it.

Hon. Sir MACKENZIE BOWELL—The rules were suspended a few days ago to enable the hon. gentleman to present a petition praying for the incorporation of this company. That having been acquiesced in by the Senate, is it necessary to move the suspension of any rule for the introduction of the Bill ?

The SPEAKER—Rule 52 reads as follows :

No petition for any private Bill (except a Bill of Divorce) is received by the Senate after the first three weeks of each session ; nor may any private Bill be presented to the Senate after the first four weeks of each session ; nor may any report of any Standing or Special Committee upon a private Bill be received after the first six weeks of each session.

Hon. Mr. MACDONALD (B.C.)—The Standing Orders Committee are continually recommending an extension of the time for introducing Bills. I do not know whether the time has expired or not, but we extended it a good while ago.

Hon. Sir MACKENZIE BOWELL—Does not the Senate think that at this stage of the session it is about time we stopped rescinding motions and suspending rules ? What is there that caused this delay to justify the action we are now taking in suspending the rules for the introduction of a Bill to establish a new bank. I think the Senate is entitled to some explanation of that kind before we suspend our rules in the indiscriminate method we have been following.

Hon. Mr. MACDONALD (B.C.)—There are too many suspensions altogether.

Hon. Sir MACKENZIE BOWELL—The Senate should be informed of the reasons why the parties interested have delayed for four months after the meeting of parliament before deciding to ask for the incorporation of a new bank. I am not opposing the establishment of any new bank——

Hon. Mr. WATSON—All the information I have is from the solicitor, who told me that he was very anxious to have a Bill passed for the purpose of incorporating this bank. I also have a letter from Mr. Schreiber, who is one of the directors, asking if the House would facilitate the passing of this Bill. That is all the information I have.

Hon. Mr. McSWEENEY—Where are the headquarters ?

Hon. Mr. WATSON—Toronto.

The motion was agreed to.

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THIRD READINGS.

Bill (110) An Act respecting the Toronto and Hamilton Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (39) An Act respecting the Niagara, St. Catharines and Toronto Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (83) An Act respecting the Alberta Railway and Irrigation Company.—(Hon. Mr. Watson.)

Bill (97) An Act respecting the Kingston and Dominion Central Railway Company, and to change its name to 'The Dominion Central Railway Company.'—(Hon. Mr. Frost.)

Bill (112) An Act respecting the Hamilton, Galt and Berlin Railway Company, and to change its name to 'The Hamilton, Galt and Guelph Railway Company.'—(Hon. Mr. McMullen.)

SECOND READINGS.

Bill (131) An Act respecting the Vancouver and Coast-Kootenay Railway Company. —(Hon. Mr. Young.)

Bill (141) An Act respecting the Kaslo and Lardo-Duncan Railway Company.—(Hon. Mr. Templeman.)

Bill (148) An Act to amend the Act respecting the incorporation of Live Stock Record Associations.—(The Right Hon. Sir Richard Cartwright.)

THE PRINTING OF PARLIAMENT.

MOTION.

Hon. Mr. GIBSON moved the adoption of the third report of the Joint Committee on Printing.

Hon. Mr. BERNIER—I should like to have some explanation from the hon. gentleman. I see that certain papers are not to be printed, among them a statement showing the areas of the provisional districts of the Northwest Territories, the School Ordinances Northwest Territories being chapters 29, 30 and 31, passed in 1901 ; and a summary of legislation relating to subsidies to the provinces. It seems to me these are very valuable documents of much public interest, and that they should be printed.

Hon. Mr. GIBSON—It is the desire of the Printing Committee to cut down the ex-

penses of the printing of parliament; but if any hon. gentleman wishes to have any documents printed he has only to notify the committee to that effect and I am sure every member of the committee will be glad to meet his request. If a copy is sufficient, I will guarantee to have a copy furnished; if more than a copy is required, I will bring the matter before the committee, and I am sure they will order it to be printed.

Hon. Mr. BERNIER—It seems to me these papers are in the nature of historical documents and therefore of public interest; and they should appear at least in the sessional papers.

Hon. Mr. GIBSON—The hon. gentleman is a member of the Printing Committee, and he must be aware that no one on that committee has ever refused a request to have a document printed.

Hon. Mr. BERNIER—I do not make these remarks as a complaint.

Hon. Mr. GIBSON—If the hon. gentleman will be kind enough to make a request I will see that it is brought before the committee.

Hon. Sir MACKENZIE BOWELL—I fully concur with the hon. gentleman from St. Boniface (Hon. Mr. Bernier) that these documents should be printed for general circulation, because they will be looked for by all who take an interest in the western provinces. The chairman has made the suggestion that if my hon. friend from St. Boniface will make a note of what he wants and hand it to him, he will bring it up at the next meeting of the Printing Committee, and will ask to have the documents printed.

Hon. Mr. GIBSON—There is nothing final in these recommendations. If it is the desire of any member to have documents printed, the committee will act on the request. The committee deal with the documents that come before them, and present their report; but should any desire be expressed to have any particular document printed, the request will be readily complied with.

The motion was agreed to.

Hon. Mr. GIBSON.

LABOUR UNION LABELS BILL.

DEBATE CONTINUED.

The Order of the Day being called:

Resuming the adjourned debate on the second reading (Bill 10) An Act respecting Labour Union Labels.—(Hon. Mr. Gibson.)

Hon. Mr. GIBSON—I desire to thank the House for their indulgence in agreeing to a postponement of this debate yesterday, because every member of the House is aware of the circumstances under which the debate was curtailed. I was going on to speak with regard to the accusation made by some hon. members, particularly the hon. member from Hawkesbury (Hon. Mr. Cloran), that this House was opposed to trades unions; and I made myself clear on that point. I said that no man who was a good workman ought to remain outside of the union of the trade to which he belongs. In some way the newspapers took me up wrongly and represented me as remarking that men who were good workmen were opposed to trade unions. I have had too much experience to hold such an opinion, and the papers have been kind enough to make the correction. I have before me what I said—that a man who does not belong to a trades union is either incapable of doing his work or an inferior workman; and I added that I held it to be the duty of every workman to belong to a union of his craft. It will be seen that this House, myself included, are not opposed to trades unions. I have had too much experience of them to take such a position. But while we are agreeable to have trades unions in this country, what we object to—and what was objected to more particularly when this matter was discussed in the Senate before—are the international trades unions, whereby outside parties can come to this country and stop our industries which might be perhaps competing keenly with similar industries in the United States. An unscrupulous man could be hired by parties in the United States to come over and make trouble and strikes amongst the workingmen here, and thus paralyze the competing industry in Canada. What we do object to is the international trades unions. I held, and I hold now, that Canada is big enough and the workmen in Canada are numerous enough to have trades unions of our own. While I

have always agreed, sometimes reluctantly perhaps, with my men in matters in dispute as to wages and hours, after that was settled, I objected, and always will object, to any body of men attempting to regulate the way in which I shall carry on my business ; and it is such interference that this Bill proposes to legalize. I have under my hand numerous petitions and objections to the Bill as it stands. The trades unions are asking for certain powers from this parliament. I was speaking, when my remarks were interrupted by the arrival of His Excellency for the time being, about the different trades that would be affected by this Bill if it came into operation. I was showing that bricks which might even have been made by men receiving union wages, but which had not the union mark or the union label upon them, would not be laid by union bricklayers. If this city, for instance, proposed to extend its water main, they might find it necessary to invite public tenders to supply pipes. The city would naturally accept the lowest tender under the best conditions. They might in good faith accept a tender from abroad, but when the pipes arrive, if they have no union label on them, the union workmen would not lay them ; and the city would be handicapped by the fact that it had bought pipes without the union label. This Bill would not affect water pipes alone. If a man wanted to shingle his house the carpenters would not lay the shingles if they did not have the union label on them.

These are things which should cause this House to pause ; and I am surprised at my hon. friend's eagerness to have this Bill pass the second reading. He was so eager that he would hardly allow the discussion to be postponed because I happened to be away yesterday. I have shown how the Bill will affect certain industries. Take, for instance, the laying of slates—no union slater would lay slates on a roof if they did not have the union label. In the same way, no plumber would touch plumbing goods that did not bear the union label. You might go into a store to purchase a collar ; that collar must have the union label upon it. Are we to authorize any corporate body for twenty-five years to put its stamp on the collars that we have to wear, possibly collars made abroad ? The same with our hats, our gloves, our ties—yea, even the packages containing these goods—all must have the union label upon them ; and, as if that were not enough, even the packing case must have the union label upon it. I have under my hand objections from tradesmen, as well as manufacturers and others, who do not want to be handicapped by this legislation. Lest the hon. gentleman should think that I am stretching matters, let me assure the House that I have not touched the fringe of the effect that this legislation would produce if it should go into effect. I read in this morning's Montreal 'Gazette' a paragraph describing an incident which occurred at a banquet in New York. Mr. John Mitchell, one of the ablest union men in the United States, the man who, after everybody else had failed, settled the question between the coal owners and the coal workers on a satisfactory basis, was invited recently to a banquet, and here is what a paper says about him :

> Fault having been found with John Mitchell because he attended a banquet of the Civic Federation of New York and ate non-union bread,—

Just imagine that the waiters in a hotel would refuse to bring you bread because it had not the union label on it. Here is a man who has done more for trades unionism than all the workingmen in Canada or the United States ; and yet after all he has done for labour and the uplifting of his fellow workmen, he is censured because at a public banquet he committed the heinous crime of eating bread that had not the union label on it. Mitchell has retorted that he is not such a churl as to rise and ask at a banquet if the bread being served bore the union label. There is no man who will not appreciate the force of Mr. Mitchell's retort. I say it is lowering to the dignity of labour that a man at either a public banquet or in a private house should be expected to ask his host or hostess if the bread or the butter put before him bore the union label, before he would touch it. Yet that will be the effect of the legislation these gentlemen ask the Senate to impose on the country for 25 years. The article continues :

> Mr. Mitchell's answer is inadequate. He should have investigated before accepting an invitation to attend, and he should not have drawn the line at bread either. He should have demanded from the hotel steward an affidavit that all the materials used in the preparation of the meal, the table on which it was served,

the building in which the banquet was held, were uncontaminated with non-union hands. Then, being assured that all the guests would wear union-made clothes, have union ideas, and that the speeches would be union speeches, he might in fear and trembling have consented to attend.

This perhaps is a little satirical, but it is just the idea these men would have of imposing on the country if they could accomplish their purpose. We have given our consent to have unions. The men have agreed upon certain wages, and to work certain hours—then for goodness sake stop at that point, and let the tradesmen and manufacturers have a chance to run their own business without being dictated to as they would be under the legislation asked for under this Bill.

I am astonished that any man in this House would even ask for the second reading of the Bill, but I do not want to be alone, and I want to hear what new arguments can be offered to reconcile this honourable body to such a condition of things as they ask the people of Canada to accept at the hands of this House. I shall be glad to attend the meetings of the committee to which the Bill is to be referred, but I feel satisfied that the Bill proposes to put into the hands of unscrupulous men a power that will be wielded to the disadvantage of every man who lives in Canada. It is not the workingmen we are afraid of, but the agitators who rule and antagonize and boss them and encourage strikes, disorders and bloodshed. When this matter was before the House last time, I read the decision of the stonecutters union in the United States that no member of the union should belong to the volunteer force. What did that mean? That if union men were to become volunteers, they might be called upon to protect the lives and property of innocent people; and this might conflict with their own interests. Is that a condition of things we should accept from those who are promoting this Bill? I give my hon. friend from Saskatchewan credit for having the good sense when introducing this Bill, to apologize for it. The Bill should not receive the assent of this House.

As long as I have the honour of holding a seat in the Senate, I am prepared to deal fairly and squarely with the workingmen. I have been in public life for 15 years and have been connected with workingmen all my life. I served my time, rose from the ranks and became an employer of men; and I have never had a difficulty with my men that I could not settle with them myself. If I could not do so no outside power could compel me to submit to its dictation. Why should we give encouragement to such vicious legislation as this Bill asks for?

Hon. Sir RICHARD CARTWRIGHT—The House is thin, and the principle involved in this Bill is an important one. I think it would be as well to adjourn the debate until the attendance is fuller, and better consideration can be given to the measure. I therefore move that this debate be adjourned until the 7th of June.

The motion was agreed to.

BILLS INTRODUCED.

Bill (92) An Act respecting the New York and Ottawa Railway Company.—(Hon. Mr. McSweeney.)

Bill (134) An Act to incorporate the Provident Financial Association, Ltd.—(Hon. Mr. Casgrain, de Lanaudière.)

The Senate adjourned until Tuesday the 6th day of June, at 3 o'clock, p.m.

SENATE.

Ottawa, Tuesday, June 6, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BRANDON, SASKATCHEWAN AND HUDSON BAY RAILWAY COMPANY.

PETITION PRESENTED.

Hon. Mr. WATSON, from the Committee on Standing Orders and Private Bills, reported the petition of the Brandon, Saskatchewan and Hudson Bay Railway Company asking leave to introduce a Bill, and moved that the rules be suspended, and that leave be granted.

Hon. Mr. LANDRY—Will the hon. gentleman explain why this petition is presented?

Hon. Mr. WATSON—The company have had a Bill passed and they find it contains a word or two requiring amendment. They

ask for the suspension of the rules to permit them to present a petition.

Hon. Mr. LANDRY—This suspension should be recommended by the Standing Orders Committee. Is it to obtain permission to present a petition ?

Hon. Mr. WATSON—Yes.

Hon. Mr. YOUNG—The House in the past has followed two courses in this respect after the expiration of the time for presenting petitions. One is to present a petition asking leave to present a petition, and the other is to ask for a suspension of the rules and present a petition directly. The latter course has been followed very recently. In this case matters have arisen recently requiring legislation, and the parties have come to parliament to get relief. In the case of a petition with reference to a patent, reported by the committee to-day, it appears that by a change in the law a few years ago the practice which prevailed in the past is not available to those who have the patent on which they thought they had a six months' extension of time, so that there are various reasons relating to these petitions. However, with reference to the practice, it is only under a suspension of the rules that this petition can be directly presented without petitioning for leave to present a petition. The other is the shorter course by far, and seems to have met with the approval of the House a great many times. That is no doubt the reason why this course is followed to-day.

Hon. Mr. LANDRY—I do not object to the suspension of the rules merely ; what I want to bring to the attention of the chamber is this—if there is no urgency the Bill could follow its regular course. We could have a report of the Standing Orders Committee and proceed as our rules indicate. If the Governor General were coming to sanction the Bill and it required to be expedited so as to be passed in time for the Royal assent, I can understand that the rules should be suspended without notice ; but if there is nothing of that kind, I see no reason why we should not follow the rules.

Hon. Mr. YOUNG—My hon. friend is absolutely right. The only urgency at the present time is that these Bills are originating in the Senate and will have to go through the same course in both Houses. We do not know how long the session may last, but surely we are drawing nearer to the end of it than we were some months ago, and it is as well to lose no time.

The motion was agreed to.

NEW SENATOR.

The Hon. Wm. Ross, of Halifax, was introduced to the Senate.

GRAIN INSPECTION ACT AMENDMENT BILL.

FIRST READING.

Hon. Sir RICHARD CARTWRIGHT introduced Bill (HH) an Act to amend the Grain Inspection Act as regards the selection of commercial grades and samples.

The Bill was read the first time.

Hon. Sir RICHARD CARTWRIGHT moved that the Bill be read the second time on Thursday next.

Hon. Sir MACKENZIE BOWELL—Will the Bill be printed in sufficient time to enable those who are interested in the subject to become acquainted with its provisions ?

Hon. Sir RICHARD CARTWRIGHT—It consists of a single clause, and the object of it is to permit the Grain Standards Board, under certain conditions, to appoint a committee of their number to discharge certain functions which heretofore by law have been performed by the whole board.

The motion was agreed to.

CELEBRATION OF THE ANNIVERSARY OF THE DEATH OF NELSON.

MOTION DROPPED.

The Order of the Day being called :

By the Hon. Mr. DOMVILLE :

That he will move that the Senate shall take into consideration a proposal for a suitable celebration, by the parliament and people of Canada, of the centennial anniversary of the death of Nelson, the hero of the British navy.

Some hon. MEMBERS. Stand.

Hon. Mr. LANDRY—I think there is a rule that when an hon. gentleman is not here to make his motion it should be dropped. I am rendering a service to the hon. gentleman in asking that this motion be allowed to drop.

Hon. Mr. MITCHELL—I think that in the absence of the hon. gentleman who placed the motion on the order paper, we should allow it to stand as an act of ordinary courtesy.

Hon. Mr. LANDRY—If the hon. gentleman is authorized by the hon. mover of the motion to make that request, all right. If he is not so authorized, the motion should drop.

Hon. Mr. CASGRAIN (de Lanaudière)—I may say that during the recess I received a letter from the hon. gentleman in charge of this matter, stating that he was afraid that he could not be present at the opening of the Senate on the 6th instant. He was writing because he wished to know if there would be any meeting of the Railway Committee——

Hon. Mr. LANDRY—The hon. gentleman should read the motion before speaking. His remarks are altogether out of order.

Hon. Mr. YOUNG—The hon. gentleman is not speaking to the question.

Hon. Mr. CASGRAIN (de Lanaudière)—I stand corrected.

Hon. Mr. LANDRY—I saw the hon. gentleman from Rothesay (Hon. Mr. Domville), and he told me that he would never move that motion, therefore it is just as well to let it drop.

The SPEAKER—The contrary has been the practice from my observation, but, accepting the statement from the hon. gentleman from Stadacona, I would say that the Order of the Day should be dropped.

The motion was allowed to drop.

CANCELLATION OF CONCESSIONS IN THE YUKON.

INQUIRY DROPPED.

The Order of the Day being called :

By Hon. Mr. MACDONALD (B.C.) :

Inquiry of the government if the following concessions in the Yukon mining districts have been cancelled, or if any of them are worked and paying the stipulated rent, royalty or license :

	Acres.
The Boyle concession..	25,600
Bronson & Ray concession..	5,120
Matson & Doyle concession..	1,920
Boyle Quartz Creek concession.. ..	1,920
Herman concession..	3,840
Anderson concession..	2,560
In all..	40,960

Hon. Mr. LANDRY.

Hon. Mr. MACDONALD (B.C.)—I believe the concessions in the Yukon which have not lapsed, have passed to a syndicate to be worked by British and French capital ; and, therefore, I ask that this inquiry be dropped for the present.

The inquiry was allowed to drop.

BILLS INTRODUCED.

Bill (28) An Act to incorporate the Northwest Telephone and Telegraph Company.—(Hon. Mr. Watson.)

Bill (114) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (116) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Kerr, Toronto.)

THE VIBERT DIVORCE BILL.

THIRD READING.

Hon. Mr. GOWAN moved the adoption of the 29th report of the Standing Committee on Divorce to whom was referred Bill (J) An Act for the relief of Philip Vibert. He said : The evidence taken before the Committee on Divorce fully and clearly established the truth of the allegation in the Bill. The committee had no difficulty whatever in agreeing upon the point, and they have unanimously recommended that the relief prayed for be granted.

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

RAILWAY ACT AMENDMENT BILL.

ORDER DISCHARGED.

The Order of the Day being called :

House again in Committee of the Whole on (Bill D) An Act to amend the Railway Act, 1903, as regards the free transportation of senators and members of the House of Commons.—(Hon. Mr. Casgrain, de Lanaudière.)

Hon. Mr. CASGRAIN (de Lanaudière)—With the consent of the House, I should like this Bill to be dropped. I understand that the railway companies have been informed by the clerk of the Senate that he has been instructed to prepare a form of certificate, and that they have declared themselves perfectly satisfied with the certificate which is now being presented to the senators. I therefore ask the honourable House to allow this Order of the Day to be discharged.

The Order of the Day was discharged.

SUPPLY BILL.

Hon. Mr. SCOTT—Certain estimates, to cover disbursements for the current year, have passed the House of Commons. The amounts have to be paid during the current month, and it was expected that the Bill would be here before four o'clock. It has not reached the Senate yet, and I will ask the House to adjourn during pleasure, or to fix an hour later on. The reason I am asking the Senate not to defer consideration until to-morrow is that His Excellency has made arrangements to go to Quebec to-morrow and he would like to assent to this Supply Bill in person.

Some hon. MEMBERS—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Would it not be well to adjourn until 5.30. That would allow us time to discuss it before six o'clock.

Hon. Mr. SCOTT—I move that the House adjourn until 5.30 p.m.

The motion was agreed to.

The House resumed at 5.30 p.m.

SUPPLY BILL No. 1.

FIRST, SECOND AND THIRD READINGS.

A message was read from the House of Commons with Bill (168) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively the 30th June, 1905, and the 30th June, 1906.

The Bill was read the first time.

Hon. Mr. SCOTT—It seems to be the fate of all governments that no matter what provision parliament makes for the expenditure for the coming year, there are always supplementary supply Bills for the current year. In some instances possibly the vote granted by parliament has been in excess of the actual requirements, and in regard to other items it has been found insufficient. The amount of the supplementary estimates for the current year—that is the year terminating on the 30th June next—is $6,364,522. The principal items are, first under the head of charges of management, the sum of $25,000 for the printing of additional Dominion notes. As hon. gentlemen know, the circulation has been deficient and consequently additional notes have been printed. Then there is the sum of $94,000 for legislation, chiefly for the House of Commons, and $20,000 for the Senate. There is an amount of $306,000 for immigration and $245,000 for militia. Then for the Intercolonial on capital account there is the sum of $450,000, and for the National Transcontinental Railway $200,000. For public works a considerable sum is asked—$648,000. The principal items in connection with that are for the improvement in the St. Lawrence ship channel, over $100,000, and to provide for permanent piers in Lake St. Peter and other places in the ship channel, $115,000. There is an item of $160,000 for dredging in the maritime provinces.

In addition, as appears by the Bill, the House of Commons has already voted a portion of the estimate for the coming year (amounting I may say, in round numbers, to $50,000,000)—they have already passed $37,374,535.62. That vote is included in this Bill.

I may say for the information of the House, in reference to the vote for the current year, which is the one we will first consider, that it adds to the vote of parliament at the last session, $6,379,000, making a total, with the amounts voted last session, of $81,551,401. I move the suspension of rules 17 and 41 as far as they relate to this Bill, in order to proceed with it at the present sitting, as it would be a convenience to His Excellency if he could leave Ottawa in pursuance of his arrangement to-morrow. If the Bill passes to-day the House could meet at ten minutes before three to-morrow, and the Royal assent could then be given to this Bill and to a number of other measures which have been passed by both branches of parliament.

Hon. Sir MACKENZIE BOWELL—It is not necessary to discuss the details of this Bill. We cannot amend it; all we can do is to accept or reject it, and I do not suppose the Senate feels inclined to throw out the measure. The supplementary estimates for this fiscal year exceed $6,000,000. It strikes me that the Finance Minister could have given very little consideration to the subject when he presented the Supply Bill last year. It is very seldom we

have had supplementary estimates showing an expenditure exceeding $6,000,000, over and above the main Supply Bill. However that is a matter we may be able to discuss more intelligently when we have the full amount of the supplies before us, and can see what proposals are made for expenditure during the coming year.

According to the statement made by the hon Secretary of State, the expenditure for the year now ending exceeds $81,000,000. Whether that amount covers all the expenditure for the current year, we do not yet know. It is probable we will have an additional supplementary estimate to cover any deficiency caused by over-expenditure of the estimates for the current year. What I desire more particularly to bring to the attention of the House, is some remarks made in the debate which took place in the other chamber on estimates affecting this House. The apparent ignorance of the Finance Minister and other members of the government struck me as being not only peculiar but not creditable to themselves and certainly not flattering to this House. When it was proposed to vote a supplementary sum of $15,000 for the Senate, Mr. Bergeron asked what that was for; strange to say, the Finance Minister, whose duty it was to know, could not give any reason why that amount was to be voted, but simply replied 'nobody'—that is, nobody could give any information. That struck me as so singular a position for the Finance Minister to take, that when I read the report in the newspapers, I wrote at once to the clerk of the Senate, asking how it was that the item of $15,000 in the supplementary estimates, to cover a deficiency in the current year's expenditure, could be supplied to the Finance Minister without any information as to the purpose for which it was required. The accountant in reply sent me a statement showing every cent that was required to make up the $15,000. That estimate, I am informed, was sent to the Secretary of State, who, I presume, in the exercise of his functions when asking the government for that sum to meet the extra expenditure of this House, laid it before the Finance Minister, yet we find the minister in a jocular and rather contemptuous manner speaking of it as though he knew nothing about it. 'I really think,' said the Finance Minister, 'we will have to take these items as being self-explanatory, for I am not able to give any explanation that is not set forth in the estimates.' All that was set forth in the estimates was the bare item, giving us $15,000. Further on the Finance Minister says: 'These items are sent to us by the officers of the Senate and we can hardly do anything more than accept them. The Senate is rather sensitive about our inquiring about what it does with its leather trunks.'

I do not know why we should be any more sensitive than the commoners upon that question. They get their trunks also; it is the law of the land, and I do not know that it is necessary that we should explain to the House of Commons what we do with our trunks so long as we take them. It seems to me that it is treating a subject of this kind with levity unbecoming the Finance Minister and unbecoming also to the dignity of this House. Then the discussion ran on as to how long the session would last, and the remark was made by the Finance Minister: 'Perhaps if they (the Senate) sat more frequently, they would not want so much for contingencies.' If the Senate did not sit as many days and as many hours as the Commons, I think the country should know that that was not our fault. The members of the other House have occupied the time talking day in and day out on questions before them, and no business has been sent to this House, for our consideration. If there had been any important measures which the government could have introduced here, they would have been dealt with by the Senate. just as well as by the House of Commons. I have long been of the opinion, and have expressed it repeatedly, that the government should, while the Lower House is discussing questions of finance and supply, introduce important measures here where they could receive due and full consideration. I venture to say that in this House measures affecting the general interests of the country receive a consideration that is not always given to them by the more popular branch of parliament.

At a later date,—only yesterday,—a question arose again in connection with the expenditure of the Senate. An estimate for $76,576, for salaries and contingent expenses of the Senate was moved in supply, when an explanation was asked for. The

Finance Minister not being present—being more congenially occupied in trying to convince the electors of London how they should vote—the Prime Minister had to act for him, and the only explanation which that right hon. gentleman could give was to repeat what has very often been said: 'It is a growing time.' He continued: 'The only explanation furnished to me is that these estimates are prepared by a committee of contingencies of the Senate.' Beyond that, no information could be given to the House of Commons. One of the members said, without mentioning names, that he thought the representatives of the people were entitled to know how the public money was expended. The right hon. leader of the government at once acknowledged that, and he was quite correct. The people who pay the money and the Lower House who have to make the appropriations, have a right to know, not only the amounts required, but the purposes for which they are to be expended. There was one feature of the discussion, however, that the members of the Senate may congratulate themselves upon, and that is when the Prime Minister was asked as to the character of the men who were being called to the Senate, as to how old they were and so on, the Prime Minister answered that he thought the probabilities were that they were old enough to have cut their wisdom teeth. I am inclined to think we are all in that position, and our only regret is that we have not the same number now that we had when we commenced cutting them. He was asked a further question as to the reforming of the Senate, and was accused of having made certain statements and threats in the past as to the reformation which was to have taken place, even to the abolition of it. The gratifying portion of the reply of the Prime Minister is his answer to that question, which was jocularly and sarcastically put to him by a member of the Commons. He said:

'That was not my view. My hon. friend knows me too well. That was the view of some of my hon. friends and not my own.'

That is, that the Prime Minister never intended to reform the Senate out of existence. Nature has been doing a great deal for him in changing the political complexion of this chamber, and so long as that process continues, I have no doubt the party who desire to reform the Senate by reforming it out of existence will be quite satisfied, however much we may regret—and even my hon. friend no doubt personally will regret—the absence of a large number of those whom we have been in the habit of meeting in the past. Reverting to the discussion regarding the item of $15,000 required for the purposes of the Senate, I think the jocular manner of treating questions of this kind is unbecoming the dignity of the Finance Minister, and certainly is not either creditable or respectful to this House; and I cannot believe it possible that the Secretary of State failed to lay before his colleagues the detailed statement of the various sums required to meet the $15,000 deficiency in the Senate. It must have been a lapse of memory on the part of the Finance Minister when he made the statement that he had no information, and that nobody could tell what the money was for. I may say, however, to the credit of the late Speaker of the House of Commons, the present Minister of Inland Revenue, that he did give a partial explanation, which I suppose he would infer from the state of affairs in the House of Commons, that the extra amount was required to conduct the business owing to the length of the session. That was a reasonable explanation, but I repeat that I think the Finance Minister ought to have known the details of the estimate which he was asking the Commons to grant, as he had before him the statement sent to him by the officials of this House, for I have no doubt the Secretary of State, who is the leader of the House must have laid the statement before the government or the sum would not have been placed in the estimates.

Hon. Mr. SCOTT—I am afraid I cannot make any comment on the criticisms of my hon. friend, feeling that they are somewhat deserved. The only explanation I can give is that among the multitudinous papers with which the Finance Minister is deluged he was unable to find the details of the expenditure of this House. The clerk of the Senate sends a copy not only to the Secretary of State, but also direct to the Finance Department, so they have not only a copy, but also the paper that I furnished to Council, and my only apology is that it was probably mislaid, because I know very

well that frequently those papers are supplied and afterwards lost. In regard to the estimates for my own department, the first list is frequently lost, and a second one is called for. It is simply due to having too many papers to look after, and not being able to lay his hands on the proper ones at the moment the minister was led, I presume, to make these observations, which I think are probably ill-timed and ill-placed. As to the leather trunks, the House of Commons figures for $6,000 odd in the purchase of leather trunks; so we are not alone in that respect.

Hon. Sir MACKENZIE BOWELL—I forgot to mention that objection was taken to one $25 trunk, and the Finance Minister suggested striking out that item.

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

Hon. Mr. SCOTT moved that when the Senate adjourns to-day it do stand adjourned until ten minutes to three to-morrow.

The motion was agreed to.

The Senate adjourned until 2.50 p.m. to-morrow.

SENATE.

Ottawa, Wednesday, June 7, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILLS ASSENTED TO.

An Act for the relief of Edward Norman Lewis, a member of the House of Commons.

An Act respecting the Western Alberta Railway Company.

An Act to incorporate the Anthracite Coal Railway Company.

An Act to incorporate the Owen Sound and Meaford Railway Company.

An Act respecting the Toronto and Hamilton Railway Company.

An Act respecting the Niagara, St. Catharines and Toronto Railway Company.

An Act respecting the Alberta Railway and Irrigation Company.

An Act respecting the Kingston and Dominion Central Railway Company, and to change its name to 'The Dominion Central Railway Company.'

An Act respecting the Hamilton, Galt and Berlin Railway Company, and to change its name to 'The Hamilton, Galt and Guelph Railway Company.'

An Act respecting the Montreal Bridge Company, and to change its name to 'The Montreal Bridge and Terminal Company.'

An Act respecting the Ottawa River Railway Company, and to change its name to 'The Central Railway Company of Canada.'

An Act for the relief of Clara Bidwell McDermot.

An Act for the relief of Jane Marie Fitz-Simons.

An Act for the relief of George Dance Harper.

An Act respecting the Kingston, Smith's Falls and Ottawa Railway Company.

An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively the 30th June, 1905, and the 30th June, 1906.

PROPOSED STEAMSHIP SERVICE TO MEXICO.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to:

Ask the government how the negotiations for the proposed steamship service on the Atlantic and Pacific oceans to Mexico now stand?

Whether it is the intention to establish such a service, but if abandoned, what is the reason for such abandonment?

He said: It was pretty well known some months ago that the government were negotiating for a contract with some firm for a steamship service between the Republic of Mexico and the ports on the Atlantic and Pacific coasts of the Dominion of Canada. Such a step was considered necessary for the extension of commerce and enterprise, yet now we hear that that contract has been cancelled, if it had got the length of a contract—at all events that negotiations are broken off—and that this has been brought about through the interference or the influence of the Postmaster General. On that point I am not in a position to speak either one way or the other, but I do think that with a country like Mexico, with a population of 13,500,000 people, an area of over seven hundred thousand miles of land, and a great deal of commerce, Canada could find an opening for profitable trade. The people of Mexico are progressive. The revenue of that country is rather remarkable; it is about the same as the revenue of the Dominion of Canada, about $70,-

000,000 or $80,000,000, so that the 13,500,000 people living in that country pay about half as much taxation as we do in the Dominion. They have also ten thousand miles of railway and forty-four thousand miles of telegraph lines. The imports amount to $76,000,000 and the exports are about the same as they used to be in Canada some years ago, about $200,000,000; so that with a foreign commerce of these proportions there should be room for considerable trade with the Dominion of Canada. The forest production of mahogany, rosewood and ebony is large and might be exchanged for our forest production of soft woods. The chief imports of the country are textile manufactures, and the chief exports are gold, silver, flax, hemp, coffee, sugar, tobacco, hides, skins, dyestuffs, logwood and other like products, many of which could be utilized in Canada, if commerce were put on a proper basis. All that is required now is to provide facilities for transportation, and the commercial men of this country would then be in a position to promote trade with Mexico.

Rt. Hon. Sir RICHARD CARTWRIGHT—The government are not unaware of the desirability of extending our trade relations with the Republic of Mexico, and they have for some time been carrying on negotiations for that purpose. I might observe in passing that I think my hon. friend, in quoting the statistics which he has just given, has in a good many cases at any rate, quoted the Mexican dollar, which as he knows is worth probably only 45 or 50 cents. I speak under correction, but I think a good many of those statistics are in silver and not in gold. Notwithstanding, I quite agree with him that it is very desirable we should encourage trade with Mexico, more particularly as the Mexican government is almost the first that has offered to co-operate with us on reasonably equal terms. Now, it is the desire of the government of Canada that they should have steamship communication established with Mexico, both on the Atlantic and on the Pacific, and I would say to the hon. gentleman that the delay which has occurred in establishing this has not been due to any default on our part, but to a change of policy on the part of the Mexican government. In the first instance the gentlemen who appeared here on behalf of the Mexican government intimated to us that they would greatly prefer to establish a service on the Pacific; and they desired that the bulk of their subsidy, which is $100,000 of their money—roughly equivalent to $45,000 or $50,000 gold—should be applied to the Pacific service. On the strength of that statement we advertised and opened negotiations, but subsequently the Mexican government altered their mind on that point. The House will understand the position better from a letter, a translation of which I hold in my hand, from the President of Mexico. It is dated 8th April, 1905, and addressed to the Premier of Canada. I shall lay this letter on the table, but in the meantime I will read the part which more especially refers to my hon. friend's question. Senor Diaz observes:

> With regard to the line on the Pacific, we have believed it to be advisable to study the question more minutely before accepting some of the propositions made by different enterprises which have solicited the concession; and with this object, when dealing with this point with Sir Wm. Mulock this government insisted on reserving the initiative for the establishment of the said line, counting, as Sir William offered, upon the co-operation of Canada, on the basis indicated in the letters to which you allude.
>
> You may be assured that not only in matters of lines of communication, but in everything which will harmonize the interest of both countries you will always meet from my government the kindest consideration.
>
> I repeat to you the assurance of my distinguished consideration.
>
> (Sgd.) PORFIRIO DIAZ.

This is a translation, and may not perhaps do justice to the phraseology used by the president of the republic. I may safely say, however, that an Atlantic service will be carried out as originally advertised by us, by means of a line of steamships from Montreal, calling at Charlottetown and Halifax and thence proceeding by way of the Bahamas and Cuba to the Mexican ports. That much I think is now practically accomplished. I should be very glad to be able to say that the Pacific service would be speedily undertaken, but that, as the hon. gentleman will see, rests largely with the Mexican government.

Hon. Mr. MACDONALD (B.C.). I have to thank the hon. gentleman for his very clear explanation of this matter and I am glad to see that the government are carry-

ing on the negotiations. I suppose Mexico will contribute to the Atlantic service.

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes. They have voted, as I understand, $100,000 of their money, which is not quite equivalent to $50,000 gold, for a service between Canada and Mexico; and they propose to divert that to the Atlantic in place of applying it as they originally proposed, to a Pacific service; but we are in hopes of obtaining a double subsidy from them—a like sum for the Pacific service, only the hon. gentleman will observe they desire to initiate that service which they regard as more particularly their own. I believe the trouble has partly arisen from the fact that when those gentlemen called on me about a year ago they expected to complete certain lines of railway across Mexico to various ports on the Pacific. Owing to some difficulties, whether financial or engineering I am not quite advised, these projects have not yet materialized, and I believe the government of Mexico are waiting for their completion before proceeding.

FESSENDEN WIRELESS TELEGRAPH COMPANY.

COMMONS' AMENDMENTS REFERRED TO COMMITTEE.

A message was received from the House of Commons rturning Bill (I) and Act to incorporate the Fessenden Wireless Telegraph Company of Canada, with amendments.

The amendments were read to the House.

Hon. Mr. POWER—The amendments appear to amount practically to the recasting of the entire Bill, and I think they require serious consideration. The hon. gentleman from Rothesay (Hon. Mr. Domville), who has charge of the Bill, is not present, but it seems to me that this is a case where the Commons' amendments should be referred to the Committee on Railways, Telegraphs and Harbours, who reported the original Bill to this House. The amendments are not such as could very well be considered by the whole House, and I think it would be wiser to refer them to the Railway Committee. I therefore move that the amendments be referred to the Committee on Railways, Telegraphs and Harbours.

The motion was agreed to.

Hon. Mr. MACDONALD (B.C.)

THIRD READING.

Bill (84) an Act respecting the Huron and Erie Loan and Savings Company.—(Hon. Mr. Coffey.)

PUBLIC HOUSE TRUSTS.

DEBATE RESUMED.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Honourable Mr. Béique: That in the opinion of the Senate the British Gothenburg' experiments and the establishment of public house trusts in England have materially advanced the solution of the temperance question and of the social reform problem, and that the time has arrived when like experiments should be made and like public house trusts should be established in Canada.—(Hon. Mr. Wilson.)

Hon. Mr. WILSON—Hon. gentlemen will remember that on the 4th May the hon. gentleman from de Salaberry (Hon. Mr. Béique) introduced this resolution into the Senate for discussion. It is important and far-reaching in its provisions, and if it can accomplish what we all desire should be accomplished—if it will make the country more sober than it is at the present time—then it should be the duty of every hon. member of this House to do everything in his power to have such a law placed on the statute-books. The hon. gentleman expressed himself strongly in favour of the resolution, and used some strong arguments, the effectiveness of which no one could very well deny. Therefore, I think it is proper that we should consider the matter carefully to ascertain whether the Gothenburg system, if inaugurated in Canada, would conduce to sobriety or not. Many facts were stated by the hon. gentleman and many reasons given why this system should be adopted in this country in the modified form of the public house trust system lately adopted in Great Britain. For my part, I am not yet fully prepared to say whether it should or should not be adopted. If I had the same faith in the Gothenburg system that my hon. friend has, I would regard it as our duty to do all we could to introduce this system into Canada. But we must bear in mind that the Gothenburg system has been in existence a number of years, and although at the time it was first introduced in Sweden there was a great amount of intoxication, the beneficial effects produced were not perhaps so much on account of the system

as on account of the feeling of the country generally at that date that the drunkenness previously existing should be done away with. We all know full well that formerly delirium tremens was very prevalent in Sweden. As stated by the hon. gentleman from de Salaberry, a large amount of spirits was imported into that country, because the general drink was a fiery brandy instead of the milder drinks. My hon. friend referred to the fact that it would be well to do away with the strong spirits and drink more wine or beer ; but I have grave doubts whether it would be in the interests of the country that such a course should be pursued. The amount of spirits drunk at the time in Sweden was enormous. The system under which they carried on their license law enabled everybody almost to obtain a license to sell spirituous liquors. There was an enormous number of distilleries in Sweden, I think some 173,000. Hon. gentlemen can well understand that if there was that many distilleries a very large quantity of liquor must have been produced. We know also that wherever it is in the interest of the hotel-keeper to sell as much liquor as he possibly can, he will hold out every possible inducement to his customers to use spirituous liquors. I think it would be beneficial if we could do away entirely with the profits arising out of the sale of the liquor, and have the traffic so controlled that those who sell it will derive no direct profit. That is the principle of the Gothenburg system to a certain extent. By that system the parties in control of the licensed houses receive six per cent only of the profits. That would do away to a certain extent with the inducement to the license holder to dispose of as much liquor as possible. As I said before, there was an enormous amount of drinking and drunkenness in Sweden, and about the time the Gothenburg system was established there was a great change. But was it the Gothenburg system that accomplished that result ? I hope later on to have an opportunity of showing that it was not the Gothenburg system which caused the great reform in that country.

My hon. friend stated that we had a short time ago been discussing the question of tuberculosis, which was the cause of the death of great numbers of people annually. I think it is generally admitted that drunkenness predisposes to tuberculosis—that the drinking habit reduces the vitality of the human system to such an extent that the disease will be contracted very readily. If that be so, should we not be as anxious to decrease the drinking habit as to do away with tuberculosis ? We should advocate strongly and unitedly any means by which we could reduce the drinking habit. Most diseases I may say are curable. We know that tuberculosis is curable ; and the drinking habit can also be restrained—it can be done away with entirely, and it is our duty to do away with it.

As far as the licensing system in England in concerned, I do not see how that could very materially benefit the people of Canada. I think our licensing system is as good as the licensing system in Great Britain, if not better. I think that any means whereby we encourage and make the drinking habit respectable will result in injury, and will cause many people to become addicted to drinking who otherwise would not. If that be so, is it not necessary that we should avoid making the places where liquor is sold respectable? If people go to an hotel to meet their friends and take their social glass, whether it be wine, beer or strong drink, that is an encouragement to the evil, and young people will acquire the habit of drinking. I do not believe it is a good system to have beer and wine resorts where young people may obtain drinks and thus become more or less addicted to drinking. We know that some of those beers and wines may have seven per cent of alcohol in them—some not so much, and some more. The seven per cent would produce intoxication, and I do not know that it makes any material difference whether a man gets intoxicated by drinking a liquor of which one glass will make him drunk, or whether he takes a larger quantity of wine or beer with a similar result. You might just as well be knocked down by an iron bar as by a basket stick. It simply requires the application of sufficient force. It is the same, in the matter of drinking alcohol, whether you become intoxicated with one drink of strong liquor or whether you become intoxicated by drinking a larger quantity of milder beverages. If I can convince this honourable House that the

Gothenburg system is not in any way superior to our own, I think I have done that which should induce hon. gentlemen to say that we ought to adopt some other method than the Gothenburg system. I think I will be able to show that the Gothenburg system has not produced the beneficial effects that were expected. I have here a statement made by a good authority, Mr. Mulhall, upon the drinking habit. He says: 'Now what has been the effect of legislation as a whole ?'—meaning the legislation that took place about the time that I am speaking of, when the Gothenburg system was first inaugurated. The entire population of Sweden in 1830, drank on an average 8·80 gallons per head. In 1840, the average was 8 gallons per head. As I mentioned at the outset, intemperance was very prevalent in Sweden at that time. In 1850, the consumption was 8·40 gallons per head. It was in 1855 that the new liquor law came into operation and by 1860 the average consumption per head of the population had been reduced to six gallons, not by the Gothenburg system, but by the restrictions adopted in the country, local option and prohibition. In 1870, it had dropped to 4·60 gallons per head, and in 1880 to 4·25 gallons per head. I may be told that this was the result of the Gothenburg system. Not at all. You will bear in mind that my hon. friend stated the Gothenburg system was inaugurated in 1865, while by the figures I have quoted it will be seen that the greater reduction in the consumption of liquor took place prior to that time. Mulhall goes on to say :

> And what had the Gothenburg' system to do with this most gratifying result ? That system did not come into operation in Gothenburg itself until 1865 and then not fully, and in other towns not at all until a later date. Hence it could have nothing whatever to do with the reduction—the greatest reduction of all—which took place between 1855 and 1860, and almost nothing with that which was brought about between 1860 and 1870. That is, the system which has been and is being pressed upon the English public on account of the enormous advantages which it is alleged to have produced, was not in operation at all before 1865, and had next to nothing to do with the reduction which in 1870 was shown to have occurred, and the mixed system of restriction and prohibition which exclusively did effect that great reduction—a reduction from 8·40 to 4·60 gallons per head—is treated as if it were non-existent.

I might go on and give further evidence of that nature, but it is unnecessary to do so. We all recognize the fact that Canada to-day is perhaps the most sober country under the sun. If we were to adopt the necessary means to produce a temperance sentiment and thus carry temperance legislation into effect, we would have no cause to complain. There is another thing to which I wish to refer. The hon. member from Mille Iles (Mr. David) said it was necessary that beer and wine should be used as nourishment. He referred to the fact that in a cold climate where there is an excess of oxygen the Esquimaux and other inhabitants require to take oil, which acts as a fuel or food. We know that oil serves to keep up the animal heat, and we can well understand why the Esquimaux uses it, but why does he also use sawdust with it ? Is it because sawdust is a food ? No, but because the sawdust acts as a stimulant and furnishes bulk upon which the stomach can act. Now is oil really a food and is that the reason why the Esquimaux take it ? The man from whom my hon. friend quoted must have been mistaken, because if I understood his speech correctly he said that the oxygen uniting with the oil in the system produced carbonic acid. I think that must have been a mistake, because the oxygen unites with the oil or carbon and thereby keeps up the animal heat so that the system will not call upon the deposit of fat in various parts of the body to keep up the animal heat. That is why the Esquimaux uses it. I deny emphatically the theory that spirits of any kind, whether wine, beer or anything else, is essential as a food. I say it merely unites with the oxygen in the system to keep up the animal heat and perhaps during the period when it is taken into the system the oxygen does not enter into the conversion of the fats of the system to the same extent.

If these be facts, and we know that they are facts, are we going to lay aside a system that is acting well in our country to adopt one that has not proven a success in other countries ? I am well aware that it is said prohibition cannot be enforced. My hon. friend, the Secretary of State introduced a law many years ago, and the Dominion of Canada to-day ought to feel grateful to him

for having inaugurated it. Let that law be put into operation. It is a measure which has saved thousands of lives on account of the restriction it imposed on the consumption of liquor. It has done more to do away with intemperance than all other schemes combined. Why are we told that the Scott Act, or prohibition has not been a success ? It really has been a success. It has not been absolutely in force, but is there any law on the statute book which can be entirely enforced ? Are we for that reason to condemn them ? We know that the Scott Act has done away with a great deal of drunkenness, and the same result has followed restriction and prohibition in Sweden, Norway and other countries. I believe that neither beer, wine or any kind of spirituous liquors ought to be drunk as a fuel. As a medicine I say there is nothing in it, that it is virtually injurious. Some doctors I am told recommend it. Those same doctors may use it themselves, but if they are thoroughly acquainted with their profession they certainly will not be disposed to recommend the use of an article which might lead to drunkenness. I would say let us put our heads together and seek to induce the provinces to give local option a trial in every county in Canada. Education is the means whereby we are likely to overcome the drinking habit. Educate the people ; let them understand that a man who drinks is committing a crime. Let it be known that drunkenness is regarded as a crime, and you will then have means whereby you can restrain the drinking habits of the people and prevent many other crimes. Are we prepared to say, because in a number of counties in the Dominion of Canada where the Scott Act was formerly in force it has been repealed, that therefore prohibition has proved a complete failure ? By no means. In many rural sections the Act is still in force. In some cities and towns we know it has been repealed on account of many considerations, chiefly because it interferes with the revenues derived from the licensing system. Let us do our utmost to prevent a revenue being derived from the sale of intoxicating liquors and we will accomplish a great object.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. WILSON—Let it be understood that however great the consumption of liquor no profit goes to the community, and people will be ready to unite with us in an endeavour to carry total prohibition into effect ; I believe total prohibition is the only effectual remedy for intemperance. I know full well that the Scott Act can be enforced, but as a rule the subject comes under the control of the local legislatures. I would not have any entangling alliances between the Dominion of Canada and the local legislatures. I believe each province should be a sovereign power within itself, but I say we should do what we can to benefit the community. Is it necessary for me to depict to you the awful effects of drunkenness ? We know it is demoralizing to all men. It first affects the brain and as a man begins to die from his head downward, liquor will have that effect upon him. Feeling strongly on this matter, feeling that drunkenness in Canada ought to be repressed to as great an extent as possible, I cannot support the resolution before the House, for I believe that the law which we have in Canada is far superior, and that the Scott Act will accomplish more than the Gothenburg system could bring about.

Hon. Mr. SCOTT—Whether we concur or not in the proposal submitted by the hon. gentleman from de Salaberry (Hon. Mr. Béique) that it would be a good thing to inaugurate in Canada a public house trust, as they have it in England, we must at all events agree that the discussion of a subject of this kind is attended with very great benefits. I need point to no better illustration of it than the speech made by my hon. friend behind me, who has rendered a great service by calling public attention to the progress of the temperance movement and to the view he holds as to the causes that are entitled to credit for that progress. The Public House Trust in England probably is a good thing in its way. I am disposed to give the parties who inaugurated it very great credit. The distinguished nobleman who within an hour past occupied the Throne in this chamber is mainly entitled to any credit due for the inauguration of the Public House Trust in England, and there is no doubt whatever that it has been beneficial. To begin with, it completely eliminated the most important element, that is the element of profit, be-

cause we know that drinking habits are stimulated very largely by those who are interested in the profits derived from the consumption of liquor. I say that the elimination of profit is a very important point, but giving credit for the adoption of that, you must consider the conditions which exist there and compare them with the conditions prevailing in Canada. A few years ago, when I looked into the subject last, the per capita consumption in the United Kingdom, as compared with Canada was about as five to one, so one would scarcely draw an inference as to the benefits which would result from the adoption in this country of the system that prevails there. So far it has not to a very great extent diminished the quantity of liquor consumed, and it has made drinking more respectable. That feature is not one which would commend it to the people of Canada. We have got beyond that stage.

As my hon. friend behind me has observed, Canada leads all countries in regard to the temperance movement, and I think he has very properly and correctly given the explanation of the causes which have led up to that; they are the licensing system, the local option system, and the prohibition system, adopted in very many sections. While prohibition has not always been maintained, it has been an educator. In those very counties which, after adopting the prohibitory law subsequently repealed it, from influences that we need not now discuss, we can still trace the beneficial effects which were produced, because wherever the prohibitory system has been adopted, even for a time, the reduction in the consumption of liquor that follows is quite perceptible. Take as an illustration the effect of the law which prevails in nearly all the provinces, restricting drinking from Saturday at 7 p.m. until Monday morning. That has been done with a view to removing from the wage-earner the temptation to spend his week's earning in drink. I notice in England the question of Sunday closing came up in the House of Commons, but the temperance sentiment there was not strong enough to carry a measure prohibiting the keeping of taverns open on Sundays. The common thing there is to adjourn from the church to the tavern; people after attending service want to drink at the tavern. We are far ahead of that in Canada. Therefore, while a system may recommend itself to people in the United Kingdom, as being beneficial under the conditions prevailing there, it might have no place at all under the conditions in this country.

Hon. Mr. MACDONALD, (B.C.)—Are there no hours in England during which public houses must be closed?

Hon. Mr. SCOTT—I do not know; locally there may be. An hon. gentleman near me says it is the case in Ireland. It may be limited to the Green Isle, or it may prevail in other parts of the United Kingdom.

Hon. Sir MACKENZIE BOWELL—In London I know that the beer shops and restaurants were all closed until after church hours in the morning.

Hon. Mr. SCOTT—And open after church?

Hon. Sir MACKENZIE BOWELL—Yes—I think after two o'clock.

Hon. Mr. SCOTT—In this country there is not only a strict system of licensing, but local option prevails in many parts of the Dominion. In New Brunswick, Nova Scotia, and Prince Edward Island, the Canada Temperance Act is enforced in twenty-five or twenty-six electoral districts. I may be told that it is not observed, that the law is violated. I admit it is violated, like every other law on the statute-book, but I maintain it has restricted the quantity of liquor sold, has reduced the consumption of liquor and also the number of places where liquor is sold, and that is a very important element in considering a reform of this kind. Take the number of tavern licenses in Ontario in 1874, compared with the number in existence to-day. In Toronto in 1874 there were 309 taverns; in 1884 they had been reduced to 217, and in 1902 to 150. The liquor stores, that is stores where they sell liquor otherwise than by wholesale, numbered in 1874, 184; in 1884 they had fallen to 88, and in 1902 to 50. The wholesale houses in 1874 were 21; in 1884, 13, and in 1902, there were only 5. In Hamilton in 1874 the taverns numbered 127; in 1902 they were 75. In Ottawa in 1874 there were 120, in 1902 there were 76. In London in 1874 there were 75; in 1902 there were 35. Taking the whole province of Ontario in

1874 the total number of taverns was 4,793 ; in 1884 they numbered 3,253, and in 1902 there were 2,628. A similar proportionate decrease took place in the case of shop licenses.

Hon. Sir MACKENZIE BOWELL—Does the word 'tavern' include saloons ?

Hon. Mr. SCOTT—Yes, wherever liquor is sold by the glass. It would appear there has been a uniform reduction throughout the whole province of Ontario, at all events in reference to the opportunities for obtaining liquor. My experience, if it is worth anything—and it extends over a good many years—is that the removal of temptation is really the best method of reform. Many a man going home from his work with $5 or $10 in his pocket will drop into a saloon if in passing he hears jolly companions inside and the tinkling of the glasses. If the tavern was not there he would go on his way home, and be all the better for it. So, with opportunities for observation perhaps quite equal to most of my colleagues, I have long since come to the conclusion that the removal of the temptation is really the best system to adopt. I am sorry to say that the record in the province of Quebec is not equal to that in the province of Ontario. My hon. friend from St. Thomas (Mr. Wilson) touched on a point of grave importance, and one that ought to appeal to the moral sentiment of the people of Canada when he spoke of the temptation to make a revenue out of the traffic. To receive a revenue out of that which is dealing death and destruction to our fellow beings, has, I am afraid, been a strong inducement not only to municipalities, but to provinces, and as evidence of it I refer to the province of Quebec. A few days ago the subject was brought up by the Hon. Mr. Lemieux, in the legislature of Quebec, and he deplored the extent of the liquor traffic, particularly in the cities. In the country parts of the provinces they have very few licenses and consequently very little drinking. . The drinking in the province of Quebec is confined almost entirely to the cities and towns, and the traffic is largely, in my judgment, due to the revenue derived from it. That is a terrible blemish to cast upon the reputation of those who control the laws of the country, because we must all admit that the liquor traffic is the source of the larger portion of crime. I am quite of the opinion of Sir Frederick Treves, which I dare say hon. gentlemen have seen, that alcohol, in whatever form or shape you take it, is a poison. In the course of a long life, having opportunities to observe such matters particularly, I have come to the conclusion that alcohol acts on the brain in the same way as paralysis, and that men's brains are often paralyzed without the public being aware of it. They may talk and act coherently in many ways, but at the same time there is paralysis to a greater or less extent existing there. I have had proof of it in ways I need not explain now—proof that men have committed crimes under the influence of alcohol without intent, and without even being aware of having committed a crime. I have myself had indubitable evidence of this in a variety of ways, and I make the statement boldly that crimes are committed—perhaps not often—where the party is not conscious of what he is doing, and knows nothing of it afterwards when he regains his normal condition. I have known a man to go to the gallows protesting, when he was dropping into eternity, that he had no recollection whatever of having committed the crime for which he was executed. Many years ago an incident occurred in the city of Winnipeg illustrating this fact. A trapper, who always carried a knife, returning home after being for some months in localities where he had no opportunity of getting liquor, got on a spree. After drinking at a number of places, he was staggering home to his boarding-house when he met a man on the sidewalk. This man simply struck or jostled against him, and as he did so the trapper drew his knife and struck a blow, staggering on without knowing what he had done. The blow caused death, and although when that man was tried, it was shown there was no motive, that it was done mechanically, the verdict was that he was guilty of murder. That man declared on the scaffold, when he was going to meet his God, that he had no recollection of committing that crime. Is that not terrible and appalling, to send men to eternity who are placed in that condition simply through the mercenary motives of municipalities

and individuals interested? Alcoholic liquor creates a paralysis of the brain such as takes away the sense of responsibility, and not only the sense of responsibility but the knowledge of what has been done. A case came under my observation only a few days ago—hon. gentlemen probably are aware of it—in which a man near St. Hyacinthe was to be executed for murder. The murder came about in this way; his wife left him on Saturday and he got very drunk. There was a step-child in the house of whom he was very fond, a pet of his; but he got the worse of liquor and he took its life. People say he was not drunk, but no doubt that very paralysis of which I speak had affected his brain. He got angry at some little act the child did, nothing of any consequence, and struck the child a violent blow with a stick or rod of some sort. A vessel burst in the brain, causing its death. When he came to his senses a few hours afterwards he said: 'I give myself up. I did not know I did it.' He broke down and said: 'I must be hanged now.' The man was tried a few months ago, and found guilty of murder. He had struck the child apparently in a fit of anger, and death followed. The judge sentenced him to be hanged about three weeks ago. The case came up before the Privy Council, and it was discussed. The absence of any motive was shown; the evidence was clear that the child was a pet of his; that he could have had no thought of killing the child. It would be hard to call it murder, and yet it was a killing without justification. Here is another case. Only a few days ago we saw in the paper that in the town of Pembroke some Italians were drinking; a young lad of seventeen who was not drinking was stabbed by a companion who was under the influence of liquor. The blow injured the heart and death followed. He is to be tried for murder some little time hence. I could go on and give illustrations of that sort without number. In a very long life I have noted various cases of a similar kind, with which I have had to do myself. For very many years I was in active practice and acted as 'Queen's Counsel' and had to indict people for all manner of crimes. I have had to indict a husband for the murder of his wife and the wife for the murder of the husband. In both cases the crime was solely attributable to alcohol. I merely mention this as one of the illustrations. Hundreds of like cases have come under my observation. Crimes that are due to brutality, offences committed by personal attack, are in a great majority of cases—fully 90 per cent—entirely due to liquor. Of course there are some crimes which cannot be traced to that cause. There is the regular criminal, who may be placed in the category as a professional burglar or robber. But I speak of those criminals who are charged with offences against the person, accompanied by violence. I do not hesitate to say that a very large proportion of such crimes are due entirely to the use of alcohol. It has been said, 'Oh well, so and so was not drunk; he walked perfectly straight; he enunciated his words clearly and distinctly.' I admit all that, and yet there was an influence operating on the brain which caused him to commit the crime; and I say that it is most regrettable that in this age of civilization any portion of the community should be seeking to make profit out of a traffic that brings death and destruction in its train, as is the case with the liquor traffic. Hon. gentlemen have probably read the report of Sir Frederick Treves, whose name I have already mentioned. He is a very distinguished medical man, probably one of the most distinguished in England, and had a large practice in London. He was appointed Surgeon Extraordinary to the Queen, and subsequently to the King; and it was he who performed the operation on King Edward VII. for appendicitis. He said:

> All alcohol is distinctly a poison, with certain uses, like other poisons, but limitations on its use should be as strict as on arsenic, opium or strychnine. It is a curiously insidious poison, producing effects which seem to be only relieved by taking more, a remark which applies to other insidious poisons, such as morphine and opium. Alcohol has had a certain position in medicine in the last twenty-five years, but its use by the medical profession has steadily and emphatically diminished.

He goes on enlarging on the opinion he has there expressed. A distinguished member of this Senate, Sir William Hingston, who I am sorry is not now present, was asked his opinion as to this statement of Dr. Treves and in reply, he said:

In regard to Sir Frederick Treves' statement, I quite agree with him. In my general practice I very rarely prescribe alcohol in any form. There was a time when it was used in medicine and in some quantities. Now its use is the exception, and is confined to those cases—and they are few—where alcohol is necessary.

I have a number of other opinions in the same direction which entirely sustain the opinion expressed by Sir Frederick Treves.

Before making this diversion I was about to give the figures in regard to the province of Quebec, which I am sorry to say are not on a parallel with the province of Ontario. In 1874 there were 457 tavern licenses in the city of Montreal. That includes the restaurants and all the drinking places. In 1903 there were 649 licenses. While in Ontario the number has gone down fifty per cent or more, in the city of Montreal the number has gone up.

Hon. Sir MACKENZIE BOWELL—Did the hon. gentleman make the comparison on the basis of population ?

Hon. Mr. SCOTT—No, I have not gone into that. Of course there is a difference in population. The increase has been greater in Montreal, probably than elsewhere. In 1874 Quebec had 161 licenses, including restaurants. In 1903 they had risen to 178, a proportion of increase not so great as Montreal. Of course we must make allowance for Montreal that it is a seaport city, and there is always much more drinking at seaports which are frequented by many outsiders and foreigners. I presume the same remarks would apply to Liverpool, Antwerp, and many ports in Europe.

Hon. Mr. DAVID—Has the hon. gentleman the figures for the country as well as the cities ?

Hon. Mr. SCOTT—I have only cities. I stated just now that I thought probably the rural parts of the province of Quebec were as far advanced as any other part of Canada perhaps further, because I know that in very many parts they do not allow a license at all. I am merely making a comparison of the cities.

Hon. Mr. LANDRY—What source are those figures taken from ?

Hon. Mr. SCOTT—From the Journals of the House in Quebec ; and in Ontario from the same source, the official figures published by the authority of the province. In St. Hyacinthe in 1874 there were 54 licenses and in 1903, 59. At Richelieu in 1874 there were 28 licenses and in 1903 there were 40. The total increase in Montreal, Quebec, St. Hyacinthe and Richelieu was from 700 in 1874 to 926 in 1903. Now it can be seen where the real temptation to increase the number of licenses lies. It is in the license fee. In 1874 the fees for licenses in Montreal amounted to $61,000. In 1903 it had risen to $361,987. I think I am quite correct in the opinion I expressed that the increased consumption of liquor, the increased opportunity given to men to indulge, has largely been stimulated by the profit there is in it for the country. I think that is a very melancholy reflection to make on so intelligent a body as the people of Canada.

Hon. Mr. MACMILLAN—Is this the amount that the hotelkeepers pay for the privilege of selling liquor ?

Hon. Mr. SCOTT—Yes, I think in Quebec the province receives the larger proportion, perhaps all.

Hon. Mr. DAVID—The government in reality receive all the fees. A certain amount goes to pay for the certificate, but that amounts to only about eight dollars.

Hon. Mr. MACMILLAN—The same in Ontario ?

Hon. Mr. SCOTT—No, it is only a proportion. It is less than one half. In Quebec the license fees for taverns and restaurants rose from $18,000 in 1874 to $73,314 in 1903. In St. Hyacinthe in 1874 they amounted to $4,100 and in 1903 to $12,900. In Richelieu in 1874 the fees were $2,400 and in 1903 $9,700.

Hon. Mr. LANDRY—Could the hon. gentleman tell us if the price of the license has been raised ?

Hon. Mr. SCOTT—I am merely giving the net result. The prices no doubt have been raised, and at the same time more places have been licensed ; because I gave you in the first instance the number of licensed houses, showing a very material increase. The total received in those four places in Quebec increased from $84,500 in 1874 to $457,913 in 1903. That is not a creditable showing, because it is quite evident that

not only was the revenue payable for each license increased largely, but there has been a large increase in the number of licenses issued. I think this is where the chief damage has been done, and I think it is responsible for many crimes that have been committed in Montreal which have come under my notice as a member of the government from year to year—quarrels arising at a tavern door, quarrels arising inside the tavern and quarrels arising outside,—and one of the peculiar features that I have observed in the last fifteen or twenty years is the number of wives that have been assassinated by their husbands. That seems to me a terrible thing, that the number of women shot or stabbed by their husbands, has been on the increase. We all know very well that frequently men out of jealousy have shot their sweethearts ; but I am speaking of those in the marital state where men acting under the influence of a stimulant and wholly without any feeling or motive to commit the crime, have murdered their wives. A case comes to my mind at the present time ; a policeman who is now in St. Vincent de Paul, a man with the best of characters, who came home under the influence of liquor ; a word or two passed with his wife about the dinner not being ready or something trivial of that kind. He drew his pistol and shot his wife, killing her. The man ought to have been hung, but it was very hard to hang a man under such conditions. The man loved his wife and had no feeling of any kind against her. The unfortunate glass that he took probably at the opportune tavern which stood between his beat and his home was entirely responsible for it.

Perhaps my attention has been more directed to this question than most men, because I have in the last 65 years given a good deal of thought and attention to it, and I have noted the effect on my own mind and the effect on society, and have noted also the terrible consequences which have followed this indulgence. One thing I have particularly noted—and perhaps some of my contemporaries may have remarked the same thing—that the effect of the liquor to-day is entirely different from the effect of the liquor used 55 and 60 years ago. I can recollect perfectly well upwards of 60 years ago in the convivial meetings where men congregated together, there was no quarrelling. They were jovial and ate their Bacchanalian supper, so to speak. They hugged each other and fell on the floor, without any drawing of knives or stabbing,—no drawing of the pistol in those days—and my conviction is, from the observations I have made as years went on, that it is due largely to the adulteration of liquor. I defy anybody to get pure liquor. It is all nonsense to talk about pure liquor. When the phylloxera dissapeared it was thought that the quality of the champagne sent out would be improved, but such was not the case. Inferior wines are made, and with the advance which has been made in chemical science, you can now make wine out of potatoes or anything and you can give it the peculiar flavour that is fashionable. I can go back forty, fifty or sixty years ago, when there was a rage for dry sherry. How were sherries made dry ? By prussic acid. There is no doubt about that at all ; and the consequence is that men have died from paralysis,—sherry drinkers who perhaps did not drink more than a pint a day—and yet paralysis overtook them in the end, due entirely to the adulteration of the fluid.

I did not mean to make a temperance speech when I rose. I meant rather to draw a comparison between the conditions in Canada and the conditions in Great Britain ; and while I am prepared to give credit to those who support the action of His Excellency the Governor General in establishing the trusts in England for public houses, yet I believe it would not be acceptable to the people of Canada. We have made too great progress in this country in the temperance cause and we would not approve of making liquor drinking respectable, giving it a standing that it does not to-day possess, and for that reason I hope my hon. friend will not press his resolution. I think the very fact of his drawing attention to the subject entitles him to great credit, because we have had the opportunity of not only giving expression to our views but of drawing deductions from a full discussion of the scheme ; and I am glad to see that the deduction we all draw is in the direction of minimizing the quantity of liquor that is consumed.

Hon. Mr. KERR (Cobourg)—I ask the indulgence of the House for a few moments

before the motion is disposed of. I think we all agree with the remark of the hon. Secretary of State that the excessive use of intoxicating liquor is a terrible evil. Having settled that in the affirmative, then the other question arises,—is there a remedy and what is it? Whatever disposition may be made of the motion before the House, I think I utter the sentiments of all, when I say that we are under a debt of gratitude to the hon. gentleman who introduced this motion in such a temperate and intelligent manner, and I hope and believe that the discussion of this question will result in great good.

The question is, is there a remedy and what is it? We have tried many remedies. It has been my fortune during a considerable number of years to take some interest in this question. We have tried the much maligned and much abused Dunkin Act. It was my fortune to vote for the enforcement of the Dunkin Act in the counties of Northumberland and Durham, where I reside. I did not have very much faith that it would accomplish all the objects of its ardent advocates, but I did think, and still think, that the agitation caused by the endeavour to pass that Act, and the agitation for and against its repeal, has had a good effect in calling the attention of the public to the great evil of intemperance; and I never allow any one in my presence to abuse that much abused Act called the Dunkin Act. I believe Mr. Dunkin was sincere and that although he was in advance of his time when he brought that question before the old parliament of Canada, it was one step in the right direction. Then that having accomplished its purpose, the Scott Act for which credit is largely due, if not chiefly due, to the hon. Secretary of State, came before the public. It was my duty as a humble member of the other Chamber at the time to take some part on the committee in framing that Act. I did not at the time think that that Act would accomplish all that its most ardent advocates expected, but I did hope that as in the case of the Dunkin Act the agitation for its enforcement and the agitation against its repeal would operate as an education to the people on the great question of temperance, and the evils of intemperance. I have ever thought and think now that the effect of that Act on the public was salutary.

That has gone out of force now in nearly all the provinces. Then the only other alternative, prohibition, is advocated by a great many; by some very ardently and, sometimes, very unwisely. When I hear people speaking of the great things they expect from prohibition, I often think of that passage of Scripture which says: 'Let not your good be evil spoken of,' which, I take it, means do not run a hobby into the ground, so that you disgust everybody by your advocacy of it. I have always been on the side of temperance and practically a teetotaller all my life, and I have so educated my family that they do not touch liquor and do not want to touch it. In this connection I am reminded of a very wise remark made by the Nestor of this chamber, the venerable senator from Fredericton, New Brunswick, in speaking on this question two or three years ago. He made an observation which has recurred to my mind frequently since he uttered it. His remedy for the great evil of intemperance was, to use his own phrase, 'destroy the market.' What he meant by that he afterwards told us—so educate and so train the rising generation that they will not crave or desire the use of intoxicating liquors, and if that state of things is brought about there will be no liquor manufactured, because, if the market is destroyed, there will be nobody to sell it. That brings me to another question, whether the proposition before the House will solve it. If this question comes to a vote, I should like to vote for the resolution; but, before doing so, I should like to have a little more information, and be more fully satisfied that the Public House Trusts are a success in England. That they have done a great deal towards solving the question of temperance and social reform I have no doubt; but I am not prepared, with my present knowledge of the question, to affirm that statement of them, nor am I prepared to affirm the second portion of the motion, that the time is ripe for us to attempt similar experiments in Canada. I do not think it is. Then, is there any remedy? The only remedy that I see, and the only remedy that I advocate now is, not the repeating of the Dunkin Act, not the repeating of the Scott Act and

not the establishment of these trusts, but the enforcement in the most rigid manner of the licensing system. Reduce the number of licenses, and in the meantime educate the people of this country to the great evil of intemperance; and bring about by education what I am thoroughly satisfied you cannot bring about by legislation. You never can make a man honest by legislation. You may punish him for doing wrong, but you will not make him honest. How will you make him honest? By teaching him religion, by improving his morals, by making him feel that he has a higher destiny than his destiny in this world, and that the only sure way of securing that is to lead a sober, righteous and upright life. I believe that education will be the great means of bringing about what will be practically prohibition, but never in the form of an Act of parliament. Now, I say—and I know I shall offend a great many of my warmest friends when I say it—that I do not believe that at the present moment a prohibitory law, if it could be passed, could be enforced; for, as some Roman author has said, what are good laws without good morals to enforce them? I do not believe that we have the moral stamina in this country to enforce a prohibitory law. My last word then is, educate the people on this terrible evil of intemperance. Diminish the drinking usages by better education, both moral and intellectual, and while we are doing that keep the number of licenses down to a minimum, meting out very severe treatment to any one who dares to violate the law. There is no question before the people of Canada to-day comparable to this question of temperance or intemperance, and none so difficult to deal with. I believe the only remedy is to educate the people and keep on educating them until that time arrives—and I do not despair of seeing it—when it will not be considered respectable to indulge in intoxicating liquors to excess. I feel strongly on this subject; and giving it the very best consideration I can, I believe that education and a rigid enforcement of the license law, certainly in the province of Ontario, are the two means to be employed.

Hon. Mr. MACDONALD (P.E.I.)—I do not very often agree with the hon. gentleman from Cobourg (Hon. Mr. Kerr), but on this occasion I heartily coincide in his remarks. I believe that education is the main thing to develop a temperance sentiment, and that education should begin the moment a child enters school. As soon as he is sent to a common school he should there be instructed in the principles of temperance as well as those of religion, and if that is done in a proper way he will grow up to be a citizen who will be a credit to his country, and who will shun all the evils of intemperance. Coming as I do from a province which has adopted the Scott Act and enforced it for many years, I must say that it has had a good effect in all the rural districts, and has reduced the consumption of liquor there very materially. It has not had the same good effect in the city because in the city there is a floating population, rendering it almost impossible to enforce a prohibitory law. In the city of Charlottetown, which is an exception to the general rule in the province, not having adopted the Scott Act, there is a local law intended to restrict the sale of liquor, which has had some good effect but not the effect expected by those who promoted it, for there certainly has been a great deal of drinking in the city up to the present time. At the last session of the legislature, they passed some measures more restrictive in their nature than had been in force previously, with a view to reducing the consumption of liquor, and I expect it will have that effect; but it is a very difficult problem to curtail the sale of liquor in cities like Charlottetown where there is a continuous movement of population—workingmen engaged in railroad construction, bridge-building and other public works. Such people remain in the city as long as their employment lasts, and then move on, having finished the work they were employed to do. But the great difficulty in enforcing a law of that kind is that public opinion is not educated. Public opinion must be educated in the first place before the law can be made effective, and in order that that should be done, we must begin with the young generation and instil right views into their minds as they grow up. As regards the city of Charlottetown I must say that the different churches there have taken this matter up very seriously indeed, and with very good effect. I am aware that in one church nearly all

the children—all the young people under the age of twenty-one, with very few exceptions—have been educated in the principles of temperance and belong to a temperance organization under which they are pledged to total abstinence until they reach twenty-one years of age.

Hon. Mr. McSWEENEY—Had you not the Canada Temperance Act in operation in Charlottetown, several times, and how did it work?

Hon. Mr. MACDONALD (P.E.I.)—We had it in operation in Charlottetown for a good many years, but public opinion was not strong enough there to enforce it properly. The last time there was a vote taken there was a majority against the Act and it was done away with, and this other law was introduced. When the hon. Secretary of State was addressing us on this subject hon. members certainly must have agreed with him that indulgence in intoxicating liquor is the cause of a great deal of crime. That is a statement which cannot be disputed. He referred to the number of places in which intoxicating liquors are sold in the different cities, and he showed that in Montreal there had been an increase in the number from 457 places in 1874 to 649 in 1902. That is to say in the space of nearly thirty years the number of places in which liquor was sold had increased nearly forty per cent. On the other hand the amount received for licenses for the sale of liquor increased in the same time from $61,000 to $361,000. The number of places increased 40 per cent while the amount received for licenses increased about 600 per cent. That shows that they have been endeavouring to restrict the business there by increasing the tax imposed on persons licensed to sell. The population of Montreal has certainly increased very much more than 40 per cent in the last thirty years, so that the number of places in which liquor is sold now is less per thousand inhabitants than it was in 1874; so that even in the city of Montreal the record is not so bad as one might infer from just a casual glance at the remarks made by the hon. Secretary of State. The same observations would apply in a less degree to some of the other places to which he referred. It is certainly desirable to limit the number of places where liquor is sold, if that can be reasonably done; but you require to have the people educated in order to place those restrictions on the sale of liquor. The local governments represent the feelings of the people. If the majority of the province of Quebec or of any other province are in favour of total prohibition of the sale of liquor or of the adoption of the Scott Act it will be carried out, but until the people are educated up to that point you can never enforce a prohibitory law.

Hon. Mr. McSWEENEY—It never has been carried out in any locality that I am aware of.

Hon. Mr. MACDONALD (P.E.I.)—It has never been carried out effectually I admit, but it has restricted the sale of intoxicating drinks wherever it has been adopted. It struck me while this discussion was going on that if we could graft something in the nature of the Gothenburg system on the Scott Act, we might be able to accomplish some good in that way. It seems almost like an impossibility to do it, but still something may come out of this discussion which will lead to good even in that line. There is a difficulty, too, in this way; license of course restricts the sale to a certain extent, but the temperance people are opposed to the license system altogether. The consequence is that numbers of people enter into the business of selling liquor without license because the temperance people are opposed to the license system. There is a demand for drink, and people who have no other business, and probably have very little to lose, take it up and enter into the sale of liquor illegitimately. Although this discussion may not eventuate in any legislation, it may do some good to the country. It will let the people see there is a sentiment in the minds of many of the people's representatives to do what they can to prevent the evils of intemperance.

Hon. Mr. McSWEENEY—I come from a county where the Scott Act has been in operation a good many years. I think there are ten counties in New Brunswick under the Scott Act, yet I find that the number of arrests for drunkenness in New Brunswick is very much in excess of the number of arrests in Quebec, or Ontario, which are

under a strict license law. Twelve counties in Nova Scotia are under the Canada Temperance Act, and three counties in Prince Edward Island, yet I find the same condition of affairs prevails there. Let us compare the arrests for drunkenness in those Scott Act provinces, with the arrests for drunkenness in Quebec and Ontario. In Nova Scotia the number of inhabitants to each conviction is 229; in New Brunswick it is 237; in Prince Edward Island, 446. In Ontario where there is only one county, Prince Edward, under the Scott Act, the number of inhabitants to each conviction is 554, and in Quebec 600. In other words, where we have the Canada Temperance Act in force the arrests are almost three times as many as where they have restrictive license laws. You may talk and theorize as long as you please, but there are the facts; and they are against the Canada Temperance Act. I will take my own county of Westmoreland as an example. In Moncton when we had licenses we had thirteen people licensed to sell liquor—not shop licenses but licensed to sell by retail. To-day I venture to say we have fifty people selling liquor in Moncton, some of them paying a fine and others not paying. I am satisfied that drunkenness has increased in that town 50 per cent under the Canada Temperance Act. Take Fredericton, Charlottetown, Truro, Amherst and various other places in the maritime provinces and it will be found that instead of being a benefit the Scott Act has been a perfect curse. I am satisfied that it has put back the cause of temperance 50 years. In Cape Breton, take Sydney and other towns; take New Glasgow in Pictou county—there is not the least doubt that drunkenness has increased in all of them.

Hon. Mr. McGREGOR—One statement made by the hon. gentleman I cannot allow to go without contradiction. He says that drunkenness has increased in the town where I live, New Glasgow. Whatever may be said of other places, drunkenness has not increased in New Glasgow.

Hon. Mr. McSWEENEY—The arrests for drunkenness have increased.

Hon. Mr. McGREGOR—We are in the midst of a mining population and perhaps the law is better enforced in some places than in others. In the rural parts of the county where I live you cannot get liquor. You can only get it in New Glasgow and Pictou and certainly there has been no increase of drunkenness in the town where I live.

Hon. Mr. BLACK—I suppose it is pretty well known even in the Senate that I am a temperance advocate. I was very much pleased this afternoon to know that the records of the Senate will contain reports of such observations as have been made, and more particularly the observations of the Secretary of State, showing so conclusively the evils of the drinking habit. We may labour to find an antidote for the evil, but it seems to me in the present state of society that is an impossibility. The only sure cure for the habit of intemperance is to leave liquor alone, and that is a thing we cannot as yet get our people to do. The statements made by the hon. Secretary of State show pretty conclusively that under the licensing system we need never expect to do away with the drinking habits of the people. Many years ago in my own town we had to fight this licensing system. The law there was, with the old court of sessions, to grant a license on a petition of a majority of the taxpayers, and under our educative system it became impossible to secure this petition; therefore the licensing system had to be abolished. Then after that we had the Nova Scotia Act which worked very well and then we had the Scott Act. I would not have said anything to-day on this subject if it had not been for our experience. This liquor traffic is an insidious foe. You may crush it in one quarter and think you have it entirely annihilated, and soon after some of his Satanic Majesty's agents may think they can make money out of it, and those who are fighting it make no money, and so it reappears. The reason I speak to-day is because of the remarks of the hon. senator from Westmoreland (Hon. Mr. McSweeney) on the Scott Act. Why it is only two or three weeks ago that under the application of the Scott Act in the town of Amherst, every liquor shop in the town was closed down, making it clear that where the moral sentiment of the people is right it will prove effective in prohibiting and suppressing the liquor traffic. What has my hon. friend to

say to that? Would the licensing system have done as much? We were told a few years ago that if you licensed a few houses and made the sale of liquor respectable, the licensees would put a ban on the other places and close them down, because having themselves to pay a high price for the privilege of selling, they will stop illegal selling on the part of others. Did they do that? Not a bit of it. They fostered and encouraged those places to sell liquor. Now some may say that the Scott Act is not working a sure cure of intemperance, and that the licensing system would be better; but with the experience of the past to guide us we can have little faith in putting an end to the evil by licensing. I am opposed to the licensing system on principle. How can you properly license something that you know is wrong? If you do you take the responsibility on your own shoulders of licensing an evil. The moment you grant a license you take the responsibility off the rum seller, and if any one should censure him for the curse he is placing on families, he can say: 'Go to the man who gave me the license, I am carrying on a legitimate business and what have you to say to me?' I have fought the evil of intemperance for 50 years. I know the results of the licensing system, of the Scott Act, and of the other Act mentioned. My hon. friend the Secretary of State showed us that under the influence of liquor men commit murder, the husband has slain his wife, the father his children. It is a desperate evil, but still we go on and treat it lightly. Another hon. gentleman tells us that this is the greatest question before the country. Why can we not enact a prohibitory law? Because the moral sentiment of the country is not up to that level. The Apostle Paul says the law is the school-master to bring us right. We want education and law both, but we do not want to license people to do that which we all acknowledge is wrong.

Hon. Mr. ROBERTSON—I do not think it is any argument to point out to us the number of arrests made in the different provinces. The hon. senator from Westmoreland (Hon. Mr. McSweeney) says that the number of arrests in Ontario and Quebec in proportion to population is less than in the maritime provinces, where the Scott Act is enforced. They have the licensing system in those two large provinces, and do not arrest people for drunkenness as they do in the maritime provinces. I rose for the purpose of saying a word in behalf of the Scott Act. I live in a province where the Scott Act has been enforced for the last 20 years, and have lived in the same county all my life, and have had good opportunities of observing the working of the Scott Act, having practised medicine and been amongst the people a great deal. I wish to say that the Scott Act has worked exceedingly well in King's County, P.E.I. It has lessened the drinking of intoxicating liquors in that county in a very large degree. It has been pretty well enforced. It is a difficult matter to enforce any law against the selling of liquor. You will find a man beginning to sell liquor at one point and when he is brought up and fined another man will crop up somewhere else and sell liquor, and so it goes on. In the county in which I live the Act has been very well enforced and I feel that I speak the truth when I assert confidently that the Scott Act in the county where I live has caused the consumption of liquor to be very much diminished. The enforcement of the Scott Act is a little difficult, because the seller is always the party to be punished,—the drunkard is never interfered with. But Charlottetown during the last year has enacted what might almost be called a prohibitory law—not exactly prohibitory, but very nearly so—under which any man found drunk can be arrested and jailed, and when he becomes sober he can be brought up and required to declare on oath where he obtained the liquor that made him drunk. That is a very salutary amendment to the liquor law and one which I believe will stop many of the heinous crimes which, as the hon. Secretary of State has pointed out, are caused largely by the use of alcoholic liquors. When a man who is unable to take care of himself is jailed until he becomes sober and is then made to say where he got the liquor which made him drunk, and the liquor seller is then punished, you are going a long way towards stopping the sale of liquor. It is all very well to say educate the people; that is a very good idea and one that we would all like to see carried out; but unless the legislatures of the different provinces and the Dominion will

enact strenuous laws you will have little result in the way of lessening the sale of liquors in this country.

Hon. Mr. CHURCH—I wish to say that the question demands consideration in all legislative bodies in Canada, both local and Dominion. We have listened to the remarks of the hon. Secretary of State, in which he gave us a painful picture of the results of intemperance in the country, and I have no doubt he is correct. A great deal has been said about law. My hon. friend says we have had law enough on the statute-books for the last twenty-five years, but the trouble is that it is not enforced. My hon. friend from Moncton talked about statistics in regard to Nova Scotia, New Brunswick, Quebec and other provinces. I do not dispute his figures, but there are reasons why, in Nova Scotia particularly, with a maritime and floating population, like other places on the coast, as the hon. gentleman from Prince Edward Island has said, the law is violated and arrests are made. It may merely prove that in Nova Scotia the law is carried out better in that regard than elsewhere. The people in that province are fined and brought to book, whereas in other places perhaps they are not. During my term of office as a member of the local government in Nova Scotia one trouble came forcibly to my knowledge, and that was the question of jurisdiction. Unfortunately after consideration, it did not appear to be well defined how far the authority of the Dominion government went and how far the authority of the local legislatures went, and so in Nova Scotia, notably in the county of Halifax, and also in Lunenburg and other places, the question was constantly being raised as to jurisdiction. The rum-selling community and the parties who vended liquor illegally, either wholesale or retail, would employ the best counsel they could get and would fight out those points. If the case originated in the magistrates' court an overwhelming array of legal talent would be brought there very often to prove that the local legislatures had not power to pass the laws and that the law under which the magistrate was acting was not really constitutional. The case would be carried from one court to another, and in this way the liquor sellers had an advantage. Now a deliverance has been made by the highest court in the empire, the Judicial Committee of the Privy Council; and yet the law is not clear. I am told that according to one of the latest deliverances of that august body in a Nova Scotia case, the local legislature has certain very restrictive powers, as a matter of fact have prohibitive powers within their own borders. The brewer or distiller outside of the province could, however, manufacture liquor say two hundred yards over the border, just over the line in New Brunswick, and could take his product into the province of Nova Scotia and set the authorities at defiance. If that be true, it is a lamentable state of affairs. I think the deliverance of that august body, across the water, as to the relative jurisdictions of the Dominion and local governments in regard to the fisheries dispute, as well as in the liquor question, requires to be further explained, to be fully understood.

I am not in favour of the motion before the House. As a result of discussion considerable information has been obtained on the great subject of temperance, and I hope the motion will serve its purpose in that way. I firmly believe we have law enough. What we have not, is the necessary moral public sentiment behind it to enforce the law. I have lived in a county that never passed the Scott Act. I have also lived in Halifax many years, and they have never had the Scott Act. Considering the maritime population in those places, I do not believe there was more drinking than under the Scott Act. It was not a failure in the country but it is a failure in towns and cities. The reason is because the people were not behind the law. Rum-selling is yet too respectable in New Brunswick and elsewhere, and too respectable in the capital of the Dominion. Are you going to make it more respectable by giving it the direct sanction of the government—make the government a party to it, and receive a revenue from it, as the Secretary of State said he could not do. I look upon this question as a great moral question. The great Apostle said: 'If meat make my brother to offend I will eat no meat while the world standeth.' Therefore the strong should refrain from strong drink, and set an example to the

weak. I do not believe that drinking a glass of liquor is per se a sin. I am a total abstainer, but not a prohibitionist. I believe you will never succeed in the temperance cause until the different branches of the Christian church take hold of it and deal with it in a practical, sensible and Christian manner.

Thanking the House for attention to these remarks I resume my seat.

Hon. Mr. SULLIVAN moved the adjournment of the debate until to-morrow.

The motion was agreed to.

BILLS INTRODUCED.

Bill (II) An Act for the relief of Agnes Hedevig Helga Salusbury Trelawney.—(Hon. Mr. Watson.)

Bill (JJ) An Act respecting a certain patent of the Metal Volatilization Company, Limited.—(Hon. Mr. Watson.)

SECOND READINGS.

Bill (FF) An Act respecting the Sterling Bank of Canada.—(Hon. Mr. Watson.)

Bill (GG) An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company.—(Hon. Mr. Watson.)

Bill (140) An Act respecting the Northwest Coal and Coke Railway Company.—(Hon. Mr. Perley.)

Bill (92) An Act respecting the Ottawa and New York Railway Company.—(Hon. Mr. Edwards.)

Bill (134) An Act to incorporate the Provident Savings Association, Limited.—(Hon. Mr. Casgrain, de Lanaudière.)

LABOUR UNION LABELS BILL.

REFERRED TO COMMITTEE.

The Order of the Day being called.

Resuming the further adjourned Debate on the second reading (Bill 10) An Act respecting Labour Union Labels.—(The Right Hon. Sir Richard Cartwright.)

Rt. Hon. Sir RICHARD CARTWRIGHT—This is a Bill which I believe in one shape or other has been several times before this House. I understand from the promoters of the measure that it differs in some important respect from those which have heretofore, come before the Senate, and they desire to make a special request of this House that they be allowed to present their side of the case before a committee of the House. As they represent a large number of persons, and as it is obvious they cannot have their side of the case very well presented unless they are permitted to appear before such a committee, I suggest, if it meets with the approbation of honourable members, that on the distinct understanding that we do not commit ourselves to a recognition of the principle of the Bill, we should refer it to the Committee on Banking and Commerce for the purpose of giving the parties an opportunity to present their case. I should have preferred to see it go to committee after its first reading, because it will be said that we approve of the principle of the Bill, which the House has not done; but it is expedient and desirable, as a large number of persons are interested in this measure, that the Senate should extend to them the privilege of stating their case in the full manner in which it could be done before a committee. I therefore suggest that the House consent to the second reading of this Bill and that it be referred as I have proposed.

The motion was agreed to, and the Bill was read the second time, and referred to the Committee on Banking and Commerce.

UNDERWOOD TYPEWRITER COMPANY BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. KERR (Toronto) moved that the House concur in the amendments made by the House of Commons to Bill (W) An Act respecting certain Patents of the Underwood Typewriter Company.

Hon. Sir MACKENZIE BOWELL—Does not the law as it stands upon the statute-book cover the amendment which has been suggested by the Commons? I make no objection to the amendment; I think it is a very good one. It protects those who may have entered into the manufacturing of this article after the time had expired for which the patentee had the sole right. I was under the impression that the law on the statute-book gave the right to any one to commence manufacture of an article after the time had expired

Hon. Mr. KERR (Toronto)—This Bill extends the time for importation only, and the amendments which were made in the Commons cut down the time for which the extension is made from a year to six months. There could be no objection to that.

Hon. Sir MACKENZIE BOWELL—No.

The motion was agreed to.

The Senate adjourned until 3 o'clock tomorrow.

SENATE.

Ottawa, Thursday, June 8, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

DOMINION ATLANTIC RAILWAY COMPANY BILL.

Hon. Mr. CASGRAIN from the Committee on Railways, Telegraphs and Harbours, reported Bill (106) An Act respecting the Dominion Atlantic Railway Company, with several amendments. He said: The amendments simply provide that the Midland Railway Company which is now to be part of the Dominion Atlantic Railway Company, and which was granted certain rights and franchises by the Nova Scotia legislature, shall not exercise any franchises which are inconsistent with the Railway Act of 1903.

Hon. Mr. POWER moved concurrence in the amendments.

The motion was agreed to.

DEPORTATION OF DISEASED IMMIGRANTS.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to :

Call the attention of the government to the highly undesirable practice of steamship companies conveying to the shores of the Dominion from Europe, persons afflicted with trachoma, and other diseases, as well as persons too far advanced in years to become productive settlers.

More particularly I direct attention to the cruel process of deportation caused by the neglect of steamship companies, their agents, and medical officers in taking diseased persons on board their ship without a thorough inspection.

Such unfortunate persons as are deported are landed in Great Britain to become a burden on that country, and in a much worse condition than when they embarked ; all hope of bettering their condition shattered, and their scant store of money depleted.

And to ask if the government will take steps, by law or regulation, in the interests of charity, public health and justice to prevent the perpetuation of such dangerous, cruel and unbusiness-like proceedings.

He said : I feel perfectly certain that the members of the government in this House and every hon. member in this chamber consider this matter to be of the highest importance. We find that many poor people in Europe, hearing of the prosperity of Canada, dispose of their scanty effects and direct their steps to this country. There is undoubtedly great difficulty in preventing immigration of this class. In the first place those people, whether diseased or healthy, land at some port in England, and from that port they come to Liverpool, intending to sail to Canada. At this point the trouble might be stopped if there was a proper system of inspection, but it seems that the steamship companies take them on board without inspection for the sake of obtaining the passage money. If the government of Canada could induce the government of England to inspect people landing on their shores from different parts of Europe, the difficulty could be easily overcome. We can easily imagine those poor people, men perhaps with families, having disposed of everything at home, having spent all their money to pay their passage, sent back across the ocean and landed paupers on the shores of Britain.

It is one of the greatest hardships that can be imagined. What is to become of those poor people when they are landed in a foreign country without money or friends? I do not know what course the government of England will take in this matter, but it deserves careful attention. I noticed a few weeks ago that twenty-four persons who came to Canada, and who were found on arrival to be afflicted with trachoma were deported. What is to become of those poor people when they get to a European port ? I have put the matter in my question as strongly as I can in order to bring it to the

notice of the government, and I hope steps will be taken, to impose on the steamship companies the highest possible fine for bringing diseased people into the country. When twenty or thirty such people are included among the immigrants in a ship they may infect a large number of their fellow-passengers with trachoma and other contagious diseases. It is evident that the steamship companies do not carefully inspect the people they take on their ships. They get $30 per head, while it costs only $5 to feed each immigrant. If a passenger is deported it would cost perhaps $5 to take him back to a European port, but, so far as I know, there is no return of any part of the passage money. I hope the government will see its way to pass a stringent law imposing the heaviest kind of fine on any company found guilty of bringing in people who have to be deported from our shores.

Hon. Mr. SCOTT—I regret that it is a fact that from time to time undesirable immigrants have been embarked at European ports by steamship companies for Canada, but I am not aware that any practice of this kind exists. On the contrary, I am informed that great precautions are taken by the steamship companies to deter undesirable immigrants from taking passage, and that to this end the companies chiefly engaged in passenger traffic employ medical officers at European ports to examine intending immigrants before going on board ship as to their physical fitness and state of health. It may, however, be added that while all this is true, it nevertheless happens that persons who, in the judgment of the medical officers of the government of Canada, as undesirable as immigrants have been from time to time brought to this country and have been deported at the expense of the steamship company bringing them. This, with over 100,000 immigrants entering Canada yearly, would appear to be inevitable. It is a matter of regret that such deportations have been found necessary, and that the immigrants have been returned to European ports sometimes without money or employment; but it may be stated that the government of Canada has endeavoured in the past, and purposes still more in the future, to restrict by every means in its power the embarkation at European ports of immigrants who are undesirable from any point of view. Probably the hon. gentleman's question and his observations may result in the exercise of extra care and diligence by the officials who are specially charged with this work, when they are advised that immigrants escape detection on the other side. They probably will be more careful hereafter.

Hon. Mr. WILSON—The hon. member from Victoria deserves credit for having brought this matter before the House. Although the government may use all the means they possibly can to prevent such a state of things, it is nevertheless a fact that we have imported into this country many undesirable immigrants. That being the case, some means should be adopted on the other side of the Atlantic to thoroughly investigate the condition of every immigrant before he is permitted to embark. Even though the influx should be as large as the leader of the House says, if the officers charged with the duty exercise sufficient care they can see that every individual coming to Canada is free from disease. Possibly now and then an immigrant may land here who has contracted some disease on the ocean, but that could not happen very often, certainly not to the extent that we now find disease existing among immigrants. Trachoma is a very loathsome disease, one that we all abhor, and no medical man feels any disposition to treat it. To import immigrants afflicted with such a disease is very unfortunate indeed. We cannot be too careful to see that the proper kind of immigrants are admitted into Canada. We have a noble country, a country that will command the respect of any nation under the sun. We have sons and daughters who are equal to, if not superior to, the people of any country in the world, and it becomes us to be extremely cautious that we import healthy immigrants only into this country. There is too much indifference manifested as to our sons and daughters marrying undesirable partners for life, thereby perpetuating diseases contracted in the old country. Children born of unhealthy parents are brought over here and intermarry with our population, and their offspring are consequently more or less diseased. I say, therefore, that this House ought to feel grateful

to the hon. gentleman, and the government ought to bear in mind what has been said, and do everything in their power to prevent the admission into this country of any persons whose presence will not be of lasting benefit to the Dominion.

Hon. Mr. CLORAN—I heartily concur in the remarks of my hon. friend from the west. Coming from the city of Montreal, I have been a witness of the class of immigrants sometimes brought to Canada, and I believe the government should insist on its officers exercising the utmost strictness in admitting diseased immigrants. It is all very fine to bring in large numbers of people, but it is better to ensure quality, and I would ask that the government of Canada exercise the same severity that the United States shows in admitting immigrants into the country. Canada is large and we need people—all we can get—but the less we receive of those who are afflicted with the diseases of which the hon. member spoke, the better for Canada. Coming from the metropolis of Canada, where the immigrants land, and where I have seen myself numbers brought in who are suffering from diseases, I am strongly of the opinion that the government should insist on its officers exercising all possible strictness in regard to the introduction of such persons.

Hon. Mr. MACDONALD (B.C.)—The Hon. Secretary of State will see that it is no hardship to the steamship companies to take back a few emigrants; the hardship is on the poor people who have spent their money and left their homes, only to be turned back to a foreign shore. It is a fearful hardship, and I do hope the government will exercise all the power they possibly can to prevent its occurrence. I think every credit is due to the quarantine officers of Canada. The instance which occurred a few weeks ago, and to which I have already referred, where twenty-four persons affected with disease escaped the quarantine officers on board the ship, but were detected by our officers, shows that Canadian officials deserve great credit. But it shows also a looseness of inspection by the doctors belonging to the ships and every means should be employed to punish them if they allow anything of this kind in future.

Hon. Mr. WILSON.

Hon. Mr. WATSON—A person would almost suppose that carelessness in the inspection of immigrants existed on the part of the government and the Immigration Department, whereas, I think, considering the large number of immigrants who come to Canada from Europe each year, we may congratulate ourselves on the fact that so few have to be deported. With reference to the Immigration Department, I may say that I do not think Canada ever had a more efficient staff than we have at present. They are careful in selecting the class of immigrants admitted to our shores. I have an opportunity to see a great number of those who arrive in the west, and as a rule they are healthy. Some of them are not very wealthy, but they come from all latitudes, and they do well in our country. It is a matter of congratulation in the west that you will very seldom find even a newly arrived immigrant asking public charity. They are generally able to take care of themselves, and while there may be an isolated case of disease that passes inspection, still I do not think there is any ground for wholesale charges against the government or against the officers in the department for allowing undesirable people to land in this country.

Hon. Mr. MACDONALD (B.C.)—There is no charge against the government or against anybody in Canada. More care should be taken before embarking the passengers. I venture to say that my hon. friend could not tell a case of trachoma if he saw it to-morrow.

THE BUBONIC PLAGUE.

Hon. Mr. DOMVILLE—Before the Orders of the Day are called, I wish to direct the attention of the government to a matter which is far removed from politics, but a matter which is in the interests of the whole of Canada. I refer to the bubonic plague. I have a few memoranda from a scientific man, which I desire to read to the House and invite discussion on the subject. The bubonic plague is spreading all over the world. It is in South America and is getting into Mexico and we have received communications in Canada warning us in regard to it. There is no cure known in the world for this disease. Na-

ture allows a certain number of people to recover from it, and certain things can be done to check it—that is all. The Governor General of India, Lord Curzon, and Lady Curzon, were both inoculated with a serum which is supposed to check the disease, and it was done in order to show the people of India what might be done as a precaution. I am advised that that is the only thing which can be done. The best medical science in the world cannot suggest any cure. The memo. reads as follows :

We are now menaced by plague as never before. A brief glance at its history will show what this means. Athens lost one-third of its population 429 B.C. One-half the population of Lybia wiped out in third century B.C. Livy describes an epidemic which destroyed one million persons in Africa 230 years B.C. It spread over Europe in the sixth century A.D. In 522, Constantinople lost 10,000 in one day, and it killed hundreds of thousands in Italy and northern Africa. It prevailed in England in the seventh century. Hecker states that the epidemics of the fourteenth century swept away one-quarter of the population of Europe, or 25,000,000 people. In 1466 the mortality in France and Spain was 40,000. In 1572 50,000 died at Lyons. In 1576 Venice lost 70,000. In 1656 Naples lost 300,000 in five months. The great plague of London was in 1664-5. London's population was then 460,000, of whom 206,000 fled to escape contagion. Of those who remained, 68,596 or over 44 per cent died.

The eighteenth century's epidemics in Europe were Marseilles, 1720, deaths 60,000 ; Toulon, 1721, deaths 87,659 ; Sicily, 1743, deaths 45,000 ; Moscow, 1771, deaths, 50,000 out of a population of 200,000.

In the nineteenth century there were epidemics on the east coast of Italy, 1815 ; Greece, 1828 ; Egypt, 1833-45. One of extreme severity in Cairo in 1833; Dalmatia, 1840; Constantinople, 1841. Then followed a recession and from 1879 to 1893 it seemed improbable that there would be any more extensive epidemics. In 1893, however, it reappeared in epidemic form in Tonkin and Hong Kong, and immediately afterwards in Bombay, Kurrachee and Poonah in British India. In the next three years there were 220,907 cases and 164,083 deaths in Bombay presidency alone. Up to 1900 there were 1,541 deaths in Hong Kong, 540 deaths in Amoy, and 1,866 deaths in Formosa. Nieuchuang was infected in 1899, Eygpt, 1899 ; banks of the Volga, 1900 ; Oporto, Leixoes and Masan, Portugal, 1900. At Santos, Brazil, the first case occurred upon the western hemisphere in October, 1900, and the next March it appeared at San Francisco. During the year it appeared in Australia and South Africa. Now the ports of South Africa and Australia seem to be permanently infected. The epidemic rages with intense violence throughout India and Formosa. The weekly mortality in India exceeding 50,000. China, the Philippines, Aden, the Caucasus, Brazil, Chile, the Argentine, Peru, British East and South Africa, Japan, and Arabia, are all infected, and cases are being discovered in the British islands. Already this year the aggregate mortality exceeds 1,000,000. Is it not time that Canada should awake to the danger and to the necessity for protecting herself. This disease travels along the trade routes, and is propagated entirely by rats and vermin. The steps necessary to protect Canada from infection through her ports are thoroughly understood, and no doubt thorough inspections of all animals are being made, but this is not enough. A campaign against rats and vermin should be organized in every port in Canada, and it should be consistently carried on so long as the present conditions last ; and no vessel from an infested country should be allowed to come alongside of any dock in Canada, even though all on board are well until all rats and vermin on board have been killed and destroyed by fire. If vessels will come to our ports in a filthy condition they should be made to take the necessary time and measures to clean up before being permitted to go to their berths. One single port infected by rats with plague would cost Canada, not thousands but millions of dollars.

An appropriation of not less than $100,000 should be made for this special purpose this session of parliament.

This is an important question. By the extracts which I have placed before the House we can see that the disease is coming this way, and as we are filling this great country with people—and I find no fault with that—I wish to direct the attention of the government to the fact that it is necessary at the present moment to take some steps that will check the bubonic plague.

Hon. Mr. SCOTT—The concluding remarks of the hon. gentleman I think are likely to create some alarm unless some observation is made and some criticism is expressed upon them. He spoke of millions of people in Canada being affected. It is one of the wise laws of nature that where any large branch of the human family live for any considerable time under degenerate conditions and filthy habits, the plan which nature adopts is to sweep them away. They are no longer of use. But I deny that the bubonic plague will attack people living under normal conditions. Any person who leads a reasonably healthy life and observes proper hygienic laws is absolutely immune from the bubonic plague. I do not hesitate to say further that he is probably immune from any plague ; but certainly he is immune from the bubonic plague. It is quite proper that the greatest possible care should be taken in the case of vessels which are contaminated approaching our shore, that they should not be permitted to communicate with the land.

I have no doubt that our medical men who are stationed at the various points, and who are employed by the government for the express purpose of making an examination, both of immigrants and vessels, will see that no vessel that is at all infected with the bubonic plague is permitted to land on our shores. I think my hon. friend should have spoken more moderately and should not have said that if the bubonic plague got into Canada it might sweep away millions of people. I deny that a single person in a healthy condition would be affected by it. It only affects those in a low state of vitality from bad habits of life. We know very well that in India and in all tropical parts of the world there are large numbers of people who live under unfortunate conditions. I am not going to enlarge on that subject, but it is a matter of notoriety. Any one who reads the papers and the reports from those countries can arrive at no other conclusion than that if they are not swept away by the bubonic plague, which is the quickest way of doing it, they would be destroyed in some other way. They would not live out the natural term of life.

Hon. Mr. DOMVILLE—My hon. friend the Secretary of State misunderstood me. I endeavoured to be modest in presenting this matter to the House. I am simply reasoning from a scientific point. I might call attention to the great plague of London. Were the people who died at that time British subjects? Were they Christians? Were they people living in the ordinary way of life? Why were they swept away?

Hon. Mr. SCOTT—Because they got into a filthy condition and it required a fire afterwards to clean out the place.

Hon. Mr. DOMVILLE—We might also get a fire to clean out the country, but it is a terribly drastic method of cleaning.

Hon. Mr. SCOTT—The hon. gentleman stated that if it got into Canada it might sweep away millions of people. I do not think that is probable. I do not think the conditions of Canada are in such an abnormal state that any very large proportion of the people of this country could be affected by the bubonic plague.

Hon. Mr. SCOTT.

Hon. Mr. DOMVILLE—Does my hon. friend find any fault with me for calling the attention of the government to this matter? We are becoming a great country; we are legislating to-day for the autonomy of the great Northwest and building up a nation; and when a humble individual like myself simply calls attention to a terrible disease and asks that an appropriation be made to prevent the evil, what blame can be attached to me? I am informed—and there are medical gentlemen in this House who will perhaps endorse what I say—that it is the rat that conveys it, through the drains and sewers, and how will you check it when it has gone too far? I thought I called attention to the matter in a very moderate way, and suggested that something might be done in good time. I had no idea of alarming the people. My hon. friend says they have to die. If he is right, perhaps it is a good thing for some of them, because they will not suffer any more. I am merely suggesting that precautions should be taken in the seaport towns and it could be done with a very small expenditure of money. I think public opinion will be largely in my favour in this matter. Scientific men will tell us that an ounce of prevention is better than a pound of cure. I am simply performing what I consider is my duty in placing this matter before the government.

Hon. Mr. MACDONALD (B.C.)—I do not know whether there are any rags imported into this country, but I may remind the House that a short time ago it was discovered that the bubonic plague was transmitted by means of rags. A ragpicker having obtained a bale of rags from a ship which had just come into port, was taken with bubonic plague. He was conveyed to a hospital, and his wife and children were quarantined. His wife said that when he opened the bale of rags a number of rats jumped out of it, and the disease was probably brought in by them. I hope no rags come to this country; we can do without them.

Hon. Mr. POWER—I would call attention to the fact that there is no question before the House.

Hon. Mr. CLORAN—Although not a practical man——

Hon. Mr. POWER—I ask for the decision of the chair.

Hon. Mr. CLORAN—The discussion has gone on so far without interruption. I simply wanted to call the attention of the House to the fact——

Hon. Mr. POWER—Order.

Hon. Mr. CLORAN—I think it is a matter which interests the people of this country.

Hon. Mr. POWER—Order.

Hon. Mr. CLORAN—Order what ? Why did you not call the Secretary of State to order ? Is the hon. gentleman afraid——

Hon. Mr. POWER—I have raised the point of order.

The SPEAKER—The question raised is that there is nothing before the House. As a matter of fact there is no question before the House.

Hon. Mr. CLORAN—There is a question of facts : statements that are not true——

The SPEAKER—Orders of the Day.

THIRD READING.

Bill (148) An Act to amend the Act respecting the incorporation of Live Stock Record Associations.—(Hon. Sir Richard Cartwright.)

GRAIN INSPECTION ACT AMENDMENT BILL.

SECOND READING.

Rt. Hon. Sir RICHARD CARTWRIGHT moved the second reading of Bill (HH) An Act to amend the Grain Inspection Act as regards the selection of commercial grades and samples. He said : This measure is practically to allow the Grain Standards Board, under certain conditions therein set forth, to delegate to a committee of their members the power of selecting grades and samples which is now confined to the action of the whole board.

Hon. Sir MACKENZIE BOWELL—Have any difficulties arisen in the past to necessitate the introduction of a Bill of this kind which provides for the delegating of the powers of the board—to a subcommittee of the board, is it ?

Rt. Hon. Sir RICHARD CARTWRIGHT—Yes.

Hon. Sir MACKENZIE BOWELL—Or outsiders ?

Rt. Hon. Sir RICHARD CARTWRIGHT—No, a committee of the board itself. The matter has been brought to my attention by the Winnipeg Board of Trade, which explained on previous occasions that owing to the great extent of country which is subject to the operations of this board, considerable inconvenience has been found. Some portions of the crops ripen at a later date than others, and some practical difficulties have been experienced which they think can be amended by this legislation. I referred the matter to the Chief Commissioner, Mr. David Horn, and after conference with him he thought the request was a proper one, and ought to be granted. I also consulted the members of the lower House who represent the grain-growing districts and they appear to concur with Mr. Horn in thinking it a desirable object.

Hon. Mr. YOUNG. I happen to be a member of the Standards Board, and therefore have some little experience in the matter which is now being dealt with. The board exercises jurisdiction in regard to the matters referred to it, over an immense stretch of country, and it is only to be expected that the crops do not always mature everywhere at the same time. It is desirable that the Standards Board should meet at as early a date as possible and fix the commercial samples for the current year, so that trade may not be interfered with. We meet as early as we possibly can, and yet when we do meet it is sometimes found that certain districts are later than others and that they have not their grain threshed to any extent, so that we have no samples before us from those districts. Now from a business point of view, it is desirable that a subcommittee of the Standards Board, which is composed of men chosen

from all over the great west, should meet if circumstances require, at a later period, and fix additional samples if it is thought necessary to do so. Under this Bill, when the board meets in any year, and finds there is a large district in which the grain has not been threshed, and which is consequently unrepresented, the board may in their judgment appoint a subcommittee to deal with that district. The intention is, as I understand it, that that committee may meet at other places than the city of Winnipeg ; the samples will be gathered and the questions dealt with on the spot. It is advisable and important that this power should be given the board, so that samples may be selected at the earliest possible moment, and so that the trade of the country will not be retarded or interfered with by any delay in selection.

Hon. Mr. MACDONALD (B.C.)—Who appoints the board ?

Hon. Mr. YOUNG—The board is appointed by the government.

Hon. Mr. MACDONALD (B.C.)—Are the members of the board paid ?

Hon. Mr. YOUNG. No. The Board is a representative one. Every class interested in the production of grain is represented on it. The Grain Growers' Association, the farmers, the millers and the dealers all have representatives who meet in consultation and deliver over those samples which are before them, and endeavour to fix the grades so as to meet the requirements of the producers and of the trade. I am speaking of course of the commercial grades.

Rt. Hon. Sir RICHARD CARTWRIGHT —Only the commercial grades are affected by the Bill.

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

SECOND READINGS.

Bill (28) An Act to incorporate the Northwest Telephone and Telegraph Company.—(Hon. Mr. Watson.)

Bill (114) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (116) An Act respecting the Algoma Central and Hudson Bay Railway Company.—(Hon. Mr. Kerr, Toronto.)

SEEDS INSPECTION BILL.

IN COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (7) An Act respecting the inspection and sale of seeds.

In the committee.

On clause 3,

Hon. Mr. SCOTT—This clause requires seeds of cereals, grasses, clover or forage plants to be free from the seeds of certain weeds, and that the packages shall be marked with the seller's name and address, the kind of seed and the names of weeds the seed of which is mixed with the seed purchased.

It appears from a statement furnished by the commissioner that those weeds named in clause 3 are the most objectionable. They are rarely found in grain ; they are to be found generally in grasses. It will be observed that the clause reads :

> 3. No person shall sell, or offer, expose or have in his possession for sale, for the purpose of seeding, any seeds of cereals, grasses, clovers or forage plants unless they are free from any seeds of the following weeds.

Then follows a list of the weeds, and the clause continues :

> Unless each and every receptacle, package, sack or bag containing such seeds, or a label securely attached thereto, is marked in a plain and indelible manner—
> (a) with the full name and address of the seller ;
> (b) with the name of the kind or kinds of seed ;
> (c) with the common name or names of the aforenamed weeds, the seeds of which are present in the seed sold or offered, exposed or had in possession for sale.

Hon. Mr. MACDONALD (B.C.)—Will there be inspectors in every part of the country where the seeds are sold ?

Hon. Mr. SCOTT—No ; where objections are taken the samples are sent to the department.

Hon. Mr. MACDONALD (B.C.)—For inspection ?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Do we understand by this clause that the label is to contain the names indicated on every

package that is sold ? If so, how is it going to affect the hundreds of thousands of small packages that are sold throughout the country ?

Hon. Mr. SCOTT—It only refers to cereals, that is the various kinds of grain—which are not put up in small packages—and to the grasses. It does not refer at all to the multitude of small garden seeds.

Hon. Mr. MACDONALD (P.E.I)—I should like to call attention to the fact that some of the seed merchants, especially in the province of Prince Edward Island, object very decidedly to the provisions of this Bill. They are opposed to the passage of the Bill in its present form, and claim that it will simply drive them out of the business altogether. They say in that province, where very little seed is grown by the farmers for seed purposes, they depend on the seedsmen for supplies, and that if this Bill should become law they will not be able to procure them in the regular way, thereby causing a great deal of hardship. They object on that account to the passage of the Bill, as they think it will be very injurious to the business there, because in that province there is very little grass-seed grown. They have to procure it from the upper provinces, and I must say that a great deal of it is mixed with noxious weeds. The effect of this Bill will be to prevent them from carrying on business at all—at least that is their opinion of the Bill as it stands at present. I desire to call the attention of the House to the objections which they urge against the passage of the Bill.

Hon. Mr. SCOTT—I quite understand there are persons engaged in the trade who prefer that the commerce they carry on should not be shackled in any way, but my hon. friend will admit it is of the highest importance that good seed should be produced and used in this country. There are portions of Canada where they grow very large quantities of seed. Canadian seed grown in certain districts commands high prices in other countries, especially in European markets ; and it is desirable that we should endeavour to keep up the character and standing of our seeds. All the farmers of Canada are interested in this Bill. It is only the seed merchants who oppose it, because it imposes certain duties and restrictions on their trade, but in order to show that there is no great necessity for alarm, I have before me here a return obtained by the department in regard to a number of samples that were secured promiscuously from different parts of the country. There are very many seed merchants who have a reputation at stake and who desire to maintain the character of the seed they deal in, and they approve of this Bill, but no doubt a very considerable amount of seed is distributed among country merchants, who exercise very little care as to the kind of seeds they sell, but to show you that the Bill is not of that sweeping character that hon. gentlemen sometimes assume, I may say that of 450 samples that were received by the department from those who bought, not from seed merchants but from country merchants, of timothy, 49 per cent would grade No. 1, so that one-half at all events would be of that high standing.

Hon. Mr. McMILLAN—That was from Ontario.

Hon. Mr. SCOTT—No, from all part of the Dominion. The best timothy is from certain sections of Ontario. Of alsike, 17 per cent would grade No. 1, and of red clover, 21 per cent was No. 1. Of 196 samples received from the seed merchants—those who had to take some care as to the quality of the seed they exposed for sale—of timothy, 76 per cent of all the samples received would grade No. 1, of alsike, 54 per cent, and of red clover, 63 per cent, would grade No. 1. That shows that the majority of the seeds dealt in are of a high character. The percentage that attain to the highest standard is very large.

Hon. Mr. FERGUSON—Does the hon. gentleman mean No. 1, as provided for in clause 4 of this Bill ?

Hon. Mr. SCOTT—Yes, it is the highest standard.

The clause was adopted.

On subclause 2,

2. The provisions contained in this section shall not apply to the sale of seed that is grown sold and delivered by any farmer on his own premises, for seeding by the purchaser himself, unless the purchaser of the said seed obtains from the seller at the time of the sale thereof a certificate that the said seed is supplied to him subject to the provisions of this Act.

Hon. Mr. McMULLEN moved that the clause be amended by inserting after 'himself,' the words, 'on land of which he is the owner.'

He said: My reason for moving this amendment is that in the province from which I come there is a very large amount of land that is rented, and tenants are usually required to leave a certain area of the land seeded down when the lease terminates. For instance, say a man rents a farm of 100 acres, forty acres of which is under grass when he gets possession; the landlord will require him to leave forty acres of the farm seeded down when the lease terminates. Without this amendment the tenant could procure the worst kind of seed and use it for this purpose, and it would comply with the terms of his lease. Now I desire to provide that tenants shall be required when they enter into a covenant of that kind to sow as pure seed as can be procured. The owner of the land, if he chooses to use impure seed, injures himself, but the same option should not be given to the man who simply leases the land.

Hon. Mr. SCOTT—The department decline to accept the amendment. They do not give any special reason, except that it will preclude the tenant farmer from getting the benefit of subsection 2, and also because it conflicts with clause 13 which reads:

> 13. Any sample of seeds taken from any seed which are found or suspected to be sold in violation of the provisions of this Act shall be taken and forwarded to an official seed analyst:
> (a) from seeds that are sold in sealed packages, sacks, bags or receptacles, at the time of the breaking of the seal thereon; and
> (b) from seeds that are not sold in sealed packages, sacks, bags or receptacles, within seven days from the date on which the seeds entered into the personal possession and became the property of the purchaser.

Hon. Mr. McMULLEN—This is an exceedingly important matter. The objection of the department is that the tenant farmer will not have the right to buy impure seed and sow it as if he owned the land. If the owner of the land chooses to sow impure seed, he has the privilege of doing so; the land is his own and he can do with it as he likes, but this amendment is intended to protect the owner of leased land from having it destroyed by the use of improper seed. I cannot see what reasonable objection the department could possibly have to this amendment. I have consulted with a great many farmers in the district from which I come, and they consider it is an important amendment, because it is the only protection the owner of a farm can have against his farm being destroyed by the sowing of bad seed.

Hon. Mr. WILSON—While there might possibly be some just cause for an amendment of this kind, yet we must consider how it may operate upon the owners of a property. It would look reasonable, under the circumstances to which my hon. friend refers, that a tenant farmer might buy seed that was not of good quality and sow it upon the farm, and thus injure the farm. But is it supposed that the government should make a law to protect a farmer's land under such circumstances? I should think not. I should think that would be a matter between the tenant and the farmer. Supposing I am a landlord owning one hundred acres of land and sow it in seed, and afterwards rent my farm to a tenant. I buy any kind of seed I feel inclined to use. If I sow the farm with cheaper seed than that used by the tenant, what position will the tenant be in when he takes possession? He must buy the most expensive seed, in which there will be no impurities, and that places him at a disadvantage. Is it reasonable and just that the tenant should be placed in a different position from the original owner of the property. I can see no hardship in this clause, and I think the government would do well to pass it in its present shape. The owner of property adjoining my farm would know whether the land was pure or impure. A tenant will not willingly seed down land with cheap seed and thereby injure the property, even if he were going away. Then, again, is it fair that a poor tenant struggling for an existence should be placed in a worse position than the owner of the land? I say it is not. We ought to deal out even-handed justice, and I would suggest that it would be better to withdraw this amendment and pass the Bill as it stands. If any hardship arises, let the government amend the measure next session so as to suit the requirements which may arise.

Hon. Mr. McMULLEN—My hon. friend evidently has not had very extended experience in the matter of renting land and handling farms. I have had a great deal of experience for the last thirty years, and there is nothing an unscrupulous tenant is more likely to do when he is going to leave the land and not get the benefit of the crop than to simply comply with the terms of the lease by using the very cheapest seed he can get. I contend that the tenant is not deprived of any right, because the rule should be that men should buy proper and pure seed to sow land in every case. If this amendment is not inserted, I consider that it will be unfair to those who have rented farms to have their land destroyed by the sowing of noxious weeds. The object is, no doubt, to allow one farmer to sell to another, but I do not like the clause at all. I should prefer that the Bill be not passed; but if it is going to be passed, I intend to press the amendment, because I consider it an important matter.

Hon. Mr. FERGUSON—I have no doubt my hon. friend means well by his amendment, but I fear that it will not have the desired effect. A farmer is selling seed to another farmer who is an owner of some land and a tenant of other land. How is the vendor of the seed to know what part of it is to be used on a rented farm and what part is to be used by the owner himself? I can foresee any amount of difficulty in bringing this into operation. Very often with us the same man is both an owner and a tenant, and he buys seed, probably in one lot, for the use of both his farms. It is my own practice on rented land to provide the seed. That is part of the contract, and I do not leave it in the power of my tenant to spoil my land with bad seed. I think the remedy is in the hands of the owner himself. He can include a provision in his lease such as I have mentioned. The tenant will be very glad to allow him to furnish the seed, and in that case it will be all that could be desired by the owner. I am afraid the amendment would not be very useful, because, as I have stated, very often the same person is a tenant and an owner.

Hon. Mr. McMULLEN—Even admitting that the tenant may be an owner and at the same time the lessee of other property, the hon. gentleman argues that it would not be better to compel him to buy pure seed for use on the rented land as well as on his own land. I think that is not a good argument. In 99 cases out of 100 a farmer will go to a stationer and buy the ordinary form of lease, and in that form you will find a clause providing that he must destroy the wild mustard, &c., but there is nothing said about the purity of the seed to be used, and the result is that under the provisions of this Bill he might use any amount of filthy seed upon the farm of which he is tenant. Very often farmers have disputes with their tenants during the term of the lease. A little difficulty arises, and ill-feeling follows, and the tenant endeavours to get everything possible out of the farm, pocketing all he can for the three, four or five years during which he has the farm rented. In order to save himself a few dollars, he can under this clause obtain spurious seed which will be injurious to the farm. I am glad to say that in our province a very laudable effort is made by farmers to keep their hands clean. I am sorry to observe that the same plan is not followed in Quebec. I was amazed a few years ago, while travelling from Montreal to Quebec, to find the whole country between those places coloured yellow with wild mustard. It is surprising that the province of Quebec have not made a better effort to rid the country of these obnoxious weeds. We are doing the best we can in our province, and the Minister of Agriculture, I suppose in order to cultivate the kindly feeling of the province of Quebec is saying to them: 'We are not going to interfere with you. We are going to allow you to sell one to the other whatever kind of spurious seed you like to buy. But we will insert a provision that where a seedsman sells seeds he must show that they are pure and clean.' I do not think that is a wise provision. I commend the government for the provisions of the Bill. If what they are contending for could be enforced, it would be all right; but if you open the door for one farmer to sell spurious seeds to another you are making a mistake. I desire to provide against a tenant being permitted to destroy the land of the owner by sowing a filthy seed and saying: 'I am complying with the provisions of the Bill.'

Hon. Mr. BLACK—I am not a lawyer, but I have been a farmer ; and I think that this Bill is introduced for a very wise purpose and is very much needed. I think we recognize the wisdom of the government in undertaking to rid us of the great evil which the hon. gentleman who has just spoken has so graphically pictured. No doubt in some parts of the country the evil is more prevalent than in others, but wherever it exists it mars the beauty of the country for every practical farmer. At first I was very suspicious of this Bill and its practical workings, and I am not even yet clear that it can be worked out in detail in a manner satisfactory to every section of the country and also to the salesmen of seed. But I think that as the government have undertaken this reform in regard to the proper seeding of the land of this country, the responsibility should rest with the Agriculture Department, because if we undertake to tinker with the Bill, so to speak, or to improve upon it—that would be the more courteous term—the responsibility will rest with the Senate. If we pass this measure in its entirety, it will be easy to observe the practical working of it. The Agriculture Department will remedy the defects as they come under notice, and we will not be burdened with the responsibility of the Bill. As they have undertaken this good work let them become solely responsible. Give them a free hand and let them work it out.

Hon. Mr. CLORAN—I was very much pleased to hear my hon. friend from Wellington state that the province of Quebec has adopted the orange colour, in regard to the soil, at least.

Hon. Sir MACKENZIE BOWELL—That is the only redeeming feature in the whole province.

Hon. Mr. CLORAN—What he said is perfectly true, the province of Ontario had developed the orange colour, and the province of Quebec thought it might be a good example to follow. I think it must be several years since the hon. gentleman visited Quebec, because we have driven the yellow colour out. Five years ago the soil was largely coloured yellow, but we have endeavoured to drive that colour out, not only for the benefit of the animals, but for the benefit of the citizens as well. The hon. gentleman is right in stating that wild mustard was prevalent not only over the province of Ontario but the province of Quebec, but the farmers have done their duty there in eradicating it. If the hon. senator would travel from Montreal to Quebec now he would find there is much less yellow to be seen than there was five or six years ago.

Hon. Sir MACKENZIE BOWELL—It is not time to see it yet.

Hon. Mr. CLORAN—The twelfth will be here in a few weeks. There is not the slightest doubt that the yellow swept from Toronto down through the heart of Quebec, showing the good-will between Ontario and Quebec. But considering that the yellow was not the best colour for the human family we have endeavoured to eradicate it. As a food the yellow was not good for the animals. I consider the hon. gentleman from Wellington has done his duty by the farmers of the country in placing before the House and the country his views in regard to this matter. I am not an expert on this question. I have had little experience, but I am prepared to follow what he considers best for the farmers of the country. Under the circumstances, if the amendment is submitted I am prepared to support the hon. gentleman.

Hon. Mr. WILSON—In reference to the remark made by the hon. gentleman from Wellington, I may not perhaps be the owner of as many farms or may not have as extensive agricultural interests as he has, but I have been a renter of farms for a number of years, and as such I have had an opportunity of ascertaining the conditions under which a farm is worked. If I am an owner of property, I may use whatever kind of seed I feel disposed to sow. I may not be very cautious as to the quality of the seed. I may buy it from a neighbour, knowing the farm next to mine to be of a certain quality. But if next year I rent my farm, the tenant who comes upon the farm cannot go to the neighbour and buy that seed, but must go where he will have to pay the uttermost farthing for the article. I would appeal to this House

as to whether that would be fair to the tenant. The tenant ought to be treated as well as the landlord and should not have unfair burdens imposed upon him. It is difficult enough for him to get along as it is, and I apprehend that the tenant would be as cautious and as careful as the owner in seeing that the farm is properly seeded. The hon. gentleman says there may be friction between the tenant and the landlord and that the tenant would get the worst seed he possibly could and thus destroy the land. I do not apprehend that that would be the case. My experience has been entirely different from that, and I feel that the amendment suggested would be hardly fair to a tenant.

As my hon. friend from Amherst (Hon. Mr. Black) has said, the government assumed the responsibility of introducing this Act as an experiment, for the benefit of the whole country. For that reason we ought to accept the Bill as presented to us, and hold them responsible for its provisions. It cannot do any serious injury for one year. We do not expect the government to be perfect and if they say to us next year: 'We have made a mistake,' the matter can easily be remedied. My hon. friend has a desire to do what is right but he ought not to brand the tenants of the country as dishonest and suggest that they are going to defraud the landlord. For these reasons I will support the Bill.

Hon. Mr. OWENS—I think the argument of the hon. gentleman who has just spoken is rather begging the question. The object of the Bill before us should be to improve the position of the farmer and force him to buy good seed. It is altogether out of the question to come here and appeal on behalf of the tenant for sympathy, and urge that the tenant should be allowed to buy cheap seed. I think that is rather a poor argument. The object should be, not only in the case of the tenant but of any farmer who has not good judgment enough to buy good seed, to force him to do so. The object of the hon. senator from Wellington is a good one, but I think he should go further. If he would strike out the clause in question entirely, and also clause No. 7, there might then be some chance of the Bill operating for the benefit of the farmer. He would have to strike out the exemptions in the clause referred to, for I do not think we should even allow the farmer to sow poor seed upon his own land which will later on injure his neighbour's farm. We should protect him against himself. In clause 7 you are making exemptions and providing that the farmer can sell such seed. Once the farmer undertakes to sell those seeds to others, he becomes a merchant. Why should we permit the farmer to poison his neighbour's lands any more than the seedsman? Those exemptions in the Bill are going to prove injurious; in fact they will make it unworkable and will place the seedsman and the farmer who wishes to buy good seeds in the country in a worse position than if the Bill were not passed.

I am sorry I cannot agree with the hon. gentleman from Victoria (Hon. Mr. Cloran) when he says the farmers in Quebec have been eradicating the yellow. That would refer, I presume, to the mustard; I do not suppose he means Orangemen. It is too early in the season to see the mustard, but if the hon. gentleman will go through Ontario or Quebec a month or so later with his eyes open, he will see any amount of mustard—too much of it. Our country has become poisoned with it. The hon. gentleman from Belleville (Sir Mackenzie Bowell) is right when he speaks of what may be seen travelling between Montreal and Quebec. There is no place where more of it will be seen than near Montreal, where the land is high. One would think the farmers would adopt some means to clean the land, but such is not the case.

As hon. gentlemen have been discussing personal matters, I may say that I had occasion two years ago to buy a farm. Two years before I purchased it, the farm took a prize as a model farm. I bought it in the winter without having seen the crops, and when I came next summer and looked at the crop of mustard, it was as thick as the hair on a dog's back. We had to lose two years crop in order to eradicate the mustard. We succeeded in doing it, however. I regret that our farmers in Quebec are not adopting that course, and that it is necessary that the government should come to the rescue and endeavour to force them to buy good seed. I think

the only way we can achieve good results is to make even more amendments to the Bill than are suggested by the hon. gentleman from Wellington. We would require either to drop those clauses altogether or if the Bill were referred to a sub-committee they could obtain the evidence of farmers and seedsmen upon it, and possibly something better could be accomplished. It is quite evident the session will drag along for a considerable time yet, and I think the hon. gentleman from Wellington and the farmers in the House will agree with me that the gentleman who drafted this Bill, must have done it from an experimental point of view, because certainly the Bill is not practicable and would do more injury to the seedsmen and the farmers than if it were not passed.

Hon. Mr. McMULLEN—I do not find fault with the course of the government in the preparation of the Bill. I believe they have the best intentions. Their aim and object is to try to purify the seed—to provide that better and purer seed shall be used, that our country may be preserved from the destruction of the soil by spurious seeds. I give them credit for trying to secure that result. But I agree with my hon. friend, and would much prefer to see this clause dropped altogether, and to provide that when a farmer buys seed to sow on his own land he must buy it from a source that will comply with the other provisions of this Bill. I quite agree that every one should be placed on a level. I would have consented to have the clause expunged, but if it is not expunged, I claim it is right that there should be protection for owners of land who are not present and do not know anything about the seeds that are bought. If tenants are to leave a certain amount of land seeded down and they comply with that provision, and yet 25 per cent of it is found to be mustard or some other seed equally injurious to the land, it is evident that some safeguard is needed; and my object is to prevent the owner of the land from being victimized by his tenant in that way. I was rather amused by the argument of the hon. gentleman from St. Thomas (Hon. Mr. Wilson), and I was quite surprised at the suggestion of the hon. gentleman from Amherst (Hon. Mr. Black) that the House should allow the government to assume the responsibility in the matter and permit the measure to be passed. What is the good of this House? What are we here for?

Is the Senate here simply to register the will of the government? If that is all we are here for, we had better shut the door and lock it, for we are of no use at all. I maintain that the Senate was never constituted for that purpose, and that it was never the intention that we should sit like political jumping-jacks merely to register the will of the government. I do not think the government expect anything of that kind. The Senate has a place in the legislation of this country, and senators are expected to discharge their duty in the interest of the country. Any man who feels himself so bound that he must follow the government whether they are right or wrong, and merely register their views, is not here in the interest of his country. I have moved this amendment in the interest of the owners of farms, and I consider that it will afford protection to absent landlords who do not know what is done upon their land. It will protect them to a certain extent from having their lands destroyed by their tenants using impure seeds. I am sorry that some members of the Senate do not view it as I do.

Hon. Mr. BLACK—I have always found that when we begin to talk on agricultural subjects the farmers are in the background and that the lawyers exhibit a great deal of intelligence on agricultural subjects. My hon. friend who has spoken so eloquently and forcibly with regard to the protection of the landlord, should remember that if a man is intelligent enough to become the owner of farms which he leases out, he is quite competent to protect himself. He would rather trust to the lease he would grant than to the seedsmen or the government to keep his farm free from impure seed. Now, following the arguments of the hon. gentleman, I say, first, that we had better leave this matter in the hands of those who know something about it practically, to the men who have gone over this country and seen the evil which prevails. They have found out, through the agricultural institutes of Ontario and Quebec and the maritime provinces, that the people wish the

government to take some action, through the Agriculture Department, to check the evil. These men have gathered information that we cannot obtain here, and now some hon. gentlemen are anxious to mar and spoil this Bill. They desire the House to take the responsibility of impairing the efficiency of this measure. The men who have obtained the information, and who have prepared this Bill, understand the subject, and I am willing to leave it to them, not that I have any wish to interfere with the independence of this honourable Senate, far from it; but I see plainly that the men who are criticising this Bill cannot give a better one to the country. I stand here as a free representative man in the parliament of Canada. We have freedom of action and speech; but we have here a measure prepared by men who understand it, and we should not take the responsibility of tampering with the measure and interfering with a plan prepared by men who have been for years gathering information on the question.

Hon. Mr. WILSON—I desire to reply to my hon. friend from Wellington, and to say, with reference to his insinuation that I am a mere registrar for the will of the government, that I have always felt a disposition to yield my own judgment to those who have better knowledge of what they are trying to accomplish than I have myself.

Hon. Sir MACKENZIE BOWELL—Provided that the hon. gentleman is not in the opposition.

Hon. Mr. WILSON—If I was puffed up with vanity, and if I believed that all knowledge centered in myself; if I believed that I knew more of the subject than those who had spent years in collecting information and devising a scheme whereby this evil could be checked, I would not yield at all. I would in that case do my own will and pleasure only; but I do not think that I possess all knowledge. When my hon. friend makes the remarks to which we have just listened he does not use arguments. Why is he not bold enough to say that he is true to his instinct and that he wants to protect himself against the poor but honest tenant-farmer? I say that is not a courageous course for my hon. friend to pursue. The hon. gentleman wishes to discriminate against the tenant-farmer, to impose on the tenant an obligation from which the owner of the land is free; and because I object to that he tells me that I am only a jumping-jack willing to do the bidding of the government. He says if we are here to register the will of the government we had better get out. Whose will should we register? That of my hon. friend from Wellington, who wishes to deal unfairly with the tenant and to give the landlord all the advantages and privileges? Are we to meet their wishes and deny others the same rights? I say now, as I said before, that the government has been maturing this Bill for a length of time with a view to protecting the country from the spread of noxious weeds, and that I am willing and prepared to give them an opportunity to try their plan. Let this Bill become law for a year, and if it does not meet the approval of the people we can amend it. Is that acting like a jumping-jack? I am prepared to defend my rights and privileges on all occasions, but I am not going to shield myself by a cowardly act and say 'I will do to the tenant that which the tenant ought not to endure.'

Hon. Sir MACKENZIE BOWELL—I am opposed to the whole clause for this reason, that it is class legislation. I can see no reason in the interest of the farmer for this distinction being made. If it is wrong for a merchant to sell impure seed, it is equally wrong to allow the farmer to sell it and to propagate weeds. That is my principal reason for opposing this clause.

I am sure when I call the attention of the House to it the Minister of Trade and Commerce will have a distinct recollection of a certain statesman who has gone to his long home, who used to admire government by Order in Council. We used to hear a good deal of that in the lower House. If the doctrine laid down by the hon. member from Amherst (Hon. Mr. Black) and the hon. member for St. Thomas (Hon. Mr. Wilson) is to be acted upon, we will revert to the colonial system, where the Governor in Council is paramount in all matters affecting the government of the country. Now at this advanced stage, to hear doctrines of that kind coming from men who profess to be Liberals is very strange. If it was from an old Tory like myself, or as the hon. Secretary of State

used to be at one time, it would be admissible, but it comes from men who claim to be Liberals but who have not advanced as rapidly as ourselves. My hon. friend from Amherst said that in matters affecting the farmers, it is generally found that the lawyers have more to say on the subject than the farmers. My hon. friend to my right (Hon. Mr. Ferguson) is a farmer. My hon. friend from St. Thomas (Hon. Mr. Wilson), though a professional man, has been a farmer also, and my hon. friend from Wellington (Hon. Mr. McMullen) has had experience of farming. The only lawyer who has spoken is the hon. gentleman who has been endeavouring most of his life to eradicate a certain colour from the province of Quebec.

Hon. Mr. CLORAN—I won agricultural prizes for years.

Hon. Sir MACKENZIE BOWELL—He rejoices in the fact that the colour has been to a very great extent eradicated. While I do not sympathize with the hon. gentleman generally when he talks on questions of that kind, I am at one with him in his endeavour, so far as legislation can do it, to eradicate that colour from all the fields in Ontario as well as in Quebec. My hon. friend from Wellington was a little astray when he drew what I thought was a rather invidious distinction between the province of Quebec and Ontario. A month hence if he will keep his eyes open in travelling through the oldest settled portions of Ontario, from here to Brockville, and from Brockville to Toronto, he will see field after field yellow with wild mustard. It is a crime to allow the agricultural industry to be destroyed in such a manner. It seems to me my hon. friend from Wellington was quite right from a constitutional standpoint when he took the ground he did, and for which the hon. gentleman for St. Thomas took him so severely to task. It is true the government of the country is held responsible for legislation emanating from themselves, and this is a government Bill, but we as legislators are equally responsible to the people if we give it our support. I do not hesitate to say that this clause which we are now discussing was put into the Bill in the House of Commons in order to secure as far as possible the vote of the farmer in the different portions of the Dominion. It was not in the Bill, if I am correctly informed, when it came from the Department of Agriculture, but it was pointed out in the House of Commons that it would materially affect the interest of the poor farmer, as he was called, when he was buying seed from his neighbours and that amendment was made to the Bill in order to meet that objection and secure if possible the political influence of the voters. Now if this House performs the functions for which it is established it will correct errors of that kind that creep in during discussion in the popular branch. That is my idea of the duties of the Senate. My attention has just been called to the fact that I was somewhat in error in the statement I made with reference to the amendment to the Bill. It was not in the Bill that was introduced and withdrawn last year, but it was in the Bill introduced this year. But the influences to which I have called the attention of the House, are, I firmly believe, the influences which led the Minister of Agriculture to add this clause to the Bill. An hon. gentleman talked of fads. We have ministers —I am not finding fault with this ministry more than others,—who have fads. There are certain ministers and certain hon. gentlemen who have fads, and this Bill emanates from a lawyer, if that be a crime. I do not think it is. A lawyer ought to be able to draft a clause to meet the objects which he has in view. The great objection to the Bill is that which I indicated in the first place. That is, it draws an invidious distinction between two classes of people. As was intimated by one hon. gentleman, the moment a farmer purchases he becomes a trader, no matter what use he may make of the article he purchases. My hon. friend from Wellington did not fully comprehend the statement made by my hon. friend from Marshfield. If this becomes law in its present shape, then the system which has been practised by my hon. friend (Hon. Mr. Ferguson) is the one which should be carried out and provided for by every man who leases a farm to another. He tells me, as he stated, not quite so fully, a few moments ago, that whenever he leases a farm to a tenant he makes a proviso that he shall furnish the seed which the tenant sows upon the land. He asks : 'How much seed

do you want to sow on the land.' and then he furnishes that seed. It has to meet his approval before he permits it to be sown upon the land; and of course he charges the lessee for it. There is the only remedy that suggests itself to me. I am not a farmer, but it seems to me to be common sense. This talk about the poor tenant and the landlord I look upon as—I do not wish to say it disrespectfully—so much clap-trap. We are dealing with a very important subject. The government deserve a great deal of praise, I admit, for making provision to secure the use as far as practicable of pure seed by our farmers, and to eradicate as far as possible by any and all means the deleterious effect of impure seed. I have arrived at that stage when, Tory though I am, I do not want to see any government by Governor in Council. There are two branches of parliament, one elected, the other appointed, one to act in accordance with the will of the people as far as is practicable, and the other to check improper legislation whenever it comes before them; and on that ground we ought to act, apart altogether from politics. Politics has nothing to do with a question of this kind—nothing in the world——

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—A Conservative wants a clean wheat-field as well as a Liberal, and if we can effect the object by legislation let us do it; but on no account let us put on the statute book a clause which gives concessions to one class of people and detroys the effect that the whole law is intended to accomplish.

Hon. Mr. SCOTT—If the proposition made by my hon. friend from Wellington could really be made effective, I should personally be disposed to accept it, but if he will only consider it, he will see that it would be absolutely inoperative. The only plan that can possibly secure the object he has in view is that suggested by the hon. member for Marshfield. In the first place the landlord would know nothing about the seed until a year and one-half afterwards, after the seeds had germinated and grown up; and therefore there could be no prosecution against the tenant under this Bill, because to effectually prosecute any one for using impure seed a sample must be produced within seven days for analysis. We know that the tenant sowing the seed would not furnish a sample to the landlord. The landlord would only find out about it when the seeds were growing. There is only one way for the landlord to protect himself and that is in the lease, because he could prosecute when he found by ocular demonstration that improper seed had been sown. My hon. friend will see the change which he proposes would effect nothing. It would be delusive. I might read what was said while this clause was being debated in the other House in reference to the objection taken by my hon. friend from Belleville. Mr. Fisher's observations were as follows:

> Practically it exempts the case of the farmer who, on his own soil, sells seed which he has grown himself on that very soil, to a neighbouring farmer who is going to sow it. . . . The farmer who purchases the seed probably knows the land of the farmer who raised it—knows whether it is clean land—knows pretty well what kind of weeds were growing on that farmer's fields, and he purchases the seed with his eyes open to all these things. Whereas, if he buys the seed from the seed merchant, he does not know where the seed was grown, does not know whether they are clean or not; does not know whether the seed came from a thousand miles away or from the next farm, and therefore does not know what evil weeds he may be introducing into his own farm and his own section. The two cases are entirely different, and it is for this purpose of preventing an unnecessary interference with sale and purchase of seeds among neighbours that this proviso and exemption is made. The exemption is very small, because if the purchaser chooses, he may require that the seed be sold under the provisions of the Act.

It is quite competent for the purchaser to require a certificate under the Act, and that will protect him.

Hon. Mr. McMULLEN—When the Bill was first presented to the Senate and printed, I sent a copy of it to all the agricultural societies in the county of Wellington from which I come, and I also made a note of the amendment that I had proposed. In every single instance in which I got a reply—and I got a reply from four out of every five that I wrote to—my proposed amendment was heartily endorsed. I claim that the county of Wellington is one of the cleanest from weeds in the Dominion. We have the Agricultural College there and I claim that no better farmers are to be found anywhere than in Wellington, and our agricultural societies are composed of intel-

ligent men. When I received a favourable reply from four out of every five to whom I wrote, I concluded the amendment was a good one. They agreed with me that it was absolutely necessary ; and that is why I have suggested it to the House.

Hon. Mr. McHUGH—I wish to dissent from the view taken by some hon. members that the Senate should throw the responsibility of this Bill on the government. The Bill is before us, and it is the duty of the Senate to give it careful consideration. I say this in advance of the action I may take before the Bill passes, because I am going to move some amendments myself. In connection with the amendment that has been proposed by the hon. gentleman from Wellington, I would say that while there is an apparent inconsistency in allowing farmers to do that which we do not allow seedsmen to do, the only means by which the landlord can protect himself is by following the course suggested by my hon. friend from Marshfield, either by purchasing the seed himself or inserting in the lease that the seed to be sown must be up to the standard provided in this Bill. The amendment moved by the hon. gentleman from Wellington will not be effective because a sample of the seed must be sent within seven days from the date of its purchase, for examination at the seed department. The landlord cannot know what seed is sown, and the only way he can protect himself is by purchasing the seed himself or binding the tenant to use seed of the standard required by this Bill. There are some other clauses that I desire to have amended, but I want to say now that I dissent from the sentiments expressed by some hon. members who say that this Bill should be left with the government. It is before us now and we have to deal with it.

The CHAIRMAN—Does the hon. gentleman press his amendment ?

Hon. Mr. McMULLEN—Yes, I certainly do.

Hon. Mr. GIBSON—I should like to draw the attention of the House to the early discussion with regard to this Bill. A great deal was said about forcing clean seed upon the farmers, and particularly when the seed had to be bought through seedsmen. From this provision farmers who raise their own seed were exempted, and they are allowed to sell their own seed to other farmers. That in itself is class legislation, but that is what the hon. member from Wellington still wants to enforce—that the man who owns a farm may with impunity sow any kind of seed on his farm because the land is his own. The desire of the government, if I understand it, is to stop the propagation of impure seed. It is proposed if he is not the owner of the farm to force him to get pure seed, but if the farm he cultivates happens to be his own he is to be exempt from the operation of the law. We have gone far enough in all fairness when we exempt the farmer from the regulations imposed by the government, but do not force the first part and the last part of this Bill on two classes of people—first on the seedsmen and then on the tenant farmers. You do not allow the seedsmen to sell impure seed, and it is proposed that the tenant farmer shall not be allowed to use impure seed, but you make an exception in favour of the farmer, and allow him to use or sell impure seed raised by himself, and to propagate weeds. After dealing in a liberal way with the farmer who owns the land he cultivates, you turn to the tenant, the man who is not fortunate to own a farm in his own right, and say, 'You must not buy impure seed, you must leave the farm that you occupy in good shape,' while his neighbour who owns the land he cultivates may use impure seed. We should not throw any more burdens on the seedsman or the tenant farmer than we thrown on the farmer who owns the land he cultivates. If there is any person in this country for whom we should legislate along the lines suggested by the hon. leader of the opposition, surely in all fairness it is the man who is too poor to own a farm of his own. I therefore hope this House will not accept the amendment of my hon. friend from Wellington. While I uphold everything he said with regard to the fertility and beauty of the county he represents I am sure that the replies which my hon. friend got were from the men who own the farms, and that he did not get replies from the tenants that they would consent to buy a higher standard of seeds for the lands they

were occupying when the farmers who own the lands are alllowed to sow whatever seed they like.

Hon. Mr. McMULLEN—In reply to the remark of the hon. gentleman, I am not in a position to say whether these men are owners of land or not. They are simply the presidents or secretaries of the agricultural associations. Now with regard to the point which the Secretary of State called attention to, that this proposal of mine would be nugatory on account of clause 13, I will read clause 13 to the House. It reads as follows :

13. Any sample of seeds taken from any seed which are found or suspected to be sold in violation of the provisions of this Act shall be taken and forwarded to an official seed analyst.

But the purchaser of seed from a farmer, where he bought adulterated seed, would not be purchasing in violation of this Act if he purchased the seed for the purpose of sowing it. The violation could only be in cases where a man purchased seed not from a farmer for the purpose of sowing, but from a seedsman, so that this would not interfere with it.

Hon. Mr. KERR (Cobourg)—It may seem presumptuous for me, being better known perhaps as a professional man than otherwise, to offer any observations upon the question before the House; but I trust that in saying a few words I will not render myself amenable to the charge that 'fools rush in where angels fear to tread.' I am a professional man, but it is my pride and it has been my pride all my life that I spent my earlier years until I reached manhood on a farm, and I have not only lived upon a farm but I have worked on a farm : and I took an intelligent interest in farming and tried to make the farm on which I lived the model farm of the neighbourhood. Since that time up until the present I have been either directly or indirectly associated with agriculture, and for the last thirty years I have been a landlord I have taken precious good care as to the kind of seed my tenants should sow, and it seems to me it would be impossible for this House to legislate for all cases that may arise. My own view is that the amendment is scarcely necessary. I believe that all that is aimed at by the amendment could be more perfectly secured by a properly framed lease. Every good farmer who has a tenant has his lease reduced to writing. That lease should contain special clauses to cover every possible contingency, and in that way the case would be met better than by legislation, and if the owner or landlord is not protected it is his own fault. There are two ways in which he can protect himself, the way suggested by the hon. leader of the opposition, and the manner proposed by the hon. gentleman from Marshfield, by the owner and landlord stipulating in the lease that no seed either grain, hay or grass seed, shall be sown except that selected and provided by himself, or that the tenant shall not sow any grain, timothy or clover seed unless it is pure. If farmers do not protect themselves it is their own fault. It is true we have been visited by the yellow peril which is prevalent in Quebec. Quebec has not a monopoly of it. Around Cobourg we have been struggling with it for thirty years, and there is no doubt it has been the cause of great damage to the agricultural community of that portion of Ontario in which we have as magnificent farms and as intelligent, enterprising and successful farmers as anywhere in Ontario. I find in nearly every case that if a man's farm is fouled with wild mustard or weeds it is largely his own fault in the inception. I wish to impress upon hon. gentlemen the fact that the landlord can protect himself by his lease as well and better than he can by any legislation this House can pass; and if he does not do that, it is his own fault.

Hon. Mr. WATSON—It appears to me there is going to be a good deal of trouble in enforcing this law. How will it be possible for the man who grows the seed for sale to put tags on each bag giving the names of the different seeds set forth in the Bill ? I think it is simply impossible. While every hon. member in this House will be glad to have the government, or any hon. senator, suggest anything that might do away with obnoxious weeds and furnish pure seed, it seems to me that it is almost impossible to accomplish that result by legislation. If the provincial governments and the municipalities, through their officers, require the farmer to keep his farm clean

and destroy noxious weeds, they will see that the man who sells clean seeds will get the custom, and it seems to me that will do more than anything else to remedy the evil. I ask the hon. Secretary of State how do the officers consider it possible for a farmer selling seeds to-day to label the bag which contains the seed with the names of all the noxious weeds? The farmer would have to go over the dictionary and write out a list of the names, and if he made a mistake he would be liable to the penalty under the Bill. I think it is impracticable in the case of the farmer selling to the seedsman. As far as the seedsman is concerned, I consider it is proper to restrict him, but the farmer cannot be familiar with all those names.

Hon. Mr. McHUGH—Clause 7 provides that the farmers are exempt from the clause with reference to putting the tags on the bags.

Hon. Mr. POWER—Clause 5 reads as follows:

5. The Governor in Council may make regulations determining the maximum proportion of seeds of the weeds named in sections 3 and 4 of this Act, that may be tolerated in any seeds without affecting their character as being within the meaning of the said sections free from the seeds of the said weeds.

If the government make regulations that there shall be not more than five in a thousand, surely the farmer can tell if there is more than that proportion of wild mustard in the seed. I do not think there is any hardship in that provision.

Hon. Mr. EDWARDS—I think that is only after the seed goes into the possession of the seedsman.

The amendment was lost, and the clause was adopted.

On clause 4,

Hon. Mr. McHUGH—I would suggest that in the 15th line of this clause the word 'germinable' should be struck out, and that the words 'sound and reasonably plump' should be inserted. If a seed is sound and reasonably plump it is reasonable to suppose that it will germinate.

Hon. Mr. SCOTT—To the eye it may be plump, and yet not be germinable. Some seeds lose vitality after a certain number of years, and besides this clause is purely optional. A man need not mark it No. 1 seed, but if he does so mark it, the purchaser is entitled to get a seed that will germinate.

Hon. Sir MACKENZIE BOWELL—Can the hon. gentleman say how it is intended to ascertain what number of seeds out of each hundred is germinable? The clause says:

And contain out of every one hundred seeds not less than ninety-nine seeds of the kind or kinds represented, or seeds of other useful and harmless grasses and clovers, of which ninety-nine seeds must be germinable.

How in the world is a merchant to ascertain whether it is germinable or not? A seed may be plump and to all appearances contain all its vitality, but its age may have destroyed its vitality and the germinable character of it. Any one who has sown garden seeds knows that to be a fact. But the difficulty in this clause is that it says it must be germinable. Can any hon. gentleman tell us how it is to be ascertained that these seeds are germinable? If there happen to be only 89 seeds germinable out of 100, the man is subject to a penalty.

The CHAIRMAN—If he sells it as No. 1.

Hon. Sir MACKENZIE BOWELL—Perhaps it is presumptuous on my part to give an opinion, but it does seem to me that the character of the Bill is altogether impracticable, and I come to that conclusion after looking at the result of the investigation which took place on this subject in England, and the difficulties they had in arriving at any decision as to the germinable character of seed. A variety of causes are pointed out which render it totally impracticable; but it does seem to me that the proposition made by the hon. gentleman from Lindsay (Hon. Mr. McHugh) is a reasonable one and will do away with the dangerous character of the wording of this clause when you come to apply the penalties.

Hon. Mr. POWER—As a general thing what the hon. gentleman from Lindsay says has a great deal of force in it, but this clause really applies only to the seedsman. It does not apply to the farmer. Now if one goes to a seedsman and buys seed which is marked No. 1, or which is represented as being seed of the very best

quality, surely he has a right to expect that nine out of ten of the seeds which he buys will be germinable and that is all that this clause provides. The seedsman has every opportunity to ascertain whether or not the seeds are germinable, but the party who is purchasing has not. If nine-tenths of the seeds are not germinable, then the seedsman should not mark his seeds No. 1. I think that this is one of the most important and valuable clauses in the Bill.

Hon. Mr. OWENS—The objection to this clause does not apply to the seeds marked No. 1. They would be fully protected, but if the seedsman does not mark the bag No. 1, he can sell any kind of seed in it. There is no restriction whatever upon the bags not marked No. 1. I think the objection raised by my hon. friend in reference to the seeds being germinable is very easily gotten over, because he can in a very short time tell whether those seeds are germinable or not. When he buys the seeds if he puts a certain number, 25, 50 or 100, between two damp cloths he will soon discover whether they are going to germinate or not. The objectionable feature is that you have no check upon the bags not marked No. 1, and it is practically unworkable for that reason.

Hon. Mr. McHUGH—I think it will take from 14 to 21 days for the seedsman to tell whether the seeds are germinable or not. They buy them to-day and they are selling them out to-morrow.

Hon. Mr. OWENS—They keep them in quarantine four days.

Hon. Mr. McHUGH—If the seed is sound and reasonably plump, and has not been musted, I think there is very little doubt that 90 per cent will germinate, and it is only to protect the seedsman against parties who might take action. He cannot tell whether the seed is germinable or not, because he cannot hold it long enough to try it. He would have to keep it beyond seeding-time in order to give it a test, and I am fully satisfied that if we insert the words 'sound and reasonably plump.' It will answer the purpose.

Hon. Mr. OWENS—Our object should not be to protect either the seedsman or the farmer. If the seedsman marks his seed No. 1, it should be No. 1, and I do not wish to protect him in regard to that; but the objection I have to the clause is that you have no control whatever over bags not marked No. 1.

Hon. Mr. McHUGH—Supposing a man goes to a merchant and buys a certain quantity of seed and the man sells to him something which is guaranteed to be up to the standard required under this Act. After some time the man says: 'Well, that seed did not grow. Ninety per cent of that seed did not germinate.' The dealer brings an action at law to recover the price of the seed. I should like to know how he can recover the price. I think it is going to result in a great many lawsuits. And in this particular case, unless the seller can prove that ninety seeds out of ninety-nine were germinable he cannot collect the money.

The amendment was lost.

The clause was adopted.

On sub-clause (d) of clause 7,

Hon. Mr. McHUGH—Sub-clause (d) is as follows :

(d) Seed marked 'screenings' and held or sold for export only.

I think you are going to destroy the export trade of this country if you have to brand a seed as screenings. Any one who knows anything about the foreign seed trade knows it is carried on by sample. The sales are all made by sample. The seedsmen send their samples to Germany, France and England, and the seedsmen there order according to samples. If the goods supplied are not equal to the sample they are thrown back on the seller's hands. I have an amendment which I will move to sub-clause (D). After the word 'seed' insert 'held for export only.'

Hon. Mr. SCOTT—My hon. friend's proposed amendment would simply destroy the seed trade of the country. If our farmers were going to sell screenings abroad it would put Canadian seed below par. There have been complaints about the butter and cheese, and we are not going to flood the European market with screenings. I do not think that proposition would be acceptable to the House.

Hon. Mr. McHUGH—If a man sells screenings the buyer receives screenings

and if a man buys No. 1 sample, that is what he receives. The seeds must be up to the sample, and the foreign merchant can protect himself. What are we going to do with the seed if we do not sell it abroad ?

Hon. Mr. SCOTT—It must be honestly marked.

Hon. Mr. McHUGH—My amendment does not interfere with the Canadian trade in any way, and it maintains the quality of seed that must be sold in Canada. The foreign merchant protects himself by getting the quality of seed he buys. If he wants Canadian sample No. 1, he orders it and gets it.

Hon. Mr. GIBSON—I think the suggestion of the hon. gentleman who has just resumed his seat should receive the careful notice of the government. You have a standard at which it is hardly possible for the seedsman to keep within the law. The question was asked in committee, what are you going to do with seed that contains six impure seeds to the thousand ; and the answer I got from a gentleman representing the Department of Agriculture was that it is to be called screenings. Now the very fact of exporting seeds of this kind under the name of screenings will simply damn our export trade.

Hon. Mr. OWENS—No, on the contrary—

Hon. Mr. GIBSON—Yes it will. There ought to be some other word than screenings, either second quality or standard No. 2. Screenings would really mean the impurities only of the seed. Such is not the case. The gentleman who represents the department says that if six weed seeds are found in a thousand it is adulterated. No latitude is given. Six-tenths per cent would make it screenings. Would it not be better to make it standard No. 2, to say second quality instead of screenings. The hon. gentleman who has resumed his seat says it is sold according to the samples sent, and the prices given. We are told there is not the same standard required, but if you use the word screenings, you will stop the whole of our export trade.

Hon. Mr. LOUGHEED from the committee reported that they had made progress with the Bill, and asked leave to sit again to-morrow.

The Senate adjourned until three o'clock to-morrow.

SENATE.

Ottawa, Friday, June 9, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READING.

Bill (106) An Act respecting the Dominion Atlantic Railway Company.—(Hon. Mr. Power.)

PITBLADO DIVORCE CASE.

CONSIDERATION OF REPORT OF COMMITTEE POSTPONED.

The Order of the Day being called :

Consideration of the thirtieth report of the Standing Committee on Divorce, to whom was referred Bill (Q) An Act for the relief of Isaac Pitblado together with the evidence.—Hon. Mr. Gowan.

Hon. Mr. LANDRY—I think that this Order of the Day should be allowed to stand till some day next week. There is something lacking in the report, and I observe that one of the parties fainted.

Hon. Mr. WATSON—The hon. gentleman will recollect that the report of the committee states that they did not print a part of the evidence, giving their reason for it, and I think any hon. gentleman who paid any attention to the evidence must come to the conclusion that if ever a divorce was justified it is justified in this case. Sufficient evidence was reported to warrant the committee in reporting the Bill, but a portion of the evidence was eliminated because it was not considered in the interest of public morals to publish it. This case has been pending for some time, and I hope the hon. gentleman will not object to the report being adopted to-day.

Hon. Mr. LANDRY—Could we be furnished with the minutes of this case ?

Hon. Mr. WATSON—Oh, yes. I do not know whether the shorthand report of the proceedings was extended or not.

Hon. Mr. LANDRY—I mean the minutes of the committee.

Hon. Mr. WATSON—They will be found in the minutes of the House.

Hon. Mr. WILSON—Not only the minutes, but the portion of the evidence which has

been eliminated, will be presented to the House. Everything in connection with the investigation will be placed before the Senate, so that hon. gentlemen need have no fear that they will not see all the evidence.

Hon. Mr. LANDRY—I want to know if the minutes of the proceedings have been reported to the House ?

Hon. Mr. WILSON—Yes. The minutes have already been presented to the House. It was thought best at first to eliminate some of the evidence in the interest of morality, but that portion of the evidence will also be reported to the House.

Hon. Mr. LANDRY—The case may be clear to those who heard all the evidence, but in reading the report of the evidence as submitted, I find it falls short and that something has been suppressed. I am not speaking of the portion suppressed at the commencement of the case, but at the conclusion of the case the petitioner appeared before the committee and stated that on the 24th May when he returned to the house, he found certain domestic arrangements which excited his suspicion. Nothing regarding that matter appears in the evidence.

Hon. Mr. WILSON—If the hon. gentleman will exercise a reasonable amount of patience, all the evidence which was taken will be presented to the House for the information of the hon. gentleman before any motion is made for the acceptance of the Bill.

Hon. Mr. CLORAN—Then the consideration of the report must be adjourned.

Hon. Mr. WATSON—I think the hon. gentleman is mistaken, because it was the intention of the committee not to extend the Eggo evidence. Of course if it were demanded by the Senate or House of Commons, the evidence would have to be extended.

Hon. Mr. LANDRY—I would not ask that it be printed, but I ask that the matter be not further proceeded with to-day because I wish to see the remainder of the evidence.

Hon. Mr. WATSON—If the committee has decided to print all the evidence, the report should not be adopted before the evidence is printed.

Hon. Mr. CLORAN—That is the statement of the hon. gentleman.

Hon. Mr. WATSON—The report of the committee, as set forth on page 512 of the minutes of proceedings, states that they considered it in the interest of morality that the Eggo evidence should not be extended, and the counsel appearing on behalf of the respondent admitted that there was sufficient other evidence to warrant a divorce.

Hon. Mr. LANDRY—Nothing of that kind appears in the evidence.

Hon. Mr. WATSON—The minutes contain the statement.

Hon. Mr. LANDRY—I want to see the statement that counsel for the respondent has made such an admission.

Hon. Mr. WILSON—He has done so.

Hon. Mr. LANDRY—Where is that to be found ?

Hon. Mr. WATSON—In the report.

Hon. Mr. LANDRY—I move that the consideration of the report be postponed until Tuesday next.

Hon. Mr. WILSON—I think the hon. gentleman is quite right. If the evidence has not been printed, the report of the committee ought not to be adopted to-day. Let the matter stand until those who have charge of it are present to make a full explanation of the facts in connection with it.

Hon. Mr. YOUNG—On page 512 of the Minutes of Proceedings of the House will be found the full report of the committee on this case. That report recommends that a portion of the evidence shall not be made public. In answer to my hon. friend who has asked whether the counsel for the defence was a consenting party to this portion of it, I may say that in the report we find that the petitioner and counsel for the respondent both gave their consent.

Hon. Mr. LANDRY—For the non-printing ?

Hon. Mr. YOUNG—Yes.

Hon. Mr. LANDRY—I admit that, but the inquiry came to a close and we are told now that the counsel for the respondent made certain admissions which are not in the report. I want to see them, and I

therefore ask that the matter be postponed until Tuesday next.

Hon. Mr. KERR (Cobourg)—The point under consideration can be fully met by the Senate concurring in the report with the exception of that paragraph which recommends the omission of certain evidence. All the rest of the report could be concurred in, and then as a necessary consequence the evidence will be forthcoming.

Hon. Mr. SCOTT—I hope it is not intended that this filthy part is to be printed ?

Hon. Mr. LANDRY—Oh, no.

Hon. Mr. SCOTT—Anybody who wishes to see the original may do so, I presume.

The Order of the Day was discharged and set down for Tuesday next.

THIRD READING.

Bill (HH) An Act to amend the Grain Inspection Act as regards the selection of commercial grades and samples.—(Hon. Sir Richard Cartwright.)

SEED CONTROL BILL.

IN COMMITTEE.

The House resumed in Committee of the Whole consideration of Bill (7) An Act respecting the Inspection and Sale of Seeds.

(In the Committee.)

Hon. Mr. SCOTT—When the committee rose we were discussing paragraph (d) of clause 7. Objection had been raised to any seed being marked screenings. I am informed on good authority that that word would not necessarily appear on the packages sent abroad. All seed houses have special names for their various grades of seed exported. Each Canadian seed house has its own peculiar method of grading seed ; and although the word 'screenings' is in the statute, it does not necessarily follow that the seed itself is so marked. On the contrary the firms use their own mark and furnish a sample.

Hon. Mr. McHUGH—Would not the law compel them to mark the grain in conformity with this Act ? They may give it any special name as indicating that it is their own special seed, but the Bill calls for all grain not grading No. 1 to be marked 'screenings,' and under the Act I feel sure they would have to mark it as such.

Hon. Mr. LANDRY.

Hon. Mr. SCOTT—I am advised that that is not the view of the department or of the seedsmen. Clause 7 provides that the provisions contained in the Act shall not apply to cases set forth in the following subsections—it is purely a negative statement.

Hon. Mr. McHUGH—The very fact of its declaring that it does not apply to seeds marked screenings would indicate that the provision does apply to all seeds not marked 'screenings.' I have been told that if the Act is enforced the seedsmen will be compelled to mark their grain in that way.

Hon. Mr. SCOTT—I cannot find any statutory provision that would force them to mark their seeds 'screenings.' Certainly under clause 7 they would not be obliged to do so.

Hon. Mr. McHUGH—Would they not be required to do so under clause 3 ?

Hon. Mr. SCOTT—No.

Hon. Mr. McHUGH—That clause provides that :

> 3. No person shall sell, or offer, expose or have in his possession for sale, for the purpose of seeding, any seeds of cereals, grasses, clovers or forage plants unless they are free from any seeds of the following weeds.

Then follows a list of the weeds, and the clause continues :

> Unless each and every receptacle, package, sack or bag containing such seeds, or a label securely attached thereto, is marked in a plain and indelible manner :
> (a) with the full name and address of the seller ;
> (b) with the name of the kind or kinds of seed ;
> (c) with the common name or names of the aforenamed weeds, the seeds of which are present in the seed sold or offered, exposed or had in possession for sale.

The only way to get over that is to mark the packages 'screenings.' They are not allowed to sell them unless they are marked 'screenings.' There is no grade between 'screenings' and No. 1, which means that if a bag of seed contains more than one-half of one per cent of noxious weeds the bag is to be marked 'screenings.' That means that if there are six noxious seeds in a thousand, the seed must be designated 'screenings.' I am very strongly of opinion that the amendment I have asked for is a reasonable one, and one which is in the interest of the seed growers of this country.

They should not have a restriction of that kind put on the seeds they are going to export ; I am in full sympathy with the Bill so far as it tends to improve the character of the seeds sold in Canada, but when seeds are sold by sample in foreign countries, and our legislation makes no provision for any grade between No. 1 and 'screenings.' I think it is objectionable. Some of the best seedsmen in Canada, who handled very large quantities of seeds last year, say that they can only get nine and one-half per cent of seed of the highest grade. I really think that the Bill should not apply to seeds held or sold for export only.

Hon. Mr. WILSON—Would you not have good seed exported ?

Hon. Mr. McHUGH—There are seeds which are noxious in one country or part of a country which are not noxious in other countries or localities. Another point is this : the fact of that seed for export having to be marked ' screenings ' will have a most damaging effect on the export trade of this country. Competitors can go to the different governments and say, 'you are allowing the importation of Canadian seed which is only screenings,' and thus create prejudice against it, when perhaps as a matter of fact the seed does not contain one per cent of noxious weeds. I hope the Secretary of State will see his way to accept the amendment.

Hon. Sir MACKENZIE BOWELL—I notice that in the list of names given by the Secretary of State, which are used to designate the character of seeds exported, the word ' screenings ' does not appear ; and I think a moment's reflection will show him that it is an exceedingly unfortunate word to use in this connection. The clause is not necessary, because all that the government wish to accomplish is covered by clause 6, which provides that :

6. No person shall sell, or offer, or have in his possession for sale, for the purpose of seeding in Canada, any seeds of timothy, alsike or red clover, or any mixture containing the said seeds, if the seeds of the weeds named in sections 3 and 4 of this Act are present in a greater proportion than five to one thousand of the seed sold, or offered, exposed or held in possession for sale.

That is really the object of this Bill—to prevent impure seeds being used, and the government should strike out this clause altogether. I notice the hon. gentleman from Lindsay does not think that that would cover his case unless the words ' in Canada ' were added in clause No. 3.

Hon. Mr. SCOTT—It reads ' in Canada.'

Hon. Sir MACKENZIE BOWELL—I quite agree with the Hon. Secretary of State that that is the only inference to be drawn from it, and perhaps it is the correct interpretation, but in calling the attention of the hon. member from Lindsay (Hon. Mr. McHugh) to this, he thought it left a doubt on the subject. The words ' in Canada ' could do no possible harm, because they are used in clause 6 and that confines the restriction in connection with this class of seeds to what is used for seeding in Canada. Really that is all you want. We do not desire to interfere to any great extent with the export trade, and if we strike out that one paragraph, ' seed marked screenings and sold for export only ' leaving the export trade to the operation of the sixth clause, and add the words ' in Canada,' as suggested, in clause No. 3, the object that my hon. friend has in view will be accomplished. The Act will then not be encumbered by having a very exceptionable word added to the classes of seeds exported. If my hon. friend will consult the expert of the department who is present, I am sure he will concur in the suggestion just made.

Hon. Mr. McHUGH—I have a letter here from Mr. Hogg, of Hogg & Lytle, of Oakwood, Ont., large seedsmen, who say :

Under clause 3 of the original Bill it provided for the seed or seeds of cereals, clover or timothy sold in Canada for the purpose of seeding, but under the amended Bill the words ' in Canada ' are struck out. Now, this simply means that no seeds of cereals can be sold for seed purposes for export or Canada either that will not conform with clauses 3 and 5, and this strikes a serious blow at the fancy pea business, a branch of our trade in which we do a very large business, as well as several other firms in Canada. Surely the men engaged in the seed business in Great Britain, Europe and the United States for the past twenty to fifty years should be competent enough judges, and dealers in Canada ought not to be prevented selling them their seed or grain that they buy on sample, but under clause 6 if the buyer were ever so willing to purchase, and the goods exactly like sample, the seller would be liable to a fine or imprisonment for shipping it.

I may say that perhaps there is no branch of the agricultural industry in our section

of the country that has assumed in the last few years the proportions of the seed-growing industry. It is carried on systematically by seedsmen who place the seeds in the hands of the farmer under contract. They have a contract with the farmer as to the price, and they bind the farmer to give them back the whole product of that seed at the price agreed upon. The farmer cannot keep any portion of the seed grown. It has been the most profitable industry in our country, but if this Bill becomes law it will be a most serious matter for the farmers of Ontario, because that business is being very largely carried on. Hundreds of thousands of dollars are spent every year in the production of these fancy peas throughout our country.

Hon. Mr. SCOTT—The answer to all that the hon. gentleman has said is that the department has been making a special study of this matter for a number of years. Their desire is to favour the production of good seed in Canada. That is the whole object. They have consulted the trade year by year for the last three or four years, and I am advised that it is quite impossible to obtain unanimity of opinion among the large dealers themselves. There is a wide diversity of opinion, and this Bill is drawn up as the most reasonable conclusion, after consulting all the various interests and having in view what is best for the country. Of course if the measure is not found to work in the way hoped for—if it works injuriously to any branch of the trade, it can be amended in another year; and I feel a good deal of hesitation in making changes in it, because I am not familiar with the matter. It is a technical subject altogether and so many various interests are affected by it that really the House ought not to be called upon to make any changes unless it is quite apparent that they are in the interest of the trade—in the interest of the farmer, and in the interests of those who export the article. As I understand the view of the department, the fact that the word 'screenings' appears in the seventh clause in no way involves the packages, as sent abroad, being marked 'screenings,' because the exporters have their own fancy name, and the hon. gentleman from Lindsay has stated that the practice is to sell by sample altogether.

Hon. Mr. McHUGH.

Hon. Mr. OWENS—But according to this Bill the seed must be marked 'screenings,' if it is not No. 1 grade.

Hon. Mr. SCOTT—Oh, no. My hon. friend is quite wrong there. I have before me the first Bill which was discussed in the House of Commons in 1903. Clause 3 of that Bill provides that no person shall sell or expose for sale, or have in his possession for sale, for the purpose of seeding, any seeds of grasses, clover, &c., unless they are free from the seeds of the weeds mentioned. Canada is not mentioned there.

Hon. Mr. KERR (Toronto)—But it appears in the third clause.

Hon. Sir MACKENZIE BOWELL—No one disputes what the hon. Secretary of State has said, but what is the object in using words which are objectionable. If the same end can be attained by leaving that expression out and adopting the suggestions which have been made, why should we not do it? The hon. gentleman lays very great stress on the study which the department has given to this subject. We admit that. That is what the officials are employed for. But notwithstanding all the attention that has been given to it, you will find among these plants which are designated weeds in clause No. 3, some which are not weeds at all. I anticipate that before we get through my hon. friend to my right will call the attention of the Senate to that fact and have the words struck out. We may study a question for years and still another person who has not given the same care and attention to it will discover something that the experts have overlooked. I certainly think that this suggestion might be adopted.

Hon. Mr. SCOTT—I will strike out subclause (d) altogether, if it will procure the passage of the Bill without further discussion.

Hon. Mr. YOUNG—That makes it more restrictive.

Hon. Mr. McHUGH—I purposely inserted the words, 'for export only.'

The CHAIRMAN—It is quite unnecessary.

Hon. Mr. McHUGH—I wanted to place upon the party in whose hands the seed

might be found, the onus of proving that he held it for export. I did not want to place the department in the position of having to prove that he held it for export. I was doing it to assist the department in dealing with people in the seed trade who might not be honest.

Hon. Mr. SCOTT—By omitting subclause (d) we make no reference to the export trade at all. We leave it as it is.

Hon. Mr. KERR (Toronto)—I call the attention of the hon. Secretary of State to the fact that to do as he suggests would probably make the matter worse than it would be under the present provision. Section 6 of the Act applies only to persons having seed in their possession for sale for the purpose of seeding in Canada. Clause 7 applies to more than section 6, and if the hon. gentleman will refer to clause 3 he will find that it prohibits any person from having in his possession for sale—that is for sale anywhere——

Hon. Mr. SCOTT—Clause 7 is purely a negative section ; it declares that the Act shall not apply under the conditions named therein.

Hon. Mr. KERR (Toronto)—That does not help the matter so long as we have the language used in section 3. You say that no person shall have in his possession for sale seeds that are not absolutely free from these particular weeds. Now, the provisions of this Act are not to apply to various things. But they are distinctly to apply to all seed having a greater quantity of weeds than is proper, and if subclause (d) is dropped then it follows that all seed held or sold for export comes under clause 3.

Hon. Mr. SCOTT—I am told that in the House of Commons they objected to the word 'Canada' appearing in clause 3, and there is no use in our adopting it if they rejected it there.

Hon. Mr. KERR (Toronto)—Why not meet the amendment of the hon. gentleman from Lindsay by saying that the Act shall not apply to seeds held or sold for export only.

Hon. Mr. SCOTT—I suggest that instead of the word 'screenings' we insert the words 'seeds marked not clean.'

Hon. Mr. McMULLEN—Not pure.

Hon. Mr. SCOTT—Not absolutely clean.

Hon. Mr. KERR (Toronto)—That is as bad.

Hon. Mr. SCOTT—The objection was to the word 'screenings.' However, I will expunge the clause altogether.

Hon. Mr. McMULLEN—I think if the hon. Secretary of State will carry out the proposition he has now made it will be better than striking out the whole clause. I quite agree with the remarks of the hon. leader of the opposition, that this Act is intended to purify the character of seeds sown in Canada. We want to protect our lands from impurity and not have the farmers buying something which they do not realize they are buying. That is the whole object, and it is a laudable object ; but when seeds are exported there is no necessity for our attempting to injure the prospects of any man who has seeds to dispose of by debarring him from selling them in a foreign market. Let the purchaser be his own judge. It is sold by sample and there is no object in our following the seed which is going out of the country or which is held for export and declaring it to be 'screenings,' thus reducing its value. If it would not interfere with the Bill otherwise, I would consent to striking out paragraph (d) altogether. But if the grade is designated by some other name it would be a decided improvement.

Hon. Mr. YOUNG—The complaint is that the Bill is too restrictive as it stands. If paragraph (d) is struck out it becomes still more restrictive, and still greater complaint will be made by my hon. friend from Lindsay.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman will read the first part of the clause he will find that it exempts certain seeds from the operation of the Bill. If you strike out that subclause you make the measure much more restrictive, and you accomplish all that we have been fighting about for two days.

Hon. Mr. SCOTT—If the word 'screenings' is objected to, I substitute for that 'not absolutely clean.'

Hon. Mr. McHUGH—Whilst that may be a less objectionable term, I cannot understand why the parliament of Canada is going out of its way to protect the foreign market in dealing with the merchants here. The farmers of this country have to sell their seeds and if the seed merchants of this country cannot buy it from them it is left on their hands. The foreign merchant purchases by sample, and knows what he is buying. I would not raise objection or move this amendment if I did not feel that it is a serious matter for the farmers of this country. I come from one of the largest seed growing districts in Canada and only 9½ per cent of the crop was found to grade up to the standard of No. 1, while 90 per cent of the seed grown in the district is used for export purposes.

Hon. Mr. FERGUSON—I cannot agree that parliament is going out of its way in protecting the foreign merchants. I think that the general object of our Inspection Acts, the Fruit Marks Act and all other Acts of that nature, is to protect the good name of our exports in foreign countries, and I am afraid that if my hon. friend gets his way with regard to this clause, we will have emasculated the Bill to a very large extent. I am told the clover seed grown in the part of the country where my hon. friend lives is sold in large quantities to Great Britain and that is the best market for it. It is in the interest of the growers and dealers in that seed that its good name should be maintained in Britain. It is the interest of all Canada that the good name of our products should be maintained and my hon. friend's amendment would have the effect, as far as the foreign market is concerned of rendering the Bill nugatory.

The amendment to the amendment was carried.

On subclause 1 of clause 8,

Hon. Mr. McMULLEN—I should like to know how the question of the violation of this particular clause is to be decided. It says that a certain percentage of the seed may be impure—nine seeds out of every hundred. Supposing a man is brought before a magistrate for having sold seeds not up to the standard of purity. The complainant says he has picked out a hundred seeds and that so many have not grown and that it is not according to sample. Supposing he sold five bushels and the purchaser picks out ten or a hundred or a thousand seeds out of the five bushels, how is he going to establish the fact that that is a fair sample of the whole ? You might pick out another thousand seeds that would not have half as many impure seeds in it. I cannot see how you are going to be able to enforce the penalties under this enactment, because it is going to open the way to unlimited disputes as to whether or not the seed is up to the standard of purity. If the Act had provided that you were to have all seed graded No. 1, No. 2 and No. 3, in case of any dispute arising in regard to the purity of the seed the question could be tested by a reference to the Department of Agriculture, or to the experimental farm, submitting a sample of the seed. The decision of the officers should be final, and if their report is that the seed is not up to the standard, that would end the whole matter. The seller would have to pay a fine and penalty. But under this provision there is no way of testing the quality. The man that gets the seed says 'I picked out 100 seeds and when I sowed them, I found that less than the proper percentage sprouted.' The vendor may dispute that, and say that that is not a fair sample of the seed he sold. It will create no end of litigation.

Hon. Mr. OWENS—Clause 12 overcomes the difficulty.

The clause was adopted.

On clause 10,

Hon. Mr. FERGUSON—I fear that sufficient provision has not been made in this Bill for the proper enforcement of the law. I remember very well when the Fruit Marks Act was before the House we had a very long discussion on that point. We come now to clauses that are somewhat similar to those that formed part of the Fruit Marks Act. On that occasion I pointed out as strongly as I could that the success of that measure greatly depended on the appointment of properly qualified inspectors. I find the word inspector is used only once in this Bill, but I see that this very clause contemplates the appointment of an inspector, because it speaks of 'any person charg-

ed with the enforcement of this Act.' In the next clause reference is made to 'any person charged with the enforcement of this Act,' and that is apart from the official analyst who shall examine the specimens taken out of any seed offered for sale, to find out whether or not they are of the proper quality. This Bill contemplates, and it is proper that it should, the appointment of officers for the enforcement of this law. In my humble opinion those charged with the enforcement of these measures should be qualified persons, and the greatest danger that I apprehend is the appointment, through political influence, of persons not competent to perform their work. In saying this I have no intention of making any political attack, because all governments are alike so far as that is concerned. When the Fruit Marks Act was under consideration I warned the House as strongly as I could of the danger that was likely to arise from the appointment of incompetent persons. I appealed to the late Minister of Justice, who then led the House, and who had charge of the Bill, to fall back on the general Inspection Act and to demand such qualifications as are called for in the appointment of inspectors for the inspection of all staple commodities. I was told that it was quite impossible to do so at that stage of the Bill, but that when the consolidation of the statutes was taken up no doubt the Act would be incorporated with the general Inpection Act and something would be done to provide for the appointment of suitable persons to enforce the Act. I am not going to enter into it now, because it would only divert attention from the points under discussion at present, but at another time I shall undertake to show the gross unfairness and wrongdoing of some inspectors appointed under the Fruit Marks Act, and I think I shall have no difficulty in convincing the government that under the operation of the Fruit Marks Act very great injustice has been done. Having that experience before us, some provision should be made in this Bill for the appointment of suitable inspectors, men who are really qualified to inspect the seed. If the duty is assigned to unfair or unfit men, I can easily conceive that great harm may be done. I was told that one seedsman complained very bitterly of the conduct of persons charged by the department with the selection of seeds in Brantford. Samples of seeds were used in a political contest for the purpose of damaging a person opposed to the men appointed to select those seeds. I mention this in order to impress on my hon. friend the importance of making proper appointments. In whatever way it may be accomplished, we should have qualified men to carry out this law. Otherwise, if the law is unfairly enforced, if the servants of the minister feel it to be their duty or in their interest to try to damage his opponents politically, the Act will do a great deal more harm than good.

Hon. Mr. SCOTT—I fully appreciate the observations of the hon. gentleman, and should very much regret indeed if any official appointed under this Act were unqualified for the work. I am sure the Minister of Agriculture will be most particular in any recommendation he makes when selecting either an analyst or an inspector. He must know that the whole success of the Bill depends on the selection of properly qualified persons to enforce the law. The success of the measure will depend upon the honesty and fitness of the persons appointed. The hon. gentleman will observe that in clause 11, special provision is made for the appointment by the Governor in Council of an official seed analyst. Of course he must be a person thoroughly qualified before he can be appointed. We may accept that as a fact.

Hon. Sir MACKENZIE BOWELL—The theory laid down by the hon. gentleman is correct, but the practice in the past has proved that those theories have not always been acted on. The case referred to by my hon. friend (Hon. Mr. Ferguson) shows that men were selected who were totally unfit for the positions to which they were appointed. My hon. friend has documents in his possession to show that. I understand all that is desired by the hon. senator is this, that some provision be placed in the statute to prevent the possibility of the appointment of unsuitable persons—that if inspectors are to be appointed they should have some other qualification than political influence. I am not speaking now of any particular party, but I quite concur in what my hon. friend says, that in measures of this kind the law should lay down a strict rule and principle, that any one who is appointed for a special duty and a special pur-

pose should be qualified for the position. That is all my hon. friend asks.

Hon. Mr. SCOTT—I should be glad if the hon. gentleman will communicate with the Minister of Agriculture and give the names of those he thinks are not qualified for the positions they hold under the Fruit Marks Act.

Hon. Mr. FERGUSON—I intend to bring this matter up in this House and read the correspondence and report on the subject.

The clause was adopted.

On clause 17,

Hon. Mr. FERGUSON—There is no provision so far as I can see for the appointment of persons charged with the enforcement of this Act. I presume it is intended that such appointments shall be made under regulations, and this clause 17 provides that :

> The Governor in Council may make such regulations as he considers necessary in order to secure the efficient enforcement and operation of this Act ; and may by such regulations impose penalties not exceeding fifty dollars on any person offending against them, to be recoverable on summary conviction ; 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.

This clause should first give the Governor General in Council power to appoint persons to enforce the Act, and provide that the penalties should be not merely imposed upon those who violate the Act, but against inspectors and officials who perform their duty unfairly. If I recollect aright, that was done at my suggestion in the Fruit Marks Act. Perhaps that can all be done under the regulations referred to in this clause. They may impose penalties on persons who offend against the regulations, but to make the clause complete both these points should be covered ; power should be given by regulation to appoint officials to enforce the Act, and these officials should be liable to penalties if they make false reports.

Hon. Mr. SCOTT—I will call the attention of the Minister of Agriculture to my hon. friend's observations. I think there is sufficient authority to make the appointments and to enforce the law. This is new legislation and I will admit that it is crude ; it could not be otherwise. It is experimental largely, but it is the result of three or four years' study on the part of those who are charged with the investigation of the subject. It may be necessary to come back next year for changes or amendments, as experience is gained in the working of the Act. It cannot be regarded as complete in its present shape, because it is only experimental.

Hon. Mr. FERGUSON—It would be better to have power, as in the case of the Fruit Marks Act, to impose penalties on inspectors who make false reports, and I think the Bill should also contain power to make appointments; otherwise I question whether the Act could be put in force or not.

Hon. Mr. SCOTT—I will call the attention of the minister to it.

Hon. Mr. FERGUSON—Another point is this : I think the officers entrusted with the enforcement of this Act should be sworn.

Hon. Mr. SCOTT—Clearly.

Hon. Mr. FERGUSON—There should be no question whatever about that ; these officers should be sworn to do their duty fairly and impartially.

The clause was adopted.

On clause 3,

Hon. Mr. SCOTT moved that the word 'or' be inserted before 'ergot of rye.'

Hon. Mr. FERGUSON—That does not meet my point. Ergot is not propagated by seed at all, and is not a weed. The seeds named here are declared in the introductory words of the clause to be seeds of certain weeds. Ergot is not a plant at all. It is a fungus which forms on the heads of rye and other grain, but is only seriously injurious to live stock when it appears on rye. It produces abortion in cattle. It has its own way of propagation like smut. We know that it is a very bad thing and is liable to be spread by spores, but it is not a weed and does not produce seed. It is a disease, a fungus growth on the rye, is very injurious. It is quite possible that this clause would cover the case, but I do not think the parliament of Canada should put itself on record as saying that ergot of rye is a weed and is produced from seed. We do not want to make ourselves ridiculous. The presence of this fungus in the seed would

be a very bad thing indeed. You may not find a single specimen of ergot of rye in seed, and still there may be enough of the spores to contaminate the crop. It is right to put it in as a prohibited thing, but it should be properly described in the Bill.

The CHAIRMAN—Suppose that in line 21, you put in before 'ergot of rye' the words 'are free from ?'

Hon. Mr. FERGUSON—I think that would do very well.

Hon. Mr. SCOTT moved that before the words 'ergot of rye' the following be inserted: 'and from sclerotia, known as ergot of rye.'

The amendment was agreed to, and the clause was adopted.

Hon. Mr. FERGUSON—I think there is a little ambiguity in clause 3 arising from the double use of the word 'unless' in the third line in the beginning of the section and again in the third last line of the first section. I think the word 'or' before the word 'unless' in line 22 would make it clear.

Hon. Mr. SCOTT—I am told this was the subject of discussion in the other chamber and there was a great difference of opinion. It was referred to the law clerk, and he arranged it as it is here.

Hon. Mr. FERGUSON—I am sorry the hon. gentleman from de Salaberry (Hon. Mr. Béique) is not present. He and I went over the clause together and he is strongly of the opinion that the word 'or' should be inserted so as to make it intelligible. I fully concur with him in that opinion.

The CHAIRMAN—It is desirable there should be no doubt as to the meaning of what we are enacting, and I think there is force in what has been said by the hon. gentleman from Marshfield.

Hon. Mr. SCOTT—The House of Commons agreed to refer the matter to the law clerk and they have accepted the clause as he sent it to them. I think we had better leave it as it is.

The clause was adopted.

Hon. Mr. POWER from the committee reported the Bill with certain amendments which were concurred in.

The Bill was then read the third time and passed, under suspension of the rules.

SECOND READING.

Bill (JJ) An Act respecting a certain Patent of the Metal Volatilization Company.—(Hon. Mr. Watson.)

BILL INTRODUCED.

Bill (KK) An Act respecting the City of Ottawa.—(Hon. Mr. Scott.)

COLONIAL CONFERENCE.

Hon. Sir MACKENZIE BOWELL—Before the House adjourns, I ask permission to bring under the notice of the government a cablegram which appeared in the Montreal 'Star' a few days ago. I intended to have called the attention of the Senate to the matter before the Orders of the Day were called, but I unfortunately was absent. I think it is of importance that some authoritative statement should be made by the members on the Treasury benches as to the truth of the statements which appeared in the Montreal 'Star' of the day before yesterday. The heading reads as follows:

Sir Wilfrid Lays Down Conditions.

Before particulars in any future colonial conference.—Wants a British verdict.—Semi-official announcement made in London of Canada's demands.

I may say I intimated yesterday to my hon. friend the Minister of Trade and Commerce, that I intended calling attention to the matter. I should have called the attention of the hon. Secretary of State to this question, but he was otherwise engaged with the seed Bill at the time. The paragraph reads as follows:

Special cable from our London correspondent. London, June 7.—It is announced to-day in the most positive fashion in the radical papers that Laurier, replying to Lyttelton's communications re the next colonial conference has 'firmly refused to take part in any tariff discussion until the opinion of this country has been ascertained at a general election.' The Leeds 'Mercury,' which is bitterly anti-Chamberlainite, rejoices over the announcement, and says that Laurier and other colonial ministers 'see through the Chamberlainite scheme and fully appreciate the difference between the pinch-beck imperialism of the protectionists and the pure gold of disinterested sentiment, of which Rosebery is the leading exponent.

Official circles here are very reticent and will not confirm Laurier's alleged refusal, but it can be confidently stated that if the Canadian Prime Minister has refused, the conference of 1906 will not be held.

If a Liberal ministry is returned here at the next general election their present intention is to let the conference meet in the usual course with a clear prior announcement, however, that all schemes for a preference involving a British tariff against the foreigner are impossible.

I think the country is entitled to know whether there is any truth in the statements made in this cablegram that the premier of the country has indicated to the Colonial Secretary a determination not to become a party to any conference until the whole question has been submitted to the people of Great Britain. I am quite confident that that is not a position that would be justified by the Canadian people, that the premier of the Dominion should intimate to or dictate to the imperial government the course that they should pursue, or lay down any principle upon which he would act in case the conference meets. If this is to be taken as correct, it implies that the premier of Canada has taken the first possible opportunity to indicate to the British people his concurrence in the position taken by the opposition in England. That is the inference to be drawn from the remarks made by the Leeds 'Mercury,' and it will be observed that the 'Mercury' rejoiced at the position which he has taken. That a preference in the British market is of very great importance to this and to other outlying portions of the empire, no one will deny, and if this be true—and the House will understand that I am predicating my remarks on the presumption of its truth—then it is in direct conflict with the statement made by the Finance Minister some short time ago, that unless some concessions were made in return for the prefenence which Canada had given to British manufacturers, the preference which we have given to Great Britain would either be amended and restricted, or withdrawn.

There is another point to which I desire to call the attention of my hon friend who represents the government of this country, and that is contained in the latter portion of this paragraph; that in case the Liberals are returned, no permission would be given to consider questions of trade which would militate against foreigners and in favour of outlying portions of the Dominion. Let me in all sincerity express the hope that no member of the government of Canada will on the invitation of the Colonial Secretary of any government, attend a conference shackled by conditions of that kind. If a conference is to be held it will be, and must be, for the purpose of considering questions which affect the whole empire, the mother country and the outlying portions of the empire; and I do not know any question that will affect us to a greater extent either detrimentally or in our favour than the question of trade. If we can obtain for the products of this country, whether they be the products of manufacturing industries or the farm, concessions which are not given to foreign countries in the markets of England, that certainly must constitute an advantage to us.

I do not propose now to argue the question as to whether we should insist upon concessions of that kind, or whether Great Britain would be prepared to grant such. I merely say that if the conference meets, no representative of Canada should accept a position upon that conference if he is to be shackled by the conditions indicated in the last paragraph of the despatch I have read. It has been attempted to impose these very conditions upon the present government in England before the couference is called. Both Lord Rosebery and Sir H. Campbell-Bannerman claim that these conditions should be laid down for the guidance of the colonial representatives if they meet in conference on the question of trade preference. That is a limitation which I do not think any free self-governing portion of the empire would submit to for a moment. I have considered this question of sufficient importance to call the attention of my hon. friend to it, and I can only express the hope that there is no truth in the statement that the premier of this country has taken the position indicated by this cablegram.

Hon. Sir RICHARD CARTWRIGHT—I am glad to be able to relieve the mind of my hon. friend from Belleville by informing him that in this paragraph, as is unfortunately very often the case with newspaper paragraphs, there is not a particle of truth, nor is there the slightest foundation for the statements that have been circulated.

Hon. Sir MACKENZIE BOWELL—Hear, hear. That is what I wanted to ascertain.

The Senate adjourned until Tuesday, the 13th inst., at 3 p.m.

SENATE.

Ottawa, Tuesday, June 13, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

BILL INTRODUCED.

Bill (LL) An Act respecting the Joliette and Lake Manuan Colonization Company.—(Hon. Mr. Legris.)

THIRD READINGS.

Bill (62) An Act respecting the Edmonton, Yukon and Pacific Railway Company.—(Hon. Mr. Young.)

Bill (71) An Act respecting the Great Northern Railway Company of Canada.—(Hon. Mr. Domville.)

Bill (EE) An Act respecting the Canada Central Railway Company.—(Hon. Mr. Frost.)

Bill (131) An Act respecting the Vancouver and Coast-Kootenay Railway Company.—(Hon. Mr. Young.)

Bill (141) An Act respecting the Kaslo and Lardo-Duncan Railway Company.—(Hon. Mr. Templeman.)

Bill (X) An Act respecting certain Patents of David Thomas Owen.—(Hon. Mr. Watson.)

PITBLADO DIVORCE BILL.

CONSIDERATION OF REPORT OF COMMITTEE POSTPONED.

The Order of the Day being called :

Consideration of the thirtieth report of the Standing Committee on Divorce, to whom was referred Bill (Q) 'An Act for the relief of Isaac Pitblado,' together with the evidence.—Hon. Mr. Gowan.

Hon. Mr. KIRCHHOFFER—I wish to make a short explanation in reference to a motion which I intend to make regarding the report now before us. When this case was tried, the first witness gave evidence extending back to a date some six or seven years ago, at a time when the respondent was presumed and supposed to be living a reputable and respectable life in the community in which she resided.

This evidence of adultery is not of a particular nauseating or offensive character, nor does it differ in any material degree from evidence ordinarily taken before the committee, and submitted to this House. Any one who is under the impression either that the morals of parliament would be contaminated, or a prurient taste gratified by the publication of this evidence, is very much mistaken. After the depositions of two subsequent witnesses had been taken, in which evidence of adultery at a recent date was very clearly established, a conference took place between the counsel engaged in the case with the result that the defendant practically threw up the sponge; but inasmuch as there were young children of this family growing up in the community, both parties mutually requested the committee that if it were possible the evidence of the first witness might not be printed and circulated, even to the limited extent of distributing it with the report of this committee as made to parliament; and the committee, being anxious to comply with the request, made the recommendation contained in their report. But this case, on account of the prominence of the parties connected with it, has assumed something of the proportions of a cause célèbre. A good deal of discussion has taken place amongst parties who are not conversant with the reasons which animated the committee in making this report, and who imagine because they have heard in some way or other that certain evidence has been suppressed, that there is something peculiar or underhand about it. As a matter of fact there has been no suppression. The evidence is all there. It is in shorthand, but there is no difficulty in having it extended if desired. I have been notified, however, by several members of the House of Commons that the report would certainly be attacked there on account of the insufficiency of the evidence already published, and as the members of this committee have no desire to be attacked on any such ground and to be obliged, as it were, to publish what has been withheld, as they certainly would be if called upon to do so, we have come to the conclusion that it would be better to allow the whole of the evidence to be printed in the ordinary way. With this explanation, therefore, I beg to move :

That this report be not now concurred in, but that it be taken into consideration on Tuesday of next week, and that in the meantime the whole of the evidence be printed and circulated in the ordinary way.

Hon. Sir MACKENZIE BOWELL—Would that include the minutes, which I understand were made, of the understanding reached by the counsel for both sides? That would show why the committee did not publish the whole of the evidence in the first instance.

Hon. Mr. KIRCHHOFFER—So far as I know, there is no objection.

Hon. Mr. YOUNG—The report in its present shape shows that.

Hon. Mr. LANDRY—When I took objection to the report as brought in, I had no intention to ask that the whole of the evidence should be printed, as the explanation given at the time convinced me that the case had been clearly established. All that was needed in the report was the admission of the counsel representing the respondent indicating his desire that a part of the evidence should be suppressed. I did not find anything in the report to show that the counsel for the parties had come to such an understanding, and it looked to me at first sight to be evidence of an ex parte nature. It was for that reason that I brought the matter up at the last sitting of this House. I wish to disclaim any idea of desiring to have the evidence printed in order to convince me that a real case was made out for granting a divorce. All I wished was to see the admission of the counsel for the respondent printed with the evidence, so that it might be made perfectly clear by the report to the Senate that the action of the committee was taken with the consent of both parties.

Hon. Mr. DAVIS—If I rightly understand the hon. gentleman who made this motion he said that some objection was taken by members of the House of Commons that insufficient evidence was placed before them. For my part I do not think it would be wise to publish the remaining portion. As my hon. friend has stated, there are young children in the family, and I do not think it would be conducive to their welfare that such action should be taken. If, as he says, the counsel for the respondent has thrown up the sponge and admitted the guilt of his client, I think a report to that effect placed in the hands of members of the House of Commons ought to be sufficient for them. I do not think it would be beneficial to any-

Hon. Mr. KIRCHHOFFER.

one to have this evidence scattered broadcast.

Hon. Mr. ROBERTSON—I do not think the respondent's counsel threw up the sponge at all. He simply withdrew from the case because the respondent had no funds to defend it.

Some hon. MEMBERS. No, no.

Hon. Mr. ROBERTSON.—He abandoned the case because she had no funds. Evidence was to be sent down from Winnipeg but the counsel was not furnished with the names of any witnesses and received no funds, and therefore he could not proceed with the case.

The motion was agreed to.

CITY OF OTTAWA ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (KK), An Act to amend the Act respecting the city of Ottawa. He said: This is a very short Bill, comprising two clauses. It authorizes the commission in charge of the improvements in Ottawa to enforce their by-laws, with the object of protecting flower beds. There is another short clause giving them power to execute all necessary works under the authority of their Act.

Hon. Sir MACKENZIE BOWELL—The Bill is for the purpose of giving power to the Ottawa Improvement Commission to pass bylaws imposing penalties and fines, and to enforce them. Is it not somewhat unusual to place such power in the hands of a commission? I noticed, however, in looking at the Act authorizing the appointment of this commission, that none of the bylaws that may be passed by the commission can become law or be enforced until they have received the assent of the Governor in Council. That is some protection to the community against any by-laws which might be passed of a very severe or exacting character. Otherwise I do not think the power should be given. Did not the original measure reserve the right to the Governor in Council to reject or sanction the bylaws?

Hon. Mr. SCOTT—They require very wide powers in the discharge of their duties. For instance, they have powers of expro-

priation, the right to purchase property and take it at a valuation under the Railway Act; and what is now asked is authority on a very minor point. They require to exercise constant supervision over their works. Sometimes it is found that people destroy the flower-beds and trees, and it is necessary that there should be some means of protecting them.

Hon. Sir MACKENZIE BOWELL—I understand the reason for it.

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

ROYAL MILITARY COLLEGE ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (169), An Act to amend the Act respecting the Royal Military College.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said: This is a short Bill. Clause 3 is as follows:

3. The salary of the commandant shall not exceed three thousand two hundred dollars a year, and the salaries of the staff adjutant, professors, instructors, assistant instructors and staff shall be fixed, and may be readjusted from time to time, by the Governor in Council.

2. The details of such salaries shall appear in the annual report laid before parliament by the Minister of Militia and Defence.

Hon. Sir MACKENZIE BOWELL—Are those increases?

Hon. Mr. SCOTT—I am not aware that they are. The first one may be an increase.

The motion was agreed to.

NATURALIZATION ACT AMENDMENT BILL.

Hon. Mr. SCOTT introduced Bill (MM), an Act to amend the Acts respecting naturalization and aliens.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow.

He said: This Bill applies particularly to the Northwest, simplifying the necessary proceedings and bringing them more into harmony with the circumstances as they exist.

Hon. Mr. LOUGHEED—May I ask my hon. friend what is the amendment proposed in this Bill?

Hon. Mr. SCOTT—It is proposed to amend subsection 5 of section 11A of the existing Act, which requires that the notice shall be filed in the court-house. This Bill provides that a copy of the application shall be posted up in a conspicuous place in the office of the clerk, or the deputy clerk, as the case may be, and shall remain so posted for a period of not less than two weeks. It was thought it would give more publicity if the notice were to appear in the clerk's office than if it were in the court-house.

Hon. Mr. LOUGHEED—Is that the certificate of naturalization?

Hon. Mr. SCOTT—No; it is the application. Further, as the Act is drawn, it seems to confine the judge to acting on a Wednesday only, which is very absurd, and a change is to be made in reference to that. On and after the Wednesday following the receipt of the papers by the judge, that is, upon any subsequent day, he may hear the application and pass upon it.

Hon. Mr. DAVIS—I should like to say a word with reference to the working of this Act. I have had some knowledge of the working of the present law, and I may say that it did not give satisfaction last year, for the reason that during fully half the time the judge was away, and a great number of electors were disfranchised on that account. Many persons had their papers ready and should have been allowed the right to vote, but they could not get that right, because the judge was not present at the time to pass on their papers. The judge has to cover a large district, and I think some provision should be made to meet the difficulties arising from this fact.

The motion was agreed to.

COMPANIES ACT, 1902, AMENDMENT BILL.

FIRST READING.

Hon. Mr. SCOTT introduced Bill (NN), an Act to amend the Companies Act, 1902.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said:

Some parties who are largely interested in various Canadian companies acting under charters issued under the Companies Act, 1902, have found that investors in Europe, more particularly in France, would prefer having a share warrant instead of shares. The share warrant really means a certificate showing in one paper the total amount of the holding. In order to meet the views of parties in France and Germany who contemplate investing in Canada, it has been suggested that this change should be made in the Companies Act. It is simply substituting for the ordinary shares a certificate of the amount of stock which the party holds in the company, which is more convenient than the shares as recorded in the books.

Hon. Mr. LOUGHEED—Is it proposed to supersede the share certificate by the issuance of these share warrants ?

Hon. Mr. SCOTT—No. The president of the Bank of Commerce sent me a cablegram the day before yesterday, which reads as follows :

Would like to see you about amending Companies Act, permitting issue of share warrants to bearer. This form of stock certificate essential in obtaining continental money for Canadian enterprises, and it is in common use in England, also in Nova Scotia. See statutes, 1902, chapter 8, section 3. Will you kindly facilitate amendment during present session as it will materially assist pending negotiations for continental capital in three Canadian companies. Presume can be no possible objection to this amendment ; otherwise would not make this request.

Hon. Mr. CASGRAIN (de Lanaudiére)—Would that be equal to scrip ?

Hon. Mr. SCOTT—It is merely evidence in the form of a short paper that the holder has so much money in the particular enterprise named. It is a mere certificate. It does not supersede anything or affect shares in Canada, but may be used if a party abroad wishes to have his shares in that form.

Hon. Mr. CASGRAIN (de Lanaudiére)—Supposing one had that certificate, could he transfer his shares and keep the certificate?

Hon. Mr. SCOTT—He could transfer the warrant.

Hon. Mr. CASGRAIN (de Lanaudiére)—It is ordinary scrip.

Hon. Sir MACKENZIE BOWELL—It appears to me from what the Hon. Secretary of State says that it is merely a change of form. At present a certificate is issued showing the number and value of shares held by any person in an incorporated company, and this merely substitutes another form of certificate.

Hon. Mr. LOUGHEED—Is the amendment in the Bill fully explanatory ?

Hon. Mr. SCOTT—Yes, it was framed by Mr. Lash. As hon. gentlemen perhaps know, a very considerable amount of Canadian money has, in the last two years, been invested in Mexico. It appears that Mexico recognizes companies chartered in Canada, and very large works have been undertaken there, particularly for the development of electrical energy, the construction of street railways, and kindred enterprises, and I presume the companies so engaged are offering shares for sale in Europe with a view of continuing further development ; and the parties who are advancing the money prefer to have the certificate in the form of a warrant, to meet the convenience of British or French investors.

The Bill was read the first time.

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

SENATE.

Ottawa, Wednesday, June 14, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (116) An Act respecting the Algoma Central and Hudson Bay Railway Company. —(Hon. Mr. Kerr, Toronto.)

Bill (114) An Act respecting the Manitoulin and North Shore Railway Company.—(Hon. Mr. Kerr, Toronto.)

Bill (GG) An Act respecting the Brandon, Saskatchewan and Hudson Bay Railway Company.—(Hon. Mr. Watson.)

INSURANCE ACT AMENDMENT BILL.

FIRST READING.

Hon. Mr. McMULLEN introduced Bill (OO) An Act to amend the Insurance Act

as respects the investment of funds of Life Insurance Companies in securities of Trust Companies.

The Bill was read the first time.

Hon. Mr. McMULLEN moved that the Bill be read the second time on Tuesday next.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman give us the reasons which have led him to introduce a Bill of this character. It affects a very large number of companies in Canada, relating as it does to their powers of investment. I should like to know whether anything has occurred which has indured him to submit a Bill either to limit or to extend the powers of investment that insurance companies possess under the existing law. I would ask also whether he has had any communication with the superintendent of insurance or the Finance Minister on the subject. As he is well aware from his long parliamentary experience, all Bills affecting banking or life insurance companies emanate from that department, and I should like to know whether he has the acquiescence of the Minister of Finance or the superintendent of insurance in the course that he is pursuing. The importance of the subject induces me to ask for this explanation now, in order that the different life insurance companies in Canada may be afforded an opportunity to express their opinions in reference to the Bill and the manner in which it will probably affect their business.

Hon. Mr. McMULLEN—I must confess I was not aware that any Bill affecting life insurance companies or their investments must first have the sanction of the Minister of Finance.

Hon. Sir MACKENZIE BOWELL—I did not desire the hon. gentleman to understand that I considered that necessary. I simply said it was the practice that in the past the Finance Department had either given its consent or had introduced such Bills.

Hon. Mr. McMULLEN—I must confess that I neglected to discuss the question with the Minister of Finance. Nothing has occurred in Canada that I know of with regard to the handling of the funds of life insurance companies to warrant the introduction of this Bill, but in the United States within the last year large sums of money have been appropriated by the directors of life insurance companies to the funds of companies formed for the purpose of speculation. In some cases trust companies have been formed by members of life insurance companies, and those life insurance companies have become large stockholders of the trust companies. In that country they are restricted in the investment of life insurance funds in very much the same way as in Canada, and the result is that they cannot speculate in many lines that trust companies can speculate in. The result has been that the directors of life insurance companies have become stockholders in trust companies, and have virtually voted the funds of the insurance company from the right pocket to the left pocket, and utilized them as they could not have done while they were the funds of the life insurance company. Very serious losses have occurred in that way ; and in view of that fact we in Canada are justified in taking steps to prevent the transfer to trust companies, of moneys accumulated by life insurance companies, and thus save the policy-holders from risk of very serious loss. I had intended at the second reading of this Bill to give a more extended explanation of my reasons for introducing this measure. Its object is simply to prevent life insurance companies in Canada from investing their funds either in the stock or in the bonds of trust companies. They have many other ways in which they can invest their funds, and seeing that the liberty enjoyed in the United States has been abused, I think we would be in order in Canada if we closed the door before any loss is suffered by any of our insurance companies. I think with the hon. leader of the opposition, that if there is any one duty which devolves upon Canada, it is to guard the safety of moneys that are paid into life insurance companies.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McMULLEN—We should guard them as sacredly as we guard our banking institutions. There are many people in Canada struggling from month to month and from year to year to pay their annual dues to the life insurance companies for the purpose of accumulating a fund for the support

of those who are dependent upon them; and in order to protect those institutions from frauds by the application of their funds in the manner which has been followed on the other side of the line, I think we are justified in providing that the privileges which they enjoy relating to investment shall not be abused, so as to protect, as far as possible, those who contribute to life insurance companies. I may say I have spoken to some parties interested in life insurance companies—I am interested myself as a director—and those parties agree with me that in view of the losses that have occurred in the United States by abuses of this character being permitted—through insurance companies being allowed to invest in trust companies—it would be in the interest of policy-holders in Canada to make provision which would prevent a repetition of those results on this side of the line.

Hon. Mr. DOMVILLE—I have no feeling in the matter. I am insured in Canadian companies, and I believe they are all sound and good; but a word of caution is a good thing. We are getting old, and our views are perhaps not as rosy as they were thirty years ago, and we are influenced somewhat by those who have control over us. For instance, there is the Inspector of Insurance. I cannot see why we should be at his——

Hon. Mr. CLORAN—Mercy.

Hon. Mr. DOMVILLE—At his mercy. I shall bring up the case of the Mutual Reserve Company later on, and show how the policy-holders have been dealt with. Look at the support they have had; the world wonders where they received that support. I warned this House twelve months ago in regard to this matter, and I warn them again to-day. My hon. friend has pointed out the difficulty that may arise from injudicious investments—I am not going to say criminal investments—and while we have the opportunity let us guarantee that the small savings of widows and orphans shall not be wasted, so that they may feel that parliament is at their back and not at the back of the insurance companies. Why should parliament be behind the insurance companies? It has no right to be there.

Hon. Mr. CLORAN—Hear, hear.

Hon. Mr. DOMVILLE—Parliament is a representative of the people. The people have respect for members of parliament, and believe that they will get a righteous judgment from parliament as the highest court in the land. When anything is proposed to be done which is going to jeopardize the interests of the people, it is time for the introduction of a Bill such as the present one. There is no use closing the door after the horse is gone, but now, in the heyday of prosperity, let us do our duty to the public in spite of the influences that may be brought to bear, in spite of the influence the companies may exert, either in Canada or the United States—because the United States seem to have charge of this country as far as insurance business goes. I think my hon. friend is perfectly justified in introducing the Bill in advance of any catastrophe in connection with the investments of the insurance companies.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—Before the Orders of the Day are called, I should like to direct the attention of the House to a matter which received, I believe—although I have no official intimation of the fact—its final interment yesterday. Some months ago I asked this House to express an opinion in regard to an inflammatory appeal which was made to the people of Canada in regard to a measure of great importance to this Dominion, the Autonomy Bill, which creates two new provinces. I was choked off by the hon. member for Halifax, the ex-Speaker——

Hon. Mr. FERGUSON—The hon. gentleman is out of order.

Hon. Mr. CLORAN—We are dealing now with the heart of Canada.

Hon. Mr. FERGUSON—I rise to a question of order. The hon. gentleman has no right to refer to a past debate.

Hon. Mr. CLORAN—Let the dead bury their dead.

The SPEAKER—I hope the hon. gentleman from Victoria (Hon. Mr. Cloran) will remember the rule that one cannot refer to a past debate.

Hon. Mr. CLORAN—Yes. I wish to ask the hon. representatives of the government here if they have any information to give

us in regard to an event which is connected very deeply and very profoundly with the present position of the government, and with the existence of Canada as a confederation and as a people desiring to live in harmony with one another on questions of race and creed. Before putting the question I have a right to explain the preliminaries; I asked for information from this honourable House some time ago and was refused it. I now ask if the representatives of the government in this chamber are aware that on the 13th of this month anything happened which would justify our public men in considering that the status of Canada has been established as a peace-loving people, as a people not heeding inflammatory appeals to prejudices of race and creed. I put a question two months ago, asking if this House was aware of the fact that the Grand Master of the Orange Lodge of Canada had made an inflammatory appeal to the people of this country, asking them to put down the rights of certain other people. I was choked off then; to-day I cannot be choked off. The result is apparent, although we have no official knowledge of it; and it is for that reason I rise to ask the representative of the governments if they have any official information of the result of the elections in London and North Oxford. We have newspaper information which is almost too good to be true; and we should like to know if the government of the day has any information with regard to the facts. I, as a Canadian, am proud to know that Canada by and through its people of Ontario, have declared that they are true to the best traditions of the British people—fair play for all religions, fair play for all races, and fair play for all languages. The British empire is built on a combination of religions, races and languages, as India, Australia, Ireland, Scotland, England, and other parts of the empire will show, but here in Canada, unfortunately, we have in parliament men who would want this great country built up on the basis of one tongue, one race, and one tradition only. I am proud to say that North Oxford and London have told Canada that such cannot be the case, that we are a part of the empire as well as the people of India, and as well as the Australians; and that those people cannot through the Macleans, through the Sproules and through the Hugheses, teach this country to be one-sided, but that we stand on the broad basis of British citizenship, irrespective of race or of creed. As I have been informed through the press, the people of North Oxford and London, have said to the government: You are doing right. I ask if the government has any information of these facts.

Hon. Mr. LANDRY—What about Manitoba?

Hon. Mr. SCOTT—The government have no other information than the public have. There were two vacancies in the province of Ontario, North Oxford and London. The writs for the elections were issued, and two friends of the government have been elected, as I understand from the press.

Hon. Mr. FERGUSON—The hon. gentleman has no official information.

Hon. Mr. SCOTT—No.

Hon. Mr. PERLEY—I understand that there wes a battle fought in London yesterday and that one of the belligerents had on his banner 'Vote for the King,' while the other had on his banner 'Vote for the Pope,' and the Pope won. I should like to ask the hon. gentleman representing King's county——

Hon. Mr. DOMVILLE—What King's county?

Hon. Mr. PERLEY—In the province of New Brunswick. I understand that an hon. gentleman representing that constituency in this House, in the early stage of the Japanese war, sent a cable to the Mikado of Japan wishing him success. I think that might be regarded as an infringement of the neutrality laws, because it encouraged one of the parties to fight. Recently the same hon. gentleman cabled to the Mikado again, congratulating him upon his great victory in the sea of Japan, and also adding that it was owing to the superior intelligence of the Japanese, which was a reflection on the other belligerent in that battle. I should like to know if the hon. gentleman has sent a cable to the Pope informing him that yesterday a battle was fought in the city of London, and in the riding of North

Oxford, and that the Pope has beaten the King ?

Hon. Mr. DOMVILLE—My hon. friend has placed me in a very unfortunate position. He is asking me to disclose communications such as the government or myself might get, and which cannot always be made public. As regards the Pope, I may say that I myself, my family, and my friends have the highest consideration for him, and believe that he is according to his lights, and perhaps to my lights, doing the best he can for humanity, as the rest may be doing. I do not like the Pope's name trotted out at every corner. My hon. friend spoke of King's county. What did we find in the election of 1900 ? The Virgin Mary's picture put up on the hustings in order to defeat the Liberal party.

Hon. Mr. POIRIER—Where was that ?

Hon. Mr. DOMVILLE—In King's county. Now we all respect the Virgin Mary, and as for the Pope I have the highest respect for him. Recently he sent for Admiral Domville, the Commander in Chief of the Mediterranean fleet, and entertained him. Why should I find fault with him ? If I had to go to Rome to-morrow, I might have the same attention paid to me. As to the Mikado, I sent him a cable when the war was declared, wishing him success. When you see two men going into the arena to fight, you wish the best man good luck. In reply he sent me a very handsome telegram. When the Japanese fleet met the Russians and cleaned them out, I sent a message conveying my congratulations on the unparalleled bravery and intelligence of the Japanese, and His Majecty was good enough to send me a reply to what was perhaps the only cable he received from Canada. It probably pleased him to think that far-off Canada sympathized with him in his struggles. Notwithstanding what we may know of our own country and our own people, a good many people think that Canada is outside of civilization, and very many nations do not know even that Canada exists. He saw that in this far-away Canada, of which perhaps he had never heard before, there were those who wished him success in his plucky fight, and he showed his appreciation by sending me a reply. Was not that British ? That was not bringing up the Pope or the Virgin Mary, or setting Protestant against Catholic. It has been recognized all over the world that all these prejudices of race and creed must be wiped out, and to-day I think they are ended in this country. The appeal has been taken and decided, and I think after this Canada will be sensible enough not to take any stock in these appeals to religious and race prejudices. I am sorry that my hon. friend from Wolseley (Hon. Mr. Perley) should have called on me to make this statement because it is uncalled for in every respect.

Hon. Mr. LANDRY—Was that telegram to the Mikado correctly reported in the papers ?

Hon. Mr. DOMVILLE—It was.

Hon. Mr. LANDRY—Because the one I read was signed 'Intelligent Domville.'

Hon. Mr. POIRIER—The incident referred to by my hon. friend, in which the picture of a lady of the standing of the Virgin Mary was displayed in an election contest was, I consider, a very regrettable one. We all have the most profound respect for the Mother of Our Lord, and I should like to ask my hon. friend for more particulars about the matter which I hear of now for the first time. In what district of the county of King's did that occur ?

Hon. Mr. LOUGHEED—I rise to a point of order. There is no question before the House, and it certainly does not reflect on the dignity of the Senate that this discussion should be further pursued.

Some hon. GENTLEMEN—Hear, hear.

Hon. Mr. POIRIER—I ask a question.

The SPEAKER—There is nothing before the chair.

Hon. Mr. POIRIER—With the permission of the House, I should like to ask a question just as my hon. friend here has done before me. If anybody objects, I will not proceed. My question is one which will raise no discussion, because, as I said before, it is a regrettable incident. I merely want to know at what polling place in the county of King's the picture of the blessed Virgin Mary was used in an election.

Hon. Mr. SCOTT—I think we have gone too far. We surely ought not to introduce

sacred subjects here to be discussed in the House. I feel shocked at the manner in which such matters are dragged in.

Hon. Mr. POIRIER—The assertion has been made, and I simply wish to know where the incident occurred, so that if there is a misunderstanding it may de cleared up. I have no other purpose in view.

Hon. Mr. SCOTT—I suggest that the hon. gentleman get it privately.

Hon. Mr. POIRIER—The assertion was made in the House, and no one interrupted. I simply ask a question, and I see no reason why the government should be stirred up to prevent the information being furnished. I merely wish my hon. friend to be explicit, and state in what particular booth or parish or polling sub-division of his county that incident occurred.

Hon. Mr. SCOTT—Order, order; I ask my hon. friend to get the information privately.

Hon. Mr. POIRIER—But the hon. gentleman made the announcement publicly.

Hon. Mr. SCOTT—If he has erred, the hon. gentleman should not err.

PRAYERS OF THE SENATE.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I should like to draw attention to a motion made on the 18th January last by the hon. gentleman from Lincoln (Hon. Mr. Gibson). On that occasion it was ordered that a special committee of the Senate be appointed to confer with His Honour the Speaker respecting the prayers to be used at the opening of the Senate. I wish to know from the Speaker if any conference took place, and whether any decision was arrived at? The committee was struck, and I suppose there was a conference between its members and the Speaker. I should like to know if any report has been prepared, or how the matter stands?

The SPEAKER—I understand that when such a motion is made, the member who moves for the appointment of the committee is the convener.

Hon. Mr. LANDRY—There was no conference?

The SPEAKER—Not to my knowledge.

TUBERCULOSIS IN CANADA.

Hon. Mr. EDWARDS—It is within the recollection of hon. gentlemen that a short time ago I moved a resolution in this House on the subject of tuberculosis, which was very extensively discussed, and with very satisfactory results as far as it went. I should like with the permission of the House, to carry that question a little further, and to give notice that to-morrow I shall move for the appointment of a special committee of the Senate for the purpose of considering what steps should be taken for the suppression of the disease of tuberculosis.

A PROPOSED ADJOURNMENT.

Hon. Mr. ROBERTSON—Before the Orders of the Day are called, I should like if the leader of the government in the Senate, could this afternoon, or early tomorrow dispose of the notice of motion for an adjournment, given by the hon. member from Stadacona (Hon. Mr. Landry) this afternoon. Those of us who live a long distance from the capital would like to know if the proposed adjournment can be taken in order that we may be able to make our arrangements.

Hon. Mr. SCOTT—I have not sufficient information of the condition of the public business to warrant me in coming to any conclusion or advising the House because it is quite uncertain what the House of Commons may decide on. I understand the debate on the Autonomy Bills will be resumed on Monday. Whether it is proposed to further dispute their passage or not I do not know. I am inclined to think not. There are only the details of the Bill, which are of course open to discussion, but which no doubt can be disposed of in two or three days; but it can be readily understood that I am not in a position to-day to make any announcement. It is quite likely that a short adjournment might take place, but it could only be short, because I am inclined to think that, with the dog-days approaching, the general desire of parliament will be to rise at as early a day as the public business will permit. The estimates are nearly all through. There are very few items remaining in the main estimates. The sup-

plementals for the current year, have already been approved, and there are only the supplementals for the coming year to be brought down.

Hon. Mr. LANDRY—There is the budget.

Hon. Mr. SCOTT—That is a speech which will occupy a day possibly; I do not know that it will occupy longer.

Hon. Mr. ROBERTSON—Would it be possible for the leader of the government to make an announcement before the close of the House this evening or at the opening of the House to-morrow afternoon?

Hon. Mr. SCOTT—If I am in a position to speak positively, I shall be only too glad to do so; but I cannot in the ordinary course of events be expected to say what line will be taken in the House of Commons. The government does not control parliament. I think it is quite likely, from the appearance of our Order Paper, that a few days adjournment would not interfere with the general disposition of public business, but it could only be for a few days.

Hon. Mr. ROBERTSON—Would it be possible for the hon. Secretary of State to inform the House to-morrow at three o'clock, when the adjournment will be, and for how long?

Hon. Mr. SCOTT—I will try.

REPORT OF SUPERINTENDENT OF INSURANCE.

Hon. Mr. DOMVILLE—I should like to ask the leader of the government when we may expect the report of the Insurance Department up to December, 1904. It is over six months past due, and if it is to be of any value to the House we should receive it soon.

Hon. Mr. SCOTT—I will make inquiries and let the hon. gentleman know to-morrow.

PUBLIC HOUSE TRUSTS.

DEBATE CONCLUDED.

The Order of the Day being called:

Resuming the further adjourned debate on the motion of the Honourable Mr. Béique: That in the opinion of the Senate the British Gothenburg experiments and the establishment of public house trusts in England have materially advanced the solution of the temperance question and of the social reform problem, and that the time has arrived when like experiments should be made and like public house trusts should be established in Canada.—Hon. Mr. Sullivan.

Hon. Sir MACKENZIE BOWELL—I might state that the hon. gentleman from Kingston (Hon. Mr. Sullivan) is not in a state of health to justify his being present to-day in order to proceed with the discussion of the question, and it has been intimated that he has no particular desire to speak on the question and would just as soon have the matter disposed of by the Senate.

Hon. Mr. POWER—As several hon. gentlemen have expressed opinions, I hope the House will bear with me if I say a few words on the subject. I may state, with respect to the matter of intoxicating beverages, that I am not a prohibitionist. I cannot sympathize with those gentlemen who, either here or elsewhere, speak of wine or of any intoxicating beverage as being in itself a pernicious and evil thing. We know that the first recorded miracle performed by our Lord was the turning of water into wine, and we know too, from the circumstances connected with that miracle, that the wine was of a kind which would intoxicate. I feel, therefore, that I cannot absolutely condemn intoxicating liquors. While undoubtedly the abuse of intoxicating liquors has done a great deal of mischief in the world, it is the opinion of a great many medical men that eating improper things, and overeating have done as much mischief as the drinking of intoxicating liquors to express.

Hon. Mr. WILSON—Oh, no.

Hon. Mr. POWER—One medical gentleman does not quite agree with me, but I think there are a good many medical men who take that view. At the same time, I may say that I feel just as strongly as the hon. Secretary of State or as any other hon. gentleman can feel, what an infinite amount of mischief the abuse of intoxicants has done and is doing in the world. We see these results about us every day; promising careers blighted, men hurried to premature graves, their families living in penury and suffering from disease, all as the result of the abuse of intoxicating liquors. I recognize,—and I believe every one who stops

to reflect must recognize—the existence of the many evils which are spoken of by the opponents of the use of intoxicating beverages. But I believe that most hon. gentlemen who have had experience and who have looked closely into what is going on around them, do not think that these evils are to be completely remedied or are even to be very largely mitigated by what may be termed iron-clad legislation. We should try to prevent the abuse of intoxicants, but we should not undertake to do it by legislation which provokes the hostility and arouses the natural contrariety of the human family.

With respect to the particular matter which the hon. gentleman brought before us, the British Gothenburg experiments, and the establishment of Public House Trusts in England, I do not feel that I have given the matter sufficient thought or made sufficient inquiry to be able to express any opinion as to the merits of the system. But I might point out that this matter has been discussed by two gentlemen, whose names I mention because they have dealt with the question of intemperance from a particularly sane, reasonable and common sense point of view. I refer to Messrs. Rowntree and Sherwell, who in 1899, published a volume under the title of 'The Temperance Problem and Social Reform.' These gentlemen speak in the highest terms of the plan to which the hon. gentleman from de Salaberry (Hon. Mr. Béïque) has referred. They seem to think that the scheme is calculated to do a great deal of good in England. The article reads as follows:

> The first, the bed-rock upon which any fabric of effective licensing reform must be built, is to take the trade out of private hands. So long as the private interest of the seller runs counter to the interest of the state, so long will the effort of the state to restrict and control the traffic be baffled. The second is that the trade, when taken out of private hands, shall be worked locally, not by the state, and should be subject to no other state control than that which is necessary to secure honest administration and the complete carrying out of the conditions determined by the statutory law under which the localities carry on the traffic.

While I do not feel that I possess the knowledge necessary to enable me to pronounce on the scheme which the hon. gentleman from de Salaberry advocated, when these two gentlemen who have devoted so much time and attention to the subject and have written so wisely and reasonably on it, entertain the views which I have quoted, it means that there is really a great deal to be said in favour of the plan advocated by the hon. gentleman from de Salaberry, at least as far as the old country is concerned. Whether that system is the best to adopt in this country is another question, and one as to which I do not care to express any opinion. Strictly speaking, I dare say we should have confined ourselves exclusively to the question submitted by the hon. gentleman from deSalaberry but hon. gentlemen have taken a reasonable amount of liberty, and have discussed the general question of intemperance, and the effects of the abuse of intoxicants. I wish therefore to take the opportunity to speak of two or three points which I think the members of this House and gentlemen outside of it who take an interest in the question might perhaps consider. It is of the very greatest importance I think, that minors should be prevented from drinking. If a youth attains the age of 21 years without having acquired a taste for intoxicating liquor, there is a very much greater probability that he will never become unduly addicted to its use. At any rate if he refrains up to that point from the use of intoxicants and tobacco, he has a chance to attain full normal development physically and mentally. Now I do not think that the advocates of temperance have perhaps dealt with this matter in the most practical way. I wish to mention to the House a scheme which we had in operation in the city of Halifax a good many years ago, which according to my information worked admirably. In certain schools in the city of Halifax there was an association which every boy was expected to join ; and every boy, when he joined this association, made a solemn promise that he would not use intoxicating liquors—and I think he also undertook that he would not use tobacco—until he had attained the age of 21 years. This is something to which the educational authorities throughout the country might very well devote their attention. It is a most important thing that the habits of smoking and of drinking should not be cultivated in early life. You may not be able to get a boy to promise that he will never smoke or drink, but you may get him to promise that he will not do so until he at-

tains the age of 21 years, and if that is attained I think a great deal will have been done. This is a matter which I think might very well be dealt with by the local authorities, who have the control of education.

Then there is another point to which I wish to refer—I do not know precisely who should deal with it, but I assume that the federal authorities ought to grapple with it —I refer to the 'treating' system. Nothing tends more to create the habit of drinking than the practice of treating. For instance, there are three young men, going along the street together. One of the three feels thirsty, and thinks he would like to have a drink. He cannot go in to drink by himself, and although neither of the others wishes to drink, he asks them to accompany him, and there are three drinks instead of one. After those three young men have had their drinks at the expense of the one who had been thirsty, another thinks he is called upon to treat his comrades also, and it is not, I fancy, at all an unusual thing that these three young men take each three drinks where in the first instance only one of them felt like having a single drink. After having treated all round, their usefulness for any business purpose for that day is practically at an end. That habit grows on young men, and it does an immense amount of mischief. If such legislation could be adopted as would prevent the practice of treating, a very great step would be taken in the way of diminishing the evils which arise from intemperance. I suppose, if absolutely necessary, the criminal law might be amended so as to prevent treating.

There is only one other matter to which I venture to call the attention of the House in connection with this subject, and that is one which was referred to by the hon. Secretary of State in his address the other day. The hon. gentleman referred to the difference between the effect of the liquor which is consumed at the present day and of that consumed when he was a young man. I think a great many people have noticed that difference. As far as I can gather, it is due to the fact that a great deal of the liquor which is consumed to-day is adulterated, not by harmless water, although a large quantity of water is very often used, but by other pernicious ingredients introduced for the purpose of disguising and concealing the fact that water has been used. An immense amount of mischief is done to both the physical and the mental equipment of the persons who drink those adulterated beverages. We have on the statute-book a law which forbids the adulteration of food, and I think it extends to beverages too; but if the legislation which is on the statute-book is not sufficient for the purpose, it is the duty of the government to secure the passage of a measure which will guarantee that those who pay for a given kind of beverage will get exactly what they are paying for. A great deal of the mischief which is done by drinking would be obviated if the people who drink were really getting good honest liquor.

Hon. Mr. DOMVILLE—Hear, hear.

Hon. Mr. POWER—These may not be the views of temperance men, and perhaps not the views of many who are not temperance men, but I feel very strongly on these particular points; that it would be most beneficial if the authorities in the various provinces would take steps to induce boys to pledge themselves not to use intoxicating stimulants or tobacco up to the age of twenty-one years; that in addition to that, legislation should be secured to prevent treating; and, finally, that the Dominion government should take steps to prevent the adulteration of liquors.

Hon. Mr. BEIQUE—I propose to make a few remarks in reply to the several speeches which have been made on this question. I am sure it has been noticed that a number of hon. gentlemen who have spoken have taken occasion to drift somewhat from the question which was involved in the motion, but I do not propose to make any objection to that. I think that it was for the better, and that it was opportune to call attention to the different aspects of the question. But it is important that there should be no confusion, and that the point involved in the motion be kept in mind in order that we may arrive at a proper conclusion. Some of the hon. gentlemen have treated the matter as if the motion which I had the honour to offer to this hon. House involved the merits of the Scott Act, while it does nothing of the kind. I am ready to admit—al-

though I am not familiar with the working of the Scott Act—that the Scott Act has rendered a great service to this country, and I think it is a good Act to retain on our statute-book. Another hon. gentleman has spoken as if the merits of the licensing system were involved. There is nothing of the kind intended, as I will show in a moment. Other hon. gentlemen have called the attention of the Senate to education as being the best means to prevent intemperance; I am altogether in accord with that idea. As the hon. gentleman from Halifax stated, and as other hon. gentlemen have stated, it has been, and in the future should be, one of the best preventatives, and I hope that everybody who is connected with the teaching of youth will, as soon as possible, adopt the system of instructing children in the elementary schools as to the bad effects of intemperance, in order to create a strong impression in their minds against the use of intoxicating liquors. But we have to take humanity as it is; and although more meetings have been held in regard to this question than in regard to all other social questions, we are face to face with the fact that intemperance exists to-day, and will no doubt continue to exist for centuries to come, and it is incumbent upon us to devise, not only a means, but the best available means to diminish the evil as much as possible. Before taking up the question, I desire to refer for a moment to the statistics which have been given by the hon. Secretary of State, not by way of taking issue with him on the figures which he has given, but for the purpose of giving some additional figures in order that a more proper inference may be drawn. The hon. gentleman has referred to the province of Quebec, and especially to the city of Montreal, and has stated that since 1874, the number of licenses in the city of Montreal and the amount derived from licenses has been very much increased. He is quite right in that; but one must bear in mind that the population of Montreal in 1871 was 132,023 inhabitants, whereas in 1901 it was 328,175.

In the population of Montreal I include the population of Hochelaga and Maisonneuve. Maisonneuve, which had 8,154 inhabitants, has now 65,778; and Hochelaga, which had 16,654, has now 59,919 inhabitants. It is a well known fact that the amount of the license has been very much increased. It has been more than doubled in the interval from 1874 to this date. From the report for 1903, I find that in the county of Beauce there was only one license, the revenue derived from which was $125. In Bonaventure there were only two licenses, in Charlevoix there were none, in Gaspé East two, in Gaspé Centre none, in Gaspé West none, in Kamouraska none, in Lake St. John three, in the Island of Madelaine none, in Matane none, in Pontiac three, in Rimouski four, in Saguenay none. This shows that in a considerable portion of the province of Quebec there are no licenses issued, or only one or two in each county. Montreal is divided into Montreal East, which is the French part of the city, and Montreal West. The amount derived from hotels in Montreal East was $47,990, and in Montreal West $40,795; and from restaurants the revenue was $62,660 in the east and $72,025 in Montreal West. But I am ready to acknowledge that these figures much exceed what they should be, and this is one of the reasons which induced me to place this motion before the House. I am of opinion that there is a great deal of mischief done by the large number of licenses issued, not only in the city of Montreal, but in the province of Quebec generally, as well as in the other provinces. There are altogether too many licenses, and means should be adopted to curtail, as much as possible, the number of licenses and the sale and consumption of intoxicating liquors. But, hon. gentlemen, what is really the question which divides us? Some of us are no doubt in favour of total prohibtion; others, who are not in favour of prohibition, favour control of some kind. This is the only dividing line between us, but I am sure we all agree that it is incumbent upon us to adopt the best means possible to reduce the consumption of liquor. The motion asserts that the British Gothenburg system has proved effective and useful in England. I have given a good deal of attention to the matter. I have read the book which has been referred to by my hon. friend from Halifax (Hon. Mr. Power), as well as a number of other books on the different aspects of the question; and I have ascertained from statistics that as late as 1897 the consumption of intoxicating

liquors in England exceeded four gallons per head, while now that this system has been in operation for a few years the consumption has been reduced to very little more than two gallons per head. I have ascertained also that in Sweden and Norway, which, according to universal testimony and unquestionable statistics, were formerly among the most drunken countries, in 1897, a considerable decrease had taken place, and that now it is reduced to .52, or a little more than half a gallon per head. These are incontrovertible facts, which we should bear in mind and take into consideration. Let me commend to the consideration of the House the opinion of a well known gentleman, the Rt. Hon. Joseph Chamberlain, in regard to these experiments. Speaking in 1894, I believe, just prior to the introduction of the system into England, he said :

Hostile critics of the system have one great argument in reserve. Granted, they say, that it has reduced drunkenness and the consumption of liquor in Sweden, the improvement even now, still leaves Sweden in a worse position than England is at present, without any system at all. Statistics—sometimes of very questionable authority—are brought forward to prove this assertion, but without discussing them, we may say at once, that they have no bearing on the question. We are agreed that there is still too much drinking and too much drunkenness in England, and surely it is not contended that there is a fixed level below which the principle which has produced such remarkable results in Sweden will cease to operate. Experience is opposed to such an illogical conclusion. When Norway followed the example of Sweden, its consumption per head was, according to the diagram prepared by Mr. Brooks of Massachusetts, and reproduced by Dr. Gould, less than half that of Sweden. Yet a further reduction of more than one-half has followed upon the trial of this experiment. It does not seem likely that England's experience would contradict the results which have been uniformly observed in other cases.

At that time, in 1894, as Mr. Chamberlain asserts, the consumption per head in Norway was double that of England, but what do we find now? Whereas in England it is over two gallons per head, in Sweden and Norway it is reduced to one-half gallon per head. In England itself, the hon. Secretary of State has mentioned that he was not aware that the system had the effect of diminishing the consumption of liquor. I would again call his attention to the figures I gave in opening this discussion. I showed that in 1900 it had decreased over $5,000,000; in 1901, over $15,000,000; in 1903, over $25,000,000 and in 1904, over $25,458,000. These are tangible results which should appeal to our minds in forming an opinion on this question. The hon. member for St. Thomas (Hon. Mr. Wilson) made remarks which it seems to me should enable him to come to the conclusion to support the motion which I have presented to this honourable House. He said :

We know also that wherever it is in the interest of the hotel-keeper to sell as much liquor as he possibly can, he will hold out every possible inducement to his customers to use spirituous liquors. I think it would be beneficial if we could do away entirely with the profits arising out of the sale of the liquor, and have the traffic so controlled that those who sell it will derive no direct profit. That is the principle of the Gothenburg system to a certain extent.

This is one of the best results which the Gothenburg system has produced, and I am surprised that those who approve of prohibition are not in favour of the motion. What is in the way of prohibition? It is the vested interest. In the city of Montreal alone we have over 600 persons who hold licenses, who have made that business their mode of living, and are bound to use all their influence against being disturbed in the enjoyment and renewal of their licenses. The consequence is that instead of being able to decrease the number of licenses we are compelled to increase it from year to year. If the system which I propose were adopted, it would not tend to increase the number of licenses. It would not tend to establish any monopoly. It is merely intended instead of issuing the license to a private individual for his personal profit and benefit, to issue it to a philanthropic institution or company, but without increasing the number of licenses at all. Companies of that kind, if formed here as in England, would make it their object to try to purchase licenses already in existence and conduct the trade on a better footing and keep a better class of liquors; but being merely philanthropic companies, they would be ready at all times to facilitate the reduction of licenses whenever it is deemed advisable to do so, because it would not be for their private benefit to continue.

Hon. Mr. CLORAN—There is an organ of the temperance movement in this country, the Montreal 'Witness,' which is very

sincere and severe in its views. In answer to the speech made by the hon. gentleman from de Salaberry in introducing this motion, the 'Witness' says that the Gothenburg system has been altogether a failure in England and has not met English views of temperance. Has the hon. gentleman seen it, and if so what answer would he give to that article ?

Hon. Mr. BEIQUE—I saw the article to which the hon. member refers and I think it was written by somebody who had read a criticism of the system. I have seen some criticisms of it; there is no plan whatever which will command the assent of everybody, and critics of the Gothenburg system are to be found especially among those who are in favour of total prohibition. They are somewhat fanatical on that question and are not open to consider the question of licenses in any form ; but I gave a moment ago statistics which undoubtedly show that the article did not take the proper view of the effect and merits of the Gothenburg system in England. I repeat I am satisfied that it would be for the best interests of the country if we made some such attempt here as is being successfully made in England—not to increase the number of licenses, but to substitute for houses managed for the private benefit of the owners, public houses controlled by philanthropic companies, who would adopt the system of selling a good quality of liquor and of making it to the interest of the manager to sell non-intoxicating drinks—coffee, tea and beverages of that kind—as much as possible instead of intoxicating liquors.

Hon. Mr. CLORAN—Will the hon. gentleman now answer the objection made by the president of the Victuallers' Association of Quebec, Mr. Lawrence A. Wilson ? I ask him to do so because the hon. gentleman has studied this question a great deal, and he might be in a position to answer the objections expressed at a banquet tendered to Mr. Wilson at the Windsor Hotel last week.

Hon. Mr. BEIQUE—What was the objection ?

Hon. Mr. CLORAN—He insisted there was no philanthropy at all. Is the hon. gentleman in a position to answer his objection ?

Hon. Mr. BEIQUE—I am not surprised that the Victuallers' Association is against this system. They will no doubt join forces with those who are in favour of total prohibition, because they see in this system an opponent, and I think it is a strong reason why we should favour its introduction. The association to which my hon. friend has referred is one which extends over the whole Dominion and excercises very great political influence. During the late session of the Quebec legislature an attempt was made by the government to increase the license fees in the province of Quebec, and this association was the means of preventing it through the influence they were able to bring to bear on the government. The association has great influence in the whole Dominion, possessing as it does a large membership, who are all interested in the continuation of the present system because it is their means of living. If we were to substitute instead of licenses owned for private benefit an arrangement under the Gothenburg system, we would not have to contend with it either in reducing the number of licenses or in increasing the license fees.

Hon. Mr. CLORAN—Would not that only transfer the profits from Paul to Peter ?

Hon. Mr. BEIQUE—No.

Hon. Mr. CLORAN—Who would be the beneficiary under the Gothenburg system ?

Hon. Mr. BEIQUE—If the hon. gentleman has followed what I have stated he will remember that under the Gothenburg system the shareholders get only a maximum of 5 per cent on their investment—and the balance of the profits goes to public utilities, and therefore they are not interested in increasing the sale of liquors, or even in continuing to maintain the public houses. They are only in the field for the purpose of getting rid of private interests and substituting for them a public philanthropic interest which at all times will be ready to consent to a reduction of the number of licenses and even to the adoption of total prohibition, if it is deemed advisable, in any province of the Dominion.

Hon. Mr. DOMVILLE—I have listened with a great deal of attention to my hon. friend, for whom I have the highest res-

pect, but I really fail to understand the drift of his argument. It has been stated that the Canada Temperance Act has done good service? Where? It has been repudiated in Ontario; it has not proved popular in Quebec; it exists only in portions of the maritime provinces.

Hon. Mr. BEIQUE—I thought the hon. member was rising to put a question.

Hon. Mr. DOMVILLE—No, I am going to speak to this question.

Hon. Mr. BEIQUE—I thought I had the privilege of closing the debate.

Hon. Mr. DOMVILLE—That is the hon. gentleman's lookout, not mine.

Hon. Sir MACKENZIE BOWELL—The hon. senator from de Salaberry simply sat down for the purpose of listening to the question to be asked.

Hon. Mr. DOMVILLE—I put no question.

Hon. Sir MACKENZIE BOWELL—We know that, but the hon. gentleman from de Salaberry having sat down to await a question, my hon. friend has no right to speak until his speech is finished.

Hon. Mr. BEIQUE—I claim the right of reply and I was exercising that right. I submit therefore that if the hon. member is allowed to make a speech I should be allowed to reply. I am willing to suspend my remarks for the present with the understanding that I may be allowed to answer after he has spoken.

Hon. Mr. DOMVILLE—I have no objection to the hon. gentleman speaking after I have done. The question is, are the people to be allowed to drink or not to drink? Are you going to limit their right? Are you going to say that the Canada Temperance Act is good in one place and not in another? Where has the Scott Act done good service? In Ontario the people have done away with it. My hon. friend has himself shown that in Quebec there is no Canada Temperance Act. In the maritime provinces some counties favour it while others oppose it. I cannot subscribe to the doctrine that it has done good service. In New Brunswick it has proved a perfect fraud. There are more bar-rooms where the Act is in force than elsewhere, but they do not have licenses, and they sell the worst liquors that can be obtained. I entirely agree with my hon. friend if a system could be devised by which we could get liquor properly inspected it would be a great mitigation of the evil, but in the 20th century when people are brought down to the last dregs of hypocrisy they talk of the Canada Temperance Act on one hand and at the same time sell liquor all over the country. I am not disagreeing with my hon. friend or cavilling at his views. I think there is a great deal in them, but the hon. gentleman should have gone a step further and called for the repeal of the Canada Temperance Act, and then have licenses as he says. I have no objection to limiting the licenses and making the license fee high, so that the whole traffic may be conducted respectably. It would be a hard thing to say that among all the people engaged in the traffic in Canada there are none who are respectable, and no respectable houses. That would be a hard proposition to ask any one to subscribe to, but when you make them sell in secret you are opening the door to all sorts of fraud and inviting them to sell the worst stuff they can, because they are subject all the time to fines, penalties and imprisonment.

Hon. Mr. WILSON—We do not make them sell.

Hon. Mr. DOMVILLE—You make them sell secretly if you do not allow them to sell openly.

Hon. Mr. WILSON—But we do not make them sell. Why do they sell?

Hon. Mr. DOMVILLE—Because people want it. The question comes down largely to a matter of temperance and intemperance. My hon. friend is quite right in saying that temperance is to be inculcated in all things, as the Apostle Paul says—not only liquor but in all things.

I had the honour to be the prohibitionist candidate in my county once. I was set to work to see if I could stop the drinking, and I could not go beyond what I promised. They trusted me as their representative, because I stated that if the case came up I would vote for prohibition or resign my seat, as I felt I should do. When the matter came up in the House I

voted for prohibition, and my charter party was ended. But what did I see during that time? I did not see any suppression of the liquor traffic. They drank behind the door. If my hon. friend can bring about some change that will make it an honest means of livelihood to sell liquor, and make the trade an honourable profession so that people who desire to use liquor can use it above board and as Christians, not evading the law, I should join him hand in hand. His motion, I believe is a worthy motion, well studied out and thought out, but the exception I take is that it does not go far enough. I have no doubt the hon. gentleman's idea could be worked out in some way, and if so it should be coupled with an amendment for the repeal of the Canada Temperance Act.

Hon. Mr. ELLIS—I do not propose to enter into an argument on this question. I have not been an extreme prohibitionist in my day, and I have come to the same conclusion as the hon. gentleman from Halifax that we can expect no very great results from legislation. I do not, however, make the statement absolutely. I rise to call the attention of my hon. friend the mover of the resolution to a letter in the St. John 'Sun.' A letter appears from Mr. Joseph Malins, of Birmingham, secretary of the National Temperance Federation of Great Britain and Ireland, who went to Gothenburg and investigated the whole matter and gave evidence upon the subject before a commission in the House of Commons. His view is against the Act, and I will take the liberty to read two or three extracts so that my hon. friend can put them among the matter which he has to deal with, because I am quite sure whatever vote we may give on this matter we shall not quickly drive the evil from the face of the earth. Mr. Malins, dealing with the matter of convictions, says that in 1841 and some other years a bonus was given to the police in Sweden for the capture of men who were drunk. It became an evil, and that law was abolished about the same time as the new system came into force. Speaking of the system, Mr. Malins says :

> Some portion of good must have resulted from minor reforms inaugurated with the Gothenburg system—when public houses were no longer used as pawn shops; no credit was given; the hours were shortened, and young children not served ; but the dignifying of the trade under municipal auspices and the pushing of it for the sake of municipal revenue has neutralized all the gain and made Gothenburg to-day just as drunken as it was before these reforms.
>
> The municipal public houses are the worst of all.
>
> During the four years preceding the inauguration of the Gothenburg system the drunken convictions were 45 to every 1,000 inhabitants ; and in like manner during the four years ending in 1904 the convictions are also 45 to every 1,000 inhabitants. If the police were now rewarded for each conviction, as before, the number of cases would obviously be much higher than here shown, and would thus demonstrate that under the system of municipalizing the liquor traffic Gothenburg is much more drunken than it was before.
>
> Think of it !
>
> One reply to this is that only about 18 per cent of the drunken cases are traced to the 22 indoor licensed houses managed by the municipal Bolag, and that 78 per cent is due, not simply to the 23 licenses they farm out to wine and spirit merchants, and the 40 odd licensed houses run by the municipal Bolag, but to over 800 beer and wine houses outside the management of the municipal company.
>
> Taking them at their word it shows that the 22 fully licensed houses managed by the municipal Bolag alone are responsible for the drunken convictions of about 8 per 1,000 of the population. This is equal to the percentage of drunken convictions in London from drink-shops of every kind ; it is equal to the average of convictions from drink-shops of every kind in Liverpool during the last four years ; and is twice as many from these 22 houses as are produced in Cardiff from 170 'on' licensed houses and 80 indoor beer houses and scores of other places licensed to sell intoxicants.
>
> It follows that Gothenburg is far more drunken than any British city, and that the municipal drink-shops are especially productive of an amount of drunkenness incomparably greater than in any place under the British licensing system.
>
> Yours sincerely,
> JOSEPH MALINS.
> 168 Edmund street, Birmingham.

Hon. Mr. BEIQUE—The hon. gentleman says this writer was before a committee of the House of Commons. Would he tell me when ? It must have been the committee presided over by Lord Peel several years ago, because I made inquiries whether there had been any recent committee to inquire into the matter in England, and I did not find any. I am not surprised at the statement contained in this letter. I had already drawn attention to a part of these remarks, namely, that in Sweden, where the system was introduced as early as 1865, it was established in an undesirable form. The profits in Sweden go to diminish the municipal rates of the city of Gothenburg and other municipalities, and therefore the ratepayers are interested in promoting the

consumption of liquor. That fault was corrected to a considerable extent in Norway, when the system was introduced in 1871, and in England a further improvement has been made by doing away with that plan entirely and applying the profits exclusively to objects of public utility.

Outside of the question of reducing municipal rates, I am aware that other criticisms have been made, but again I say that we must take the statistics as they appear, and that they are incontrovertible. The hon. gentleman from St. Thomas quoted from a pamphlet, and I find on looking at that pamphlet that in 1876 the consumption was 28 litres per head, and in 1889 it was reduced to 16—about one-half. I have already shown that a few years later it was reduced to 13 litres per head ; and in that same book I find that the number of cases of delirium tremens in Gothenburg was reduced from 123 in 1872 to 42 in 1889. We have also the fact that the consumption in those two countries—not taking Gothenburg alone, which is known to be a drunken city and to have remained a drunken city—but taking the two countries, Sweden and Norway, the consumption has been reduced to one-half gallon per head of the population, the very best result which can be found anywhere. It is a little over one gallon per head in the United States, and it is over two gallons per head in England. We have further the opinion of Mr. Chamberlain and of His Excellency the Governor General ; we have the statistics which have been published by Sir Charles Bruce, and we have the fact that the leading men in England are associated with the movement, and that they have succeeded in establishing these systems in almost every county in the United Kingdom. Therefore, it seems to me that without any undue effort we should be able to come to the conclusion that it is tending in the best direction. The question does not involve any legislation, but merely involves drawing the attention of the public to a new mode, a mode which is in no way in conflict with other modes which may be adopted, for fighting intemperance.

Hon. Mr. WILSON—Would my hon. friend tell me, from his statistics, when the reduction per capita in the drinking took place in Sweden ? Was it before the Gothenburg system was inaugurated? If so, the Gothenburg system had very little, if anything, to do with the reduction in the drinking habit, and it would appear also that the reduction in the number of cases of delirium tremens, to which he refers, took place prior to the time the Gothenburg system was inaugurated.

Hon. Mr. BEIQUE—The hon. gentleman has been misled by the fact that before the Gothenburg system was adopted, as late as 1840, there was a considerable reduction brought about in the consumption of liquor by the changes in the system of licensing. That is unquestionable. The hon. gentleman stated that it was reduced from 8 to 4 gallons per head. I am reading from the statistics of the quantity of liquor consumed from year to year as given in this pamphlet.

In 1876 it was 27·3 litres per head ; in 1878 it was 25·2 litres per head ; in 1879 it was 22·3 litres per head ; in 1880 it was 20·6 litres per head ; in 1881 it was 19½ litres per head ; in 1882 it was 18· litres per head ; in 1883 it was 18 litres per head ; in 1884 it was 18 litres per head ; in 1885 it was 18 litres per head ; in 1887 it was 16.3 litres per head ; in 1888 it was 16·7 litres per head ; in 1889 it was 16 litres per head.

From other statistics which I have given hon. gentlemen will see that it was reduced to 13, less than one-half of what it was in 1876. The system was introduced in Sweden in 1865, and in Norway in 1871. From the time the system was brought into operation in both countries, it has been considerably reduced particularly within the last few years, and now it is ·52 gallons per capita, the best result that can be found anywhere. In the three or four years that the system has been in operation in England it has produced a like effect. The consumption of liquor was formerly over four gallons per head, and now it is reduced to a trifle over two gallons.

Hon. Sir MACKENZIE BOWELL—I think I express the opinion of a very large number of members of this House when I say that this debate has been an exceedingly interesting one. But it is a subject to which I think very many of us have not given that attention which would justify our recording a vote at the present moment. And, moreover, we all know that this question has been relegated to the governments of the

different provinces. My hon. friend has, I think, accomplished the object which he had in view in bringing this question before the Senate, namely, to call the attention of the public to the different systems which have existed or which exist at the present time in different parts of the world, and to submit evidence that the Gothenburg system is productive of much good in restricting the consumption of liquor. He has accomplished the object he had in view, and having done so it would be well, I think, particularly considering that a great many members are absent, to allow the motion to drop. Speaking for myself, I frankly confess that I have not given sufficient attention to the subject to justify me in recording a vote on the question. There may be others in the same position. I think the answers given by the hon. gentlemen to the hon. member from Victoria were not only pertinent but conclusive, just as much so as the answers which he gave to the hon. gentleman from Rothesay. We can scarcely expect a favourable opinion from the president of the Licensed Victuallers Association of Montreal. The figures which the hon. gentleman has given us establishes the fact that the drinking habits in those parts of the world where the system has prevailed have been lessened and doubtless much good will flow from it. I make the suggestion in the very best spirit—as no doubt he will give me credit for—that he should withdraw the motion so as not to press the matter to a vote at the present moment.

Hon. Mr. SCOTT—I entirely concur in the observations of the hon. leader of the opposition, and agree with him that the debate has been productive of good. I feel that I should be very sorry to have my judgment committed in one way or the other on this vote, because I recognize that there are special conditions in existence, more particularly in England, where no doubt the system has been productive of good. There are other cases where it has been a failure, but I think there are very few gentlemen who desire, on the information we have before us, to have their judgment committed positively in one way or the other, and therefore, the object of my friend having been accomplished, I entirely second the proposal of the hon. leader of the opposition and ask him to allow the motion to be withdrawn.

Hon. Mr. BEIQUE—The fact of the suggestion being made by the leaders on both sides of the House makes it my duty to acquiesce in it, and I do so the more readily because I think it is a question on which there should be no division. Even if the suggestion had not been made, if I had expected that there would be any division on the question, or that the motion would not carry unanimously, I would myself have come to the conclusion that it had better be withdrawn. I think it would be a pity on a question of this kind to see a division in this honourable House; and, as I stated, no legislation is contemplated by the motion. It is merely an expression of opinion, and the withdrawal of the motion will not close the door to renewing the discussion at a future session, when I hope hon. members of this House will have taken the trouble to inform themselves as to whether we should not try to introduce into this country the experiment which has proved so beneficial in other countries.

The motion was withdrawn.

CITY OF OTTAWA ACT ADENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (KK) An Act respecting the City of Ottawa.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—I think we should fix a maximum and minimum penalty with regard to the fine and the imprisonment. I have noticed, in the administration of the Customs Act in particular, where the discretion was left to the magistrate, that the penalties in very many cases really amount to nothing, because the magistrate could impose a fine from ten cents upward. I could give you some most interesting instances of my experiences in that matter, where those who administer the law look upon an infraction of provisions of this kind as of so little importance that they may impose 50 cents fine, or a fine of five dollars, as the case may be. I simply throw out the suggestion and do not move any amendment. I have thought that when the consideration of the Customs

Act comes up, if I were in parliament, I would endeavour as far as possible, in all points where penalties are imposed to have a maximum and minimum fine or imprisonment fixed. Justice has been frustrated in numerous cases for want of a provision of this kind.

Hon. Mr. LOUGHEED—With all due deference, the cases are not analogous. I should not like to see a minimum or maximum penalty in a case of this kind for the reason that there may be children against whom the commissioners would have to proceed, and it might mean undue severity or harshness to impose even a minimum penalty. I think it would be found that most of the offenders in these cases would be of a juvenile class. That would not apply in the case of a violation or infraction of the Customs law. In my judgment I should prefer the section as it is.

Hon. M. POWER—As a rule also, these cases would come up before the stipendiary magistrate of the city of Ottawa, and being interested in the preservation of the beauties of the city, he would not be disposed to be unduly lenient with offenders.

The clause was adopted.

Hon. Mr. LOUGHEED, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read a third time and passed.

SECOND READING.

Bill (LL) An Act respecting the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Legris.)

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

SENATE.

Ottawa, Thursday, June 15, 1905.

Prayers and routine proceedings.

The SPEAKER took the Chair at Three o'clock.

AN ADJOURNMENT.

Hon. Mr. LANDRY moved,

That when the Senate adjourns to-day, it do stand adjourned until Tuesday, the 4th July next, at three o'clock in the afternoon.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—I notice that a number of Bills are ordered to be read the third time to-morrow. That being the case, it may be necessary for the House to sit to-morrow, because some of the Bills may have to take a stage in the other chamber, and it is desirable that we should dispose of all the Bills on the order paper before we adjourn. I think there will be several days next week when the Senate will not be called upon to perform any duties, because there are very few Bills to come before us except government Bills, and therefore I see no objection to a recess being taken during next week. If the hon. gentleman chooses to amend his motion so that the adjournment will be from to-morrow until a week from Tuesday next, I will raise no objection.

Hon. Mr. LANDRY—I will amend the motion and make it read 'when the Senate adjourns to-morrow.'

The motion as amended was agreed to.

SUPPRESSION OF TUBERCULOSIS IN CANADA.

MOTION.

Hon. Mr. EDWARDS moved :

That a special committee be appointed for the purpose of considering what further steps should be taken, and what suggestions can be made, in the direction of the suppression of tuberculosis in Canada.

The said committee to be composed of the Honourable Sir Mackenzie Bowell, K.C.M.G., the Honourable Sir William Hingston, Kt., and the Honourable Messieurs De Boucherville, Sullivan, McMillan, Wilson, Fiset, Casgrain (Windsor), Robertson, Godbout, Béique, Ellis, Young, and the mover.

He said : It is quite unnecessary for me to take up the time of the Senate with any extended remarks with regard to this motion. The question involved was discussed in the Senate at very great length a few days ago, and in that discussion it became apparent that many thought the government of Canada should take some action in this matter. Various other opinions were expressed, and it has been thought advisable that a committee of this honourable House should be appointed for the purpose of considering further suggestions which might be made in the direction of suppressing the great plague of tuberculosis in Canada. With the permission of the House I should like to add the name of the hon. gentleman

from Toronto (Hon. Mr. Kerr). I should like also to add to the motion that the committee be empowered to send for papers and persons as may be required from time to time.

Hon. Mr. SULLIVAN—With reference to this question of tuberculosis I wish to say that I was asked to go to a meeting of the society in Ottawa. I was not aware that there was a national society, and that it was presided over by the hon. gentleman from Rideau (Mr. Edwards). I went there and explained to them, as well as I could, the action of the Senate, but they received me with a great deal of coolness. They appeared to look on me as an intruder, or perhaps worse. They did not say a word either in praise or in condemnation of the remarks I made with reference to the action of the Senate. I understood that the hon. gentleman was acting only partly on the direction of his society; I understood that the action which he took here was independent action and not on behalf of any association whatever. This association has been in existence for a great many years, but so far it has not produced any results that I have ever heard of. I told them so, and I told them that the movement on the part of the Senate was a determined one; that the feeling of all the members of the Senate was to enter upon the work earnestly. I considered that if this Senate, or any member of it, initiated that action it would be a great honour to them, besides the benefit it would confer on the country. These gentlemen hinted that they wanted a royal commission. They passed a resolution favouring a royal commission, but I cannot see what use on earth a royal commission will be. I think we possess all the necessary information about tuberculosis, and the only thing a royal commission or a commission of any kind could do would be to recommend the adoption of means such as the erection of sanitaria and the putting into force of hygienic and sanitary laws generally. We had a debate recently on the subject of drinking, or alcoholism, in which I think the whole of the facts were not elicited, because I consider Canada is a most temperate country, more temperate than any other country where the English language is spoken. I could give figures to prove the statement, but that is not the question before us at the present time.

In view of what I have stated, I desire to be understood as not taking the position which I did before, because I do not believe I could act in connection with those gentlemen. They said that Mr. Edwards could do more with the government than the Senate or House of Commons. Well, I do not ignore the omnipotence of the hon. gentleman; I am glad he has such power; but I thought it was not fair to a member of the Senate to tell him so in the rough manner in which it was done. I think this action, if we take any, would be in antagonism of that association. If they are to be the leaders of the movement, and we are to be subordinate, and simply to act for the purpose of gaining a yearly subsidy for them, I shall have nothing more to do with it. I wish to make this explanation, because I was very earnest and determined in the course I intended to pursue, but that has all been put aside by the action of the association. They have issued a book and distributed a good deal of literature, and Sir James Grant has also lectured, but no practical effect has followed.

Hon. Mr. EDWARDS—It must become apparent to my hon. friend that the action I am taking to-day is independent entirely of any association in Canada. This is entirely a Senate matter. It is true there is a Dominion association for the prevention of tuberculosis; and it is true that I am president of that association. One of the executive meetings was held some time ago in the rooms of the Senate, and, as my hon. friend happened to be present, I suggested to the meeting that, as he was very enthusiastic with regard to this matter, we should do him the courtesy of inviting him to the meeting. A discussion took place as to the appointment of a royal commission. I personally was not favourable to the suggestion, and said that I preferred, the Senate having undertaken to discuss this matter, to let the Senate, and also the House of Commons, if it so wishes, come to conclusions in their own way as to the best means of dealing with the subject. Some discussion took place that day, and my hon. friend was good enough to address the meeting; but I can say, on my own behalf, and certainly, I think, I can say it on behalf of those who

were present, that no discourtesy was thought of or intended, so far as he was concerned. I repeat, the action now proposed to be taken is on behalf of the Senate itself, and has nothing whatever to do with the various associations for the suppression of tuberculosis in Canada. I say this, however, that if any representatives from those associations are asked to make suggestions, it would be quite proper that the Senate Committee should receive and consider them. Personally, I should be very sorry if my hon. friend declines to act upon this committee. I sincerely hope he will consent to act, because his name was one of the first I thought of in connection with the committee.

The motion was agreed to.

THE PITBLADO DIVORCE CASE.

THIRD READING.

Hon. Mr. KIRCHHOFFER—I wish to make a request to the House in regard to the Pitblado divorce case. On Tuesday last I moved that the report of the Divorce Committee be set down for consideration on Tuesday next. Now if this House is going to adjourn to-morrow for a week or ten days, the result will be that the matter would have to stand over until the following week, which might result in the defeat of the Bill this session. I am sure there is nobody in the House who is not satisfied with the evidence taken in the case; and I would move that the report on the Pitblado divorce case be now considered.

Hon. Mr. POWER—The hon. gentleman will require first to move to rescind the resolution setting it down for Tuesday next.

Hon. Mr. KIRCHHOFFER moved that the order be rescinded.

The motion was agreed to.

Hon. Mr. KIRCHHOFFER moved that the report be now concurred in.

The motion was agreed to.

Hon. Mr. YOUNG moved that the Bill be now read the third time.

Hon. Mr. LANDRY—Have we a right to rescind an order which is not an Order of the Day?

Hon. Mr. SCOTT—Yes, by unanimous consent.

Hon. Mr. LANDRY—But it is not an Order of the Day. The simplest motion would be to put that item on the Orders of the Day for to-day and not to rescind.

The SPEAKER—It could only be done by consent of the Senate.

Hon. Mr. LANDRY—I am not opposing the motion, but I do not think we are proceeding regularly.

Hon. Mr. POWER—As I understand it, the House the other day ordered that the consideration of the thirtieth report of the Standing Committee on Divorce be taken into consideration on Tuesday next. The hon. gentleman from Brandon (Hon. Mr. Kirchhoffer) has moved that the resolution be rescinded. That could only be done by the unanimous consent of the House, but as there was no dissenting voice the resolution was rescinded. Then the hon. gentleman moved that the report of the committee be taken into consideration to-day.

Hon. Mr. LANDRY—That was rescinding the resolution of yesterday, but not an Order of the Day.

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

A CORRECTION OF THE MINUTES.

Hon. Sir MACKENZIE BOWELL—Before proceeding with the Orders of the Day, I should like to call the attention of the Senate to the manner in which the report of the Committee on Railways, Telegraphs, and Harbours, dealing with the Fesseden Wireless Telegraph Company, was entered in the minutes. It will be remembered that the amendments made to that Bill by the House of Commons were of such a complicated character and so numerous that the Senate thought it better to refer the amendments to the Committee on Railways, Telegraphs and Harbours for consideration. The minutes as they appear simply record the adoption of the report. I will read it:

> The Honourable Mr. Casgrain (de Lanaudière), from the Standing Committee on Railways, Telegraphs and Harbours, to whom was referred the Bill (I) intituled: 'An Act to incorporate the Fessenden Wireless Telegraph Company,' as amended by the House of Commons, presented their report.
>
> Ordered, that the report be now received, and

The same was then read by the clerk, as follows :

The Senate Committee Room No. 8,
Wednesday, 14th June, 1905.

The Standing Committee on Railways, Telegraphs and Harbours, to whom was referred the Bill (I) intituled : 'An Act to incorporate the Fessenden Wireless Telegraph Company of Canada,' as amended by the House of Commons, have, in obedience to the order of reference of Wednesday, 7th June, instant, examined the said Bill, as amended, and now beg leave to report that your committee have agreed to the amendment made by the House of Commons to the said Bill without any amendment.

All of which is respectfully submitted.

J. P. B. CASGRAIN,
Chairman.

On motion of the Honourable Mr. Casgrain (de Lanaudière), seconded by the Honourable Mr. David, it was

Ordered, that the said report be adopted.

Ordered, that a message be sent to the House of Commons to acquaint that House that the Senate doth agree to the amendments made by the House of Commons to the said Bill, without any amendment.

What we adopted was the report and not the amendments made by the House of Commons. I suggest that the minutes be amended as follows :

That the committee has examined the said Bill, as amended, and now begs leave to report the same without any amendment, and to recommend that the amendments made by the House of Commons to the said Bill be agreed to without any amendment.

And further down after the words :

On motion of the Honourable Mr. Casgrain (de Lanaudière), seconded by the Honourable Mr. David, it was

Ordered, that the said report be adopted.

I would suggest that the following words be added :

And that the amendments made by the House of Commons to the said Bill be agreed to without any amendment.

That would adopt the report of the committee, and the amendments made by the House of Commons. As it stands now, there is really no adoption by the Senate as a body, of the amendments made by the House of Commons. With the consent of the Senate, the clerk might be instructed to make these amendments.

Hon. Mr. LANDRY—I call attention to rule 72, which provides that :

When any private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a committee of the whole, or to the standing committee to which such Bill was originally referred.

If I understand this rule there should be a second reading. Where is the second reading ?

Hon. Mr. SCOTT—The House concurring in the amendments is tantamount to a second reading.

The SPEAKER—The practice of the House of Commons is to give three readings to the amendments. I noticed rule 72, and found that the practice in the Senate had not been in accord with it for a number of years, but I simply followed the practice of the Senate.

Hon. Mr. LANDRY—No practice can prevail against the rule.

The SPEAKER—The hon. gentleman is quite right, but by the unanimous consent of the Senate the other practice has been followed without a dissenting voice. Any senator raising the point could have obtained a change of practice and reverted to the rule.

Hon. Mr. LANDRY—That is what I am doing now.

Hon. Sir MACKENZIE BOWELL—The practice has been, when amendments have been made by the House of Commons to a Bill originating in the Senate, to have the amendments read by the clerk at the table; then some member makes a motion that the amendments be concurred in. The amendments to the Bill now under consideration were so numerous that the hon. member from Halifax (Hon. Mr. Power) suggested that they be referred to a committee.

Hon. Mr. LANDRY—He followed the rule.

Hon. Sir MACKENZIE BOWELL—I am merely stating what occurred. They were referred to a committee, and that committee reported. What I called the attention of the Senate to was the fact that although that committee reported and their report was adopted, the Senate has not up to the present time concurred in the amendments made by the House of Commons. My object in calling attention to the matter was to put the minutes right. Whether the other procedure is in accordance with the rules, I am not prepared to say.

IMPRISONMENT OF STOWAWAYS.

A QUESTION OF PRIVILEGE.

Hon. Mr. CLORAN—Before the Orders of the Day are proceeded with, I should like to direct the attention of the government specially to a subject which is of great importance to our seaports in the province of Quebec, and I suppose the same applies to the seaports of the maritime provinces. It is a question of being obliged to harbour, feed and keep people who come to Canada against the law of the country. I speak simply for the port of Montreal, as there must be representatives present from the maritime provinces, and other sections of the country, who will be able to inform the House what transpires in their respective districts with regard to the bringing over of stowaways by the several steamship companies who do business with foreign ports as well as with ports in England, Ireland and Scotland. My experience has not been limited in this matter, but extends over twenty-five years of practice in the courts of Montreal, and I have never in the summer months had occasion to go into the criminal courts in Montreal without finding in the dock two or three or perhaps half a dozen specimens of humanity who might well be kept at home, for whom we have no place here. These people are brought by the captains of the different vessels to the court house, there put into the hands of the high constable, brought before a justice of the peace or a judge of the court of sessions, and what is done to them? Are they sent back to the country they came from, whether Italy, France, Scotland or England ? No. Our magistrate simply sends them to the provincial jails for terms varying from two to six months. Whether that is due to a lack in the criminal law to provide other means of punishment, I am not prepared to say. I believe it is due to a lack of proper provision in our criminal law, and for this reason I call the attention of the government to the facts. The 'Gazette' of this morning, the official organ of the Conservative party, and the organ of the government party also calls these people the worst class of persons coming into the country, the scum of Liverpool and the scum of Europe. When they come to this country we are obliged under our law to put them into jail with our ordinary prisoners, not actual criminals, who are committed there for drunkenness or for violating the municipal law or some other such reason. That state of things has been tolerated too long in this country, and I would ask those in this House who are responsible, to call the attention of our government to the fact that as far as Montreal is concerned we do not desire to have the system tolerated any longer. As I have pointed out to the magistrate when he was committing these people to jail for no other reason than that they were stowaways or wharf rats, no crime has been committed against Canada. They violate no law, no statute of Canada, and still we, through our judiciary, force these people into jail. By what right? On what ground? If there is any offence in a stowaway being on board ship against the will of the captain or the owner of the vessel, that crime was not committed within the waters of Canada, but committed within the waters of the foreign country from whence the ship sailed; and I have always considered it a shame for our magistrates to condemn men to two, three, or four or six months imprisonment when they have committed no offence against Canadian law.

Hon. Sir MACKENZIE BOWELL—Were they committed on the ground of being vagrants?

Hon. Mr. CLORAN—No, stowaways. The captain handed them over to the court and said he had no use for them. To be a vagrant you must be in the city at least twenty-four hours. You cannot become a vagrant in six minutes. These people could not become vagrants, they were never on our streets or wharfs. I have always held in the courts that our magistrates should have power to get rid of these people in some other way. In Quebec we are obliged to maintain, in the summer at least, from two to five hundred of these people. They are sent to jail in June and July and discharged in September or October, just at the time when they must starve or steal if they wish to get a living. This is no exaggeration. The latest reference to the matter appears in the 'Gazette' this morning and in 'Le Canada,' the official organ of the government. The paragraph is as follows :

The scum of Liverpool.

They might well say the scum of all foreign ports. The article proceeds :

Judge Choquette sends a group to jail for the summer.

We will have a nice load on our hands when these people get out for the winter.

Six men were arrested early yesterday morning for loitering on board the steamship 'Lake Champlain,' of the Canadian Pacific Atlantic line. They were brought up before Judge Choquette yesterday. Mr. J. C. Walsh, who appeared for the prosecution——

I suppose he appeared on behalf of the steamship company.

—said that the men were part of a gang who infested the river front. They boarded the 'Champlain,' forced their way into the mess-room, locked themselves in and refused admission to the sailors who belonged to the ship. They are the scum of Liverpool,' said Mr. Walsh, 'who come out here in the spring and loaf around the river front until the fall, when they make their way back to Liverpool again.'

Then the names of the men are given.

Judge Choquette thought that the men would be safer in jail at hard labour than loafing round the docks, and sent them to jail for four months.

The result is that we in Quebec have to pay the board and keep of the six men for four months. Why should the government of the Dominion of Canada force Quebec to maintain men over whom the province has no control ? Why should we, through the criminal law, be forced to sustain these people for the summer months ? The question is easily answered. We had a discussion recently with regard to immigration, and I, for one, asked the members of the government to insist that the administration see that their officers shall allow no man to land in the port of Montreal, or in any other Canadian port, unless he is perfectly healthy and able to become a good citizen. I ask the government again to put an end to this system which has been in existence as long as the port of Montreal, and against which the judges of our courts in Montreal complain and protest, but over which they have no power until this parliament deals with the matter. It is within the power of the government of Canada to direct its commissioners——

Hon. Mr. FERGUSON—I rise to a point of order. There is nothing before the House.

Hon. Mr. CLORAN—I am nearly through. I do not see what harm I am doing to Prince Edward Island.

The SPEAKER—The hon. gentleman rose to put a question to the government, and he is explaining it.

Hon. Mr. CLORAN—Probably Prince Edward Island has no stowaways. I say that this matter is serious, and I am asking the government to give it serious consideration. I say that Montreal is entitled to protection, whether by the administration or by the criminal law.

Hon. Mr. SCOTT—I will bring the matter to the attention of the hon. Minister of the Interior, who has the duty of examining immigrants coming to Canada. We receive about one hundred thousand immigrants annually, and those who are thought undesirable are returned at the expense of the steamship companies. I do not at all agree with the hon. gentleman in denouncing the stowaways as he has done. Some six boys who arrived as stowaways were brought before the magistrate and asked why they came to Canada. They said they expected to get work. Two were bricklayers ; they had no work and no money, and therefore they came to Canada. The magistrate said : 'Do you propose to remain in Canada ?' The reply was yes, they expected to remain and work at their trade. Now, they may be very desirable settlers in Canada. The magistrate took the proper view of the matter, and sent them to jail for a few days. He said : 'At the end of the term'—I think less than a week—'you will be at liberty to remain in Canada.' I thought it was the most sensible judgment I had seen for some time, because he seemed to be impressed with the character of the lads, and they seemed to be in a position to improve their station in life, by availing themselves of the openings which Canada offered them. I do not agree with the statement that stowaways amount to many hundreds in the year. I do not think so. It may be the officials do allow some undesirable persons to escape their notice and remain in the country, but that is inevitable. You cannot make any system of the kind perfect. The United States has the same trouble, only that it is accentuated to a greater degree ; they require a very large establishment in order to hold the people who are to be returned. They number some thousands in the course of the

year, while ours do not run up in the hundreds. I do not think the evil is quite as great as my hon. friend speaks of. However, the Minister of the Interior will remind his officers that any undesirable person ought to be returned and not be made a charge on the country.

Hon. Mr. CLORAN—That is exactly what I want, that they shall not become a charge upon our province.

THIRD READINGS.

Bill (12) An Act respecting the Ottawa Electric Railway Company.—(Hon. Mr. Lougheed.)

Bill (92) An Act respecting the Ottawa and New York Railway Company.—(Hon. Mr. Edwards.)

Bill (28) An Act to incorporate the Northwest Telephone and Telegraph Company, as amended.—(Hon. Mr. Watson.)

Bill (140) An Act respecting the Northwest Coal and Coke Railway Company.—(Hon. Mr. Perley.)

Bill (57) An Act to incorporate La Compagnie du Chemin de fer Electrique de Trois Rivières, St. Maurice, Maskinongé et Champlain.—(Hon. Mr. Legris.)

COMPANIES ACT, 1902, AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second readind of Bill (NN) An Act to amend the Companies Act, 1902.

He said : I gave some explanations when I introduced the measure, but perhaps the House may learn more clearly the object of the Bill if I read a letter received from the solicitor of a number of companies. He says :

> The Companies Act in England, also the Nova Scotia and British Columbia Companies Acts make provision for the issue of bearer share warrants in lieu of the ordinary form of stock certificates. Several of the undertakings in Rio de Janeiro and in Mexico which the Rio de Janeiro Tramway, Light and Power Company, Limited, and the Mexican Light and Power Company, Limited, have acquired, and are negotiating to acquire, are controlled in France and other countries in Europe. Share warrants to bearer instead of stock certificates requiring transfer in the usual way are very much used in France and Germany, and in negotiating for the undertakings referred to, Mr. F. S. Pearson, who is now in Europe acting for the companies, finds great difficulty in concluding the negotiations unless the companies can issue share warrants instead of stock certificates. I received a cable from him a few days ago urging him to ask the government to have an amendment to the Companies Act passed this session with respect to share warrants. I have prepared an amendment, which I inclose, taken from the English Companies Act. As there cannot be any objection from the public point of view to the passing of the amendment, and as it is a matter of great convenience to the two companies mentioned, and will doubtless prove equally convenient to others, I hope that you will introduce the amendment so that it may be passed this session. It is, of course, to the interests of Canada that we should be in a position to procure capital from France and Germany with respect to enterprises originating or conducted here, and the amendment asked will much facilitate the accomplishment of this object. I have met with several instances within the last year where share warrants were made essential to the success of the undertaking, and from what I learned on the subject last year when I was over in Paris, it seems impossible to get on without them, owing to the difficulties with reference to formal transfers of shares and the law stamps over there.

It does not interfere with our method of doing business here, and it is for use abroad only. I see no objection to it.

Clause 7 of the Bill reads as follows :

> 7. Section 5 of the Companies' Act, 1902, is amended by adding thereto the following subsection :
>
> 3. Nothing in this section, or in any charter or letters patent heretofore or hereafter issued, shall be deemed to prevent any company to which this Act applies from acting as a contractor in railway, telegraph or telephone construction.

In the Companies Act the section provides that in granting charters the Secretary of State is authorized to grant charters for any purpose for which the government may issue charters, except for the construction of telegraph and telephone lines, and the business of banking, &c. As regards the construction and working of railways, it was evidently meant that the whole control of railways should rest with parliament ; but I do not suppose it was in contemplation by parliament at the time the Act was passed, so far as concerns contracts to supply cars and do grading, rock work, &c., that the companies formed under the Act would be excluded from that kind of work, because it is work which any ordinary man can do. I propose therefore to make that clear. In many cases contracts have been granted by railway companies to contractors who hold charters and no exception has ever been taken to it, but it should be made clear. As the statute stood, it meant the

construction and working. It joined the two. This proposes to remove the limitation as regards contracts for construction work, to which I see no objection.

Hon. Mr. ELLIS—The explanation of the hon. Secretary of State left the impression on some hon. gentlemen the other day, that there would be two forms of documents with regard to the stock certificate, and that if you held a number of stock certificates there would also be a warrant covering these. The hon. gentleman now says this second document is to be issued in lieu of the first.

Hon. Mr. SCOTT—Yes. A man has a hundred shares, and he receives a warrant in place of the certificate.

Hon. Mr. ELLIS—He surrenders the shares.

Hon. Mr. SCOTT—Yes. It is to meet the views of certain capitalists in Europe.

Hon. Mr. LOUGHEED—Has there been any demand from the representatives of other companies for legislation of this character? It seems to me the conditions mentioned by my hon. friend would scarcely warrant our amending general legislation to meet such exceptional circumstances as those mentioned. I doubt very much the propriety of this parliament facilitating the flotation of companies in Mexico and in Rio De Janeiro and the placing of such stock upon the European money market without our knowing anything about it. I venture the assertion that the flotation of those companies on the English market will not in any way contribute towards the promotion of Canadian interests with regard to the many Canadian enterprises which from time to time may be placed before English or European investors. We are asked now to pass exceptional legislation, to meet a class of cases which has not hitherto arisen, and to apply that legislation to the whole of our company laws in Canada.

Hon. Mr. SCOTT—This legislation is in the English Companies Act and in the Companies Acts in British Columbia and Nova Scotia. It is simply intended to satisfy the views of persons in France and Germany who prefer that method of holding shares. The companies to which my hon. friend refers are very important—the Mexican Light, Heat and Power Company has a capital of over $30,000,000 and it is quite proper that such a company desiring to raise further amounts in Europe, should be permitted the privilege of altering the form of the certificate which verifies the number of shares the holder possesses. I see no objection to the Bill. To my mind there is no visible distinction between the two methods only we know very well that money in Europe is very cautious and circumspect as to the character of the security it takes, and they use what is called a warrant there, different from our share certificate. I see no objection to it, and if it is going to facilitate the introduction of money into Canada, we all ought to rather favour than disapprove of it.

Hon. Mr. POWER—I have nothing to say as to the principle of the Bill, only that I trust the hon. Secretary of State will, before the Bill goes into committee, procure a copy of the English Act and copies of the Acts in force in British Columbia and Nova Scotia, so that we may be able to compare them with the Bill. I wish to draw the attention of the Secretary of State to certain statements in this Bill which seem to be to a certain extent contradictory to one another. If the hon. gentleman will look at clause 3 he will find that:

> 3. The bearer of a share warrant shall, subject to the conditions to be determined by the directors as hereinafter provided, be entitled on surrendering such warrant for cancellation to have his name entered as a shareholder in the books of the company.

If the hon. gentleman will turn to clause 5 he will find this:

> And on the surrender of a warrant the date of such surrender shall be entered as if it were the date at which the person ceased to be a shareholder.

That is apparently in conflict with clause 3 which says that when he surrenders his warrant he is entered as a shareholder. Without some further explanation, those two statements appear to me to be contradictory one of the other. Then in clause 6, there is a provision that upon a certain thing happening:

> A share warrant may be surrendered and the name of the holder entered in the books of the company in respect of the shares therein specified.

It seems to me that the latter part of clause 5 is apparently wrongly worded. At the beginning of clause 5 it is provided that :

On the issue of a share warrant in respect of any share or shares, the company shall strike out of its books the name of the shareholder then entered therein as holding such share or shares as if he had ceased to be a shareholder.

I suppose what should be provided for is that when he surrenders a warrant his name is replaced on the books as a shareholder. I also call attention to the fact that the two numbers are used, 'share or shares.' Under our Interpretation Act that is quite unnecessary. It is not the practice in our Acts to put in both singular and plural.

Hon. Mr. SCOTT—You will find in the Companies Act that 'share' comes in occasionally and sometimes 'shares.' This Bill has been drafted by a gentleman who is rather celebrated for his mode of drafting,—Mr. Lash, who was for a long time in the Justice Department; it is his drafting entirely. He sent me the Bill.

Hon. Sir MACKENZIE BOWELL—There is no doubt as to Mr. Lash's ability to draft a Bill. It all depends on his instructions. However, the matter can be discussed in committee.

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

THE CONTINGENT ACCOUNTS OF THE SENATE.

MOTION.

Hon. Mr. WATSON moved the adoption of the second report of the Standing Committee on Internal Economy and Contingent Accounts of the Senate.

Hon. Mr. MACDONALD (B.C.)—I call attention to clause 6 of the report, and suggest to the House that the present acting doorkeeper should be left where he is until the end of the session, and that Mr. Larose, who is appointed doorkeeper, should remain Speaker's messenger for the rest of the session. It will be a little solatium to the present doorkeeper to leave him where he is for the balance of the session.

Hon. Mr. POWER—That can be done without amending the report.

Hon. Mr. WATSON—We can simply carry it out.

Hon. Mr. DAVID—In view of the absence of some members of the Senate and especially of one of the members of the committee, I should like the consideration of the report to be adjourned, if there is no special objection, for another week.

Hon. Mr. SCOTT—We had better dispose of it now.

Hon. Sir MACKENZIE BOWELL—I do not rise for the purpose of objecting to any clause of the report, but to point out that every session a good deal of lobbying and pressure is brought to bear upon members of the committee, and members of the House to increase salaries of employees of the Senate. What I would suggest to the committtee and to the government is this, that a scale of salaries for all permanent officials should be adopted which should be embodied in an Act of parliament.

Hon. Mr. SCOTT—Hear, hear.

Hon. Sir MACKENZIE BOWELL—Or we could place all the servants of the House under the Civil Service Act, which would bring them in at a certain salary and allow increases to take place during the time they are in the employment of the Senate. After a good deal of consideration I have come to the conclusion that it would be a great saving to the country and would relieve the Contingent Committee, from a very great deal of trouble and responsibility if a committee were appointed by the Contingent Committee to confer with the members of the government, and adopt a scale such as I have suggested, allowing messengers to come in at a certain salary and let them gradually attain the maximum in the same way as civil servants. It might be necessary to make an exception of the translators. We may require a translator of unusual ability. My experience has taught me that though a man may be a good French scholar he may be a poor translator, and I would not apply the suggestion I have made to gentlemen of that character. The committee might take into consideration the question as to where latitude should be allowed. In the Civil Service Act there is a provision which permits the bringing of gentlemen into the service at higher salaries than those provided for, because of special qualifica-

tions for the positions to which they are appointed. That same principle might be carried out in an Act such as I have suggested. For some years I was a member of the Contingent Committee, and I know the trouble and annoyance to which the chairman and other members of the committee are put. If the suggestion I have thrown out were adopted, and a committee appointed consisting of gentlemen who understand the working of the Senate and the duties to be performed by the officials of the Senate, they could make a recommendation to the Finance Minister and the members of the government in this House which might be embodied in a Bill, so that every official of the Senate in the future would know what his position is. We have been told by the hon. Secretary of State in this House—I am not at liberty to refer to what took place in the committee—that when increases have been recommended the Finance Minister has made objections to them without really knowing the reasons why the increases were granted, and a good deal of trouble and annoyance has been caused thereby. If they are embodied in an Act of parliament there will be an end to the trouble.

Hon. Mr. SCOTT—No doubt the suggestion is a sound one, and I have so felt for a long time. It was my intention to have introduced a Bill dealing with the subject this session. The increases have been, I will not say capricious, but made under pressure, and have not been relatively fair, because the modest man who does his work without calling attention to it, is overlooked while the bumptious man, who is perpetually discussing his own qualifications, is the one put forward for no other reason than to get rid of him. It has been very embarrassing and has not been at all fair or just. I am quite prepared to take up the proposal now made, and if the present committee will appoint a small subcommittee, we might agree upon a Bill this session, or at all events we can arrange it for next session, dealing with the promotion of employees on some fixed principle. You never can do anything satisfactorily in the haphazard way it is done now. As my hon. friend has mentioned, we have adopted the principle in the Civil Service Act, and I think there is a minute of council by which the officials of any department are not permitted to solicit ministers of other departments to speak on their behalf. It rather tells against the man who adopts that method to secure promotion. Every official is supposed to be advanced on his merits, and it is for his superior officer to say whether he deserves promotion. Our way of doing business in the Senate has not been based on any principle.

Hon. Mr. TESSIER—The suggestions which have been made are so wise that I hope they will soon be put into practice, but until that is done we are the judges of the cases as they come before us. The question is, shall we accept the report which is now submitted to us, or shall it be postponed ? The hon. senator from Mille Iles (Hon. Mr. David) has proposed a postponement of this report, because of the absence of some members of the committee. Probably he would like to get some more information from them, because they know what took place in the committee. If his request is refused, I shall move that the man who is now acting as doorkeeper be appointed doorkeeper. My reasons are that Mr. Pelletier has been in the service of the Senate for a much longer time than Mr. Larose, who has been recommended for appointment as doorkeeper ; secondly, he has done his duty well ; and, thirdly, he was assistant to the late Mr. Dunne while he was doorkeeper. For all these reasons, Mr. Pelletier is entitled to promotion. If we are to consider this report to-day I shall not give a silent vote, but will move the amendment which I have mentioned.

Hon. Mr. FISET—I remarked in the committee that Mr. Pelletier was longer in the service of the Senate than Mr. Larose, and an hon. member told me that the reverse was the fact. I have since obtained information on the point, and I know that Pelletier is the senior employee. For that reason I shall support the amendment.

Hon. Mr. WATSON—I quite concur in the remarks made by the hon. member from Belleville and the hon. Secretary of State ; it would be well to have maximum and minimum salaries for all the officials of the Senate. There is no doubt it would be a great relief to members of the committee. The hon. member from Belleville was for

many years a member of the Contingent Committee, and he knows the difficulty experienced in refusing applications from different employees for increases in salary. It is a case of constant log-rolling and lobbying for the purpose of securing additional pay. The House of Commons last year adopted a minimum salary for the staff of the House of Commons, and fixed it at practically the same figure as the civil service. With regard to the motion to substitute Mr. Pelletier for Mr. Larose, that is in the hands of the House. So far as the appointment of these two gentlemen is concerned, the information supplied to me by the Clerk is that Larose was first appointed in 1865 and was given his present position in 1887 ; that Pelletier first came into the service in 1874 and was appointed to his present position in 1891. From this it would appear that Larose has been in the service nearly forty years.

Hon. Mr. FISET—In the service of the government ?

Hon. Mr. WATSON—Yes. It is quite true, as stated by the hon. gentleman from de la Durantaye (Hon. Mr. Tessier), that Pelletier was given charge of the wardrobe and appointed assistant doorkeeper, while Larose has been Speaker's messenger.

Hon. Mr. POWER—I am sorry that an experienced parliamentarian like the hon. gentleman from de la Durantaye, who has been Speaker of the legislative assembly in Quebec, should have thought fit to depart from the usual practice in connection with the reports of this committee. There is every reason why the merits of particular servants should not be discussed in this House. In the committee members are free to speak of the qualifications of the various candidates for any office. It would be an unpleasant and invidious thing to discuss their merits here. With respect to the two officials mentioned for the position of doorkeeper, there was a full discussion in the committee. The whole matter was considered, and the committee, by a very decided majority, joined in the recommendation contained in the report. I am very sorry that the hon. gentleman from de la Durantaye should have thought it his duty to propose the motion he has made. I hope he will withdraw it, because, however disagreeable it may be, those who are opposed to the amendment will be obliged, when it is made, to give the reasons why they oppose it.

Hon. Mr. DAVID—There is a question of fact. We do not want to discuss the recommendation of the committee. The hon. gentleman from de la Durantaye affirms that Mr. Pelletier is an older employee of the Senate than Mr. Larose. The hon. member for the Gulf (Hon. Mr. Fiset) says that he was perhaps under a false impression. That is why I propose that the consideration of the report be postponed for another week at least, in order that we may inquire into the facts. In any event, if my motion to postpone the report is lost, I shall support the amendment.

Hon. Mr. TESSIER—The hon. gentleman from Halifax (Hon. Mr. Power) has seen fit to read me a lesson. He has had a great deal more experience than I have had, and I will receive this lesson with respect and try to profit by it later. It is true I have been Speaker of the lower House at Quebec, but our duties there were quite different from those in this House, because in Quebec I made the appointments myself and naturally was never criticised, because I always made very good appointments. If the hon. gentleman from Halifax thinks that because he can influence the committee enough to make a bad appointment, we in the House are going to submit to it, he is mistaken. I did not criticise the qualifications, the conduct or the value of those different employees, I simply said that I was told, and had reason to believe, that Pelletier was an older employee of the Senate than Larose. If that is true, I think he is entitled to promotion, if he is a good officer and a deserving man. I did not discuss their personal characters, I simply said as a matter of fairness Pelletier ought to be promoted. That is why I shall make my motion if the consideration of the report is not postponed.

Hon. Mr. McMULLEN—With regard to the amendment, I entirely agree with the remarks of the ex-Speaker. We discussed this whole question in the committee, and I frankly confess I was in favour of Pelletier. At the same time, after fuller consideration, and with the report now before us, as a member of that committee, I deem it my

duty to stand by the report as presented, and I shall vote against the amendment.

Hon. Mr. CHURCH—I was present at the meeting of the committee, though not a member, and heard the discussion with regard to the appointment of a doorkeeper. From my standpoint, I do not know whether it is so much a question of merit. Either of the parties whose names have been mentioned is quite capable of performing the duties of doorkeeper of the Senate. I have become fairly well acquainted with Pelletier and like him very well. He certainly performs his duties in the wardrobe very satisfactorily, and I think his qualifications for the post of doorkeeper are good. I shall therefore vote for the amendment. I am entirely in accord with the remarks from the hon. gentleman from Belleville, so well seconded by the hon. Secretary of State. There should be some arrangement which would do away with the persecution of members of the committee for advancement. We should be very careful that the merits of every applicant are investigated, so that only properly qualified persons may be appointed, and after appointment promotion should come to all who discharge their duties faithfully.

Hon. Mr. SCOTT—I have asked the clerk to give me a return from his book. It appears that Larose was appointed sessional messenger in 1875; Pelletier was appointed sessional messenger in 1874, one year earlier than Larose. But Larose was appointed on the permanent list in 1882, while Pelletier was not appointed until 1884. In 1887 Larose was appointed Speaker's messenger, and in 1894, Pelletier was appointed caretaker of the wardrobe.

Hon. Mr. FERGUSON—I think it is beneath the dignity of the Senate that we should discuss the merits of two of our servants in this way. I am not a member of the committee, but I am quite sure the committee gave the matter fair and impartial consideration, and I am prepared to stand by its report.

Hon. Mr. POWER—It is true that other things being equal, seniority should count. But there is this fact, which has not been brought out, that although Mr. Larose did not enter the service until 1875—that is one year after Mr. Pelletier, Mr. Larose, before he came into the Senate had been an employee of the Public Works Department. It does not seem to me that it is of much consequence in what particular branch of the public service the public officer has been employed.

Hon. Mr. ELLIS—I agree with the hon. gentleman from Marshfield. We have a large committee, which deals with the question of appointments. We have the report of the committee before us, and it is unpleasant to be called upon to vote openly on matters of this kind. I am quite prepared to stand by the committee and vote on the question as they have given the matter their best consideration, but I think it is beneath the dignity of the Senate to discuss the subject here.

The amendment was lost on the following division: Yeas, 14; Nays, 23.

Hon. Mr. TESSIER—I move that in clause 16 the name of Pelletier be substituted for that of Larose.

The amendment was lost on the following division:

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Choquette,	McLaren,
Church,	McSweeney,
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Legris,	

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Boucherville, de,	McMullen,
Bowell (Sir Mackenzie),	Merner,
Casgrain (Windsor),	Montplaisir,
Dobson,	Perley,
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Landry,	Sullivan,
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The motion for the adoption of the report was carried.

NATURALIZATION ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (MM) An Act to amend the Acts respecting Naturalization and Aliens.

He said: This Bill is for the purpose of facilitating and reducing the cost of naturalization. Complaints are made by members from Manitoba and the Northwest Territories that the delays in the process of naturalization are very serious, and that it is very important that the proceedings should be simplified; and the Bill is drawn with that point in view. Under the law as it stood the judge was directed to hear cases on a particular Wednesday or upon some future day. The Act has been taken to mean that the judge could hear cases on a Wednesday only, which was of course not intended by parliament. The object of the Bill is to provide that judges may hear the application at the earliest opportunity after the notices have been posted the required number of days.

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

ROYAL MILITARY COLLEGE BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (169) An Act to amend the Act respecting the Royal Military College.

He said: This is a short Bill fixing the salary of the commandant at $3,200 a year and the salaries of the staff adjutant, instructors and assistant instructors are to be fixed by the Governor in Council. My hon. friend the leader of the opposition asked me to give him a statement of the present salary of the commandant. The present salary is $3,163.33, and the salary under the Bill is $3,200, which is not a very material increase.

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

BILL INTRODUCED.

Bill (171) An Act respecting the Port and Pilotage District of Quebec.—(Hon. Mr. Scott.)

The Senate adjourned until 3 p.m. tomorrow.

SENATE.

Ottawa, Friday, June 16, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THIRD READINGS.

Bill (JJ) An Act respecting a certain patent of the Metal Volatilization Company.—(Hon. Mr. Watson.)

Bill (99) An Act to incorporate the Title and Trust Company.—(Hon. Mr. McHugh.)

Bill (FF) An Act respecting the Sterling Bank of Canada.—(Hon. Mr. Watson.)

COMPANIES ACT, 1902, AMENDMENT BILL.

The House resolved itself into Committee of the Whole on Bill (NN) An Act to amend the Companies Act, 1902.

(In the Committee.)

On clause 1,

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman tell us what the meaning of the latter portion of the clause is? It says, 'may provide by coupon or otherwise for the payment of the future dividends of the share or shares.' I cannot well understand how they could provide——

Hon. Mr. SCOTT—There may be some companies which have such an arrangement. It is an exact copy of the British Act.

Hon. Sir MACKENZIE BOWELL—I want to know what it means. If I hold a share in the company, it may declare a dividend of a certain per cent. How is that to be added to this warrant or certificate of the ownership of the shares? I could understand in a case where preferential stock is issued, guaranteeing the payment of 6 or 7 per cent as the case might be, that such might be added to the share, but not as a coupon. Another point that strikes me is this, the warrant would be a commercial commodity in the hands of the holder, whoever he might be. Could that be sold and become a marketable share, transferred from one person to another, without the consent of the company?

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—We know that in all those incorporated companies—at least all that I am acquainted with—there is a provision that shares shall only be transferred with the consent of the directors of the company, for the time being. Under this Bill it seems to me that the warrant would be a marketable commodity the same as a note of hand, or a dollar bill. Might I ask the hon. gentleman if that is the effect ?

Hon. Mr. KERR (Toronto)—Do I understand the hon. gentleman to say that shares in companies are only transferable with the consent of the directors ?

Hon. Sir MACKENZIE BOWELL—In most cases.

Hon. Mr. KERR (Toronto)—That is a misapprehension. The shares are personal property and transferable on the books of the company, or otherwise as may be provided by the General Act, and if the shares are paid up it is a very unusual thing to require the consent of the directors. It is only when a portion of the shares has not been paid up that the directors can interfere. I can say from a very large experience that in 99 out of 100 companies, where the stock of the company is fully paid up the shares may be transferred without the consent of the directors. With reference to the transferability of these warrants, this measure simply provides for the issue of a warrant entitling the bearer of it to a share, and the clause of which the hon. gentleman has asked an explanation merely provides for the payment of future dividends on the share or shares included in the warrant. That may be done either by coupons or otherwise. The hon. gentleman asked what is the meaning of 'otherwise.' It means that a warrant may on its face provide for the payment of dividends on its being presented at a particular place where provision is made for the payment. Those are the qualifications that it may contain. If a dividend is payable, then instead of its being payable on presentation of the warrant itself at the bank, they might provide for payment by coupon or otherwise. The hon. gentleman will see that there might be a way for the payment of dividends otherwise than by coupons, either at the office of the company, and on presentation of the warrant itself, or in some other way.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not paid particular attention to what I said. What I stated was this, that all the companies with which I am connected require that shares shall only be transferred when entered on the books of the company with the consent of the directors. I repeat the statement, because I happen to be president of one or two companies, and I know that in every case where a share is transferred, it has to be reported to and passed on by the directors before it is transferred. There may be companies in which that provision does not exist.

Hon. Mr. KERR (Toronto)—A very large proportion.

Hon. Sir MACKENZIE BOWELL—I speak of companies of which I have knowledge, and I speak positively as to that.

Hon. Mr. SCOTT—I know some companies desire that power to be incorporated in their charter. There is very great reluctance in doing so, however, because a man who owns a share ought to be perfectly independent as to the disposal of it when it is paid up. I grant that before it is fully paid up there should be some control, but once paid up it should pass freely from hand to hand like a dollar bill. It might be registered, so that if it were lost the finder could not take advantage of it. It is a domestic matter with the company and they may make such regulations as they please. I have the English clauses here and they are exactly similar to the clauses in this Bill. It is also the law in British Columbia.

Hon. Sir MACKENZIE BOWELL—Did I understand the hon. gentleman to say that where shares are fully paid up, the company may make regulations such as he has mentioned ?

Hon. Mr. SCOTT—Yes, if they please, but if they do not make regulations to limit it, the shares pass from hand to hand like dollar bills.

Hon. Sir MACKENZIE BOWELL—Supposing they make regulations declaring that transfers shall not be valid until registered in the books, of what value is this clause ?

Hon. Mr. SCOTT—Then it must be subject to the regulations of the company. It is perfectly optional.

Hon. Mr. McMULLEN—This may be an English law, but at first sight it appears to me that it opens a way whereby very large monopolies may ultimately result. If you make shares circulating medium the same as a dollar bill they come in collision with the issues of the banks and banking institutions. In the next place, a man who wants to monopolize the control of an institution whose stock is paid up, can put four or five men in the market and lay his hands on all the stock; and when he gets control of a majority of the stock he can register in the books, turn out the board of directors and put in another board. If the company were in a position, as they are now, to require that stock shall not be transferred until it is recorded in the books of the company that could not be done; but under this Bill the purchaser of shares becomes the legal owner the moment he pays for the share. He takes it over the same as a dollar bill, and he can, when he lays his hand upon a sufficient amount of the paid up stock to give him a majority of votes, have it entered in the books and proceed to play ducks and drakes with the institution. That is the danger connected with a law of this kind.

Hon. Mr. SCOTT—The hon. gentleman is entirely wrong. Under the present law he can do the same thing. It is only substituting a form of warrant for what we call the certificate. The Companies Act in the first place provides for the transfers being registered, but if the stock is paid up a man gets a certificate and he need not register where the stock is listed. A may sell to B, and B may sell to C and so on; and if any particular owner says, 'I would rather have my share registered,' he proceeds to have it registered; but that can all be done at the present time. In regard to transfers, this provision is not made to apply to any company whose stock is listed, but a scrip-holder is not entitled to vote on shares until they are registered. This is just the same as registered stock, and is simply giving a different name to what we are doing now in Canada.

Hon. Mr. McMULLEN—What particular difficulty has arisen to require the introduction of this Act?

Hon. Mr. SCOTT—A request is made for such a warrant as they issue in England, under the hand and seal of the company. We know very well that capitalists in England and France are exceedingly jealous of the principle under which they do business. They are not satisfied with certificates; they desire a warrant under the seal of the company that the shares which it covers are paid up, so that they may be transferred from A to B, and from B to C.

Hon. Mr. KERR (Toronto)—There is a reason for this which is quite apparent. Frequently in a new company, stock is issued and subscriptions may be taken up at different points. Many small companies issue stock and subscriptions may be taken up in Montreal, New York and Toronto at the same time.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman means subscribing for stock?

Hon. Mr. KERR (Toronto)—Yes, and paying for it in full. The man who subscribes and pays his money wants something in the shape of security which will enable him to go to his banker who will probably advance the money. The certificate would not be security which the bank would accept. The scrip could not be forwarded there and issued at the time. All he could get would be a receipt from the bank. That would not show that he was entitled to the stock; it would only show that he had paid so much money on account of shares. But having possession of a warrant entitling him to so many shares would enable him to walk into a bank and obtain the advance, and the bank would take up the scrip. The head office might be in Montreal and subscriptions might be taken in London, England, and Toronto, concurrently. That is a common practice in Great Britain, and it is sometimes done here. If I were in Toronto and wanted shares, the head office being at Montreal, I could not get a scrip certificate at the time I paid the money, and I could not satisfy the banker that he had proper security for a loan. But if I could get a warrant for the stock, I could take that warrant to the banker, and obtain the advance. That is a clear case where a warrant would answer the purpose and a share certificate would not.

Hon. Mr. FERGUSON—Will this warrant be issued to the person who holds the stock or to bearer?

Hon. Mr. KERR (Toronto)—It would make no difference.

Hon. Mr. FERGUSON—I find by section 5, that his name will be removed from the share list of the company when the share warrant is issued. If it be issued to bearer and he comes back under section 3 to have it cancelled and to be reinstated, how is he to connect himself with the company again? If it is simply issued to bearer, and the name of the shareholder is stricken off the books of the company, there would be no method by which it could be reinstated.

Hon. Mr. SCOTT—He must produce the original warrant and have it surrendered if he wishes to go back and become an ordinary shareholder. His share warrant is cancelled and returned to the company.

Hon. Mr. FERGUSON—It seems to me the first section contemplates the issuing to bearer without giving the name at all, and I think the same idea is carried out in section 5, which provides that the names shall be struck off the book of the company. Then coming to section 3, we find he can cancel the warrant and become reinstated.

Hon. Mr. SCOTT—Yes.

Hon. Mr. FERGUSON—But if the name is struck off and the stock is issued to bearer simply, it would be difficult for him to be reinstated. I think section 3 is entirely misplaced in this Bill. It provides for the surrender and cancellation of the share warrant, and restoration of the person's name as a shareholder. In the regular order that should come in between sections 6 and 7.

Hon. Mr. POWER—In looking at the provision of the British Columbia Act, which is identical with the section of the English Act referred to by the hon. Secretary of State, I find that there are certain safeguards in the corresponding section in the English Act which do not appear in the clauses of the Bill. The section reads as follows:

> In the case of any company limited by shares——

Hon. Mr. SCOTT—Any company to which the Companies Act of 1902 applies.

Hon. Mr. POWER—I do not raise any question about that——

> The company, if authorized to do so by its regulations as originally framed, or as altered by special resolution, and subject to the provisions of such regulations may, &c.

Now these are safeguards which I think should be included in this Bill, because apparently under this Bill if it should become law, there is no preliminary action required on the part of the company. They are not required to make any regulations to provide for the issuing of these warrants. I think the words of the Engish Act should be inserted at this point, so as to provide that all these things should be done under regulation.

Hon. Mr. SCOTT—So they are and they can only be done under the by-laws of the company.

Hon. Mr. POWER—It does not say that.

Hon. Mr. SCOTT—It is done under the general regulations.

Hon. Mr. POWER—I am anxious to see the Bill go through, but I think it should go through in proper form, and I suggest that we insert these words from the English Act.

Hon. Mr. SCOTT—Nothing can be done under our Act except by by-law.

Hon. Mr. POWER—This is an actual authorization of the company to do it.

Hon. Mr. SCOTT—They cannot do anything except under a by-law any more than parliament can do anything except by statute.

Hon. Sir MACKENZIE BOWELL—After the explanation of the hon. gentleman from Toronto, the Bill is not so obscure as it first appeared to be. As I understand it, it is for the purpose of obtaining a warrant which justifies the directors in issuing shares upon the warrant being presented. The second clause reads as follows:

> 2. A share warrant shall entitle the bearer of such warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant.

The warrant, I presume, represents the money which he has paid into any bank or any place to provide for payment of the stock which he has purchased, and then upon presentation of the warrant to the company the shares are issued upon the authority of that warrant. Is that really

the meaning of the clause, because I find, if you go down to the fourth clause, it disqualifies any person holding a warrant from being a director. He must first have deposited the warrant with the directors before the shares issue.

Hon. Mr. KERR (Toronto)—Until he elects to surrender the warrant and get a scrip certificate, he is not eligible to be a director.

Hon. Mr. POWER—I should like to know whether it is absolutely necessary to have both scrip and share warrants. If share warrants are issued for paid up stock why should there be scrip issued in addition to them? It does not seem to me desirable that there should be two kinds of certificates afloat concerning the stock of the same company.

Hon. Mr. KERR (Toronto)—They are not duplicated. There is only one or the other. The share warrant is supposed to be a temporary document issued for a temporary purpose and supplanted by the scrip certificate.

Hon. Sir MACKENZIE BOWELL—Clause 3 reads :

> And the company shall be responsible for any loss incurred by any person by reason of the company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein without the share warrant being surrendered and cancelled.

So that if he has deposited the share warrant, he is entitled to the shares; and the warrant after being surrendered is cancelled.

Hon. Mr. EDWARDS—As I have always understood it, the usual practice in companies, where stock changes hands, is for the seller of the stock to issue to the president of the company an authorization to issue the stock in the name of the party to whom he has sold, and cancelling his own holding. In this case if stock may be issued against these warrants is there not a danger that in many instances stock may be issued to the wrong party?

Hon. Mr. SCOTT—No, not at all, because the two cannot be outstanding together. It is simply giving elasticity to the system. The domestic arrangements are carried out by the companies. Many companies have special provisions in the issue of their letters patent, others have them at large under the statute.

Hon. Mr. KERR (Toronto)—It is like an interim receipt.

Hon. Mr. EDWARDS—But that interim receipt is transferable from one to another.

Hon. Mr. SCOTT—It depends whether it is to bearer or to a person whose name is given.

Hon. Mr. EDWARDS—That is right.

Hon. Mr. SCOTT—The companies whose stocks are constantly being dealt with on the exchange in Toronto and Montreal prefer to have the scrip transferable from hand to hand. If it goes into the hands of a careful man, he says : 'I intend to hold this,' and he has it registered in his name. If the scrip is lost the stock will still be his property, because it is registered. A man may hold stock for two or three days and sell it, but finally it will reach somebody's hands who will register it in his own name.

Hon. Mr. EDWARDS—Then the stock may issue on these warrants ?

Hon. Mr. KERR (Toronto)—As a matter of fact, what is done now in practice is perhaps not an authorized thing. Hon. gentlemen know that there are a large number of companies where scrip is issued for wholly paid-up stock, and as was explained by the hon. Secretary of State a few minutes ago, the stock mentioned in the certificate is sold, and the certificate is handed over with the endorsation on the back in blank ; that is to say, there is a transfer on the back of the certificates with the name left blank, signed by the man who owns the stock. He hands that stock over to the purchaser, and the purchaser in turn puts it in the vault and keeps it there ; or if the bank holds it as a collateral they allow the name which is mentioned in the certificate to remain on the stock list, so that the owner of the stock will get his dividend paid to him direct by the company, although the bank holds the scrip. If the bank desire to receive the dividend, all they have to do is to fill in their own name and send it to the company, and they thereupon receive the dividend themselves. If instead of having a scrip certificate it is in the shape

of a warrant, this can be done in a much easier way.

Hon. Sir MACKENZIE BOWELL—But if you issue it to bearer instead of to a particular party, the holder of the warrant, no matter who he may be, can go and demand the share certificate in place of it; and it would be like a note payable to bearer, it would be payable to anybody who held it, and therefore danger might arise.

Hon. Mr. FERGUSON—I understand clause 3 deals with the situation that will arise when the holder of the warrant wishes to be registered as the holder of the stock in the company. He surrenders the warrant and it is cancelled, but the framers of the Bill seem to have some fear in their minds that it would be possible that a mistake might be made, for the latter part of the clause provides that the company shall be responsible for any loss incurred by any person by reason of the company entering in its books the name of any bearer of a share warrant in respect of the shares specified therein, without the share warrant being surrendered and cancelled. It seems to contemplate the possibility of a mistake being made, and it provides that the company shall be responsible for any loss that may arise to any person in case of any such mistake being made. It contemplates the possibility of a share warrant and stock being extant at the same time for the same transaction. Why is it necessary to provide against that? If the share warrant were issued first in the name of the person who held the stock then he might transfer it as he pleased, but it would be easily connected with the stock that it represented when it came back.

Hon. Mr. SCOTT—Once a share warrant is issued the company will not be justified in recognizing any one unless the share warrant is properly returned and cancelled.

Hon. Sir MACKENZIE BOWELL—In other words, it simply takes the place of a receipt.

Hon. Mr. POIRIER—It is an additional security to the holder of the warrant simply.

Hon. Mr. SCOTT—Of course all this is optional. The companies may or may not adopt it. It is simply a permissive measure. It depends altogether on the by-laws the company choose to make.

The clause was adopted.

On the third clause,

Hon. Mr. POWER—I wish to direct attention to the fact that in the Act from which this Bill is taken there is, after the word 'dividend,' a provision which safeguards the public. The English Act says 'the bearer of the share warrant shall, subject to the regulations of the company.' Now these words 'subject to the regulations of the company' are not in the Bill. The directors should not be in a position by a mere resolution made *pro hac vice* to make regulations. They should be regulations of the company made by by-law.

Hon. Mr. SCOTT—They can do nothing except by by-law.

Hon. Sir MACKENZIE BOWELL—Can the hon. Secretary of State say why these words are left out of the Bill? This purports to be a copy of the English Act.

Hon. Mr. KERR (Toronto)—Because the regulations of the company are in the articles filed at the formation of the company. We do not adopt that system. In England, the charter does not issue containing powers and refer to the Act the way it does here; the charter is simply a certificate declaring that the articles of association have been filed.

Hon. Mr. POWER—It would be a simple thing to say 'determined by the by-laws of the company.' Nowadays the shareholders have to be on their guard against the directors. There should be by-laws of the company under which the directors should perform these Acts. I do not think they should be allowed to do them except in that way.

Hon. Mr. McMULLEN—The point is an important one. The directors may by an act of their own, subject a warrant-holder to inconvenience, or prescribe terms which may be harassing. If there is a by-law at all it should be sanctioned by a meeting of the stockholders. A meeting must be held every year, and if there is any regulation regarding these transfers it should be endorsed at the annual meeting of the stockholders.

The clause was adopted.

On clause 5,

Hon. Mr. LOUGHEED—May I ask my hon. friend whether this share warrant would entirely relieve the shares of any charge which might be recorded against them in the books of the company? I take it under clause 2 the share warrant practically entitles the bearer to the shares, and is a certificate that the shares are paid up and may be disposed of in any way that the bearer chooses. Supposing there be a charge against the stock of the subscriber in the books of the company ?

Hon. Mr. SCOTT—A warrant could not be issued.

Hon. Mr. LOUGHEED—Let us assume that he is a debtor of the company. The Joint Stock Companies Act provides that shares, though they may be paid up, may be subject to certain charges. Under this Bill the charge against the shares would be entirely discharged and the bearer of that share warrant would have no notice thereof.

Hon. Mr. SCOTT—I am not aware that the company may hold shares for any account. Where in the Joint Stock Companies Act is that authority given?

Hon. Mr. EDWARDS—In very many companies it is provided that any liability of the stockholder to the company is a first charge against his stock.

Hon. Mr. SCOTT—That is, provided the stock is not paid up.

Hon. Mr. EDWARDS—No, even if the stock is paid in full, it is provided in many companies that any liability of the individual to the company is a first charge against his stock. Let me put another case. Let us assume the existence of a by-law requiring that the stock shall not be transferred without first being tendered to the directors of the company. How would it be in that case? If the company is going to issue those share warrants it must entirely clear its records of all encumbrances against the stock in the nature of charges against the transfer of the stock.

Hon. Mr. POWER—I wish to call the attention of the committee to what appears on the face of it to be a contradiction ; and as it is an important matter, I think the committee are entitled to an explanation. In the clause which we have passed it is provided that the bearer of a share warrant shall be entitled, on surrendering such warrant for cancellation, to have his name entered as a shareholder in the books of the company. Then the first paragraph of clause 5 says that on the issue of a share warrant in respect of any share or shares, the company shall strike out of its books the name of the shareholder as if he had ceased to be a shareholder. That is all right; we understand that. The warrant is issued and the holder of the warrant has ceased to stand on the books of the company, as a shareholder ; and he is entitled to be registered as a shareholder again on surrendering the warrant. What do we find at the end of clause 5 ?

> And on the surrender of a warrant, the date of such surrender shall be entered as if it were the date at which a person ceased to be a shareholder.

I find that provision in the British Columbia Act also, but I must say the contradiction between the language here and the language in the early part of the clause and clause 3 is so great that we are entitled to some explanation.

Hon. Mr. SCOTT—The English Act makes a similar provision.

Hon. Mr. POWER—We have not followed the language of the English Act all through.

Hon. Mr. SCOTT—We have as far as possible.

Hon. Mr. POWER—Paragraph (b) of the clause now before the committee says : 'a statement of the share or shares included in the warrant' ; the English Act says, 'distinguishing each share by its number.'

Hon. Mr. SCOTT—We do not number them.

Hon. Mr. POWER—It seems to me that the latter part of this clause is contradictory to the first part of it, and contradictory also of clause 3.

Hon. Mr. SCOTT—Then the English Act is also contradictory.

Hon. Mr FERGUSON. I have been puzzled in exactly the same way as the hon. member from Halifax. In the first part of the clause the shareholder's name is struck out, and he ceases to appear as a share-

holder. He may be out two or three years, and then on surrendering his share warrant it is provided, 'the date of such surrender shall be entered as if it were the date at which the person ceased to be a shareholder.' I understand that the date at which he received the warrant is the date at which he ceased to be a shareholder; but all the time during which the warrant is out is to pass for nothing.

Hon. Mr. SCOTT—If you had the latter date there would be an interregnum—a gap in which there was no representation.

Hon. Mr. KERR (Toronto)—In clause 4 it is provided that 'the bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the company.'

Hon. Sir MACKENZIE BOWELL—That would entitle him to the dividend.

Hon. Mr. KERR (Toronto)—Yes. I wish to correct a misapprehension in the mind of my hon. friend. There is not a word that I can recall in the Joint Stock Companies' Act which provides that shareholders are precluded from transferring shares by reason of any debt to the company. I may be a debtor to a company of which I am a stockholder, and unless I have given a charge on the shares or executed some document which entitles the company to hold those shares—some document outside of the Act—there is no lien on the shares in respect to the debt.

Hon. Mr. EDWARDS—But in companies where there is a provision of that character?

Hon. Mr. KERR (Toronto)—If there is a by-law, there may be a restriction imposed. The shareholders can agree to any restriction on the transfer; they may make such restrictions as they choose, and if they choose to do that by by-law, it is another matter.

Hon. Mr. LOUGHEED—Surely my hon. friend's observation has been directed to such a provision as the one I have mentioned. I know it is embodied in some of the statutes.

Hon. Mr. KERR (Toronto)—It is the Banking Act.

Hon. Mr. LOUGHEED—Not only in the Banking Act, but in other Acts. I know it is a common practice to make stock chargeable with any debt which the stockholder may owe the company. The difficulty I see about this share warrant as provided for in the Bill—although it may be analogous to the English Act—is that it cannot be issued in a qualified way. It is an unqualified badge of ownership. The only difficulty that I see in applying the legislation to our Act as it is at present, lies in the fact that there are many qualifications, many by-laws governing the transfer of stock to the company for purchase, or tendering the stock to the directors for purchase, or notifying the company of the transfer about to be made, and so on. Now it seems to me that in order to carry this clause into operation all these qualifications must be wiped out.

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—With great deference to my hon. friend, I venture the opinion that this share warrant will be an unqualified title of ownership free from all charges on the stock in the books of the company as long as it remains in the hands of the bearer; and it will circulate the same as a bank note.

Hon. Mr. SCOTT—The companies need not issue it. It is a domestic matter.

Hon. Mr. LOUGHEED—It will lead to a good deal of complication. I recognize that it is entirely discretionary for the company to adopt this legislation, but there is a tendency on the part of companies to adopt new legislation of this kind without taking fully into consideration the many inconveniences which may be attendant upon its operation.

Hon. Mr. SCOTT—This legislation is introduced simply because they have a system in England of raising money on those share warrants, and they think they have greater value than our certificates of stock. They have not really. The conservative element that exists in England wants these share warrants. Our banks do not ask it. There are millions and millions of money now loaned, as the hon. senator from Toronto explained, where the party borrows on his stock, and he continues to draw the dividend. The bank at any time could intervene and register with the company, but it does not.

Hon. Sir MACKENZIE BOWELL—Who is empowered to issue these share warrants? If the statement made by the hon. gentleman that they can only be issued by the company be true, the argument of the hon. senator for Toronto, has no bearing whatever, because the object is to facilitate the obtaining of shares through a deposit in the banks. According to the Secretary of State they can only be issued by the company itself. If a company exists in Canada and its shares are being sold in England how are they going to issue the warrant ?

Hon. Mr. KERR (Toronto)—A little illustration will show how it can be worked out. Take the case of a company whose head office is in Montreal, arranging for subscription and payment of money in the Bank of Montreal, Toronto. I become an applicant for stock. As the matter stands at present, I could only get a receipt from the Bank of Montreal that I had paid so much money for so many shares of stock. That certificate of the bank is a certificate that they have received my money for that purpose, but it would not be transferable, and would not entitle any one to whom I gave it to get the shares. I might have borrowed the whole of the money, paid into the Bank of Montreal for that stock, from, say the Bank of Commerce, and I would have nothing to show them. They might say, 'we are going to lend you money on a receipt for shares, but this is not a receipt for shares.' The warrant issued by the company, and placed by them in the Bank of Montreal, entitles the bank to deliver it on receipt of so much money. That would enable the Bank of Montreal to hand me a document which would give me a right, not to get my money back, but a right to the shares ; and therefore I could transfer that document to anybody who loaned me the money, thus securing the lender for having made that advance. The importance of it is this ; to hand the money back might not be sufficient security. The stock when it is issued may be worth, on the day of its issue, a large premium. Under those circumstances, what the bank would be lending would probably be more than the par value of the shares in order to enable me to take them up, so you see it is a security like an interim receipt for a policy of either life or fire insurance. It is a security, only it is made transferable, and the bearer of it is entitled to payment instead of the man who pays for the insurance, the owner of the property. I think that will show the difference.

Hon. Mr. POWER—As I have said, there is an apparent contradiction between the latter part of this clause and the first portion of it and it conflicts also with clause 3. I should like to know from the hon. Secretary of State just what it means ; does it mean that when the warrant is surrendered the person to whom the share warrant was issued ceases to be the holder, and that the name of the person surrendering it is substituted? It is a very important point.

Hon. Mr. SCOTT—As I understand it, it simply covers the gap between the issue of the original warrant, and its cancellation subsequently. I do not see that it affects anybody.

Hon. Mr. TEMPLEMAN—There is no interregnum in the holding of the shares.

Hon. Mr. POWER—If that is the meaning, is it not better to make it clear ?

Hon. Mr. SCOTT—My hon. friend knows very well that persons drafting Bills like to draft them in view of what has taken place in the past. Here is an Act in England which we are following.

Hon. Mr. POWER—The hon. gentleman has not exactly copied the wording of the English Act.

Hon. Mr. SCOTT—Our Act is not based on the same principle as the English Act. Where we can use the words of the English Act we prefer to do so.

Hon. Mr. POWER—Then the hon. gentleman had better introduce the Bill and say, 'take it as it stands.'

Hon. Mr. SCOTT—The hon. gentleman loves to cavil at these Bills.

Hon. Mr. POWER—I object to the hon. gentleman using such language, I am not addicted to cavilling. There is reason in the objection I make ; I am not an obstructionist, and I am not given to making objections unless I conscientiously think they are reasonable.

Hon. Mr. SCOTT—I do not wish to hurt the hon. gentleman's feelings, but he must remember that scarcely a Bill of this kind comes up that he does not find fault with it and criticise it. Of course he has a perfect right to do so. We draft these Bills on principles recognized by the courts and it is better to adhere to those principles. We cannot, in the haphazard way we go through these Bills, give them the time and consideration they deserve.

Hon. Mr. POWER—The hon. gentleman objects to doing so.

Hon. Mr. SCOTT—It is always better if possible to adopt language that the courts have already passed upon and the meaning of which we know.

Hon. Mr. KERR (Toronto)—I wish to correct a statement I made. I find there is a provision in section 55 that the directors may decline to register a transfer, but that does not affect this question, because it would not apply until the warrants are presented and the shares are issued.

Hon. Mr. EDWARDS—Do not the warrants represent the stock?

Hon. Mr. KERR (Toronto)—It would not apply to the holder of the warrant. It would only apply to shares after they are issued.

Hon. Sir MACKENZIE BOWELL—The remark made just now by the hon. Secretary of State is applicable not only to this Bill but to a good many others. He has just informed the Senate that we could not be expected in a moment to grasp the meaning of an intricate Bill of this kind. For that very reason we ought to have had the Bill some time before us, so as to enable us to read and study it and ascertain its real meaning.

Hon. Mr. SCOTT—Hear, hear; that is quite correct.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman was going a little too far when he accused any senator of cavilling because he took exception to the wording of the Bill. If my hon. friend will look at the rules which govern us, he will see that he was quite out of order, because the same remarks would apply to all those who have criticised it, as well as the hon. gentleman from Halifax; and, for my part, I have no intention whatever, in any criticism I have made, of being considered a caviller. My sole object was to ascertain what the Bill meant and its effect upon the country; and I take it for granted that other gentlemen who have discussed the matter were just as sincere in their remarks and criticisms as the hon. Secretary of State could be. I object to the doctrine he lays down, that because a solicitor of certain companies has drafted a Bill, no matter how eminent he may be, when the Bill comes before the Senate we are to be precluded from discussing it and amending it, if we think proper to do so. I think my hon. friend, with a moment's reflection, will accept the interpretation I place upon the duty of senators.

Hon. Mr. SCOTT—I am sorry that I was hasty in my remarks, and I will withdraw them. I based my remarks on the fact that in adopting the clause as it now reads we were adopting the English Act, an Act which had been brought into force at least in one province—Nova Scotia. I have not looked into the legislation in other provinces; but I thought it would be unwise to depart from language which has been recognized by the courts as carrying out the views set forth in the Act. It is not a new provision at all, but based upon the Joint Stock Companies' Act, adapting it to our Companies' Act, The basis of their Companies' Act is somewhat different from ours, and therefore we have to alter the language in some few particulars; but so far as the two can be brought into harmony, Mr. Lash, the drafter, has endeavoured to do so.

Hon. Mr. LOUGHEED—With all due deference to the observations of my hon. friend from Toronto—and I appreciate his knowledge of company law—I must say that I beg to differ from the interpretation which he has placed upon the application of section 55. That provides that the directors may decline to register any transfer of shares belonging to any shareholder who is indebted to the company. Let me assume this case: A man subscribes for certain shares in a company and pays for them. They are fully paid up. He is entitled to a share warrant, and after the issue of the share warrant, he becomes indebted to the company. As the law stands to-day, those

shares are chargeable with the indebtedness, but under the proposed provision he, with the share warrant in his hand, may transfer his shares by reason of being the holder of the share warrant, entirely irrespective of the claim of the company in respect of that stock, because, under clause 2 of the Bill, a share warrant shall entitle the bearer of such share warrant to the shares specified in it, and such shares may be transferred by the delivery of the share warrant; so that he transfers the shares entirely irrespective of the company. There is no question at all, therefore—and I think it must be apparent to hon. gentlemen who look at the statute—that the right of the company in respect of the indebtedness is gone.

Hon. Mr. POWER—I wish to say a word with respect to the view the hon. Secretary of State takes, and which he often takes, with regard to Bills which come before the House. He has taken us into his confidence and told us that this Bill was drafted by Mr. Lash, and that that is a sufficient reason why no senator should criticise his work.

Hon. Mr. SCOTT—No, I qualified it.

Hon. Mr. POWER—I was told I was cavilling. No one will question the astuteness of Mr. Lash, but in what capacity is he acting? He represents the views of the directors of a company who wish to do certain things. We do not represent those views. We are supposed to represent the shareholders and the public at large. And now the hon. gentleman has undertaken to say that the language of the English Act has been copied as far as it can be. I wish to call attention to one very serious point—I have already called attention to one or two points when dealing with another matter—in which the language of the English Act has been departed from, and with the sole purpose of enabling the directors to do just as they please, without any restriction. In clause 4 we are told that the bearer of a share warrant may, if the directors so determine, be deemed to be a shareholder of the company and qualified to vote at a meeting. If the persons who hold share warrants are friends of the directors and prepared to support the directors' views at a meeting, then the directors can declare that they are entitled to vote. I do not think that is correct or sound legislation. What does the English Act say? 'The bearer of a share warrant may, if the regulations of the company so provide be deemed to be a member of the company;' but the matter is not left to the discretion of the directors at a meeting of their own. It is useless, of course, to move any amendment, because we have been told that amendments are not to be accepted; but I must protest against this style of legislation.

Hon. Mr. SCOTT. The whole thing is based upon the act of the company. The company must authorize all this in the beginning. They must pass by-laws. You could not call a meeting of shareholders for every transfer of shares or share warrants. The directors cannot act on their mere ipse dixit. They must do everything by by-law.

Hon. Mr. LOUGHEED. Have not those companies to which my hon. friend refers special charters?

Hon. Mr. SCOTT—No, they are all under the Joint Stock Companies' Act.

Hon. Mr. LOUGHEED—Have they not special charters?

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—The concession they ask might easily be embodied in an amendment to their Act.

Hon. Mr. SCOTT—When companies apply for charters, the Act authorizes the Secretary of State to insert conditions,—for instance, that condition to which the hon. gentleman refers, that the shares should not be transferred without consent being obtained; or the condition that in the event of a party wishing to dispose of his shares he must first offer them to a member of the company.

Hon. Mr. LOUGHEED—My hon. friend labours under a misapprehension with reference to the restriction which I pointed out; that is part of the Joint Stock Companies' Act. So that my hon. friend the Secretary of State would have no authority either to add to or take from the letters patent issued under this Act, or under section 55.

Hon. Mr. POWER—I wish to direct attention to section 68 of the Joint Stock Companies' Act which reads as follows :

The directors of the company may administer the affairs of the company in all things and make or cause to be made for the company any description of contract which the company may by law enter into.

Hon. Mr. McMULLEN—I would not dare attempt to criticise this Act. I read it over carefully to-day, and I came to the conclusion in my simplicity that it is a very dangerous thing. I may be mistaken ; the Act may have worked very well in England; but I am very much afraid if you import its provisions into Canada, very great evils and injustice may be done under it. I entirely agree with the remarks of the ex-Speaker. The hon. Secretary of State said that they had followed the English Act closely. Now, it appears that in the matter of dealing with shares it is referred to the directors. They may do as they please. If the man who holds the warrant is not in accord with their policy they may, perhaps, prevent his taking part in the election of directors. If he is in sympathy with them, they may at once place him in a position so that he can vote at a meeting for the election of directors. It may be done in this way in England, but in England they do things differently from what is done on this side of the water ; and I am afraid if Canadians Americanize the provisions of this Act by taking advantages such as it may give them, very great evils may result.

Hon. Mr. SCOTT—It is altogether permissive. It can only be adopted at a general meeting of shareholders. The directors are bound to carry out the provisions the shareholders may enact.

Hon. Mr. McMULLEN—At the annual meeting of any joint stock company the directors will secure from the meeting the necessary by-laws and provisions that they want. The stockholders may not for the moment have any suspicion as to the reason for their asking such powers. They get the authority from the stockholders at the annual meeting, and then they turn round and do just what has been pointed out by the ex-Speaker. They may interfere with the rights of a man who holds one of these warrants. Whose interest was Mr. Lash considering when he inserted those words to which attention has been called ? He had the English Act before him. If the English Act was perfect in its form, and contained everything necessary in a matter of this kind, why did Mr. Lash put all this power in the hands of the directors in place of having it sanctioned by the shareholders?

Hon. Mr. SCOTT—It is not fair to make such a criticism. He is simply applying the English Act to the Joint Stock Companies' Act of Canada.

Hon. Mr. McMULLEN—I entirely accept the statement of the hon. Secretary of State. I would not insinuate that any attempt was made on his part to put into the hands of the party in power anything which would do any harm, but I am afraid of the results of this measure.

Hon. Sir MACKENZIE BOWELL—Was this Bill submitted to the Justice Department ?

Hon. Mr. SCOTT—It was submitted to a meeting of Council before the Bill was introduced, and the Minister of Justice will have an opportunity of examining it when it goes to the House of Commons. I will call his attention to it.

Hon. Sir MACKENZIE BOWELL—That implies that there is some doubt about it.

Hon. Mr. SCOTT—No. Mr. Cox cabled to the premier and to me that they were very anxious about it and that it would help a number of financial transactions if amendments were made to the Joint Stock Companies' Act to bring it more in harmony with the English Act.

The clause was adopted.

On clause 7,

Hon. Mr. SCOTT—This clause is not germane to the main subject of this Bill. It has been introduced because it was in the Bill amending the Companies Act last year, and it was struck out at that time in the other House. Some gentleman thought there was an object in putting it in, in view of possible contracts with regard to the Transcontinental Railway. Very many companies which have been incorporated claim the right to contract for various public works, and there has been a doubt as to whether the construction of railways is a

proper matter for companies to be authorized to undertake. Of course the policy of the Companies Act when passed was that the working of railways should not be within its powers. I thought the House would have no objection to the word 'construction' being inserted. Contracts are constantly taken by companies for ties and rock work and construction of one kind and another; and I do not see any possible objection.

Hon. Mr. LOUGHEED—Is that intended simply to apply to contracting companies? It seems to me, from the very wide expressions of the clause, it would give power to any company to enter upon contracts, entirely irrespective of its being a contracting company.

Hon. Mr. SCOTT—Oh, no.

Hon. Mr. LOUGHEED—The clause says:

> 3. Nothing in this section, or in any charter or letters patent heretofore or hereafter issued, shall be deemed to prevent any company to which this Act applies from acting.

'This Act' applies to all companies incorporated under the Joint Stock Companies Act. I venture to say this includes all companies incorporated under that Act. It might come as a surprise to some trading company to find that it was empowered to construct railways, telegraph lines and telephone lines.

Hon. Mr. SCOTT—Oh, no. I may say that this Bill was drafted by Mr. Creighton.

Hon. Mr. LOUGHEED—I am not prepared to say that Mr. Creighton is infallible in the drafting of Acts of parliament. It depends entirely on what his instructions were; but this applies to all companies incorporated under the Joint Stock Companies Act. It says so expressly.

Hon. Mr. SCOTT—Every company must have its powers expressly defined in the letters patent.

Hon. Mr. LOUGHEED—But the Bill negatives the limitations of companies incorporated under this Act, and says that 'nothing in this section or in any charter or letters patent heretofore or hereafter issued, shall be deemed to prevent.' Notwithstanding the restrictions placed upon any company, yet the company shall have power to enter upon contracts for construction, &c.

Hon. Mr. SCOTT—The hon. gentleman will note the object of wording it in that way. If he will refer to section 5 of the Act he will see that it negatives the presumption that the word 'construction' there would prevent the Secretary of State from issuing letters patent where the work of the company was limited entirely to construction. The language is 'construction and working,' and it was thought wise to make it clear. Companies have been incorporated for the construction of works, and have carried them on; but there has always been a doubt in my mind because the word 'construction' if given its full interpretation, might include those works. But it is easily remedied.

Hon. Mr. POWER—The simpler way would be to amend clause 5 by striking out the words 'construction and' before the word 'working.' Section 5 expressly declares that these charters shall be granted for any of the purposes within the legislative authority of parliament, except the construction and working of railways, &c.

Hon. Mr. SCOTT—I see no objection to wording it in that way.

Hon. Mr. KERR (Toronto)—I do not know that that would suit the case either. I call attention to the fact that if you strike out the word 'construction' in section 5, more will be accomplished perhaps than we intend. That word was inserted, not with the intention of providing respecting companies which are purely construction companies, but it was intended to relate to the issue of a charter to any company authorized to construct and operate a railway. Section 5 provides that the Secretary of State may grant charters to a certain number of people to become a body corporate for any purpose except the construction of a railway and the operation thereof. That does not mean construction in the sense in which we use that word, or in the sense in which it is intended by the amendment here. It is for the incorporation of a railway company, and I think striking out those words would have the effect of authorizing letters patent to be issued for the construction of a railway company, which I do not think is what is intended.

Hon. Mr. LOUGHEED—There is another feature which I would point out. It not only

widens the Act, but it practically issues supplementary letters patent to all companies that already have been incorporated under the Act conveying those additional powers. I could very well conceive of a company organized for carrying out certain limited objects, and stock being subscribed in that company which the stockholders would not have subscribed if tney knew that the company were to be permitted to enter upon such a speculative venture as railway, telegraph and telephone construction. That converts the company into a peculiarly speculative company, and all the safeguards of limitation are at once removed from existing companies.

Hon. Mr. SCOTT—I do not give it that interpretation. There is a limitation of their powers specifically set forth. This would not apply to all companies. Under the Companies' Act companies are being incorporated all the time for a great variety of purposes, and it surely would not be construed by a court that the provision would be applied to a company carrying on a hardware business. It would not be contemplated this clause was going to apply to that kind of company.

Hon. Mr. LOUGHEED—What object had you in view when you proposed to grant supplementary powers to companies already in existence to enter upon highly speculative undertakings ? If it was simply an amendment to the Act, one might forbear criticising it ; but it gives these powers to existing companies.

Hon. Mr. SCOTT—A number of companies already have the power. The lawyers have interpreted it differently. They say the language of section 5 has no reference to the work of constructing a railway; that it could not be contended that if a company chooses to take a contract for removing a certain amount of earth or rock for instance, or for furnishing ties, it was intended by parliament that they should be excluded from the enjoyment of those powers if they were so authorized under letters patent. The companies have been willing to take their charters with that understanding. I said, 'Well it is a matter for the courts to decide ; I have no objection to your doing it.' I think that the principle of the Act of parliament was not to preclude companies from doing work of that kind, so long as they had nothing to do with the operating of railways. This clause was intended to apply to companies already chartered to do that kind of work, under the belief that that was the proper interpretation to be put upon section 5.

Hon. Mr. LOUGHEED—I should say that we could not presuppose that companies have been incorporated with the intention of entering upon railway, telegraph and telephone construction in view of the express restriction placed upon the incorporation of such companies under section 5. Surely it could not have been contemplated that those companies should exercise such powers, because the restriction is clearly expressed.

Hon. Mr. SCOTT—But it is cumulative. It is 'construction and working.' The carrying out of public works was surely never intended to be excluded from the powers an incorporated company might assume.

Hon. Mr. POWER—I move that we strike clause 7 out of the Bill, and substitute the following : "The words 'construction and' in the 9th line of the first subsection of section 5 of the Companies' Act, 1902, are stricken out. The next preceding subsection shall be construed as if it were part of such section as originally enacted."

Hon. Mr. KERR (Toronto)—That would be dangerous. It would authorize a joint stock company to be incorporated to construct a railway.

Hon. Mr. POWER—That is just what the hon. Secretary of State says. He said that the object was to allow companies to contract for the construction of railways, and that is just what this amendment does, and nothing more.

Hon. Mr. SCOTT—I propose to add the words, 'If authorized under its charter.'

Hon. Mr. POWER—I am not going to move an amendment. I understood the hon. gentleman to accept my suggestion.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the wording of the clause. What is the object of this Bill ? The object, as I understand it, is to facilitate the issuing of share warrants.

Hon. Mr. SCOTT—Clause 7 is not germane to it.

Hon. Sir MACKENZIE BOWELL—The object is to enable those who are floating companies to sell their shares. It has no reference whatever to the construction of railways or anything else, and yet this clause under consideration, says :

3. Nothing in this section, or in any charter or letters patent heretofore or hereafter issued, shall be deemed to prevent any company to which this Act applies from acting as a contractor in railway, telegraph or telephone construction.

Now this Act does not apply to railways, as I understand it. The Bill is for one purpose, to facilitate the transfer of stock. How in the world can this clause be inserted in this Bill at all ?

Hon. Mr. SCOTT—From time to time we have had to amend the Companies' Act. Last session we amended it in several particulars that were not immediately connected. This is one amendment which we passed in this Chamber after full discussion. It went to the other House late in the session, and some one there took exception to it. Whoever had charge of the Bill, in order to get it through, consented to let this drop, because it was hinted that it was to give some huge company an opportunity to contract for work on the Transcontinental Railway. There was no such object in view, and the clause was struck out.

Hon. Sir MACKENZIE BOWELL—It may be possible that the wording may receive some other interpretation, that it would be, not the Act under consideration, but the Companies' Act of 1902. If that be the case why not change it so as to make it plain.

Hon. Mr. SCOTT—This is all under the Companies' Act.

Hon. Mr. POWER—This is a Bill to amend the Companies' Act generally, and it is perfectly legitimate to insert this provision.

Hon. Mr. KERR (Toronto)—I venture to suggest that perhaps this language would express what we are trying to get at : 'Nothing in this section or in any charter or letters patent heretofore or hereafter issued shall be deemed to prevent any company to which this Act applies from contracting with any company, or acting as contractors for the construction or equipment of a railway, or a telegraph or telephone line or system.' That makes it definite.

Hon. Mr. LOUGHEED—Wherein is there any difference between the two ?

Hon. Mr. POWER—One is suggested by the hon. gentleman from Toronto; the other by the hon. gentleman from Halifax. I should like to know what particular advantage is to be derived from inserting the words 'contracting.'

Hon. Mr. KERR (Toronto)—You authorize them to enter into a contract.

Hon. Mr. SCOTT—I move that the following words be added to the clause 'if authorized by its charter.'

Hon. Mr. FERGUSON. This clause provides that nothing in this section, or in any charter or letters patent heretofore or hereafter issued, shall prevent any company acting as a contractor, &c. Now we are providing that the charter shall not prevent them doing so. Is it not an extraordinary thing for us to give a company power to do something which its charter prevents it from doing ? Why should that clause be passed at all ? I can understand why we should legislate to enable companies chartered under the Companies Act to become contractors for railway or telegraph construction, but not in violation of their charter. Now you propose to give them the power notwithstanding their charter. I could understand giving them a charter to do that, but that we should arm any company, if it has a charter for any purpose whatever, with power to construct railways, telegraph and telephone lines, notwithstanding anything in their charter, seems strange legislation.

Hon. Mr. SCOTT—Well, we will take that out. The reason is this : parties have applied from time to time for charters proposing to undertake the construction of railways and public works of all kinds ; and when I have suggested that there is a doubt whether under section 5 the Secretary of State has the power to grant such charter, they have claimed that there could not be any doubt, because some legal authority has given the opinion that section 5 can only apply where construction and operation go together, but that so far as construction only is concerned, parliament did not intend

to prevent charters being issued for mere construction works. So they have taken their charter, knowing that it was subject to doubt, and it is desired to remove that doubt. I do not think it is important, and I have no objection to striking out the words 'or in any charter or letters patent heretofore or hereafter issued.'

The clause as amended was adopted.

Hon. Sir MACKENZIE BOWELL—The reason I asked if this Bill had been submitted to the Minister of Justice, was because of something which occurred quite recently in the House of Commons, and which I did not wish to see repeated in the Senate. The Minister of Marine and Fisheries introduced a Bill affecting some matters of quarantine, and after discussing it the Minister of Justice gave it the most violent and unmistakable opposition. Here was one minister of the cabinet combatting the other. One must come to the conclusion under the circumstances that Mr. Préfontaine's Bill had not been submitted to Council. If it had been, the Minister of Justice would have been in a position to suggest the changes and amendments in Council, and not publicly in the House of Commons. It is not an unusual occurrence; it has happened in this House a number of times under previous leaders as well as under the present leader; and it suggested itself to me to ask the hon. gentleman whether this had been brought under the notice of the Minister of Justice, so that when it gets to the House of Commons we will not have the Minister of Justice finding fault with what the hon. Secretary of State has done here.

Hon. Mr. SCOTT—I will have the Bill submittted to the Department of Justice to be carefully examined before it goes down to the other House. The particular attention of the Minister of Justice was not called to it. I do not know whether he was present at the time the discussion took place or not, but I think the suggestion is a good one; and I will have the Bill sent to the Department of Justice.

Hon. Mr. FERGUSON—Might I ask the hon. Secretary of State if he has taken note of a point I made some time ago in this discussion as to the form of the Bill, and the place in which clause 3 stands? It may not affect the operation of the law, but I think in passing Bills here, we should see that they are symmetrical. It seems to me that the clause which deals with the issue of warrants should come first, then what happens while they are extant, and then in the proper order would come the section which deals with the surrender and cancellation of the warrant. It would seem to me more symmetrical if clause 3 were made clause 7.

Hon. Mr. SCOTT—I will call the attention of the Minister of Justice to the matter. They may understand why the English Act is in that form and order.

Hon. Mr. FERGUSON—We who are familiar with legislation know that sometimes in amending an Act a section is put in the wrong place. We are making a new Act for Canada, and if clause 3 ought to be in another part of the Bill we should put it there and have the Act brought into symmetrical form, not following the errors and blunders of other people.

Hon. Mr. SCOTT—I will call the attention of the department to it at once, and have them go over it carefully.

Hon. Mr. de BOUCHERVILLE—Is it the intention of the hon. Secretary of State, after passing this Bill in the Senate, to submit it to the Minister of Justice, and if he does not find fault with it, then to send it to the House of Commons?

Hon. Mr. SCOTT—No; before this Bill is read a third time I will ask the Minister of Justice to pronounce upon it.

Hon. Mr. BERNIER, from the committee, reported the Bill with amendments, which were concurred in.

NATURALIZATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (MM) An Act to amend the Acts respecting naturalization and aliens.

(In the Committee.)

Hon. Mr. SCOTT said: This Bill has been asked for by a number of gentlemen who represent constituencies in the Northwest. They complain that the present method involves considerable delay, and delay means

expense ; and that, as the number of persons desiring to be naturalized is very large, the methods should be simplified as far as possible. That is the whole object of the amendment.

On clause 1,

Hon. Mr. DAVIS—I was absent yesterday when this Bill came before the House. The Bill is certainly a move in the right direction. The law as it stands, it appears to me, was made more for the benefit of the lawyers than for the benefit of the people. We should make the naturalization of aliens, especially the financial part of it, as easy for the people as possible. Under the law, before it was amended last year, any person who wished to become naturalized could go to the nearest justice of the peace and take the necessary affidavit. The justice of the peace certified that he had taken the affidavits and handed them to the judge. The judge went over the application and, if he approved, it was handed to the clerk. The clerk made out the certificate and handed it to the alien who wished to become naturalized, and that ended the whole process. It cost the alien $1.25. Under the amendment, by which the alien is forced to have a certificate posted up in the court or in the clerk's office, as it will be now, it means great delay. In the large districts of the Northwest the judge is not at home the greater part of the time. Take the case of the territory of Mackenzie. After the alien gets his certificate it has to be sent to the judge to get the judge's permission to have it posted up in the court. That necessitates the applicant's employing a solicitor, because he may be a couple of hundred miles distant from the court. After it is posted in the court, the judge has to pass on it. It necessitates an expense of $6 or $7 or $8 to become naturalized, and I believe it is not the desire of this parliament that people should be put to so much expense. If an alien goes to a justice of the peace, who is supposed to be a respectable man, and takes the necessary affidavit, and that justice of the peace certifies that everything was done in proper form and hands the application to the judge, the judge, without any more expense or delay, should be able to give a certificate to that man if he is to be naturalized. I do not quite understand the object of posting these certificates in the court. It would appear to be in the interest of the state that aliens should become properly naturalized. The judge is acting in the interest of the state, and if he does not consider the certificate proper he will not pass on it, but the idea of forcing people to send those certificates and employ a lawyer to look after their interest seems unreasonable. It sometimes takes six or eight weeks before a man gets his naturalization papers. Supposing an alien going into that country finds that he requires a certain amount of money to purchase stock or pay liabilities, or that he requires to get a loan on his homestead ; he cannot get the patent for his land until he becomes naturalized. Under the old system he could get naturalized in a few hours and close out his transaction. Now if he wants to become naturalized, it takes five or six weeks ; and he may lose his opportunity to procure money through the delay. I cannot see the sense or benefit of such legislation. This Bill is a step in the right direction for this reason : It says before presentation to the judge the certificate shall be filed with the clerk of the Supreme Court. That does away with one objection. The alien, after getting a certificate from the justice of the peace, can hang it up in the court without having to ask the judge's permission. In our country sometimes the judge is not more than two or three days in the month at home. Several people want to get naturalized ; they get their certificates, but cannot find the judge to get permission to post them in the court. This Act does away with that objectionable feature, because it allows the alien or his representative to post up the certificate for two weeks. Parties living in a district like Yorkton can, under this Bill, post their certificates in the deputy clerk's office at home, and it provides also that the deputy clerk, after the two weeks are up, shall send them to the judge, who will pass upon them and send them back. The only objectionable feature in this Bill is that we are giving the judge too much power to delay. Under the old Act the day, Wednesday, was mentioned.

Hon. Mr. SCOTT—The judge may not be there on the Wednesday.

Hon. Mr. DAVIS—No, it is true, he might not be there. Would it not be better to have it read, 'on the earliest convenient day, not later than the Wednesday follow-

ing,' so that we would be sure that the judge would deal with the matter within a reasonable time. The judge is away very often and does not bother himself about these things, but if he knew those certificates were coming up very often, he would be in a position to deal with them. The judge should not be allowed to put it off from day to day. With reference to the change in the oath of allegiance, I do not see the force of that provision.

Hon. Mr. SCOTT—It was thought, in order to identify the party, he should name the country from which he came. That is the only point.

Hon. Mr. DAVIS—There would be no objection to that. Taking it all in all, this Bill is an improvement on the Act of last year, but I repeat that I think the Act of last year was a mistake. I see no sense in putting people to a lot of expense in becoming citizens. We do not want to throw obstructions in the way of their becoming citizens, forcing them to employ lawyers when there is no necessity for it. If a justice of the peace takes the affidavit, and certifies to it, and it goes before the judge and he passes on it, that is the shortest way ; and it would be a great improvement on the Act.

Hon. Mr. LOUGHEED—I regret to find my hon. friend from Prince Albert in such a critical and censorious state of mind, and particularly in the attack he has made on the government's policy of safeguarding the Act respecting naturalization. I must congratulate the government on adopting a procedure of this kind, so as to prevent any abuse of the privilege of naturalization. I have no hesitation in saying that under the old procedure hundreds were naturalized who had not the right to citizenship. Personally I should like to see the most restrictive safeguards surrounding naturalization. If aliens come to this country from a foreign land they should not only be called upon to establish their qualification for naturalization, but as I said, last year, when the Act was introduced, I should be in favour of an educational qualification being provided in the Act, so as to warrant our securing a class of citizens exercising the franchise who would possess the necessary intelligence to do so. My hon. friend complains very grievously of aliens having to pay as much as $5 or $6 for naturalization. It seems to me if an alien comes to this country and avails himself of all the advantages of becoming a British subject, including all the advantages which are incident to settlement in the Northwest Territory—such, for instance, as homesteading 160 acres of land—if he is not willing to pay the costs incidental to naturalization papers, he certainly shows a lack of appreciation of all the advantages and privileges of becoming a British subject. I think this legislation is in the right direction and instead of objecting thereto, I am strongly in favour of the government, providing the most restrictive safeguards to insure the western country from the danger of extending all the advantages of citizenship to those who may not be qualified therefor. The only objection in a general way which I have to this Bill is that it shortens the time for the posting up of the certificate. Under the Act of 1903, three weeks were given for the posting of the certificate. I notice that the time has been shortened to two weeks. It seems to me that with an amendment restoring the period of three weeks, the Bill would be acceptable. I might say furthermore, with reference to the criticism made by the hon. gentleman from Prince Albert (Hon. Mr. Davis) as to there being no limitation placed upon the time for the judge to act, I should be in favour of providing that he should take up the matter within the first week after the papers were forwarded to him. The Act is a little general in its phraseology in regard to the obligation cast upon the judge as to his appointing a convenient time.

Hon. Mr. SCOTT—The earliest convenient time.

Hon. Mr. LOUGHEED—That is a very comprehensive term. What some judges regard as the earliest convenient time might not be regarded by their brother judges as an equally convenient time. It seems to me that if they were limited to a certain number of days to act under subsection (e), it would be very much more satisfactory, and would insure speedier action being taken.

Hon. Mr. DAVIS—I am sorry to hear the hon. gentleman from Calgary making

the statement he has just made. He said the old Act was abused. I might draw his attention to the fact that that is a reflection on the Lieutenant Governor for appointing men who would take affidavits of that kind as magistrates. It is a reflection on a large body of citizens in the Northwest Territories who are acting as magistrates, and a reflection also on a large and intelligent body of aliens who come to this country, to say that they are in such a hurry that they would commit perjury. It would be a reflection on my learned friend, if he knows of cases of aliens committing perjury, that he did not prosecute them according to law. If my hon. friend knew of any such thing taking place in his part of the country it was his duty as a citizen to see that the law was enforced and that these people were prosecuted for a breach of the law. I know of no breach of the law in my district. The magistrates appointed by the different Lieutenant Governors for the last fifteen or twenty years have been a creditable body of men who would not lend themselves to such a thing, and would not allow a man to do anything of the kind. They certainly would not sign a certificate and hand it to a judge, trying to mislead him with reference to the naturalization of any of these people. I have also to say, from my knowledge of the people who come into the country, that they compare favourably with the people we now have. I have never known a man who wanted to become naturalized until he had been long enough in the country to take advantage of the Naturalization Act. My hon. friend may have known some, he may have had a different class of people in his part of the country. I can assure him that nothing of the kind has taken place in our district. I say again that it is a reflection not only upon the Lieutenant Governor for appointing magistrates—and, as my hon. friend says, it is a thankless position—but it is a reflection on the magistrates and a reflection on a large number of aliens coming into this country, to say that they would rush in and take certain oaths which would amount to nothing less than perjury.

The old Act worked splendidly. We never had any complaints from the Conservative party and if my hon. friend thinks that politics enter into this matter I may tell him that politics should not enter into the naturalization of aliens. It is a matter in which no person except the state is interested. The magistrates are there protecting the state. Surely we can have confidence in the magistrates and in the judge and a certain amount of confidence in the people who are coming into the country that they would not, for the sake of getting naturalized a week or a month before the proper time, commit perjury.

Hon. Mr. LOUGHEED—My hon. friend is manifestly astray, or unable to appreciate the provisions of the old Act with reference to naturalization ; and that is probably largely accountable for the censorious remarks to which he has given utterance. The justice of the peace took the affidavit under the old Act, and consequently the judge had nothing to do with the matter other than issuing the certificate of naturalization upon the affidavit which had been taken by the justice of the peace. Any reflections which my hon. friend has chosen to cast upon me apply with much greater intensity to the government of which he is a faithful follower. If this government in 1903 considered it advisable to depart from the slipshod procedure which existed previous to that date, and to surround the proceedings of naturalization with all the safeguards embodied in the Act of 1903, it must have been for some very good reason. I apprehend this government does not legislate upon a matter of this character without having some good grounds for departing from the provisions of the old Act, particularly in the case of an Act which had been on the statute-book for a good many years. If this government loses all confidence in the acts of the justices of the peace and the various other officials to whom my hon. friend has alluded in glowing terms, I hope he will not cast aspersions upon me. I have only been endorsing the government on the stand they have taken in surrounding the Act with these safeguards.

Hon. Mr. POWER—I assume this Bill will not become law until the close of the session, and that at the same time the Bill constituting the two new provinces will become law. In that case the Territories which will constitute these two provinces will cease to be a portion of the Northwest Territories.

And it occurs to me that the hon. gentleman in charge of the Bill might ascertain whether in the opinion of the Department of Justice it might not be better, in order to avoid any possible question, to insert at the beginning of this Bill the words 'in the provinces of Saskatchewan and Alberta and the Northwest Territories.'

Hon. Mr. LOUGHEED—Provision is made in the Bills which are being introduced that all the procedure in force in the Northwest Territories should continue in the present form.

Hon. Mr. DAVIS—Is this not a public Bill which applies to the whole Dominion ?

Hon. Mr. POWER—No, section 5 applies to the Northwest.

Hon. Mr. LOUGHEED—The matter was largely discussed as to the retention of the present machinery; and until the new legislatures are organized the intention is that the present form of legislation shall continue. I think it might lead to embarrassment if we departed from that stand.

The subclause was adopted.

On subclause (b),

Hon. Mr. DAVIS—With reference to the expense, you order the clerk of the court to gather a lot of certificates up in his office and to transmit them to the judge. Who is to pay the expense of the transmission ? Does it come out of the aliens' pocket ?

Hon. Mr. SCOTT— Under section 36 of the Naturalization Act the clerk of the court from which the certificate is issued shall be entitled to receive from the person naturalized the sum of 25 cents, and no further sum is payable in respect to such certificate. The taking of the oath is under an Order in Council. There are regulations which authorize the magistrate to receive 40 cents. At all events that is under the control of the Governor in Council.

Hon. Mr. DAVIS—Do not force the oath to be taken before the court. Any magistrate can take the oath.

The subclause was adopted.

On subclause (e),

Hon. Mr. DAVIS—I should like to ask the leader of the House, a question with reference to those certificates. Take the town of Battleford ; there is a deputy clerk there and there are three or four hundred naturalization papers posted in his office. He receives 25 cents for his work and pays the postage out of that. They are sent to the judge. What provision is there for the judge returning those certificates ? Is he going to put his hand in his pocket and pay for it himself ?

Hon. Mr. SCOTT—The parties have incidental expenses which are paid by the department. The making up of the returns is paid for by the department. The returns come to the Department of State and the general expenses not provided for by the Act are under the authority of the Governor in Council. It is open to a revision at any time.

Hon. Mr. DAVIS—Has the hon. leader of the House done anything with reference to subsection (e) ?

Hon. Mr. SCOTT—The hon. gentleman from Calgary also called my attention to that subclause. I have no objection to making it shorter. It was my own suggestion to make it read, 'the earliest convenient day.' We might say, 'within five days following the receipt by the judge.'

Hon. Mr. LOUGHEED—A week might be a short enough time.

Hon. Mr. DAVIS—I should like to ask, supposing certificates are hung up in Battleford, and are afterwards transmitted to the judge in Prince Albert. If some person protests, how is the protest to be dealt with ?

Hon. Mr. SCOTT—We cannot define how he shall take it. It is left to his own discretion. You cannot define all those particulars.

Hon. Mr. DAVIS—Supposing the certificates are hung up in the deputy clerk's office in Battleford, and they are transmitted to Prince Albert by the deputy clerk with a protest, how is he to put in the protest ? Is it to be by affidavit or by evidence ?

Hon. Mr. SCOTT—It depends upon the character of the protest that may be made. The party may say, 'I know this man. He only came to Canada this year and he is not entitled to vote,' and he may have some other reason to set forth.

Hon. Mr. LOUGHEED — Subclause (c) states that any one may file with the clerk of the court a written notice of objection to the naturalization of the subject, stating the grounds of such objection.

Hon. Mr. DAVIS—Is the judge of the court going to accept the written objection of some person against the oath of the party applying?

Hon. Mr. LOUGHEED—No, he brings the parties before him.

Hon. Mr. DAVIS—Brings people three hundred miles to give evidence?

Hon. Mr. LOUGHEED—No, the object of the Act is to provide that wherever there is a deputy clerk the matter can be disposed of.

Hon. Mr. DAVIS—I understand that. Where is he going to dispose of it? He may have to go up to Battleford to dispose of it. I do not see how we are going to deal with these protests. How are you going to get your evidence there?

Hon. Mr. POWER—Can not you trust the members representing the territory in the House of Commons, to deal with these details?

Hon. Mr. DAVIS—I know as a matter of fact that on one occasion during last year certain gentlemen put in bogus protests and after the election was over they laughed at the people who had been prevented from getting the naturalization papers and said: 'Oh we stopped them,' but they had a right to get the papers nevertheless.

Hon. Mr. SCOTT—We must leave some discretion in the hands of the judge; we cannot discriminate. It would take a dozen pages to lay down the regulations my hon. friend suggests as to how the matter is to be inquired into. It must be left entirely to the judge; and it is to be presumed he will favour the applicant for naturalization. The judge may say, 'this objection is urged from ill feeling or some cause of that kind.' The judge has an interest in naturalizing the people who come before him.

Hon. Mr. DAVIS—If any one sends in a bogus protest against the naturalization of an alien he should be made to pay the expense the alien is put to in regard to that protest.

The subclause was adopted.

Hon. Mr. SCOTT.

Hon. Mr. THOMPSON, from the committee, reported the Bill with one amendment, which was concurred in.

The Bill was then read the third time and passed.

The Senate adjourned until Tuesday the 27th June, at 3 o'clock.

SENATE.

Ottawa, Tuesday, June 27, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

MOTION POSTPONED.

The Order of the Day being called,

By the Hon. Mr. Cloran:—

That the Senate give instructions to the proper officer of this honourable House to pay the balance of accounts due to the Counsel-at-Law and expert witness for services rendered by them to the Special Committee appointed during the last session of the Senate, to investigate the affairs in Canada of the Mutual Reserve Fund Life Association of New York.

Hon. Mr. CLORAN—In view of the fact that I have not all the documents necessary to enable me to make this motion, I ask that it stand until Thursday next.

The motion was allowed to stand.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

MOTION FOR PAPERS.

Hon. Mr. DOMVILLE—The motion of which I have given notice, if passed, will probably facilitate the Senate's dealing with the motion which the hon. gentleman from Victoria (Hon. Mr. Cloran) has placed on the order paper. I desire to have laid officially before this House a copy of the accounts certified to by the committee, and presented to this House, for payment of the counsel and expert witness examined during the last session of parliament. I hold in my hand a copy of the document, but as that is not official, I could hardly ask the House to adjudicate upon it. When we have the original paper before us we shall be able to discuss this unfortunate affair fully. I

therefore beg to move that a copy of the account of the counsel and the expert witness as certified to by the chairman of the Select Special Committee appointed last session to investigate the position of the Mutual Reserve Fund Life Association of New York, in Canada, be produced.

The motion was agreed to.

IMPRISONMENT OF STOWAWAYS.

Hon. Mr. CLORAN—Before the Orders of the Day are called I desire to make a slight correction in the statement which I made a few days ago, in regard to the expenses of stowaways—or, as we call them in Montreal, wharf rats—when imprisoned in that city. I stated that these expenses were charged to the province of Quebec, but since that time the city attorney of Montreal, Mr. Ethier, has called my attention to the fact that such is not the case. It appears that all the expenses connected with the arrest of these persons and their keep while detained in prison, are charged to the city of Montreal. I wish to make this correction because the hon. Secretary of State promised, when I brought the matter up in the House, that he would lay the matter before the proper department, and I have no doubt that when he came to do so, the officers of the department would at once point out that the statement I then made was not in accordance with the facts. For this reason I wish to make it plain that the expenses connected with the imprisonment of these stowaways are not charged to the province of Quebec as a whole, but to the city of Montreal. This, however, makes the case still more serious and grievous.

THIRD READING.

Bill (95) An Act respecting the Gillies Brothers, Limited.—(Hon. Mr. Frost.)

COMPANIES ACT AMENDMENT BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (NN), An Act to amend the Companies Act, 1902. He said: It will be in the recollection of members who were present at the sitting of the House on the last day before the adjournment, that I was asked to submit this Bill to the Department of Justice and obtain any expression of opinion which that department might think proper to give, as to the propriety and suitability of the amendments. I therefore wrote the following letter:—

June 19, 1905.

Dear Mr. Fitzpatrick,—At the instance of Senator Cox, who is now in England, and with the approval of the Privy Council, I introduced a Bill in the Senate (NN), copy of which I inclose, adopting certain clauses of the English Companies Act as amendments to the Companies' Act of 1902.

In Canada when all calls have been paid the usual practice is to issue a certificate to the shareholder setting forth the number of shares of paid-up stock of which he is the holder.

In England they have a practice of issuing what is known as a warrant, with the seal of the company affixed, stating that the bearer is entitled to the number of shares of stock specified therein, and Senator Cox states it will facilitate investments in Canadian companies if the latter are authorized to issue share warrants.

Mr. Lash has drafted the inclosed Bill amending the Companies Act in the direction sought. In order, however, to ascertain wherein the language of the draft differs from the English Act, I have had the variations noted in the copy with red ink, which I also inclose. Will you kindly have it examined and note whether the amendments can be prudently adopted in the Companies' Act, 1902.

Section 7 is an amendment I have myself suggested in order to enable companies chartered for that purpose to take contracts for the building of railways, telegraphs and telephones. The contractors would, of course, have no power to operate or work railways, telegraphs or telephones.

To that letter I received the following reply:—

Ottawa, June 21, 1905.

Dear Mr. Scott,—Referring to your letter of the 19th instant, I return herewith Bill (NN) of the Senate 'to amend the Companies Act, 1902,' and beg to state that I see no reason to doubt that the amendments with regard to share warrants may be safely adopted. These amendments are to the same effect as the provisions dealing with the same subject in the imperial statutes, and the latter, consisting of sections 27 to 36 of the Companies Act of 1867, have been in force for nearly forty years. The same provisions are also contained in the British Columbia Act as sections 65 to 70 of chapter 44 of the Revised Statutes of 1897, and Nova Scotia has adopted them as well. See the statutes of that province of 1902, chapter 8, sections 3 to 9.

With regard to Mr. Power's criticism of clause 5, it would appear to me, as at present advised, that the last three lines of that clause may not be adapted to our Companies' Act. They are taken from the corresponding provision of the Imperial Act, and have reference there to the form of the 'register of members' prescribed by the English legislation, in which there is required to be entered, amongst other particulars, 'the date at which any person ceased to be a member' (Act of 1862, section 25). There does not seem to be any such requirement under our Act. (See Act of 1902, section 74).

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

SECOND READING.

Bill (II) An Act for the relief of Agnes Hedevig Helga Salusbury Trelawney.—(Hon. Mr. Watson.)

ROYAL MILITARY COLLEGE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into a Committee of the Whole on Bill (169) An Act to amend the Act respecting the Royal Military College.

(In the Committee.)

Hon. Mr. SCOTT—When this Bill was up for second reading my hon. friend opposite asked for the salary at present enjoyed by the officer whose salary is fixed by subsection 3. I find in the last return from the Department of Militia and Defence that the commandant's salary is $3,163.33, so that the Bill practically adds very little, merely bringing it up to $3,200.

Hon. Sir MACKENZIE BOWELL—Has any decision been arrived at with a view to increasing the salaries of the other professors?

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—The policy of former governments and also of this government has been to fix the salaries by statute, not leaving it optional with the Governor in Council to increase or decrease them. This is a departure from the usual practice. I do not wish to be understood as objecting to this small increase to the commandant. I think the salaries are quite small enough, and I have no doubt if it is the intention to increase the salaries of the other officials proportionately, it would not be objectionable; still I disapprove of the policy laid down here of leaving the whole power in the hands of the government. That has not been the policy in the past in this or the other departments, in dealing with officials outside of Ottawa. However, I am not objecting to it.

Hon. Mr. SCOTT—I think it follows the line of the statute introduced when my hon. friend was in the government. The Act of 1893 provides that 'the salary of the commandant shall not exceed $3,200 a year.' I do not know why the department has been paying him less. There must have been a deduction for some reason. Then I find that it is also provided that 'the Governor in Council may adjust the salaries of the staff,' which is practically following the former statute. I notice that the Minister of Militia, when introducing the measure, made the statement that the total amount of salaries would be very slightly increased.

Hon. Mr. McMULLEN—I should like to know whether the military commandant at Kingston gets any other perquisites besides his salary. I remember a time when it was customary to supply coal to the commandant's house, as well as to pay street car fares and other such things. I should like to know if that has been discontinued.

Hon. Mr. SCOTT—I know he has a house, but I am not aware as to the smaller details.

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman can get the information in the Auditor General's Report.

Hon. Mr. McMULLEN—I do not study that as much as I used to.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

PORT AND PILOTAGE DISTRICT OF QUEBEC BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (171), An Act respecting the Port and Pilotage District of Quebec. He said: This is a Bill of one clause, which proposes to vest in the Minister of Marine and Fisheries the pilotage authority of the district of Quebec, and the Harbour Commissioners of Quebec are to cease to be the pilotage authorities. The minister is substituted with this stipulation and condition, that nothing in this Act shall authorize him to sit as a tribunal for the trial of offences of which pilots may be accused before the pilotage authority.

Hon. Mr. MACDONALD, (B.C.)—Who will examine pilots, and do the work that is done now by the Harbour Commissioners?

Hon. Mr. SCOTT—It will not interfere with the examination of pilots in any way. It simply vests the power over the pilots in the minister instead of the Quebec Harbour Commissioners.

Hon. Mr. MACDONALD (B.C.)—How can the department here supervise the harbour of Quebec without having agents at Quebec. I do not like this Bill at all; it is based on a wrong principle.

Hon. Mr. SCOTT—I shall be glad to give further explanations when we go into committee to-morrow. I may say that it is not alone, so far as Quebec is concerned. The minister has control over pilots in other localities; for instance, the Saguenay pilots are under his control.

Hon. Mr. FERGUSON—I think it is due to the House that my hon. friend should state why this very serious change is made. His explanation simply extends to the character of the change, which is very evident from the Bill itself. It proposes to vest in the Minister of Marine and Fisheries all the powers in regard to pilotage authority hitherto vested in the Harbour Commissioners of Quebec. Do the pilotage commissioners, or the mercantile community, ask for this change? Why is it made? There may be good reasons for the change, but they have not been stated, and I think we should know what they are.

Hon. Mr. SCOTT—At the next stage of the Bill I shall be very glad to give my hon. friend further information. The object is to secure greater efficiency. It was considered that the authority of the minister at Ottawa would obtain reforms more readily than by leaving the matter entirely in the hands of the local authorities.

Hon. Mr. POWER—There is one feature of the proposed legislation to which attention should, I think, be directed; that is the proviso at the end of clause 2:—

> But the said minister may, in any case not provided for by the Shipping Casualties Act, 1901, and amendments thereto, designate a tribunal or officer to try any such offence.

The minister is not to try the offence himself, but is to appoint an officer to do it. There should be some permanent provision made by parliament for the appointment of a judge; he should not be appointed *ad hoc* by the minister when the necessity for investigation arises.

Hon. Mr. SCOTT—I will give some explanation on that point to-morrow.

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

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BILLS INTRODUCED.

Bill (132) An Act to amend the Government Railways Act.—(Hon. Mr. Scott.)

Bill (115) An Act respecting the Grand Trunk Pacific Railway Company.—(Hon. Mr. Watson.)

Bill (119) An Act to incorporate the Edmonton Boom Company.—(Hon. Mr. Ross, Regina.)

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

SENATE.

Ottawa, Wednesday, June 28, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

LABOUR UNION LABELS BILL.

Hon. Sir GEORGE DRUMMOND, from the Standing Committee on Banking and Commerce, presented the report of the committee on Bill (10) An Act respecting Labour Union Labels. He said: The committee did not consider it expedient in the public interest to report this Bill.

Hon. Mr. McMULLEN moved that the report be concurred in.

The motion was agreed to.

BANK OF MONTREAL BILL.

Hon. Sir GEORGE DRUMMOND, from the Standing Committee on Banking and Commerce, presented the report of the committee on Bill (T) An Act respecting the Bank of Montreal. He said: The committee has had an intimation from the promoters of this measure that the Bill would not be proceeded with, and the committee have therefore recommended that leave be granted to withdraw it.

Hon. Mr. MACDONALD (B.C.) moved that the report be concurred in.

The motion was agreed to.

INSURANCE DEPARTMENT REPORT.

Hon. Mr. DOMVILLE—I would ask the hon. Secretary of State when we may expect to receive the last report of the Insur-

ance Department up to the end of 1904. I asked him this question the other day, and he promised that he would make inquiry.

Hon. Mr. SCOTT—I must apologize to the hon. gentleman for having forgotten this matter. I will let him have an answer tomorrow.

AN ERROR IN MESSAGES FROM THE HOUSE OF COMMONS.

Hon. Sir MACKENZIE BOWELL—Before the Orders of the Day are called, I desire to draw the attention of the Senate to a somewhat irregular proceeding which occurred yesterday, not on the part of the Senate, however, but on the part of the House of Commons. On referring to yesterday's Minutes of Proceedings of the Senate, the following entries will be found on page 609:

A message was brought from the House of Commons by their clerk, to return the Bill (M) intituled: 'An Act to amend an Act respecting certain patents of William A. Damen,' and to acquaint the Senate that they have passed the said Bill without any amendment.

A message was brought from the House of Commons by their clerk, to return the Bill (AA) intituled: 'An Act respecting certain patents of the Ideal Manufacturing Company,' and to acquaint the Senate that they have passed the said Bill without any amendment.

In the proceedings of the House of Commons, No. 103, page 737, the following entry will be found:

In obedience to the order of your honourable House of the 22nd May ultimo, your committee have again considered Bill 129 (M of the Senate) intituled: 'An Act to amend the Act respecting certain patents of William A. Damen,' and have further amended the same.

Immediately afterwards I find this entry:

Your committee have also examined the following Bills——

—among which is Bill (166), (AA of the Senate), intituled 'An Act respecting certain patents of the Ideal Manufacturing Company.'

—and report that they have considered the same and made certain amendments.

Trouble may possibly arise hereafter on account of the fact that the messages received from the House of Commons indicated that no amendments were made to either of these Bills, whereas amendments appear to have been made by the Commons, and they should have been attached so that they might be confirmed by this House. I do not remember any case of this kind having occurred in the past, and am not prepared to make any suggestion as to how the difficulty may be got over, unless it be that our clerk should call the attention of the clerk of the House of Commons to the facts and have them recall, by message, these two Bills, and send them down later with the amendments attached. There may be older members of the Senate present who have noticed errors of this kind in the past, and who may be able to offer some other suggestion. In any event the matter is important, because if these two Bills should be allowed to go on the statute-book without the amendments of the House of Commons, difficulty may arise after the close of the session.

Hon. Mr. SCOTT—It is quite clear that when the Bill comes up for Royal Assent, the original is the only one that would be regarded as an authentic record of what parliament has done; and therefore if the House of Commons made changes in these two Bills, the suggestion which my hon. friend makes that the Clerk of this House should call the attention of the clerk of the House of Commons to the mistake and have it rectified, is one which should be followed. The Bills should go back to the House of Commons to be corrected.

Hon. Sir MACKENZIE BOWELL—And then when the amended Bills come back to us, will it be necessary to receive them and rescind this entry in our minutes?

Hon. Mr. SCOTT—No, I think not. I think it would be superseded.

Hon. Mr. FERGUSON—The correction will have to begin in the House of Commons. They will have to rescind their Minutes, and when the Bills are returned to us we shall have to rescind our entry.

Hon. Mr. POWER—The Bills came back to us, concurred in by the House of Commons without amendment. and we took no action. It would be the duty of the House of Commons to send a messenger to this House, stating that they had made an error, and asking that the Bills be sent back to them.

PORT AND PILOTAGE DISTRICT OF QUEBEC BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (171) An Act respecting the Port and Pilotage District of Quebec.

Hon. Mr. SCOTT—I am advised that this Bill is introduced with the approval of the shipping federation and of the pilots who are interested. It will be in the recollection of the House that two years ago a Bill was introduced placing the pilots between Montreal and Quebec under the control of the Minister of Marine; and it is now proposed that the pilots below Quebec shall also be placed under the same authority. The present regulations go back for a period of some forty years to a time when four-fifths of the vessels entering the St. Lawrence were sailing ships. It is now in the interests of the shipping federation that a change should be made. At present each pilot has his own boat in which he goes out to meet the incoming vessel at Bic. It is proposed to fix the meeting of incoming steamers and the leaving of outgoing vessels at a point some distance below Bic; and the department propose to place a steam vessel at the disposal of the pilots, in which way very much greater despatch will be obtained. This steam vessel will be ready in the river at all times to deliver a pilot to any vessel coming up the St. Lawrence.

Hon. Mr. MACDONALD (B.C.)—Will that steam vessel be at the disposal of the pilots free of charge?

Hon. Mr. SCOTT—Yes.

Hon. Mr. MACDONALD (B.C.)—We all know the river requires constant care. The channel requires to be dredged every year. Who will take care of that if you get rid of the commissioners?

Hon. Mr. SCOTT—This Bill does not interfere with that matter at all; the government attend to the dredging as before. Of course the pilots have charge of the vessels for a very long distance below Quebec; I do not know the exact mileage, but it is a considerable distance down the river. This Bill has no connection whatever with the subject to which my hon. friend refers.

Hon. Sir MACKENZIE BOWELL—The explanation given by the hon. Secretary of State is not very lucid, and unless one has paid attention to the question of pilotage, he could not understand the full purport of the measure. If I understand the Bill, by examining it, and the statute which it repeals, it simply transfers the management of the pilotage system of the district of Quebec, and does not affect the powers and authorities vested in the harbour commissioners of the city of Quebec. The change is confined to a transference of the management of the pilots in the district of Quebec. In addition to that the pilots of the river Saguenay are made a portion of the Quebec district. In other words it takes the management of the pilots out of the hands of the Harbour Commissioners of Quebec, and vests it in the Minister of Marine and Fisheries. That, I think, is the whole purport of the Bill, is it not?

Hon. Mr. SCOTT—Yes, that is the whole purport of the Bill.

Hon. Sir MACKENZIE BOWELL—Then there is a proviso at the close of the clause, in which the authority provided for by the Shipping Casualties Act of 1901, and amendments thereto, designating a tribunal to try certain offences, is not to be exercised by the minister. Power is given to him to appoint a tribunal to try cases not otherwise provided for. Those who have been in parliament for a number of years know that this question of pilots on the St. Lawrence river and the gulf of St. Lawrence has always been a very vexed one. The pilots themselves through their organization have applied, over and over again, for extra powers in regard to the question of the regulation and selection of pilots to go down the river to bring up vessels. That is now to be taken, if I understand this Bill out of the hands of the commissioners and transferred to the Minister of Marine. It is also well known by those who have paid any attention to the subject, that this has been a political engine which has in the past been used with somewhat serious effect. In different counties along the St. Lawrence, the organization of pilots has exercised certain influence with members of the House, and all sorts of threats have been held out to them unless certain concessions were made. This Bill transfers all that power, and all

the political influence which was exercised in the past by the commissioners and pilotage authorities, to the hands of the Minister of Marine. How far that will benefit the service I am not prepared to say. I have come to this conclusion, however, that it cannot be much worse than it has been in the past, and consequently I shall not offer very serious objection to the transfer, although I may be permitted to say that power such as has been exercised by the Commissioners in the past, when placed in the hands of the minister will no doubt be exercised in the interests of the government and of the government candidates. I do not know, however, that that will be very much worse than what has taken place in the past. Anything that can be done to make the pilotage service in the St. Lawrence better than it has been, should be done, and I would go a step further and make it cheaper to the shipping interest than it has been. That would certainly be in the interests of the whole community.

Hon. Mr. SCOTT—I am sorry that the hon. gentleman was engaged at the time I made my introductory remarks. He lost the opportunity of hearing what I stated when I explained the Bill. What I said was that this measure had the approval of the shipping federation and of the pilots; and that the action was not new, because some time ago parliament had authorized the pilots between Montreal and Quebec to be placed under the same control as is proposed in this instance, so that practically this Bill has the approval of all parties who are in any way interested. I am told that so far as the lines of steamers running into Montreal are concerned, such as the Allan Line, they have their own pilots. They do not take a pilot from the ordinary roll, but have certain pilots who are taken in turn. Outside of the vessels of these steamship companies who have their own pilots, the men are sent out in the order on which they stand on a certain roll. I mentioned also, as another improvement, that the department was to furnish a steamer for the pilots, and this steamer was to be always in the offing ready to deliver a pilot to any incoming vessel. I am rather amused at my hon. friend conjuring up the influence the government are to obtain for election purposes through this change. I cannot see myself that it is going to operate in that direction; at all events the force is not so very great as to have a material influence on any appreciable number of electoral seats. There was a question raised about the minister naming the tribunal. I find that under the Shipping Casualties Act it now rests with the minister to deal with all shipping casualties, and wherever any question arises where a pilot is to blame it is only proper that the minister should have the same control as he has under other circumstances. Section 8 of the Shipping Casualties Act provides that if it appears to the minister, either upon or without a preliminary inquiry into a shipping casualty, that a formal investigation is expedient, or that any master, mate or engineer is incompetent, he may appoint an officer to make the inquiry. This matter of pilotage is germane to that subject.

Hon. Mr. MACDONALD (B.C.)—Is there anything in that Act about the examination of pilots, which is a very important matter?

Hon. Mr. SCOTT—That is provided for elsewhere.

Hon. Mr. MACDONALD (B.C.)—Who will attend to that now? Experienced and properly qualified pilots are necessary.

Hon. Mr. SCOTT—That is all provided for.

Hon. Mr. MACDONALD (B.C.)—Even pilots on such vessels as the Allan Line steamers have to pass an examination.

Hon. Mr. SCOTT—All the pilots have to pass examinations.

Hon. Mr. GIBSON—The government is to be commended for having placed a steamer at the disposal of the pilots. Last October in coming out on the 'Tunisian,' we were delayed eight hours, simply because the pilot steamer was not strong enough. They would not come alongside the ship, the reason given by the pilot to the captain being that he was afraid his boat would be destroyed, although there was not a ripple on the gulf at the time. I am glad the government have put at the disposal of the pilots a boat that will be able to go alongside the ships.

Hon. Mr. MACDONALD (B.C.)—How can one steamer attend to four or five ships the same day?

Hon. Mr. SCOTT—She is lying all the time at Father Point with pilots. The moment a ship is sighted a pilot is named to attend to that vessel. The steamer is not sailing up and down, but lying at Father Point.

Hon. Mr. GIBSON—At New York harbour there is only one steamer with about 25 pilots aboard. They know what course a steamer takes and when it is due to arrive and those pilots are furnished as the vessels come to the port. At Father Point there would be no difficulty in having fifty ships supplied by one steamer on the same day.

Hon. Mr. CASGRAIN (De Lanaudière)—There seems to be some misapprehension about this Bill. The pilotage system of the St. Lawrence consists of three parts. The first is between Montreal and Quebec, which is to-day under the jurisdiction of the Minister of Marine and Fisheries. Then there is the pilotage system in the River Saguenay, which is now also under the jurisdiction of the Minister of Marine and Fisheries. I see the hon. leader of the opposition shakes his head; if he will look at the statutes of 1903, chapter 48, he will find that I am right. It is there provided that from the first day of January, 1904, the administration of the pilots of the Saguenay district is to be under the jurisdiction of the Minister of Marine and Fisheries. The minister, under authority of parliament, some time ago assumed control of the pilots between Montreal and Quebec. The only pilots that are not to-day under the jurisdiction of the Minister of Marine and Fisheries are the pilots of the district of Quebec proper, in and around Quebec; that is to say, from Quebec to Father Point. Now, these pilots, at their own request, are coming in under the jurisdiction of the Minister of Marine and Fisheries, so that the whole River St. Lawrence will now be under one jurisdiction instead of two as at present, and instead of three as it was formerly. The pilots below Quebec take the steamer from Father Point to Quebec. They only have charge below Quebec. At Quebec there is a change of pilots to take vessels from Quebec to Montreal. There is a third set of pilots on the Saguenay river. Now it is much better to put all the pilots under one jurisdiction as is contemplated by this Bill, leaving each pilot naturally to operate in the waters with which he is familiar. This Bill does not mean that a Saguenay pilot will take a ship to Montreal. The pilots will remain on the sections of the river where they are at present, but the three sets of pilots will, from this time forward, be under the control of the Minister of Marine and Fisheries.

As to one steamer being sufficient for the service, the ships pass within at most two or three miles of the wharf at Father Point, and when a vessel comes along the government tender will have no difficulty in putting a pilot on board without loss of time. At Quebec there is no difficulty, because when a ship does not go actually to a wharf, it can easily be boarded by the new pilot.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has made the statement that this Bill is misapprehended, and judging from the first portion of his speech as well as the remarks which have fallen from some other members, such would appear to be the case. The only question before the Senate, really is, first, whether it would be advisable to attach the Saguenay district to that of Quebec, and second, as to whether the powers exercised by the Quebec Harbour Commissioners should be transferred to the Minister of Marine and Fisheries. That is the whole purport of the Bill; and it is a question of policy as to whether it would be better in the interests of the important pilot service on the St. Lawrence to have it under the sole management of the Minister of Marine and Fisheries, or to leave it divided as at present between the minister and the harbour commissioners. If I remember correctly, that is what I brought to the attention of the House in my remarks. I can assure the hon. Secretary of State in reply to the remarks he made in reference to the political influences which have existed in the past and which may probably exist in the future or may be renewed in the future, that what I pointed out has not been conjured up. If he will permit me to say so, he cannot have paid much attention to this whole question during years past, or he would have come to the conclusion to which I have given utterance in this House. I do not refer particularly to the present government. Ever since I have been in parliament for the past thirty years. this question of pilotage authority has been con-

stantly coming up before the House, and scarcely ever has it been discussed without evidence being produced of the political influence exercised by the government in connection with it. My point is simply this: Would it be wise to have the jurisdiction vested in the Minister of Marine and Fisheries, rather than in the harbour commissioners. Judging from matters which have come to light in regard to the Intercolonial Railway of late, it is not likely to be much better than it has been, and I am somewhat inclined to think it cannot be much worse.

Hon. Mr. FERGUSON—My hon. friend who addressed the House a few moments ago, stated that he did so for the purpose of clearing up misapprehensions, but I am afraid he has created one, so far as I am concerned at least. I understood the hon. gentleman to say that the pilotage jurisdiction or districts would still remain as before; that there would be three districts, the Montreal, Quebec and Saguenay districts; and that in each of these pilots would be examined as to their qualifications and would operate in their own waters. The pilots of the district of Quebec would have nothing to do with any other portion of the river, and the same would be true of the pilots of the Saguenay. Now if I understand the Bill rightly, it merges the Saguenay district and the Quebec district into one, and there will be only two divisions.

Hon. Mr. CASGRAIN (de Lanaudière)—There will be two districts it is true, but the qualifications for pilots will remain the same and they will be attached to their respective districts as heretofore.

Hon. Mr. FERGUSON—When the Saguenay district is merged in that of Quebec, I would say that the Saguenay pilots would be liable to be called upon to perform service anywhere within the district of Quebec.

Hon. Mr. SCOTT—I am informed by the department that there are four pilots who are allotted exclusively to the Saguenay. The pilots who run between Quebec and Father Point do not go up the Saguenay. My hon. friend will recollect that last year one of the Montreal steamers met with a serious accident by running on the rocks, and at that time a question arose as to whether the pilots of the Saguenay were properly instructed. Since that time these four men, who are familiar with the Saguenay river, have been set apart exclusively for work there, and do no other work outside.

On clause 2,

Hon. Mr. POWER—I think it is a pity that the wording of this clause is not the same as the clause in the Shipping Casualties Act of 1901. Under section 8 of the Shipping Casualties Act 'the minister may appoint any officer of the government of Canada, or any judge of the county court, or any judge of the Superior Court of the province of Quebec, or any stipendiary magistrate, to be a commissioner for the purposes of such investigation; and such commissioner shall be deemed a court for such purpose.' I think it is a pity that in the present instance some such language as that has not been used. By the present Bill the minister may, in any case not provided for in the Shipping Casualties Act—and the offences of pilots are not provided for in that measure—designate a tribunal or officer to try any such offence.

Hon. Mr. BAKER, from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

Hon. Mr. SCOTT moved the second reading of Bill (132) An Act to amend the Government Railways Act. He said: From time to time there has been an expression of opinion that it would be a good thing if the Intercolonial Railway had an outlet on Georgian Bay and the waters leading to Lake Superior; and while there is nothing immediately in contemplation, a favourable opportunity has arisen for obtaining running rights over the Canada Atlantic Railway. Legislation is now being sought by which the Canada Atlantic Railway will be transferred to the Grand Trunk Railway Company, and it is thought advisable, in accordance with the policy which has been observed by parliament for many years, to provide for the running of the trains of the Intercolonial Railway over the line of the

Canada Atlantic. This Bill therefore gives authority, if circumstances should warrant it, or if it should be considered a proper policy to adopt, to run the trains of the government railway over the Grand Trunk line between Montreal and Côteau and over what is now the Canada Atlantic line from Côteau to Parry Sound. No charge will be involved unless the trains of the government railway actually make use of these lines, but this is a favourable opportunity for taking the running powers I have mentioned.

Hon. Mr. MACDONALD (B.C.)—Would it not be better to have the Intercolonial Railway given over to some company ? It is a useless line and is losing money every year. At the time it was built there was no communicaton between Montreal and the maritime provinces. Now there are other lines of communication, and they are making money.

Hon. Mr. SCOTT—Address the members from the maritime provinces.

Hon. Mr. MACDONALD (B.C.)—The maritime provinces have other railway communication now, and this road should be given up as a government line altogether, and transferred to some company.

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

GRAND TRUNK PACIFIC RAILWAY COMPANY BILL.

SECOND READING.

Hon. Mr. WATSON moved the second reading of Bill (115) An Act respecting the Grand Trunk Pacific Railway Company.

Hon. Mr. de BOUCHERVILLE—Before the second reading of this Bill I should like to get some information from the hon. member. In one clause of the Bill it is stated that one of the parties is the National Trust Company, which is mentioned as being incorporated in Ontario. I have looked into the statutes of Ontario and have had some other people do so but cannot find it there. Will the hon. gentleman tell me where I can find it ?

Hon. Mr. WATSON—I understand the National Trust Company is incorporated in Ontario, and doing business in Montreal. The Bill deals with the financial arrangements of the company. Those questions can be better answered in the committee.

Hon. Mr. de BOUCHERVILLE—I think the hon. gentleman does not understand my question. Having myself looked into the Ontario statutes and had others also look, we have not been able to find the charter of this company. Will the hon. gentleman tell me where I can find it ?

Hon. Mr. KERR (Toronto)—It is a company incorporated under the Joint Stock Companies' Act.

Hon. Mr. de BOUCHERVILLE—Where could I find the charter of incorporation ?

Hon. Mr. KERR (Toronto)—It is incorporated under a general Act providing for the incorporation of such companies, and the notice of incorporation will appear in the Ontario 'Gazette.' It is a company of some years standing.

Hon. Mr. de BOUCHERVILLE—I have had information from another that the charter canont be found. Perhaps the hon. gentleman can tell me in what year the company was incorporated.

Hon. Mr. KERR (Toronto)—Speaking from memory I should say seven or eight years ago.

Hon. Mr. de BOUCHERVILLE—The hon. gentleman from Manitoba (Hon. Mr. Watson) does not know himself.

Hon. Mr. WATSON—No, but I have frequently seen the name in Ontario. I have no doubt the notice of the organization of the company will be found in the Ontario 'Gazette' and the information can be got from the secretary's office.

Hon. Sir MACKENZIE BOWELL—I have no doubt the hon. gentleman can obtain the information if he will apply to the solicitor of the Grand Trunk Railway Company.

Hon. Mr. WATSON—I promise the hon. gentleman that when this Bill goes to committee, I will undertake to get the solicitor to supply the information.

Hon. Mr. de BOUCHERVILLE—Would the hon. gentleman have any objection to putting off the second reading until he gets the information ?

Hon. Mr. WATSON— I should like to see this Bill pass its third reading with as little delay as possible. I am informed by the Grand Trunk Railway people that they have already made financial arrangements with the Rothschilds for a large amount of money, and the completion of the financial arrangements is waiting the passing of this Bill. Rather than put it off, I would suggest that it be allowed to pass as a matter of urgency. I understand the Railway Committee will be called to-morrow, and I was going to ask the House to suspend the rules and let it go to the Railway Committee to-morrow. All the information asked for by the hon. gentleman will then be cheerfully furnished by the solicitor of the company, who will be present.

Hon. Mr. de BOUCHERVILLE—I understand the gentleman takes it upon himself to get the information and give it to the House to-morrow.

Hon. Mr. WATSON—I undertake to give it in the Railway Committee to-morow.

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

Hon. Mr. WATSON moved the suspension of the rules so far as they relate to this Bill.

Hon. Mr. de BOUCHERVILLE—I object.

Hon. Mr. WATSON—Does the hon. gentleman persist in his objection ?

Hon. Mr. de BOUCHERVILLE—Certainly. To-morrow I will get the information the hon. gentleman undertakes to give.

Hon. Mr. WATSON—The hon. gentleman has a perfect right to object, but I should like to point out to him that to-morrow the Railway Committee will meet, and we are then likely to have an adjournment for a few days. The Grand Trunk Railway Company were anxious that this Bill should be passed before our last adjournment. I undertake to promise that the information asked for by the hon. gentleman will be furnished to him in the Railway Committee, to-morrow, before the Bill is taken up at all, and if not we will not proceed with the Bill.

Hon. Mr. de BOUCHERVILLE—The answer to that is very apparent. Even if I withdrew my objection and the Bill were allowed to go to the committee to-morrow, the Governor would not be here to sanction the Bill. We can pass the Bill on Friday if it is not amended, or at latest it can be passed on Tuesday next. Even if it were passed now it could not be sanctioned before that, so that the hon. gentleman is not losing anything by my insisting on the observance of the rule.

Hon. Mr. SCOTT—I have myself personal knowledge of the standing of this company. I have had communications with them, and know of them, and there is no manner of doubt as to their having been in existence and doing business for a number of years. I dare say there are other hon. gentlemen present who can make the same statement.

Hon. Mr. de BOUCHERVILLE—If I had a copy of the Act incorporating the National-Trust Company, I might perhaps find that it has no power to do business outside of Ontario. I do not say that it is so, but it might be so, and therefore it is almost necessary for those who wish to look through the Bill, to know what the powers of that company are. The answer first given me was that the company was incorporated this year. I wrote to the clerk at Toronto and got no reply. I insist upon the rule being observed.

Hon. Sir MACKENZIE BOWELL—I should like to add that while I do not know anything about the powers of the National Trust Company, I know it is one of the most responsible companies in Ontario. The president is Mr. Flavel, one of the wealthy men of Toronto, and the Hon. S. C. Wood, formerly treasurer of the province of Ontario, is a director. I know the company is composed of the very best men in Canada and financially stands higher perhaps than any other trust company we have. I could not give the information my hon. friend asks for ; I am merely speaking of the company itself and those who are managing it.

Hon. Mr. de BOUCHERVILLE—I do not doubt the respectability of the company, but I want to see the charter of incorporation, that is all.

Hon. Mr. MACDONALD (B.C.)—Can the hon. gentleman say why this voluminous Bill comes up at this stage of the session, after we have been here nearly six months ?

Hon. Mr. WATSON—I think the Bill almost explains itself. The Grand Trunk

Pacific people have been able to make certain financial arrangements, and this is a Bill authorizing them to carry out those arrangements. The Bill must pass before they can consummate the financial transactions. No doubt the hon. gentleman is aware of the fact that such matters cannot be completed in a short time. I should like to repeat that if the hon. gentleman will allow this Bill to go to committee I will undertake that unless he is perfectly satisfied that this trust company has a right to do the business referred to in this Bill, I will ask that the measure be allowed to stand, and it will not be proceeded with in the committee to-morrow. I repeat,—I pledge myself that the Bill will not be proceeded with to-morrow, unless he is perfectly satisfied that this company is entitled to do business outside of Ontario.

Hon. Mr. de BOUCHERVILLE—I am sorry I cannot accede to the hon. gentleman's request, for this reason. I want to see the charter of incorporation to ascertain what powers they have. There are some things in this Bill to which I shall object under certain circumstances. The hon. gentleman does not gain or lose anything by postponing the consideration of the Bill.

Hon. Mr. KERR (Toronto)—I suggest that it could be arranged to get the required information and place it in the hon. gentleman's hands this evening. He will find that the company is incorporated and possesses all the powers which are necessary. Not only that, but the company was incorporated under the most careful supervision and is a company of the very highest standing. I would ask to have this motion stand so as to see if we can get the information before the House rises.

Hon. Mr. de BOUCHERVILLE—I object.

EDMONTON BOOM COMPANY BILL.

SECOND READING.

Hon. Mr. YOUNG, in the absence of Hon. Mr. Ross (Regina), moved the second reading of Bill (No. 119) An Act to incorporate the Edmonton Boom Company.

Hon. Sir MACKENZIE BOWELL—What is the purport of this Bill? We had a good deal of discussion last year in connection with a proposition to boom one of the western rivers as affecting the navigation of the river. I think the river at Edmonton is navigable.

Hon. Mr. YOUNG—I think the objection is covered by clause 10 of this Bill which provides:

> 10. Nothing in this Act contained shall authorize the exercise of any power conferred by this Act so as to interfere with free navigation on the said river or any of the waters tributary thereto, or to the detriment of the free and uninterrupted passage of any timber, saw-logs, pulpwood, or other lumber, belonging to persons other than the company.

I fancy that this provision will remove the objections we had against the Bill of last year. In referring the Bill to the committee I trust they will exercise the same careful supervision over navigable waters as we did in the Bill to which my hon. friend has referred. If the interests of the public are not sufficiently protected, the committee should see that the Bill is so amended that all the users of the river will be amply protected. I am at one with the hon. gentleman on that point.

Hon. Mr. KERR (Toronto)—Should not this Bill be referred to the Committee on Miscellaneous Private Bills?

Hon. Mr. YOUNG—I thought so last year in dealing with the Bill to which reference has been made. That Bill was, however, referred to the Committee on Railways, Telegraphs and Harbours and by that committee to a sub-committee, as it dealt with a navigable river.

Hon. Mr. KERR (Toronto)—Former Bills of this kind have been referred to the Committee on Miscellaneous Private Bills.

Hon. Mr. DAVIS—The Committee on Railways, Telegraphs and Harbours deals with questions affecting navigation, and is the proper committee to consider this Bill.

Hon. Sir MACKENZIE BOWELL—I do not think my hon. friend from Toronto was present at the time we had the discussion on the Bill to which I have referred. That Bill was sent to the Committee on Railways, Telegraphs and Harbours for the reason that the works which it authorized might affect the navigation of a river. It received a great deal of consideration.

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

BILL INTRODUCED.

Bill (PP) An Act to amend the Railway Act, 1903, with respect to the amount of securities to be issued by railway companies.—(Hon. Mr. Davis.)

THE PROROGATION OF PARLIAMENT.

Hon. Mr. ELLIS—Can the hon. Secretary of State give us any idea when parliament will be prorogued? This has been an exceedingly prolonged session, and members would like to get some hint, if the hon. gentleman is in a position to give it, as to when we may be released from our duties here.

Hon. Mr. SCOTT—I am afraid I cannot undertake to foreshadow when parliament will prorogue. I have several times believed that I could, but when the day arrived I found that we were still some distance from prorogation.

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

SENATE.

Ottawa, Thursday, June 29, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

The Order of the Day being called:

That the Senate give instructions to the proper officer of this honourable House to pay the balance of the accounts due to the counsel-at-law and expert witness for services rendered by them to the special committee appointed during the last session of the Senate, to investigate the affiairs in Canada of the Mutual Reserve Fund Life Association of New York.

Hon. Mr. CLORAN—In regard to this notice of motion, I am not aware whether or not the documents which I require have been laid before the House. I understand the hon. member for Rothesay (Hon. Mr. Domville) has asked that certain accounts be produced in regard to the special committee, but I do not know whether they have yet been brought down.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. SCOTT—They were laid on the table yesterday.

Hon. Sir MACKENZIE BOWELL—The hon. Secretary of State will remember that yesterday I asked him to lay on the table a statement of the action which had been taken by the Department of Justice in reference to these accounts, and he promised to do so.

Hon. Mr. SCOTT—I have the information here. I was going to read it and then lay it on the table.

Hon. Mr. CLORAN—Under the circumstances, as I have not yet seen the papers, I would ask that this notice of motion be allowed to stand until I am in possession of the documents.

The motion was allowed to stand.

AN ADJOURNMENT.

Hon. Mr. SCOTT—Before the Orders of the Day are called, I desire to say that as Saturday will be Dominion Day, and as there is really nothing on the order paper for to-morrow, there seems to be no objection to the House adjourning, if it is the desire of senators, until Tuesday of next week.

Hon. Sir MACKENZIE BOWELL—There are a number of localities in which Dominion Day is celebrated on Monday, and I would suggest that the House should meet on Tuesday at eight o'clock instead of three. Parties living between Brockville and Toronto require to leave home on Monday in order to reach here in time for the sitting at three o'clock on Tuesday.

Hon. Mr. MILLER—Why not say Wednesday of next week?

Hon. Mr. DOMVILLE—I would suggest to the hon. Secretary of State that members from the maritime provinces who desire to visit their homes would find it a great convenience if adjournment could be made until Wednesday of next week.

Hon. Mr. SCOTT—I move that when the House adjourns to-day, it do stand adjourned until Wednesday, July 5th, at 3 p.m.

The motion was agreed to.

THIRD READING.

Bill (134) An Act to incorporate the Provident Financial Association, Limited.—(Hon. Mr. Casgrain, de Lanaudière.)

INVESTMENT OF FUNDS OF LIFE INSURANCE COMPANIES IN SECURITIES OF TRUST COMPANIES BILL.

SECOND READING.

Hon. Mr. McMULLEN moved the second reading of Bill (OO) An Act to amend the Insurance Act as respects the investments of funds of Life Insurance Companies in securities of Trust Companies. He said : In rising to move the second reading of this Bill I do so because I consider that the experiences which have fallen to the lot of policy-holders on the other side of the line have been so disastrous that it is well that we should carefully guard the interests of life insurance companies in Canada. I have no desire whatever to cast any reflection upon any of the stock companies that we have here. Canadian life insurance companies have a very creditable record, but while that is the case, parliament is justified in reviewing life insurance legislation from time to time when there are evidences of necessity of amendment. I think we should not hesitate to amend in the direction of giving the policy-holders the best possible security for the payment of their policies.

Life insurance is one of the most important methods of laying by for old age or of providing for and educating families. The Life Insurance Act should be carefully framed with a view of affording the largest possible measure of safety to policy-holders. The law under which they operate should be amended from time to time as experience points out the necessity for amendment.

I am pleased to say that Canadian companies have been admirably handled so far, especially stock companies, so as to meet all obligations. I regret we cannot say the same regarding foreign companies.

In order to carefully provide for the reserve to be held by companies the government have cut down the estimated earning power of their investments from 4½ to 3½ per cent, and while doing that they have not in any way limited the schedule of methods in which they may invest.

Of recent years trust companies have figured conspicuously in financial circles on the other side of the line. Their stocks have run up enormously, in many cases to ten times their face value, while in other cases trust companies have brought very serious financial disasters upon those who held their stocks. I noticed a recent case where a trust company which held a very creditable record financially for many years, was compelled, owing to some unfortunate speculation, to liquidate and the stockholders got only some 30 cents on the dollar. While life insurance companies are permitted to invest their money in the stock of fire insurance companies, I do not know how far it is advisable that such should be done. We know that in the recent disastrous fire in Toronto there were some stock companies whose stock was almost completely wiped out. Now, fire insurance companies' stock is more of a speculative investment than anything else. It may yield a good revenue and it may yield no revenue at all. I contend that as a safe investment it is not desirable that life insurance companies should put their money either in the stock of trust companies or of fire insurance companies,—not because we have not good trust companies in Canada, for I quite admit that our trust companies have a creditable record and that they are a credit to the country and to those who handle them ; but it is hard to draw the line between companies of that kind now doing business amongst us, such as the Toronto General Trusts which is undoubtedly a strong financial institution and the National Trust Company; and other companies that may be formed for entirely different purposes. I would not attempt to cast any reflection on existing institutions of this kind, but I contend that trusts have in some instances been formed for purposes that have proved disastrous. As it is hard to draw the line, we must deal with all trusts in the same way.

It is quite natural that companies should press for unlimited privileges in earning a revenue, not so much on account of the policy-holders as on account of the stockholders. But the duty of parliament is to look after policy-holders; stockholders can look after themselves. Now there are over forty different ways in which life insurance companies can invest their funds. They have unquestionably the privilege of invest-

ing in all the best ways that can be conceived of, and they are only barred from investing in speculations of a hazardous character. Any person who will look over the long list of different ways in which they can invest their money will come to the conclusion that in some cases it might be well to eliminate some of these methods. There are too many life insurance companies in Canada to-day and the cost of every additional million of insurance is becoming greater. New companies that have to buy their business are bound to come to grief financially, either to policy-holders or stockholders, or perhaps to both. But this is aside from the question under consideration. My object in striking out 'trust companies' is that the word covers a great many organizations, some of which may be questionable institutions. Trust companies can be formed for all kinds of mercantile and speculative purposes. If success follows, all right; but if unsuccessful the stockholders will lose seriously. The danger is that the directors of life insurance companies may become stock-holders in trust companies. Such a thing has occurred on the other side of the line, and we all know that to-day very serious apprehensions are entertained by many of those who hold large amounts of insurance in life insurance companies. I know myself several cases where men actually hesitated whether it was better to lose what they had already paid, or to continue paying with the hope that at the end of a number of years they or their families might be permitted to reap some return. The feeling has been, and is to-day, that the individual directors of life insurance companies should not be permitted to take stock in trust companies, and thus drain into their private funds the funds of life insurance companies. That has occurred in some cases, but whether the law of this country will tolerate that kind of thing or not I do not know. If it does we certainly should amend it. Take the following case as an illustration: Suppose a trust to be formed for mining, manufacturing or developing enterprises. The capital stock is, say half a million, issued as preference stock, bearing 6 per cent. The promoters take $100,000 and the life company of which they are directors, take $400,000 and in addition to this they issue watered stock for $500,000 worth, a percentage of which they place upon the market at a reduction below par and get money to spend in development; pay themselves well for services and possibly recoup themselves for every dollar they have put in. If the enterprise is successful all right, if not they are 'out from under' and the other stockholders will suffer. This, in my humble opinion, is a feature of the present condition of the law that might possibly be taken advantage of by unscrupulous directors of life companies and the moneys contributed for the purpose of meeting maturing policies might be lost. Now if our law will permit that kind of thing to be done the sooner it is altered the better. I am not here insinuating at all that any board of gentlemen presiding over the affairs of any life insurance company in Canada would be guilty of doing anything of that kind, but if the law is such that they might do it, then it is well that we should amend it so as to prevent organizations of that kind getting the use of money belonging to a life insurance company and virtually the property of the policy-holders.

The Equitable Life is to-day struggling with difficulties which are the result of extravagant and unscrupulous action on the part of the directors, and its receipts have been seriously crippled in consequence. In May last its receipts were $80,000,000 less than the same month in 1904, and the May terminations were very much larger than usual. This shows how reports being spread with regard to the improper handling of the resources and funds of a life company may have a serious effect. Since the exposures which have taken place in connection with the Equitable Life, the best men on the board of the company have resigned, and their places, I believe, have been taken by other men. For some months past the constant experience has been quarrelling on the part of the directors, who charge each other with speculating with the society's funds, until it has terminated in the resignation of all the prominent directors.

The securities in which life insurance companies are permitted by law to invest should be carefully defined and classified. At the present time there is no classification of these securities; they are all included under one head, whether they are first-class, second-class or third-class. Now I claim that

the methods by which these companies may invest their funds should be classified, and a life insurance company should be required to hold a large percentage of first-class securities, perhaps a less percentage of second-class, and a very limited percentage of securities of the third-class. First-class securities might be defined to be Dominion debentures, provincial debentures, and possibly county debentures, as well as the stocks of our best banks which have a rest above a certain amount. I think it would be easy to find a very large number of first-class securities. Then we come to second-class and third-class securities which possibly might include mortgages on real estate in towns and villages. Mortgages on farm property I would consider first-class security, if they are not drawn for more than say 60 per cent of the actual cash value of the property.

If all these companies are allowed to conduct their business without any classification of this kind, a very large amount of the assets of a company may be held in securities of a very questionable kind. They may be found investing their money in mortgages on property in towns and villages, and I have even known a number of cases where life insurance companies have invested money in mortgages on frame houses. That cannot be looked upon as first-class, or even second-class security. It is not right to place a company which has a large amount of its means invested in that way on the same footing with a company which has invested in the best securities the market will afford.

I think it is time we had a recast of the different ways in which investments may be made, so that they may be suitably scheduled. The aim and object of the Act should be, safety first and rate of interest second. The Equitable Life Insurance Company of the United States has a capital stock of $100,000. It does a large business in Canada and has on deposit with the Insurance Department $642,000 of the stock of the Mercantile Trust Company of New York, valued in our books and the books of the inspector at $6,420,000. That is $10 for every $1 of actual face value. This stock is deposited in Canada as a guarantee to the policy-holders of this company that the obligations of the company will be met at maturity. I do not know whether the department gives them credit for the whole $6,420,000 or merely for the face value of $642,000.

Hon. Mr. MACDONALD (B.C.)—That is a very important point. Who makes the change in the valuation ?

Hon. Mr. McMULLEN—It is carried out in the column at $6,420,000, and added up as representing that amount. That is supposed to be the market value, and the company is credited in the books of the Insurance Department for that amount, as will be seen at page 189 of the report of the Superintendent of Insurance for 1903. Where a company appears before the policy-holders of Canada as having such an enormous deposit in the hands of the Canadian government, of course it gives them a very great prestige, and enables their agents, when soliciting insurance, to point to the report of the Superintendent of Insurance and say : 'We are only required to have a certain amount of money deposited with the Canadian government, but our people have actually deposited $6,420,000 as a guarantee for the payment of policy-holders in Canada.'

Now, if the Mercantile Trust Company of New York should enter into some very questionable enterprise and were to lose a large amount of money, there would certainly be a very serious depreciation in the value of that stock ; and, for this reason, I hold that it should be stipulated that stock of a more reliable, permanent, fixed value should be deposited rather than stock subject to fluctuation, such as the Mercantile Trust Company of New York. Then again the Mutual Life Insurance Company of New York, which also does a large business in Canada, has on deposit in the Finance Department $300,000 of the stock of the Guaranty Trust Company of New York. The par value is $300,000 ; the book value is set down at $439,148 ; but the market value, and the value which is extended in the Insurance Report and credited to the company, is $1,800,000 ; that is to say, six dollars for every dollar of face value. I do not know the history of these companies; the possibility may be that they have paid a large dividend in past years. That is the only thing which could entitle them to such a high market value for their stock. They must have paid immense dividends to entitle them

to such a favourable valuation in the books of the department. Stock of the United States Mortgage and Trust Company of New York is also deposited by the Mutual Life to the value of $300,000. The book value of this stock is $464,649; the market value, the value at which it is credited in the Insurance Report, is $1,200,000, or four times the face value of the stock. It is the market value in every case for which credit is given in our Insurance Report; and these are the securities that are held as a guarantee for Canadian policy-holders.

There is another fact in connection with life insurance which deserves serious consideration. We know that some companies in Canada have a very limited capital stock, although they carry a very large amount of insurance. I do not wish to criticise any particular company, but I will take the case of the Canada Life. It is one of the largest and can afford to be criticised, because its standing is good. The stock of the Canada Life is $1,000,000, which I believe is fully paid up. The responsibilities of the company to policy-holders amount to $26,000,000. Something like that amount has been paid in from time to time, including the stock held by policy-holders. Their board, I think, includes nine persons elected by the stockholders representing the $1,000,000 capital, while there are only six elected by the policy-holders as representing the $26,000,000. It may be claimed by the stockholders that it is their institution and that they have a right to control it. That may be true to a certain extent, but I think there should be an alteration in the law. Let us say that there are 50 or 75 stockholders in the Canada Life who are eligible by reason of the stock they hold to be elected as directors of the company. Four or five of these stockholders may get control of a sufficient amount of stock to elect themselves to the board of directors from year to year; and they can hold their positions in spite of either policy-holders or the other stockholders. That is not a desirable condition of things. I would give the policy-holders the right to vote for the election of directors, whether stockholders or policy-holders. Suppose there are ten stockholders to be elected as directors, in a case where there are 50 stockholders eligible to be directors, why not allow the policy-holders to say which ten of the 50 shall occupy seats at the board? Why say that the stockholders shall simply cast their ballots for directors who are stockholders?

As it stands now, in the case of the Canada Life, the policy-holders are allowed to elect only six members of the board. I would say that the policy-holders should be allowed by their ballots to choose ten out of the fifty stockholders that they want as directors. They must elect ten stockholders, but let the policy-holders say which ten of the fifty they want. That would largely destroy the monopoly that is created by one or two stockholders getting possession of a very large amount of the stock. I know of cases where an effort has been made to control other companies in the same way. I hold that any policy-holder who has paid up the premiums on his policy for three years should have the right to vote for the directors who are to handle the funds of the company. At present, in the case I have referred to, the stockholders elect nine directors and the policy-holders six; but I say it is wrong that the stockholders who represent say a million or half a million dollars should elect nine of the directors and that the policy-holders, representing the great bulk of the means of the company should elect only six. That is a feature of the present condition of things that well deserves consideration. I am a director of a company myself. I am perfectly willing, if the policy-holders of that company should get the right to cast their votes as to which of the thirty or forty stockholders shall be directors, that they shall exercise that right, and if I am not put on the board, I am quite willing to accept whoever they choose, as long as they choose stockholders. They cannot go outside of the stockholders. That would end this state of monopoly created by allowing stockholders to buy up the stock and elect whoever they like as directors, thus perpetuating a condition of things which in the end may be very disastrous to the company. I do not claim for a moment that I have given this question all the serious consideration it deserves. My attention was drawn to the condition of things in the United States, and I am only desirous of protecting Canada against the results which possibly may follow our leaving the way open to-day as it is for the investment of life insurance funds. I am perfectly

willing to drop the Bill if the government will say that they will take the whole question up, give it fair and careful consideration, and possibly bring in, next session, a Bill that will cover the ground. I have discussed the question with the Inspector of Insurance and I have also spoken to the Minister of Finance. He expressed his desire to have a discussion upon the whole question and thought it could not do anything but good, because it is an exceedingly important matter. There are no other institutions in this country in which the people are as deeply interested as they are in life insurance companies. In many homes it may almost be said that families are depriving themselves of the necessaries of life in order that payments may be made on life insurance policies, and it is therefore the duty of parliament and of the government to prevent as well as they can by legislation, the funds created to pay maturing policies, from being squandered. I consider that it is the duty of the government to take steps to guard very strictly the resources of these people, and to declare that when they pay money into life insurance companies everything that can be done will be done to ensure the safety of their policies. Life insurance companies may say: 'You are going to cripple us by depriving us of the right to invest money in many ways in which we can earn a larger return than we can if you restrict our privileges,' but the duty of parliament is above all things to make those institutions safe. That is the first consideration, and while we desire to do everything that is reasonable to enable them to get the best returns from their investments, we should endeavour to make them as absolutely certain as we possibly can by restricting them from entering upon speculative investments. Our object should be to secure to the policyholders the certain payment of their policies.

Hon. Mr. ELLIS—The hon. gentleman with his usual care has prepared a great variety of figures bearing upon the general question of life insurance. It is a matter that might make an excellent speech if that question was up, or it would make a good magazine article. He has not, however, addressed to the House any argument in favour of the Bill which he has presented. Indeed the hon. gentleman practically disposes of the question by admitting that there is no trouble, so far as he is aware, with the trust companies of Canada. That being so, it seems to me the hon. gentleman might have considered some time before he proposed a Bill to the House, the effect of which is to discredit and throw doubt upon the standing of the trust companies of Canada. He would put the parliament of Canada in this position, that if they pass this Bill they would have selected from the large number of institutions in which these life insurance companies may invest their funds, a particular kind of company of which several exist in Canada and which have a number of people more or less dependent on them. The hon. gentleman admits there are good trust companies in Canada; he has hardly been fair to the trust companies. I have no interest in the matter whatever, inasmuch as I am not interested in trust companies, but we ought to hesitate before passing such a measure as this. I understand from the hon. gentleman himself that he does not propose to proceed with his Bill, but it appears to me in the mere introduction of it, on a question affecting the general business of life insurance, he has gone somewhat further than he should have gone on this occasion.

Hon. Sir MACKENZIE BOWELL—I wish to call attention to some remarks of the hon. gentleman which might leave a wrong impression on the minds of those who read his speech and throw a doubt on the securities which the government accept from the different companies. I do not think the hon. gentleman has any reason to apologize to the Senate for having brought this subject under its consideration. I know of no subject that is of greater importance to the community generally, and more particularly to those who invest in life insurance, than the question of the security which should be given by life companies to ensure the payment of policies on the death of those who have taken risks in the company. But a moment's reflection will show the hon. gentleman that the proposition he makes will not meet the object he has in view. To those who have given any attention to the trust companies of Canada it must be apparent that they are as safe investments as can be found either for life insurance companies or

any one else. The hon. gentleman's object, if I understand it, is not so much to prevent—although his Bill provides for it—the investment by life insurance companies in the stock of trust companies, as to prevent directors of life insurance companies from constituting themselves trust companies, and loaning the funds of the life company to the trust company. In the United States, this has been done lately, and the investment by the life company in the trust company, where the same people are the controllers of the life company and stockholders in the trust company has had a bad effect. Where the investment is profitable they put so much money in their pocket, but if not the result has been that the life companies have suffered thereby. That I take to be the reason why the hon. gentleman has brought this matter before the House. He admits, as we all know, that no evil results have followed from the investment of the funds of life insurance companies in Canada. There was one point to which he called the attention of the House, which brought forth the remark from the hon. gentleman from Victoria (Hon. Mr. Macdonald) that it was a very important point. If correct, what he stated would show that there is laxity of duty on the part of the government in accepting bonds and securities, which are placed in the hands of the government for the protection of policy-holders. When my attention was called to it about half an hour ago, I was under the impression that the market value was not the value taken by the government.

My recollection was that no securities of that character were accepted unless at a discount. I know when I was on the Treasury board, during a period of some fifteen years, a discount of ten per cent—not upon the market value, but upon the par value—was made, and the regulation goes even further than that. The par value of a security is taken from which ten per cent must be deducted, so that in every one hundred dollars these securities are accepted at a value of ninety dollars. But there is a provision to make it still more safe; if there is anything transpiring which reduces the value of the securities below par, then the government, under the regulations, order an investigation as to the actual market value of the securities which they hold and if it be dropped to say seventy-five per cent, then the security must be supplemented by an additional deposit. In order that there may be no mistake on that point on the part of the portion of the community who are interested in the life insurance companies, I will read the regulations referring particularly to what my hon. friend has mentioned. These regulations were adopted on the 14th June, 1900. Under the previous government the deduction from the par value was ten per cent. I notice in this regulation the present government have reduced the ten to five per cent. I suppose they considered five per cent was sufficient protection, under the rules and regulations. The rules will be found on page 37 of the report of the Superintendent of Insurance of the Dominion of Canada for the year 1903. Rule No. 1, provides :—

1. That Canadian municipal securities, Montreal harbour bonds, Canadian Pacific land grant bonds, United States State securities and loan companies' debentures (where such securities are in all respects acceptable to the Treasury board) be hereafter accepted at 95 per cent of their market value at the time of deposit, such accepted value in no case however to exceed par.

So that the speculative character of a security is not taken into consideration at all. If it were, it would be a very dangerous policy to pursue, because the hon. gentleman has given us instances where the par value of the stock of some companies to which he called attention was about $600,000, while the market value of the same stock was over $6,000,000. It will be observed that the rule to which I have called attention refers to special securities. The second paragraph is as follows:

2. That all securities of the classes mentioned in the preceding clause (1), which have been heretofore deposited and are still in the hands of the Dominion government at Ottawa, or in the hands of the Bank of Montreal, London, England, on behalf of the government, be revalued upon the basis set out in said clause (1).

The third paragraph reads as follows:—

3. That for the purpose of such re-valuation the various insurance companies by which such securities have been deposited be required to furnish from time to time when called for by the superintendent, schedules thereof giving the full particulars of such securities, including their par and market values, such par and market values to be certified to by a competent valuator or appraiser.

The appraiser would be appointed, probably, by the superintendent of insurance, so that the fear which my hon. friend had, and which most people might have in reading the report that is presented to parliament, has no real foundation. Every care was taken under the old government—and I am sure the same thing applies to the present government, as these rules prove—to secure the policy-holders. I do not care to enter into the other questions to which the hon. gentleman has called attention, more particularly the right of the policy-holders to vote. My principal object was to prevent an incorrect impression being left upon the minds of those who may read the hon. gentleman's speech that there is not that security provided for the policy-holders which is really prescribed by the regulations.

I hope my hon. friend will not press this Bill at present. The Finance Minister, a few days ago, in dealing with a short Bill to increase the directorship of a bank, laid down the principle, and I think it is a very correct one, that it would not be in the interest of the banks generally to pass a special Act dealing with one bank. He intimated that he intended to introduce a Bill giving certain rights and privileges to all banks alike. Some doubt the advisability of that; others do not. For my part, I think it is a good provision; and, as I understand, the Insurance Department, under the instruction of the government, intend to consider this whole question during the recess and to provide for any cases which they may think necessary in the interest of the policy-holders, particularly in the direction of investments. That being the case, I am strongly of the opinion that it would be better to allow the matter to stand until next session, and let the government deal with the whole question. I observed that the hon. Minister of Trade and Commerce was about to rise a short time ago, and possibly he will intimate something as to the course the government intends to take.

Hon. Sir RICHARD CARTWRIGHT—It is quite impossible to exaggerate the importance of the question which my hon. friend has brought up; and it is the more important because of the proportions to which life insurances have increased throughout Canada within the past few years. Speaking from memory, I believe the whole volume of life insurance in Canada is between seven and eight hundred millions of dollars—three or four times the total amount of the national debt. The present government, and the preceding government as well, have laid down the principle that in view of the enormous importance to the people of Canada of having proper safeguards cast around the provisions for the support of families, and in many cases for support during old age, which are represented by life insurance policies, the government should institute a Department of Insurance, and see that examination is made from time to time into the solvency of the various companies. Both governments have done this to the best of their ability. My hon. friend, in introducing this measure, stated that he brought it forward, not with the idea of pressing it to a conclusion at this moment, but simply to call the attention of the government to the great importance of seeing that these safeguards were thoroughly well maintained. His object is an excellent one—the government fully recognize that; and I believe my hon. friend the Minister of Finance, under whose charge the affairs of the insurance companies have been placed, intends to look carefully into the whole matter during the recess, more especially because public attention has been directed by events which have occurred in a neighbouring country, to some dangers which are incident to the accumulation of very great funds in the hands of persons not having perhaps that direct interest in their management which would effectually protect the interest of the policy-holders. My impression, however, is that in the United States, as well as in Canada, the Superintendents of Insurance in the various states have large powers which they exercise pretty freely for the protection of policy-holders.

As to the particular point which my hon. friend has brought up, whether trust companies' stock should be exempted or not, I would call the attention of the House to the very wide range—a much wider range than I think was originally intended—given to possible investments under the Insurance Act. I find that under that Act insurance companies are permitted to invest in—

The debentures, bonds, stocks or other securities of any building society, loan or investment company, trust company, water works company, water power company, gas company, navigation company, street railway company (by whatever power the railway is operated), electric light or power company, heat and light company, rolling stock company, bridge construction company, harbour trust company or commission, telegraph, cable or telephone company, dock company, fire insurance company, or the debentures or bonds of any steam railway company, which has earned and paid regular dividends upon its ordinary preferred or guaranteed stocks for the two years next preceding the purchase of such bonds or debentures.

And there are other provisions under which investments may be made in—

The debentures, bonds, stocks or other securities of Canada, or of any province of Canada, or of any municipal or public school corporation in Canada.

I think the hon. gentleman has done a service to the community in calling attention to the very wide range which has been given to the class of investments which may be taken under the Insurance Act, and it may be well for the government during the recess to revise the Act and to look into the whole question. Nevertheless there is no power on earth that I know of which will take the place of care and prudence on the part of directors of these companies. For example, let us take one of the cases which my hon. friend has mentioned. If the directors of a company choose to invest in mortgages of an indifferent description, it is almost impossible for the government by any method of supervision to protect the policy-holders effectually. It is much easier for the government to form a just estimate of the value of stock of any description than of mortgage securities of a certain class. Those who have had to deal with real estate are very well aware of this fact.

Other questions have been alluded to involving private rights of a complicated and difficult character. I am not prepared to say what could or might be done in the case of stock companies, as they are called, where the parties have certain vested rights, which cannot be taken from them without compensation. I think in most cases, the policy-holders are recognized to a certain extent, but the policy-holders after all are a fluctuating and floating body, and, the proposition that the policy-holders should direct the investments either in one way or another in opposition to the stockholders, is one that would require a great deal of consideration before it could be adopted. Behind all this there is another question which I shall merely allude to without in any way outlining a policy on the part of the government. It is a matter which will have to be considered one of these days; that is to say, whether the time has not come when a government, without interfering with the work of the companies which are now in existence, should or should not provide those of its people who choose to ask for it, with life insurance guaranteed by the state. That is a question of great moment, a question on which I have, and I think my hon. friend opposite has also, bestowed some attention in time past, and it is a question which may very well engage the attention of this honourable body and other bodies occupying a cognate position in the legislature. Meantime I would say to my hon. friend that I will take care that the subject is brought under the notice of my colleagues. I think his object has been sufficiently attained in laying the matter before the House, and I would ask him not to press the second reading of the Bill. more especially because it is obvious that a subject of this magnitude could not be dealt with properly at this time, when I trust a very few days more will release my hon. friends from their arduous labours.

Hon. Mr. MACDONALD (B.C.)—Does the Act say anything about progressive security? A company organizes to-day and does a small business but in ten years its business may amount to millions; does the security remain the same? That is a very important thing.

Hon. Sir RICHARD CARTWRIGHT—They are required to increase their deposits in proportion to their business.

Hon. Mr. MACDONALD (B.C.)—That is a matter which should be looked into.

Hon. Sir RICHARD CARTWRIGHT—If I remember right, I myself introduced the original Insurance Act. The object that the government had in view was to make certain that every company doing business in Canada as its business increased, should be obliged to keep in the hands of the government a sufficient sum to re-insure all Canadian policies.

Hon. Sir MACKENZIE BOWELL—That is the law now.

Hon. Sir RICHARD CARTWRIGHT—Yes. As their business increases their reinsurance fund must increase too.

Hon. Mr. KERR (Toronto)—I would venture to suggest to the hon. gentleman who introduced this Bill that a better purpose could be effected by changing the form of the Bill when he introduces it again. The form I would suggest is a very simple one. If a proviso were introduced with reference to the qualifications of the directors of insurance companies, the first qualification should be that they should be honest men, because after all the whole question of investments entirely depends upon the honesty and discretion which may be exercised by the directors in making them. It is idle to talk about providing that they shall not be interested in this or that company. The whole difficulty which has been discussed by the hon. gentleman who introduced this Bill, and every word that he said with reference to the management of the funds of life insurance companies would apply equally to investments in any single company in which a life insurance company may now invest its securities. It does not apply to trust companies only. All the trust companies in this country are above suspicion. But if such investments as have been made in the cases referred to in the United States had been investments in companies other than trust companies, they would have been no better and no worse in the end ; therefore it seems to me the operation of the Bill would be entirely futile, and would not accomplish any good purpose, except to cast a stain upon the credit and reputation of a few trust companies in this country, and it would be absolutely futile in dealing with the class of investments which are set out in the statute here, and which are entirely within the discretion of the directors of companies. If the directors of companies are chosen for business capacity and personal integrity, that is all that can be done, and unless you choose to provide in the statute-book that the directors shall possess those qualifications, I do not see how you can do any better than to leave the shareholders to vote for those whom they think are capable and honest. It seems to me the whole question as to the character of investments is one which must rest with the investors. It is conceded by my hon. friend that investments in good mortgages of a certain standard should be permitted. But what tests are to be made to ascertain whether these mortgages come within that class ? What guarantee have we against fraud? Have there not been many bad investments made in mortgages in this country by insurance companies, by loan companies, and private individuals—even the most astute investors of money? Valuations vary with respect to this class of securities, and they vary with reference to real estate, as we all know, some of us to our cost. They vary also with reference to stocks, bonds and securities of companies, and the only way of guarding against loss by reason of bad investments is not merely to exercise care in the making of an investment, but to exercise care in watching, guarding and checking the investments from time to time. Provision is made for all that in the Act. The case that has been cited with reference to the investments of trusts companies in the United States is one which is entirely within the reach of the department at present. The department is not bound to accept the securities of any trust company in the United States or of any company. It has the discretion of determining whether it will take them, and at what value. They are not bound to give them any particular value at all, nor are they bound to accept them. The superintendent of insurance, in the discharge of his duties with regard to investments of insurance companies, criticises the form and the character of each one, and the insurance companies know that it is their duty, as well as to their interest, to see that unsatisfactory investments are disposed of, and that sound investments are procured to replace them. It comes to be not a question of an Act of parliament, nor of the standing of any particular company or class of company, but a question of the administration of the department, and the insurance department is now clothed with all the authority which is necessary to check the investments, and protect the insurance companies, as well as the policyholders in regard to the character of those investments. It seems to me, therefore, that when the matter comes up again it

should come in an entirely different form from what is now suggested.

Hon. Mr. McSWEENEY—I move that the debate be now adjourned.

Hon. Sir RICHARD CARTWRIGHT—I understand my hon. friend does not press the second reading of the Bill, as his object has been attained.

Hon. Mr. McMULLEN—I am quite willing, on the suggestion of the hon. leader of the opposition and the hon. leader of the government in this House, to drop this Bill for the present session. I am glad that the question has been brought up. I believe that it is certainly an important one, and I only did what I considered to be my duty. If I have erred, it is not because I desired to do an injustice to any company in Canada at all. I was proud to be able to say that we had a good class of life insurance companies in this country, but when we see what is occurring in other countries—that possibly funds may be invested in a way that may hazard the resources of those life insurance companies and eventually prove disastrous to policy-holders—it is well that we should guard against anything of that kind if we can. I am exceedingly sorry my hearing is not sufficiently good to enable me to catch the remarks of the hon. gentleman from Toronto, and I cannot, therefore, attempt to reply to what he said. I am quite willing to withdraw the Bill and allow the matter to remain in the hands of the government.

Hon. Sir MACKENZIE BOWELL—When the hon. gentleman from Toronto made the suggestion that the directors should be honest men, he should also have provided that they should continue to be honest as they grew older.

Hon. Sir RICHARD CARTWRIGHT—Is it the hon. gentleman's experience that they do not?

The Bill was withdrawn.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 132) An Act to amend the Government Railways Act.

Hon. Mr. KERR (Toronto).

(In the Committee.)

On clause 4,

Hon. Mr. YOUNG—I move that after the word 'submit,' in the first line, and before the word 'tariffs,' we insert the words 'all.' That will make the wording more clear as I am advised it is intended that all tariffs shall be submitted; and in the second line from the top after the word 'Canada' I move that we insert the words 'as and.'

Hon. Sir MACKENZIE BOWELL—There can be no objection to that, but is it necessary?

Hon. Mr. FERGUSON—Better make it clear.

The amendments were adopted.

The clause, as amended, was adopted.

On clause 5,

Hon. Mr. FERGUSON—The clause we are now considering is a most important one, and is the clause, in my opinion, upon which will hang the merits of the whole proposition contained in this Bill. It seems to be a very good thing that a government railway should obtain a right of running over the Canada Atlantic Railway to Parry Sound, but everything depends upon the terms on which that right is obtained. We have had experience in Canada of the Intercolonial Railway obtaining rights before now. I refer to the Drummond County Railway. We remember the history of that matter. It was not, of course brought about in this way. It was not possible to implement that contract in the way in which this contract can be implemented, for we had no railway commission to refer it to at that time. But what ought to be a higher and better tribunal to deal with such transactions in the interests of the people of Canada than any railway commission is the parliament of Canada. The government brought the matter before the parliament of Canada, and we remember what happened. A measure was passed in the other branch of parliament, and defeated in this House, and two years afterwards a new contract was made which was about a million dollars better for the people of Canada than the one which was originally passed by the House of Commons, but defeated here, which went to show that the public interest had not been properly safeguarded in re-

gard to the first contract. It is a matter which, I think, scarcely admits of controversy, that even the amended contract has not resulted in the public interest. I am confident that, if details were submitted to parliament, the very large deficit last year on the Intercolonial could be traced to a large extent, to the improvidence on the part of the government and parliament of Canada in connection with the contract which the government made with the Grand Trunk Railway. I have a great deal of faith in the Railway Commission, and especially in the chairman of that commission. I regard him as an able man indeed, and I have no doubt he will do his duty in regard to any matter that will come before that board. But everything depends upon the way in which the matter is handled from the government point of view in presenting it to that board. The Railway Commission is not supposed to make a better bargain for the government than they and their experts will ask for. It will not be the duty of the commissioners to place on the right of way a smaller valuation than the government and their experts might be willing to give, and our experience in dealing with the Grand Trunk Railway Company with reference to the Drummond County Railway is that the Grand Trunk Railway and their experts entirely overmatched the Department of Railways and their experts, in their skill, knowledge and ability to make a bargain. I do not think there can be any doubt on that score. After all the controversy which took place over it, and the second thoughts of parliament with regard to the subject, and the improvements that were made in the contract from the time it was first presented and passed by the other branch of parliament, I think it is apparent to-day that we have, by long odds, the worst end of that bargain, and while it is, no doubt, in the public interest, very desirable that the government railways should reach out and extend to Georgian Bay, a proposition which was put in tangible form for the first time by the leader of the opposition in the other branch of parliament, and to some extent this is the adoption of Mr. Borden's policy with regard to that question, yet still I have my misgivings as to whether, in the implementing of that contract we will not have another white elephant tied round the neck of the Intercolonial Railway to increase the deficit in the operation of that road, which is now alarming the country. I do not know that we can have anything much better than the clause which we have now before us in regard to this subject, but everything will depend upon the government, and the manager and experts of the government railways, and if they act in a foolhardy, reckless or careless manner with the experts of the Grand Trunk Railway, you may depend upon it there will not be very much doubt as to which will get the better end of the bargain, and the Intercolonial Railway will be made to bleed another million or two for the advantage of the Grand Trunk Railway every year of its operation.

Hon. Mr. McSWEENEY—Have you not a very tidy deficit on the Prince Edward Island Railway?

Hon. Mr. FERGUSON—The Prince Edward Island Railway has always had a deficit. But what I point out is that the Intercolonial Railway deficit has gone up to an enormous extent recently.

Hon. Mr. McSWEENEY—So has the deficit on the Prince Edward Island Railway.

Hon. Mr. FERGUSON—No, it is not as large as it was in former years.

Hon. Mr. POWER—I do not think the argument of the hon. gentleman from Marshfield is very convincing, because while it is quite true that, during the last financial year for which we have a report, the deficit on the Intercolonial Railway was very considerable, there have been years since the Drummond County road was taken over when there was no deficit, and no one who is familiar with the business over that road—even the hon. gentleman, strong as has been his language of denunciation just now — would be willing to go back to the condition of things which existed before the Drummond County road was taken over. There is no comparison whatever between the Intercolonial Railway to-day and the Intercolonial Railway before the Drummond County road was taken over. The journey to the lower provinces is perfect bliss now compared with what it was when we travelled by the Grand Trunk Railway from Lévis. Just why there is such a de-

ficit on the Intercolonial Railway, I am not in a position to state, because I have not made a study of the matter, but I think it will not be found that it is due to the acquisition of the Drummond County Railway. That has increased the passenger traffic enormously, and I think has also had the effect of increasing the freight traffic over the road, and a change which has that effect is not calculated to injure the road. I quite concur in the view—and I am always glad to be able to agree with the hon. gentleman from Marshfield—that the proviso at the end of this clause is one of the most valuable portions of the Bill. Perhaps a discussion in committee on this clause is not just the place to discuss the whole policy of the government with respect to the Intercoloial Railway.

Hon. Sir MACKENZIE BOWELL—The principal objection made by the hon. gentleman from Marshfield is not the one to which the hon. gentleman from Halifax called particular attention. He called particular attention to the bargain which was entered into between the Department of Railways and Canals and the Grand Trunk Railway officials in the arrangements made for taking over the Drummond County Railway, and then he pointed out the results that followed from it. Now the fact that the bargain was very loosely made is proven by the fact that the government has had, during the past year, to refer the difficulties arising out of that bargain to arbitration, to decide whether the terms have been fulfilled by the Grand Trunk Railway. It will be remembered that the original bargain was rejected, and that it was accepted at a subsequent session of parliament, after a saving of nearly a million dollars had been effected. In the course of the discussion it was pointed out that the very difficulties which had arisen during the existence of the Drummond County Railway had transpired. It was then shown that the interest of the Grand Trunk Railway would be paramount, and that they in the transference of the western traffic which they were loosely bound to give to the Intercolonial, would never carry out the agreement. It has not been carried out, and the result has been just what I pointed out, that the government has been obliged, in order to maintain its rights, to refer this question to arbitration. I should like to ask the Minister of Trade and Commerce or the Secretary of State what the result of that investigation has been, or if the arbitrators have come to any decision or made any report. I can scarcely conceive from a common-sense standpoint the necessity of the provision that you shall not pay for that which you have not received. Yet this clause was strongly commended by the hon. gentleman from Halifax. I should consider that it would be a matter of course that if you do not use the road you shall not pay for it.

The redeeming feature of the Bill is this: the bargain to be made with the Grand Trunk Railway is taken out of the hands of the government altogether and transferred to the Railway Commission. That being the case, with the eminent gentleman who is chairman of that commission, the country is much safer in their hands than they would be in the hands of the Minister of Railways and Canals. This is to my mind the safeguard in the whole Bill, and not the provision referred to by the hon. gentleman from Halifax. Will my hon. friend tell me whether any result has followed from the appointment of the arbitrators for the purpose of settling the difficulties which have arisen between the government and the Grand Trunk Railway ?

Hon. Mr. SCOTT—I do not think any conclusions have been reached. I am not aware that any decision has been arrived at.

Hon. Mr. FERGUSON—They have held a good many sittings; has no report been made ?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—It is nearly a year since that commission was called into existence.

Hon. Sir MACKENZIE BOWELL—Will my hon. friend make inquiries of the Department of Railways and Canals and let us know at the next sitting ?

Hon. Mr. SCOTT—I will.

Hon. Mr. KERR (Toronto), from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read the third time and passed.

AN ERROR IN MESSAGES FROM THE HOUSE OF COMMONS.

MOTION.

The SPEAKER read the following message from the House of Commons :

Resolved, that a message be sent to the Senate to inform their Honours that the Bill (M) sent down from the Senate intituled : 'An Act to amend an Act respecting certain patents of William A. Damen,' was passed by this House with certain amendments hereto annexed, that by some mistake the said Bill was returned to the Senate without these amendments, and to request that the Senate will give leave that these amendments be inserted in the said Bill by the proper officer of this House.

Ordered, that the clerk of the House do carry the said message to the Senate.

Hon. Mr. SCOTT moved :

Resolved, that leave be given to the proper officer of the House of Commons to insert certain amendments made by that House to Bill (M) intituled : 'An Act to amend an Act respecting certain patents of William A. Damen,' omitted through mistake when that Bill was returned to the Senate inadvertently endorsed as having passed by the Commons without any amendment.

Hon. Mr. FERGUSON—It seems a rather extraordinary course to take. That Bill is in the custody of this House.

Hon. Mr. SCOTT—The Bill is in our possession. We allow the proper officer of the House of Commons to come and make the correction.

Hon. Sir MACKENZIE BOWELL—It seems to me an irregular mode of procedure. We are asked to add amendments to a Bill which the House of Commons has sent to us declaring that no amendments were made to it. This may effect the object in view, but it seems to me that it would have been a much more regular and less complicated way had the House of Commons asked to have that Bill returned to them and then send it back with the amendments. In my experience, I have never witnessed anything of the kind before.

Hon. Mr. SCOTT—We simply permit an officer of the House of Commons to come here and make the necessary changes.

Hon. Mr. FERGUSON—The clerk of the House has furnished me with a precedent for this procedure, only the tables were turned. The clerk of the Senate made the corrections in the House of Commons. At page 353 of the Journals of the House of Commons, 1875, I find the following :—

On motion of Mr. Mackenzie, of Lambton, seconded by Mr. Fournier, resolved that leave be given to the proper officer of the Senate to make the amendment to the Bill intituled : 'An Act to incorporate the Royal Mutual Life Insurance Company,' as desired in their message of this date.

Resolved, that a message be sent to the Senate communicating the foregoing resolution.

The resolution was agreed to.

Hon. Mr. SCOTT moved :

That a message be sent to the House of Commons by one of the Masters in Chancery, to communicate the foregoing resolution.

The motion was agreed to.

BILLS INTRODUCED.

Bill (151) An Act respecting L'Union Saint Joseph de la Cité d'Ottawa, and to change its name to L'Union Saint Joseph du Canada.—(Hon. Mr. Edwards.)

Bill (175) An Act respecting the Pacific Bank of Canada.—(Hon. Mr. Templeman.)

The Senate adjourned until Wednesday, July 5th, at three p.m.

SENATE.

Ottawa, Wednesday, July 5, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

SURVEYS OF WATERS ADJACENT TO ALASKA.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to

Direct the attention of the government to some matters of importance with regard to the Imperial Marine Survey on the coast of British Columbia which, as announced, is to be taken over and continued by the Dominion government.

The navigation in the northern waters of that province, and on the coast of Alaska is the most intricate, as well as the most frequented by vessels of the Dominion, engaged principally in the commerce brought into existence by the gold discovery and workings in the Yukon district, and in parts of Alaska, and also engaged in connection with salmon canning in the northern rivers of British Columbia.

And to ask the government is it the intention to invite the co-operation of the United States government to complete the surveys in the waters adjacent to its territory of Alaska, whilst the Dominion government completes that on the northern coast of British Columbia ?

Is it the intention to arrange with the British Admiralty for the retention of the war ship

'Egeria,' now in British Columbia waters, with a portion of her crew experienced in surveying, until the completion of the marine survey in the Pacific, or for a more limited time ?

He said: It is quite possible that the Marine Department have taken cognizance of these matters before now, but whether they have or not, a reminder will not do any harm, and the reason I allude to the navigation in Alaska is that it is used by British and Canadian vessels, while on the other hand United States vessels use British Columbia waters. There is a continuous stretch of inland water from Vancouver up to Skagway, and the chief coasting trade of the country now is that carried on towards the Yukon. I would ask the government if they will request the United States government to survey the waters adjacent to Alaska while the Canadian government survey those adjacent to British Columbia.

As regards the last question it will be obvious to the hon. Secretary of State that experienced men will be required for a service of that kind. The 'Egeria' has been surveying for the last four or five years on the Pacific coast. It will require experienced men to take soundings and so on, and if the government could arrange to retain some of these men and also to retain the 'Egeria' it would prove useful. The ship can be employed also as a nucleus for the training of the naval militia, as proposed by the Minister of Marine. She is an old-fashioned ship with yard and masts. Modern ships do not possess masts or yards nowadays. They are altogether machines, equipped with steam engines and other machinery, but this ship is old-fashioned and just the thing for training sailors.

Hon. Mr. SCOTT—In reference to the first question, I am advised by the Minister of Marine that the matter is under consideration. As to the second question, I may say that application was made to the Admiralty for the services of the 'Egeria,' but they were unable to comply with the Canadian government's request, as they required the ship for their own use.

CONFERENCES WITH THE HOUSE OF COMMONS.

MOTION.

Hon. Mr. POWER moved :

That in cases in which the Commons disagree to any amendments made by the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the Commons for their disagreeing or insisting (as the case may be) by message, without a conference, unless at any time the Commons should desire to communicate the same at a conference.

That any conference between the Houses may be a free conference.

He said :—I was directed by the committee who are engaged in revising the rules of the Senate to move in this matter. As it is now, when there is a difference of opinion between the House of Commons and this House with respect either to amendments made by the Senate to a Commons Bill, or to amendments made by the Commons to a Bill originating in the Senate, if it should happen that either House does not concur in the amendments made by the other, the further intercourse between the chambers takes place by means of what are called conferences, which are very venerable, but rather awkward and slow. In the first place, if this House wishes to confer with the House of Commons, a message is sent to the Commons desiring such a conference. The Commons then sends back a message agreeing to the meeting. Then the Senate appoints managers to take part in the conference; and a time and place having been fixed for the meeting, these managers go there with something written on a piece of paper, which they hand to the managers acting on behalf of the other chamber. Then there is a further conference, and the managers of the other House hand to the managers of this House another piece of paper. There is no discussion between the managers—it is practically a dumb show. After these two conferences, at which nobody can say anything, there is what is called a free conference.

In the mother country they discovered a long time ago that this was a very cumbrous way to do business, and I find in the Standing Orders of the House of Lords a resolution of that House dealing with the matter dated the 8th of May, 1851, more than half a century ago. The resolution which I am about to bring before the Senate is copied, with the necessary slight amendment in the name of the House, from the resolution of the House of Lords, with the addition of the provision that any conference between the Houses may be a free conference, because it might, and sometimes does happen that a conference is a desirable thing, and when that is the case it

should be a free conference. In Australia I find that they have free conferences from the beginning.

Hon. Mr. de BOUCHERVILLE—Before this motion is adopted, I should like to ask for some information from the hon. gentleman. Was not this question brought before the committee appointed to revise the rules of the Senate?

Hon. Mr. POWER—Yes.

Hon. Mr. de BOUCHERVILLE—Is this resolution in accordance with the report of the committee?

Hon. Mr. POWER—This resolution is moved at the instance of the committee ?

Hon. Mr. SCOTT—Any member who happened to be present at the stupid meeting we had with the House of Commons on the subject of the Railway Bill will rejoice in the adoption of this proposition. It was so extremely stupid that I had to break the rule. I declined to remain silent, because it was an absolute farce for sensible men from the two branches of parliament to meet and conduct a written conference—a dumb show in which nobody was permitted to say a single word on the subject then engaging the attention of the two Houses. I did not think it was possible that in the twentieth century twenty-five or thirty men could meet together and make such an exhibition of themselves as we did. I proposed at that time to sweep the whole thing away, for I thought it was too absurd to be tolerated. I could not help expressing my opinion of the manner in which we were acting, and I thought we should as sensible men have broken through the arrangement then and there, without a resolution of parliament. I am glad that the hon. gentleman from Halifax has taken the matter up and moved this resolution, which will prevent our making an exhibition of ourselves on a future occasion.

Hon. Mr. FERGUSON—I was going to remark that there can be hardly a difference of opinion as to the necessity of adopting this resolution. From what the hon. gentleman from Halifax has stated, it seems that we are following a practice that has been abolished in another country over fifty years ago. We are clinging to a practice which has been superseded by the method proposed in this resolution. This is not a matter that can be dealt with finally by any committee in this or the other House, and there will have to be joint action. I presume the hon. gentleman from Halifax has communicated with the members of the other House in order that a similar resolution may be moved there, because our passing this resolution will not change the mode of communication between the Houses by conference unless the Commons pass a similar motion.

Hon. Mr. LANDRY—Is this in any way interfering with the present rules of the House?

Hon. Mr. POWER—There is not any express rule of the House with respect to the matter, but there is an established practice. We were supposed to be governed by the old parliamentary practice which, however, has been discontinued in England since 1851, and the committee engaged in revising the rules took the matter into consideration, and instructed me to present this resolution. I have spoken to the chairman of the Committee on Standing Orders in the other House, and I do not think there will be any difficulty in getting that House to agree. I propose, if this resolution is adopted, to move another resolution.

Hon. Mr. LOUGHEED—May I ask my hon. friend, in view of the fact that the rules of the House of Lords apply to our practice here, why a conference took place of the character mentioned by my hon. friend the Secretary of State? I find nothing in rule 92 prohibiting members of that conference from discussing the matter at large. The only restriction in that rule is that those who are not members of the conference shall not speak, the inference being that those who form the conference are at liberty to speak. If hon. gentlemen will look at rule 92 I think they must conclude that it will scarcely bear the interpretation which has been placed upon it, and, furthermore, if that rule has been in operation in the House of Lords for the last fifty years it seems to me that under our rules it certainly ought to be in operation here.

The motion was agreed to.

QUESTIONS OF JURISDICTION BETWEEN THE PARLIAMENT OF CANADA AND PROVINCIAL LEGISLATURES.

MOTION.

Hon. Mr. POWER moved:

That the Standing Committee on Railways, Telegraphs and Harbours be instructed to take into consideration the course to be adopted in future in dealing with Bills in connection with undertakings as to which there may be a question of jurisdiction between the parliament of Canada and a provincial legislature, and to report their conclusions to the Senate.

He said: I do not think it is necessary to make any observations on this motion. I think every hon. gentleman interested in measures which come before the Committee on Railways, Telegraphs and Harbours is of the opinion that it is desirable that something should be done. It was simply because the committee could not move in the matter without being instructed by the House that I placed this resolution on the order paper.

The motion was agreed to.

BILLS INTRODUCED.

Bill (173) An Act respecting the St. Maurice Valley Railway Company.—(Hon. Mr. Mitchell.)

Bill (181) An Act to amend the Bank Act. —(Hon. Mr. Scott.)

THIRD READING.

Bill (LL) An Act respecting the Joliette and Lake Manuan Colonization Railway Company.—(Hon. Mr. Legris.)

SECOND READINGS.

Bill (151) An Act to incorporate L'Union Saint-Joseph du Canada.—(Hon. Mr. Edwards.)

Bill (155) An Act respecting the Pacific Bank of Canada.—(Hon. Mr. Templeman.)

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

SENATE.

Ottawa, Thursday, July 6, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

Hon. Mr. LOUGHEED.

RULES AND PROCEEDINGS OF THE SENATE.

REPORT OF COMMITTEE PRESENTED.

Hon. Mr. POWER, from the Special Committee appointed to consider and revise the Rules, Orders and Forms of Proceeding of the Senate, presented the third report of the committee, and moved that it be taken into consideration on Monday next.

Hon. Sir MACKENZIE BOWELL—I was absent at the close of the last meeting of the committee, and I would like to ask the hon. gentleman whether this is the final report.

Hon. Mr. POWER—It is the final report as respect the rules, but not the final report with regard to the proceedings. We propose to have another meeting of the committee and to make a further recommendation with respect to the Manual of Procedure.

The motion was agreed to.

SCHOOL LANDS OF THE NORTHWEST TERRITORIES.

MOTION.

Hon. Mr. LOUGHEED moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a return showing :

1. The amount (acreage) of school lands sold in the Northwest Territories since the union.
2. The amount of principal (if any), and also the amount of interest paid over to the Territorial government.
3. The amount (acreage) of lands sold, and the average price per acre in each year for which such lands were sold.
4. The amount at present standing to the credit of the school fund.
5. The amount owing on sales to be carried to the credit of said fund.

He said : I might say to my hon. friend the Secretary of State that this information would facilitate very much the discussion of certain clauses of the Autonomy Bills. If the information could be furnished before these Bills are discussed, it would be of advantage to those who may wish to speak on the educational clause.

Hon. Mr. SCOTT—I do not know what time will be required. The hon. gentleman has asked for details which may probably take more time than he imagines. Would he be satisfied to accept a statement of the total quantities ?

Hon. Mr. LOUGHEED—The Dominion Lands Act was passed in 1872, and it seems to me it should not be difficult to obtain from the Department of the Interior a statement of the sales which have been made from time to time since that year. They cannot be so numerous as to occupy much time in the preparation of the statement.

Hon. Mr. SCOTT—The hon. gentleman does not want the individual sales ?

Hon. Mr. LOUGHEED—No, merely the totals, and the price obtained from year to year for the land, showing the increase which has taken place in the price.

Hon. Mr. SCOTT—My recollection is that these school lands have all been sold by auction, and that for years past there has been an upset price fixed of $7 per acre.

Hon. Mr. LOUGHEED—But that price has been exceeded considerably, and I think in exceptional cases the government has acted upon its discretion in disposing of lands by private sale.

The motion was agreed to.

THIRD READINGS.

Bill (65) An Act respecting the James Bay Railway Company.—(Hon. Mr. Ellis.)

Bill (119) An Act to incorporate the Edmonton Boom Company.—(Hon. Mr. Ross, Regina.)

BANK ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (181) An Act to amend the Bank Act. He said : Hon. gentlemen will remember that a Bill was introduced at the instance of the vice president of the Bank of Montreal for the purpose of allowing that bank to appoint an honorary president, I think the object was to name Lord Strathcona. It was thought by the Minister of Finance that instead of amending the Bank of Montreal Act, it would be better to make a general law which would apply to all banks, and this little Bill is the result of that. It repeals the Act limiting the number of directors and allows them to appoint any number they please. When we go into committee on the Bill to-morrow, I will have the Bank Act before me and give further explanations if desired.

Hon. Mr. FERGUSON—I wish to say that I cannot see any very good reason for making this an amendment to the Bank Act. The Bank of Montreal applied for an amendment to their charter, permitting them to increase the number of their directorate and to constitute one of the directors an honorary president. Considering the magnitude of the operations of the Bank of Montreal, no hon. gentleman would have any doubt as to the propriety of giving them, if they asked for it, power to increase their directorate, or as to the proposition to make one of the directors an honorary president. The Bank of Montreal is particularly happy in the matter of its president being, in the person of Lord Strathcona, a resident of England. He is a gentleman of the highest financial and general standing, whose position as an honorary president would be an advantage to the bank in every way; but whether it is a wise or proper provision to allow any bank in the country to constitute one of its directors an honorary president, who might be a mere figure-head, is altogether another proposition. However, I am not going to press that point. I do think, however, that it may lead to some abuses. The Bill may open the door for some of the smaller banks in the country to elect as many directors as they may by by-law think fit to appoint. I know there is a good deal of pressure on the part of the shareholders in some of the smaller banks to get on the board of directors. Sometimes the pressure arises from a desire to get a share of the money which is divided among the directors as remuneration for their services. I believe the tendency to multiply directors in the smaller banks is not in the interest either of the banks or of the community, for the appointment of directors who do not direct is not an advantage.

While I have these observations to make with regard to the Bill, I am sorry, when the government is amending the Bank Act at all, that it has not gone further and made an amendment which is loudly called for, that is, to provide for the inspection of banks. My hon. friend from St. John (Mr. Ellis) three years ago introduced a Bill calling on the banks to carry a larger amount of specie or Dominion notes than they had been carrying—to carry an amount equal to 10 per cent of their liability to the public. At the time

my hon. friend introduced his Bill, I believe the average amount of specie and Dominion notes carried by the banks of Canada generally was about ten per cent of their liability, but the aim was to see that that percentage was made uniform. While some of the banks were carrying as much as 16 or 18 per cent, there were others which were not carrying enough at that time to make change over their counters. The Bill was not proceeded with; but I am happy to see, on looking over the returns of the banks, that a very marked improvement has taken place in the amount of specie and Dominion notes carried since 1902, when my hon. friend introduced his Bill. At that time the specie and Dominion notes held was about 10·20 per cent of the liabilities to the public, while to-day it is 12.25 per cent; or in other words the banks make a better showing, by about 20 per cent, in the matter of specie and Dominion notes carried, as compared with three years ago. I am quite certain that this marked improvement was brought about to a great extent by the discussion which took place, in bank circles over the Bill introduced by my hon. friend from St. John. The Bankers' Association, I am told, took the matter up and have made a very decided improvement, so that that portion of the Bill may not need to be enacted at the present time: but I submit that the occurrences in connection with the Bank of Yarmouth, Nova Scotia, as well as other things which are continually forcing themselves upon our attention, go to show that we ought not to delay a day in providing for the proper inspection of the banks of the country. I have been looking over the evidence taken in the trial of Mr. Johns, the cashier of the Bank of Yarmouth, on a charge of making false returns to the government with regard to the operations of the bank, and have read very carefully the evidence of Mr. Stavert, the curator appointed to liquidate the bank, and I find that he admits there is a narrow line between the state of things he found in that bank, and on which he lodged his information against Mr. Johns, and what would be in accordance with the usages of banks all over the country, with regard to current loans and overdue debts. The admission which Mr. Stavert made, that it is a narrow line between what would be proper and legitimate bank transactions, accurately reported to the government, and what would be sufficient to put the cashier—and perhaps the directors—in the dock to answer against criminal charges, is sufficient to show the need for immediate action. What happened in reference to that bank is simply this: Drafts on customers of the Reddings outside of Yarmouth, which became dishonoured, were made to appear on the books of the bank as current loans, and the November return to the government showed $615,000 as current loans, and $23,000 as overdue debts. Mr. Stavert produced a statement in court showing that the overdue debts were $380,000, and the current loans about $230,000. He was cross-examined as to the different methods by which these results were obtained, and was asked whether, if Johns when each bill came back had charged it up to the current account of the Reddings, he (Mr. Stavert) would have laid the information. He replied, 'Probably not, it is a narrow line.'

The judge laid particular stress upon that statement when passing sentence upon Mr. Johns, and in view of that admission on the part of the curator, and the other evidence produced to show the practice of the banks with regard to this matter, Mr. Johns, although found guilty by the jury, received a suspended sentence of two months, pending the decision of the full bench with regard to the matter. I refer to this case for the purpose of pointing out to the Secretary of State how desirable it is that we should have an inspection of our banks and that the bureau of inspection in connection with the Finance Department should lay down definite rules with regard to such matters as I have referred to, that is as to the distinction between overdue debts and current loans. There should be such rules laid down that it will be impossible for a first-class bank expert like Mr. Stavert to say on his oath that the line I have described is a narrow one and hard to draw. We should have an inspection of our banks and no time should be lost in beginning the work. I am sorry the government has not attended to it this year. We may be told that it is difficult to bring about this inspection—that there would be a great many difficulties in the way. One of these was stated three years ago, that it would have

to be like the English method of taking the census—the inspectors would have to drop down on the bank and all its branches simultaneously, for otherwise they might shift their assets from one branch to another. But all these are things easily got over.

There are difficulties about inspections of all kinds. We can see that in the inspection of staples, as well as in dealing with the inspection of seeds. Grave difficulties arise; and it is only by great skill and persistent and faithful effort that they can be overcome. I have not the slightest doubt that if the Minister of Finance were to take this matter up and inaugurate a bureau of inspection in connection with the Department of Finance, such an inspection might be carried out with the aid of the Bankers' Association as would be of great benefit and value to the people of the country. As it is now, with the light that is thrown upon banking institutions and banking transactions by the evidence that was taken the other day in Nova Scotia, we may take up the returns as they appear in the 'Royal Gazette,' and although the whole thing may look fair on the face of it, we find that one bank pursues one rule with regard to overdue debts while another bank pursues another, and it is very difficult to see from the returns that are therein presented what the condition of the bank is. The financial affairs of the country are happily to-day in a very good position, but it is just in such times as these when our financial affairs are in good condition, when trade is buoyant and when confidence prevails, that the seed is sown from which trouble may arise in years to come. That being the case, I am sorry the government, while they are amending the Bank Act, have not made provision for the inspection of banks. Referring to the Bill introduced three years ago by my hon. friend from St. John, I find that the 6th clause of the Bill reads as follows:

> 6. There shall be established as a branch of the Department of Finance a Bureau of Bank Inspection, under a comptroller whose duty it shall be to verify the statements or returns required from chartered banks, by inspection of the head office of each bank and of the branches when deemed necessary. He shall be supplied with such assistance as may be requisite, and the expenses of the maintenance of such bureau shall be borne and paid by the chartered banks, and shall be assessed upon them by the Minister of Finance in proportion to the assets of each.

It seems to me that this is a well-considered clause, and that it is all that is necessary to inaugurate a system of inspection. I would suggest to my hon. friend that he should call the attention of his colleague, the Minister of Finance, to it. He could look over this clause, and if it does not in its present form meet the case as it should be met, then ample provision could be made. But I think my hon. friend should at all events hold over the Bill until the Finance Minister has had time to fully and fairly consider this suggestion. I think that in view of what has happened in Nova Scotia, in view of what we know is liable to happen elsewhere, and of other things which are continually coming to our knowledge, we should not allow any time to intervene before doing something substantial towards providing for an inspection of our chartered banks.

Hon. Mr. SCOTT—The views of the hon. senator from Prince Edward Island are not new. The proposition has been discussed for the last 25 or 30 years, and the conclusion arrived at by those who have given the subject the greatest thought and attention is that it would be a very dangerous matter for the government to assume the inspectorship of the banks. It would involve the conclusion that if a failure took place the government would be practically responsible. They would be assuming a responsibility which it would be absolutely impossible for them to carry out. In the United States, I think, they have a system of bank inspection, and certainly the failures of banks there are much more frequent than in Canada. I think our banking system is recognized, not only in the United States, but in Europe, as being really in advance of the rest of the world. Now with the multitude of agencies scattered all over this country an official would be required in each agency who would keep watch over all the accounts passing through the banks, all liabilities assumed, the moneys paid in, and a variety of other details which would be absolutely impossible to gather with any degree of advantage as far as results go. As I said before, the Finance Ministers from time to time have given the subject their thought and attention, because it has been pressed upon governments for the last thirty years, and the conclusion has been that it would not be a safe or prudent thing for the

government to assume the inspection of the banks.

Hon. Mr. ELLIS—I was going to observe that whether it would be prudent for the government to undertake the duty or not, somebody ought to inspect the banks, and there should be a careful inspection. I do not propose to go over the phases of the question which the hon. gentleman has dealt with, but I should like to make one remark, that no man can tell to-day whether the return the bank makes of the amount of notes outstanding is or is not a correct return. That is a matter I went into in the investigation I made, and it rests altogether with the bank to say whether all its notes are out or whether it has so many notes out which will never be returned. That is a most important thing in connection with the returns. The bank may assume that because for the last four or five years it has not seen fifty thousand dollars of its notes, they will never be presented; and the amount involved is not considered a liability. That is one of the things which ought to be regulated in some way. There ought to be some mode of finding out whether the returns and the statements which the bank makes are correct. The case in Nova Scotia is certainly a notable case in point, and the observations of the judge, who appears to be a very careful and prudent man, seem to convey the idea that he had in his mind a belief or fear that there was something wrong in connection with the returns and the statements made by banks. What the hon. Secretary of State says with regard to the bank inspection in the United States and the failures there is not an absolutely correct statement. In the first place, there are a great many more banks in the United States than in Canada. I would not attempt to give the number, although I did know at one time what it was; but as there is a larger number of banks, there would necessarily be a larger number of failures. The inspection of the banks of the United States has the effect, however, of preventing a great many more failures. After an inspection is made, if anything is wrong the inspector calls attention to the condition of the bank and steps must then be taken by the proper parties to right the evil. Sometimes the course he suggests is not followed, but on the whole, if it were not for the inpection of the banks in the United States, the condition of things would be much worse. I desire to make one observation with regard to the Bill. It strikes me the bank is not a philanthropic or patriotic institution. I do not mean to impugn its philanthropy or patriotism; but to have an honorary president of a bank seems to me to be one of the most absurd things which could be imagined. The honour might come from the sovereign or from the Senate of Canada or in some way like that, but to declare by law that there shall be honorary presidents of banks seems to me an absurdity. I cannot see that there is any duty assigned to them. In an institution which is solely a corporation for the purpose of making money or helping the public to do so, I think the last thing they should ask would be an honorary president, and I attribute it to a little bit of foolishness on their part.

Hon. Mr. EDWARDS—In so far as the honorary president is concerned, there is no harm and no good accomplished by such an appointment; but on the general question of the inspection of banks I wish to make a few remarks. I must say at once that I am not interested in bank stocks. I have never owned any, and I never expect to own any; I never hope to own any. I feel that I am a more useful man than an owner of bank stock. But every commercial man in Canada is interested in the banks of Canada; every saver of money who deposits his earnings is interested in them. In fact we are all interested in them; but I dissent entirely from the proposition that the Dominion government should adopt a system of inspection of the banks of Canada. Our Banking Act, as we have it, is an admirable Act. I do not think a more admirable Act could be devised, and in so far as the security to the depositors is concerned, I should like some hon. gentleman to point out what losses have been sustained by depositors in our banks. I would further like to ask any hon. gentleman here to point out losses which have been sustained in Canada by the holders of bills of Canadian banks. For a short time after the failures of some banks the bills have gone at a discount, but I think in almost every instance in Canada, except possibly one, where the bills have been held for a reasonable time they have all been redeemed at their face value.

Hon. Mr. SCOTT—The notes bear six per cent interest.

Hon. Mr. EDWARDS—If my statements are correct, and I think they are correct, the banks of Canada are pretty safe institutions in so far as the security to the bill-holders is concerned. I would not be in favour of wiping out the double liability, but I do think it is an undue and an unfair liability. What are the services which the banks of Canada perform? Money is the very cheapest commodity we have in Canada. Considering the responsibility the banks assume, there is no doubt they do a great deal for the public, and I think that their private institutions should no more be invaded than any other private institution should be invaded. Banking is simply a commercial enterprise. A joint stock company engages in a commercial enterprise and invites capitalists to become stock-holders and shareholders. Why should a bank be placed upon a different basis? I think it is entirely wrong. I do not think one word should be said in Canada to reflect on the banks of Canada, because if there is one class of institution in Canada above all others that Canadians should be proud of, it is our banks—they are the best in the world.

Hon. Mr. GIBSON—I am very glad the hon. gentleman from Russell (Hon. Mr. Edwards) has had something to say with regard to the banks. His remarks are of interest, coming from a gentleman who occupies a position such as he fills in the commercial world, and who assures you that he is not a holder of bank-stock, and never was, and that he never expects to be one. I hardly think that he would be out of place as a director of a bank; and I do not think a bank would suffer by having such an hon. gentleman appointed as a director. Now with regard to the position of honorary president, I think my hon. friend from Prince Edward Island has been most unhappy in bringing before the public and before this House the facts about a bank in Nova Scotia, reflecting on that bank, and making it a part of a criticism of all the banks in Canada. If my hon. friend understood the facts connected with bank inspection, he would know it would be the greatest and most difficult of undertakings if the government of this or any other country were to undertake the supervision and the inspection of banks. Let me tell my hon. friend that at the head office and many of the larger branch offices of our principal banks it would be necessary for an inspector to live in the building to enable him to verify the details of every day's proceedings with regard to the bank's transactions. With regard to the circulation, surely my hon. friend knows that the government imposes a fine of $1,000 a day on every bank which exceeds the amount of circulation which it is allowed by law. The banks have to watch with great care; in fact it is the business of one man, where there are many branches in a bank, to make sure that the circulation is not exceeded. Our banks have time and again come before this honourable House and asked for power to increase their capital. Why? Not that the directors and the shareholders were not satisfied with the income they were receiving from the returns of the bank, because in this growing time that Canada has seen for the last eight or ten years, nearly every one of our banks has doubled its transactions and added very largely to its capital and rest account. But there is a general demand for increased circulation. If my hon. friend would suggest something in the way of allowing banks with a paid-up capital and a rest equal thereto, to increase their circulation, I think he will be taking a step in the right direction. Here you have a bank, as my hon. friend from Ottawa said, with a capital and a rest, say each amounting to a million dollars, yet that bank with a rest of a million dollars has no more right to exceed its circulation than the bank which has only $25,000 as a rest. The bank in Nova Scotia of which my hon. friend spoke was a very small concern, and lent all its money to one man. If that bank had been carrying on business like the other banks in Canada, such a thing could not have happened; but although it had a Dominion charter, it was for all practical purposes a private bank. Such a thing could not happen if they were located in Toronto or Montreal or Hamilton, where the banks meet every morning and exchange their notes, and the business of the community is under constant supervision. Any one who has had experience in banking matters knows that the best inspection a bank can have is afforded by its rival doing business in the same city. The hon.

Secretary of State asked what would be the result if the banks came under the supervision of the government. The government would require to have representation on the board, and in that way they would become responsible to the shareholders and the noteholders, and they would be practically engaging in a private business which is now being carried on by the chartered banks. I have said it before in another part of the world, and I am glad to be able to repeat it here, that the Canada banking system is the best banking system in the world. Every bank in the Dominion of Canada has to deposit with the government a certain sum of money which is set apart for the redemption of the currency issued by any bank which may fail. No such provision is to be found in the United States. In that country they can start business with two or three hundred thousand dollars; many banks in the United States start with $100,000. The banks are frequently started merely as an adjunct to some other business that the stockholders may be connected with, and what is the result? Failure after failure has taken place. I am sure the hon. gentleman from Prince Edward Island does not, on reflection, compare the banking system of the United States with the banking system of Canada. There is no comparison between them. One bank may fail because of the failure of another; such a thing cannot take place in this country. If a run is made on one bank, every other bank in the town knows that if that bank goes under they must come to its assistance, and consequently all the banks are bound to prevent any one of their number being embarrassed.

If it is the desire of the Bank of Montreal to do honour to Lord Strathcona, I do not think any hon. gentleman in this House would raise the slightest objection against honour being done to the greatest man that Canada has produced; and if the Bank of Montreal wishes an honorary president, why should we object to it? We all know the duties entrusted to him in the British empire, and we know how long he has been connected with the Bank of Montreal. His heart is in the Bank of Montreal. The board have asked him time and again to retain the position of president, but we know that as president of the bank he cannot come to Canada and see after its affairs as an active president residing on the spot. But we know the duties are as well performed by the Vice-President, Sir George Drummond, and if the Bank of Montreal wishes to make Lord Strathcona honorary president, I see no harm in doing so. I see no harm in any gentleman who has served a bank faithfully and well being allowed to remain on the board as honorary president, and I am glad of this opportunity of saying that so far as the Banking Act is concerned and our banks, I am sure they are in a more wholesome condition than any other banking institutions in the world.

Hon. Mr. McMULLEN—It is to be regretted that a single word should come from any member of the Senate that would in any way reflect on the standing of our banking institutions. They are unquestionably the financial bulwarks of this Dominion. We have, on the whole, a very creditable lot of institutions. It is to be regretted that the Bank of Yarmouth has failed, but I entirely endorse the remarks of a recent speaker that it was largely due to the fact that they did not know how to lend their money; they loaned most of it to one individual. Banks will make mistakes. The history of humanity shows that errors will creep in and mistakes are made in all institutions; but I think the present Banking Act of Canada is in about as perfect condition as it is possible to attain. Those who took an active part in framing that Act deserve a great deal of credit for their great prudence and statesmanship in preparing the Act as it stands to-day. With regard to government inspection, I cannot see how the government could undertake the duty of inspecting all the banking institutions and their branches throughout this Dominion. They would need to keep a staff of officers numbering into the hundreds if they were to undertake a duty of that kind. If the government is to inspect at all it should thoroughly inspect every banking institution throughout Canada—go over all the details, count up all the cash down to the cents, and go through each institution from top to bottom. If they did not do that the inspection would not amount to anything. If they were to take the statement or word of any of the banking officials, the inspection would be imperfect. What would be the result of the government undertaking such an onerous duty? If a man were to purchase stock on the strength of a government statement issued after the in-

spection of a bank and a report signed by the Finance Minister or the inspector, that the institution was in a sound financial condition, I should think that man would have good ground for action if he should sustain loss through the failure of the bank. He would have a right to take action in the Exchequer Court against the government for having misled him by their statement. I do not think it would be well that the government should place the country in any such position. The Bank Act is in a good position as it stands to-day. No company of men can start a bank now unless they have a very substantial capital, nor can they begin operations unless they have a capital of at least one million dollars. It is a good provision, because the bank has to start on a fairly stable financial basis, and if properly looked after and conducted it is bound to be a financial success. The provision made for bill-holders is an admirable one. Every bank has to pay a percentage, proportionate to its circulation, to create a fund which will be devoted to the payment of bills of any bank which may suspend. Under our present system, I fancy that if any of our chartered institutions were to suspend, any person holding its bills could go to any other bank and demand payment—at least that fund is provided for the redemption of the bills and there is no necessity for any one accepting a discount.

Hon. Mr. SCOTT—They bear interest from the day the bank suspends.

Hon. Mr. McMULLEN—All these provisions are admirable, and I should regret if anything were said which would tend to question the stability of our banking institutions. I have travelled very largely through the United States during the last ten years, and heard expressions from men high up in financial circles; and all agree as to the character of our banking institutions. I was talking to the president of a bank where the deposits are over $32,000,000 and he told me that the Bank Act of Canada was one of the most perfect things he had ever seen, and he would be glad if the United States would adopt it. That is the general opinion. When we have a good thing we should let it alone, and cast no reflections upon it.

Hon. Sir MACKENZIE BOWELL—I must confess I do not share the opinion expressed by the hon. gentleman from Welland (Hon. Mr. Gibson) and the hon. gentleman from Wellington (Hon. Mr. McMullen) as to the impropriety of discussing questions of this kind even though our remarks may affect our monetary institutions. Discussions of this kind always do good. Mens' minds do not all run in the same direction, and if one gentleman has an opinion that a certain change in the management of important institutions would benefit them and make the investors and depositors more secure than they are at present, certainly he should not be condemned for expressing his opinion. The remarks of my hon. friend from Marshfield (Hon. Mr. Ferguson) have been to a certain extent misunderstood; however I leave him to defend himself. There is much force, unanswerable force I think, in the remarks made by the hon. Secretary of State, with reference to inspection. This question was discussed very often when we were dealing with the banking institutions during the sixteen or seventeen years I was connected with the government, and the pros and cons of the subject were so forcibly put that the government did not see its way clear to adopt the system my hon. friend has suggested, though upon the face of it the general public would come to the conclusion that he was correct. I may say I differ altogether from the opinion expressed by my hon. friend from Russell (Hon. Mr. Edwards) in reference to the double liability. I am very much afraid if it were not for the double liability clause, many of the shareholders, as well as bill-holders and depositors, would lose a good deal. No doubt there is provision made for the redemption of the bills, but I do not know of any law which protects the depositors in the same way. The double liability clause is an admirable one. There are many men who object to investing in bank stocks because of the double liability. Referring to the bank which has failed lately, I think the depositors would be in a precarious position if it were not for the double liability provision. In reference to the over-issue of notes, notwithstanding the securities and the provisions of the Bank Act, we know that the time is not long past when a number of our most important banks thought it necessary to make an over-issue. The government threatened to impose the penalties mentioned by the hon. gentleman

from Welland, of $1,000 per day; and they were obliged to recall the issue at once. It matters not how strict you make the law—and I question very much if we can make the Bank Act of Canada more strict than it is to-day—you cannot place the depositors, the shareholders and the bill-holders in a more secure position than they are to-day. When I was in Australia in 1893, there was a widespread financial depression. About three hundred banks in the United States failed, and there was not a banking institution in the Australian colonies that was not in straitened circumstances, if not almost financially ruined. I delivered addresses in the chambers of commerce and board of trade, and when discussing that question was in the proud position of saying that during the whole of that depression not a solitary Canadian bank had failed. It was a surprise to many who heard me, and I was asked the reason. In reply I placed the Bank Act in their hands, and after investigating its clauses, they came to the conclusion that it was about as perfect as it could be made. Now this difficulty in the case of the Yarmouth Bank arose from the fact which has been mentioned, that they loaned their money to one irresponsible person and made a return showing that it was a discount instead of an actual bona fide loss. Would not the difficulties which have presented themselves in this case be remedied by changing the character of the returns, making them show exactly what the discounts and losses are? I will be answered in this way: 'That is already provided for in the Act.' So it is, but a clause might be added to the Banking Act explaining what meaning must be attached to each of these items in making the return. As pointed out by the hon. gentleman from Marshfield, so uncertain were many bankers and inspectors of the actual meaning of that particular item in the return, and the line was so narrow that many of the managers thought they were justified, without committing perjury, in swearing to the correctness of the return. So impressed was the judge with the evidence given by Mr. Stavert, an expert in banking inspection, that he declined to pass sentence on the bank manager, but pronounced a suspended sentence, awaiting the final decision of the court of appeal as to the actual meaning of the terms used. That is a case which the government should consider very fully, and so amend the Act in that respect as to leave that question beyond a doubt. If that end is attained by the discussion in this House, so much the better. My hon. friend is not in his place just now, but I was going to ask him if he knew of any case where a return has been made by any bank in which they have taken credit for presumed losses. In other words, if they had issued, say, $100,000 of bills, and they presumed that $10,000 of them never would be returned, would the return show that they issued only $90,000? That is the inference which must be drawn from the remarks of the hon. gentleman from St. John (Hon. Mr. Ellis). He must have had ground for making the statement, or he would not have embodied the clause which was read in the amendment to the Bank Act which he proposed three years ago. These questions being fully discussed, I have no doubt the Finance Minister and those whose special duty it is to look into this question will take note of it, and, as the Finance Minister has pledged himself in the Lower House to consider this whole question of banking during the recess, these are points which may well be brought under his notice, and we may then have amendments made for the protection of the bill-holders and depositors.

Hon. Mr. EDWARDS—I did not for a moment desire to advocate the wiping out of the double liability. What I desired to indicate was that the banks were placed in a very different position from any other institutions in the country, because of the fact that, together with the provision for the repayment of bills, there is a provision for double liability; and that I pointed out as being a hardship. Apart from the question of the People's Bank, where there was not only a double liability, but an individual liability; and apart from the circumstances of the later case, where I believe the stockholders of the Bank of Yarmouth are all to be compelled to respond to the question of double liability, I should like to know a case in Canada where the double liability has had to be responded to.

Hon. Mr. de BOUCHERVILLE—Do I understand the hon. gentleman to say that in the case of the People's Bank there was a double liability?

Hon. Mr. EDWARDS—I said in the People's bank there was an individual liability; that every stockholder was responsible to the extent of his total realty.

Hon. Mr. de BOUCHERVILLE—Not at all. Only the directors were responsible.

Hon. Sir MACKENZIE BOWELL—The difference between ordinary corporations and banks is that ordinary corporations do not take deposits, nor do they issue bills, and consequently their responsibility to the public is not as great as that of the banks.

Hon. Mr. GIBSON—Loan companies receive money on deposit. The double liability does not cease the day a man sells his stock. For ninety days after the transfer his responsibility to the bank and to the people in regard to the double liability continues. In other words, if the directors of a bank, hearing that a calamity might overtake the bank, wish to dispossess themselves of their stock and that calamity befalls within ninety days from the date of the transfer, their double liability remains in effect.

Hon. Mr. KERR (Toronto)—A good deal of the discussion is aside from the Bill before the House. Just two points arise on this Bill, one the question of removing the limitation as to the number of directors and the other to enable the directors to elect an honorary president. With reference to the first matter, I should like to call the attention of the hon. Secretary of State to the form in which this legislation appears. It removes the limit in the number of directors, so that the bank shareholders can elect an unlimited number of directors. In all the legislation we have had, I think it has been the invariable practice to fix a limit. Ten may be a reasonable number in one case while in other cases it might be unreasonable. There is no reason why the shareholders, within a certain range, should not have the power to determine the number of directors who shall govern the bank which, in proportion to its size and extent of its operations, might be large or small. It seems to me, therefore, it would be unhealthy legislation to begin with; but beginning with a bank I do not see why it should not apply to any other commercial corporation which comes here for legislation. I think it is a mistake in relation to banks. A large number of directors means distribution of responsibility among a large number of people, and if that is carried on to an undue extent it removes one of the great safeguards which the banks and the public possess in having a limited number of people directly responsible for the operations of the bank and who will be more likely therefore to give careful attention to them. I make mention of this now, in order that when the Bill comes up in committee it may be considered whether there should not be some limitation, with discretion perhaps to the shareholders, of the number of directors.

Hon. Mr. MACDONALD (B.C.)—Early in the session I brought in a Bill to allow the Bank of Montreal to elect twelve directors and one honorary president. It was withdrawn at the instance of the Minister of Finance, and this Bill was introduced instead. I agree with those who think that the measure introduced by myself was better than this one.

Hon. Mr. FERGUSON—My hon. friend from Lincoln (Hon. Mr. Gibson) and to some extent my hon. friend from Wellington (Hon. Mr. McMullen) remarked that I had cast some reflection on the standing of our banks——

Hon. Mr. McMULLEN—No, not I.

Hon. Mr. FERGUSON—The hon. gentleman from Welland regretted that reflections had been cast on the banking institutions of the country, and my hon. friend from Wellington followed in the same strain. I did not cast any reflection whatever upon the general standing of the Canadian banks. I have no desire to do anything of the kind. I did not go out of my way to pronounce an undue eulogy on them. After what the hon. gentleman from Wellington has said, they would not perhaps consider any eulogy from me of particular value. My hon. friend did pronounce a high eulogium on the banks, and the banks may set very high value upon it, and regard it as among their most valuable assets. I do not claim to know a great deal of the banking institutions of the country, but from what I do know of them, I believe they are in a very stable condition. That does not, however, imply that they have reached perfection, and that safeguards might not be thrown around them and improvements made from time to time, as

deemed necessary. My hon. friend from Lincoln spoke of the great advantage it is to the banks to have security for their note circulation by the deposit made with the Receiver General ; and while some hon. gentlemen on the other side of the House seem to think the government had better leave the banks alone, that does not minimize the importance of the fact that the action of the government and parliament in providing that security for the redemption of notes was a great benefit. Still it was an interference on the part of parliament with the action of the banks. The only objection to inspection I have heard that is worth anything, arises from the difficulty of carrying it out properly. If that is to constitute an objection in this case it would also form an objection to our inspection of staples of every kind. There are difficulties greater, I think, in other directions than could be met with in the inspection of banks. When we entered on the inspection of fruit packages, we did not expect the government of Canada would appoint inspectors to open every parcel and put a label on it ; we did not say the government would be responsible for every barrel of apples shipped abroad ; but by passing that law we imposed a wholesome check on those dealing in such commodities, and the effect has been to improve the character of the goods. I do not know that the Banking Association is the right authority to inspect the affairs of banks. I think it should come from the government, but wherever it comes from, if there had been a system of inspection, does any member of this House believe that the state of things found to exist in the Yarmouth Bank when it suspended, and which had existed for many years before, could have prevailed? The directors and cashier, knowing that there was an inspection, and that the inspector was liable to come down upon them at any time, would have prevented things getting into the bad state in which they were found to be last winter when this unfortunate suspension took place. I submit it is no argument against the inspection of banks to say that there are difficulties in the way. Any legislation of that kind will be met with difficulties and it is the duty of parliament, if there is a benefit and advantage to be gained, to meet those difficulties and provide such a remedy as in its wisdom may be deemed necessary.

Hon. Mr. GIBSON—I had no desire to cast a reflection on the hon. gentleman from Marshfield ; what I desired to point out was the danger of criticising our banking system from any standpoint whatever. The subject requires a great deal of consideration and no word should go forth from parliament which would lead any one to suspect that there is anything whatever wrong with our banking system. The depositing public are very critical, and a run upon a bank is easy to start and difficult to stop. My hon. friend from Prince Edward Island approves of government inspection, and brings up the case of the Bank of Yarmouth again. If that bank had been true to itself and its own inspectors had submitted to the board of directors a true statement of its affairs, the suspension would never have taken place. Every bank has one or more inspectors, the number varying according to the circulation and the number of branches, and these men go about from agency to agency. One of the conditions in the early days of the banking system was that one of the directors had to verify the bullion in the safes and vaults of the bank. Such a thing in the case of the Bank of Montreal would be impossible. All the members of this House could not in twelve months count the note circulation of the Bank of Montreal. It is necessary to depend on the officers of the bank who visit the sub-agencies and report. In addition to that, each agency sends in to the head office a statement of its affairs, the notes in circulation and the discounts. Everything is scrutinized by the inspector. The inspector drops in at any time ; even the head office of the bank is subject to inspection at any hour of the day which the chief inspector may appoint. He brings before the board a statement, to which not only the president but the general manager and the accountant have to swear as being correct ; and it is sent to the government. Month after month, on the 15th day of every month, the bank returns must be verified and sworn to. It will be seen, therefore, the banks are not without inspection. They are thoroughly inspected by themselves and by one another. Every clearing house is evidence of that.

Notwithstanding what my hon. friend from Toronto (Hon. Mr. Kerr) says about

the number of directors, the wisdom of the shareholders ought to decide the number of directors required for a bank. Five directors may be plenty in an ordinary bank, while a dozen may not be enough in a large institution like the Bank of Montreal. It must be remembered that these gentlemen are not always available, and a large directorate, consequently, becomes a necessity. No limitation should be placed upon the number of directors, because the shareholders place in the hands of the directors a certain amount of money, and that money is divided among the directors themselves, whether the number of directors be large or small. These are matters which a bank regulates for itself. All I have to say is that the less we legislate in the affairs of banks and coporations the better for them. As far as my judgment goes, the corporations are quite capable of making regulations for themselves.

Hon. Mr. POWER—The last observation of the hon. gentleman is against the Bill, because this legislation has not been asked for by the banks as a body. I agree with the hon. gentleman from Toronto with reference to the Bill before us. It seems to me to be questionable policy to allow a bank with $200,000 capital to have more than ten directors.

Hon. Mr. SCOTT—We have no banks with only that capital.

Hon. Mr. POWER—There are banks which have not more than half a million. I am not saying anything about the policy of this measure, except to suggest that when we go into committee on the Bill, I think the line indicated by the hon. gentleman from Toronto might be adopted. There should be some proportion between the number of directors and the size of the institution. Hon. gentlemen say 'leave it to the shareholders,' but how is it that we have so perfect a banking system in Canada ? Is it because everything has been left to the shareholders ? Not at all. It is just because parliament, acting under the advice of the ablest and most conservative bankers in the country, have devised a law which compels those who carry on banking to do business in certain ways. The shareholders of a banking company are simply like the shareholders of other financial institutions, but it happens that they are more effectually controlled by statute than the shareholders of other institutions. I do not believe in leaving too much to the shareholders, and if the hon. gentleman from Toronto, when we go into committee on this Bill would suggest some amendment such as he indicated, I, for one, would be prepared to support it.

Hon. Mr. ELLIS—I should like to refer to the remark made by the hon. gentleman from Russell (Hon. Mr. Edwards). He drew a parallel between himself, a private individual, and a bank. There is the greatest difference in the world between the two. I am not bound to take my hon. friend's note, if I do not want to do so, but I am practically bound to take the note of a bank. I am not compelled by law to take it, but I am really forced to do it if I want to get along. I think the illustration of the hon. gentleman is a pure fallacy as regards the bank. If the bank institutions were voluntary institutions, the hon. gentleman himself being a voluntary institution—and a very good one—then the illustration might have some analogy, but the argument which he makes is not founded on fact.

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

Hon. Mr. SCOTT moved that the Bill be referred to the Committee of the Whole House on Monday next.

Hon. Sir MACKENZIE BOWELL—I should like to make one remark before this motion is carried. All that the Bank of Montreal asked for, as indicated by the hon. gentleman, was an increase in the number of directors to twelve, one of whom could be made an honorary president. Now the Bill before us repeals the limitation as to number. I would ask him if he can see any objection to consulting his colleague, the Minister of Finance, as to the propriety of acting upon the suggestion which has been made by the hon. gentleman from Toronto (Hon. Mr. Kerr) as to limiting the number. If the Bank of Montreal found that two additional directors would be sufficient for an institution of that magnitude, and the principal reason for applying for legislation was that they wanted to select one of those directors to be an honorary president, would it not be better to restrict the number to, say, fourteen or fifteen ? I

think it would be much better to restrict it rather than have it unlimited. It has been stated by an hon. gentleman that this matter is in the hands of the shareholders when they elect their directors ; but we all know that in institutions of that kind the directors and the president generally control the selection of directors for the coming year by means of proxies.

Hon. Mr. GIBSON—They are renewed every two years.

Hon. Sir MACKENZIE BOWELL—They really control in that matter, and we know that many people try to get on the board merely for the sake of the fees paid to them. In the old country they are called guinea-pigs. Whether it is carried to the same extent in this country I do not know, but it prevails in England.

Hon. Mr. MACDONALD (B.C.)—They are called whole hogs in this country.

Hon. Mr. SCOTT—I shall be glad to call the attention of the Minister of Finance to the observations made by the hon. gentleman who has spoken. I presume he has already consulted with many of the bank managers. However, I am not really aware whether any reasons have been urged upon him to make the number of directors unlimited. In the Joint Stock Companies Act there is a limitation, which seems to me reasonable. But I quite realize that the objection presents itself at once that there will probably be a pressure on large stockholders to increase the number ; and whether the increasing of the number would increase the protection to the general public and the management of the bank I am quite unable to say.

The motion was agreed to.

GRAND TRUNK PACIFIC RAILWAY COMPANY BILL.

THIRD READING.

Hon. Mr. CASGRAIN (De Lanaudière)—from the committee on Railways, Telegraphs and Harbours, reported Bill (115) An Act respecting the Grand Trunk Pacific Railway Company.

Hon. Mr. WATSON—I move that the rules be suspended so far as they relate to this Bill.

The motion was agreed to.

Hon. Mr. WATSON moved that the Bill be now read the third time.

Hon. Mr. KERR (Toronto)—I ask that the third reading be postponed until Monday next. There is some question about it, and the matter was discussed to-day. I should like to have it stand to-day.

Hon. Mr. WATSON—I asked on a previous occasion to have the rule suspended and some hon. members objected on the ground that they were not sure about the standing of the Trust Company ; but it is important that this Bill should receive its third reading as soon as possible, because I understand the Grand Trunk Pacific have a large amount of money secured from the Rothschilds on which they are paying interest, and as soon as the Bill is read the third time that difficulty will be removed, and they will be able to make use of the money —about $15,000,000. This matter was fully discussed in the committee, and I think it was explained satisfactorily to every hon. gentleman present except the hon. gentleman from Toronto. These explanations were clearly given in the committee this morning, and I ask, as the rule has been suspended without objection, that the Bill be now read a third time. I might further say, as was stated by the hon. gentleman who had charge of the Bill, that it is a measure which cannot be changed. These things come before us, and we may criticise them ; but we cannot make any alterations. It is a contract made by the parties and it is for the purpose of carrying out the financial arrangements of the Grand Trunk Pacific Company, and it is desirable that they should be in a position to cable to England that the Bill has received its third reading to-day.

Hon. Mr. KERR (Toronto)—I have no desire to embarrass the Grand Trunk Pacific or anybody else, or to disoblige my hon. friend, but we have a Bill confirming certain agreements, and those agreements change in some particulars the agreement which was last entered into. It is conceded that that is one of the objects of the Bill. I should like to know from hon. gentleman present how many have read those agreements through and appreciate the changes that were made. If hon. gentlemen can say they have read them and considered them and are able to say they

are all right, I will withdraw my observation. I did read the Bill and the agreements, and it appeared to me that there was a lapse in one clause. I called attention to it to-day. I was not prepared to discuss it, because I wanted to hear the explanation. No explanation was given except that so far as the agreements were concerned, they could not be changed. I am not proposing to do that, but what I want to consider is a clause which may be changed --clause 4. Clause 4 may or may not be changed ; I am not prepared to say. I have not had time to consider it. It is an involved question, demanding the consideration of the agreements which were confirmed last year and the agreement which is now presented for confirmation. If there is any haste about the matter, I may say that I do not want to inconvenience anybody, but if the third reading is allowed to stand until to-morrow I will endeavour to satisfy myself on the point, and if I am satisfied there is an end to the matter ; but I think I have reasonable ground for taking my present position. I do not wish to refer to anything that occurred in committee to-day. All I can say is that I was far from satisfied, and I do not know that counsel who appeared was quite well satisfied about the matter himself.

Hon. Mr. GIBSON—I will make no reference to what has been said in the committee, but my hon. friend is the only one who objected seriously to the Bill in its present form. This matter has been under consideration for a month by some of the ablest lawyers in Canada and members of the government, the members of the Grand Trunk Pacific and the Rothschilds, represented by Mr. Aylesworth. The Grand Trunk Pacific Railway Company was represented by Mr. Chrysler and Mr. Shepley looked after the interests of the government ; and these people have been working out the terms of the agreement for months and months. The three parties have given their consent to the agreement, and after it has been ratified by the people who are to lend the money, the people who are to borrow the money and the government, who are to guarantee the transaction, surely it is not asking too much for a great undertaking of this kind to give the necessary consent. It is the first time in all my experience in this House or in the other chamber that an agreement in connection with a Bill was ever attacked. The agreements are very seldom read by members of the House, but I am sure this agreement received from the government and those interested in it the greatest possible consideration. I may say further that the Grand Trunk Pacific Company are waiting to let the contract with regard to this work, and the desire of the company is that they may be able to cable to England that the Bill has received its third reading in the Senate this afternoon. When the hon. senator who has charge of the Bill asked for the suspension of the rules, it was readily granted by this honourable House, and I trust the House will not be so ungenerous as to delay the passage of the Bill.

Hon. Mr. KERR (Toronto)—I am going to ask the indulgence of the House for a moment or two before the Bill is read the third time. It may be quite true that Mr. Chrysler was quite satisfied with the Bill. He is acting for the Grand Trunk Pacific Company. It may be quite true that Mr. Aylesworth was satisfied with the Bill. He is acting for the Rothschilds, who are the purchasers of the bonds ; and it may be that Mr. Shepley has been up to this date satisfied, and would say so if the question were put to him ; but, so far as I know, he is the only person representing the public in connection with this negotiation. If he had given me the answer which Mr. Chrysler did to-day, and a little more positively than Mr. Chrysler, I might have been prepared to drop the matter. Clause 4 of the Bill reads as follows :

> 4. The power of the company to issue the bonds for the amounts severally provided for by the deeds of trust respectively mentioned in this Act shall not be deemed to be limited by the provisions of section 13 of chapter 122 of the statutes of 1903.

I do not want to go into a discussion of the matter, because I do not want to debate this question unless it is necessary to do so ; but I think it is a reasonable thing, when a question arises as to what the effect of that section is, that we should have twenty-four hours to consider it ; and I will undertake to say that the hon. gentleman who has just spoken has not read the agreements in connection with this clause, and is not prepared to say what the effect of it is. If that be

the case, why should he lecture me, and say it is unreasonable for me to ask to have it postponed ?

Hon. Mr. MACDONALD (B.C.)—Has the hon. gentleman section 13 before him ?

Hon. Mr. KERR (Toronto)—That is the section which provides for the limitation of bonds which are to be issued by the Grand Trunk Pacific. There are two classes of bonds being issued under this Act. There are the first mortgage bonds being issued to the amount of $30,000 a mile. There are second mortgage bonds, which are provided for to the extent of $20,000 a mile, and next to that there is the stock. Now, there is a limitation as to what the stock shall be. They are proposing by this section of the statute—I am not prepared to discuss it——

Hon. Mr. POWER—The hon. gentleman should be prepared.

Hon. Mr. KERR (Toronto)—I should be. I will take the reproof ; but I think I may say I am as well prepared to discuss it as he is.

Hon. Mr. POWER—I do not profess to be able to argue the question.

Hon. Mr. KERR (Toronto)—Then we are proposing to hurry through this legislation without knowing what we are doing. I do not think that is quite proper, and I should not be rebuked because I am not prepared to discuss it. What I want to point out is that section 13 provides for the issue of bonds, and it limits the bonds. If that is not to be interfered with, then I have nothing more to say, but hon. gentlemen will observe clause 4 of this Bill will interfere with that section because the agreement provides for an increased amount of bond issue beyond the amounts named there. The agreement provides for an increased bond issue, which I am not objecting to, but then it says that the power of the company to issue bonds for the amounts severally provided for by the deeds of trust respectively mentioned in this Act shall not be deemed to be limited by the provisions of section 13 of chapter 122. Is anybody prepared to say what the effect of that is ? The limitation which is provided for in this section is no longer to be in force.

Hon. Mr. KERR (Toronto).

Hon. Mr. POWER—It does not say so.

Hon. Mr. KERR (Toronto)—Pardon me. The limitation is no longer to be in force. The issue of bonds provided for in the agreement may be for a greater amount than is provided for in the Act. Then what is the effect of it ? Those are special bonds to issue under this agreement, and under this clause they are not to be limited by the conditions which are being put there. If that is so, does it not leave the matter in this way, that bonds may be issued without regard to the limitations provided for under section 13 ? If that is so, you are going to have an unlimited issue of bonds beyond what is provided for here, with reference to bonds outside of this agreement. I am not prepared to argue that that is the effect of the statute, but I say that there is enough in it to make us pause and see whether it should not be remedied. I was considering whether it could not be made sure by adding a line or two to clause 4, but I think it is necessary that that much should be done. I move in amendment that the third reading of this Bill be set down for to-morrow.

Hon. Mr. GIBSON—I perhaps did not read as much of the Bill as the hon. gentleman from Toronto (Hon. Mr. Kerr), but he tells us he has read it three times and could not understand it. I should not like to admit that I had read a Bill three times and was not able to understand it. As I understood the explanation given by those who are acquainted with the subject, the only objection was that we were not in possession of the opinion of Mr. Shepley, the government lawyer, and that he was not before the committee. The government's lawyer is not interested in regard to this Bill. He has made the bargain on behalf of the government and he insisted on the limitation being abolished, for the reason that thirteen thousand dollars a mile is guaranteed by the agreement of the government with the Grand Trunk Pacific, but for any excess over that amount the guarantee is to be paid by the Grand Trunk Pacific themselves ; and that should not be altered. If the building of the line costs more money than the limitation put upon it by the government, then the Grand Trunk Pacific must provide

that money, and hence the reason for no limitation, because the gentleman acting on behalf of the government said: If you limit them to $15,000 or $20,000 a mile, and you only guarantee thirteen thousand dollars of it, they will come back and say that the road cannot be built for that money, but give the government a limit to which you will guarantee the bonds of the Grand Trunk Pacific and any money required beyond that limit must be guaranteed by the Grand Trunk Pacific themselves. Does any one expect that the bondholders of this road or the people who are buying the bonds of the road, are going to give money for the bonds of the Grand Trunk Pacific. if the amount of issue is not safeguarded in the manner provided. I may say to my hon. friend that the bonds for the portion of the line which does not receive a guarantee from the government at all—the line that they are building themselves from Port Arthur through to the main line of the Grand Trunk Pacific, a distance of some 220 miles, were taken up three times over, and one-half of the amount was subscribed by the people of Canada.

Hon. Mr. KERR (Toronto)—What has that to do with this matter?

Hon. Mr. GIBSON—It has everything to do with it. The hon. gentleman wants to draw a herring across the track by saying you are granting unlimited powers to the company—you are giving them unlimited bonding powers. The limitation is confined to the government, and no sane man will give a hundred cents on the dollar for a bond that is unlimited in the amount per mile. So far as that part of it is concerned the government or the Department of Finance is acting under the advice of Mr. Shepley. The people who are lending the money, the Rothschilds, retained Mr. Aylesworth to look after their interests, and the Grand Trunk Pacific retained Mr. Chrysler to act for them. My hon. friend knows very well, or at least he ought to know, because he has read the Bill three times, he tells us—and yet he says he doesn't know it—he ought to know that a limitation was put upon the government with reference to the paying out of money, but no limitation was put upon the Grand Trunk Pacific, as they have to construct the road no matter where it goes.

Hon. Sir MACKENZIE BOWELL—If I understand the position taken by the hon. gentleman from Toronto, I thought Mr. Chrysler, who addressed the committee on behalf of the Bill, was sufficiently clear upon that point. If I understood the hon. gentleman correctly in reference to the clause to which he has called attention, his position was this; under the original agreement the government were to guarantee interest on bonds to the extent of $13,000 per mile upon the prairie section, but not to exceed that sum—and not more than $50,000 per mile on the mountain section. They have found, in making the calculation, that the cost will exceed $21,000 per mile on the prairie section, and will probably be a good deal more than $50,000 in the mountain section. The government have consented to this modification to the agreement, that they are not to be limited to the guarantee of $13,000 on the prairie section nor are they to be limited to the guarantee of three-fourths of the cost of the mountain section to the extent of $50,000. As I understood the hon. gentleman, that is unlimited; if it costs more than $13,000, the government takes its portion of responsibility. If the mountain section costs more than $50,000 they guarantee three-fourths of the cost of the construction throughout that section. That is the agreement which the government has made and for which the government is responsible.

I understood the hon. senator from Toronto to say that Mr. Chrysler spoke on behalf of the Grand Trunk Pacific and that he represented them; and that there was no one to represent the people in this matter. That is what I understood him to say; and it would imply a very grave want of confidence in the government of the day. The government have taken the responsibility of accepting this amended contract which has been approved by the Grand Trunk Pacific and by the government of the country, and by those who are to advance the money in England; and the people in England who are to advance the money say that unless these changes are made, they will refuse to advance the money. That I take to be the position at present. I should like to be able to say that I have the most unbounded confidence, as my hon. friend has, in the

government of the day ; but I have not. The difficulty is that the government has consented to these changes. They have a sufficient force in the lower House to pass the measure and place it on the statute-book, and I question whether if you give my hon. friend a month to consider this question, he will be able to change a single sentence of the agreement. It has been given to us, and I believe that the supporters of the government in this House, notwithstanding any defect that the hon. gentleman from Toronto may point out in the wording of it, will pass it ; and for that reason I am not prepared to accept the suggestion, speaking for myself individually. I see no good that can possibly arise from it. We are committed as a country to this scheme, and there may be other changes which will have to be made before they complete this gigantic undertaking. I do not think at this stage it is advisable under the circumstances, and having in view the necessity for the company to get possession of money to go on with the work at the earliest possible moment, to prevent the passage of the Bill. I do not see that any good could arise from adopting the hon. gentleman's suggestion. If I thought it could, or that there was the slightest chance of changing a single word of the Bill I would vote for his proposition, but believing otherwise I shall not support it.

Hon. Mr. FERGUSON—My hon. friend made a slip of the tongue when he referred to the $13,000 per mile on the prairie section. I know he did not mean it, but he indicated that that amount might be increased. It cannot ; it is a fixed amount. I listened to the discussion in the committee this morning between my hon. friend from Toronto and Mr. Chrysler who represented the company, and I must say there was one remark of Mr. Chrysler's, when we were making inquiries, to which I objected. He told us very peremptorily that he would not consent to any change in the Bill; but parliament can change anything. Parliament could throw out the Bill if it chose, and I commend the hon. gentleman from Toronto for having raised this question and stated his mind on it before it passes. I can hardly see the question in the same light as the hon. gentleman from Toronto. I was extremely well satisfied with Mr. Chrysler's explanation with regard to this matter. We are only limiting to a certain extent the power as provided in section 13. The words are very plain :

> The power of the company to issue the bonds for the amounts severally provided for by the deeds of trust respectively mentioned in this Act shall not be deemed to be limited by the provisions of section 13 of chapter 122 of the statutes of 1903.

As far as these deeds of trust are concerned, the power shall not be limited and the amounts that are set forth in these deeds of trust are the amounts of the bonds. That is the way I read it.

Hon. Mr. POWER—That is correct.

Hon. Mr. FERGUSON—My hon. friend's meaning is that it opens the door for a further issuing of bonds, beyond those contained in the deeds. I think the alteration is only to the extent of the amount of bonds covered by the deeds.

Hon. Mr. KERR (Toronto)—There is a question about that. Let me call attention to the proposition. If the government, having their attention called to this, assume the responsibility of saying it is all right, I have no objection. That is to say, I relieve myself of responsibility by standing behind the government. Section 13 says that the company may issue bonds. It does say that those bonds shall be limited, to a certain amount ; but clause 4 amends that to a certain extent. That in one sense would be an alteration, even if that was the only thing about it. Then it goes on and provides in reference to the bonds for the mountain section, and so on. Now we have an agreement produced here under which certain bonds are to be issued on that road, and we have this clause. It is not an amendment to section 13, so as to conform to the agreement. It is to provide that, so far as these bonds are concerned, they may be issued to a larger amount than the amount named here. But look at the way in which it is done. It does not say that the bonds which are to be issued under this statute are to come under the agreement, but it leaves it open that both sets of bonds may be issued, and therefore, while we limit the capitalization of the company outside of the bonds, the door is being opened for the issuing of bonds intervening between the mortgage bonds and the stock.

'The power of the company to issue the bonds for the amounts severally provided for by the deeds of trusts respectively mentioned in this Act shall not be deemed to be limited by the provisions of section 13.' If this clause had provided that the issue of bonds under this Bill exhausted the power of section 13, and did so without a limitation, I would have been satisfied, but what I am not satisfied about is that the power of issuing bonds under section 13 of the original Act has been either repealed or controlled, but if the government are satisfied with that wording of it, and say that there will be no complication through new bonds going out hereafter, I have nothing more to say about it.

Hon. Mr. POWER—Has the hon. gentlemon from Toronto directed his attention to section 5, of article 4, schedule A.

Section 5. The provision made in the said agreement of the 18th day of February, 1904, in the words and figures following: 'Notwithstanding anything in the said contract contained, the government may and shall, preserving always the proportions in the said agreement provided as between the prairie and mountain sections of the western division, implement for the purposes and subject otherwise to the provisions of the said contract, its guarantee of the bonds of the said company to be issued for the cost of construction of the said western division, in such manner as may be agreed upon, so as to make the proceeds of the said bonds so to be guaranteed a sum equal to seventy-five per centum of the cost of construction of the western division ascertained as provided in the said contract, but not exceeding in respect of the prairie section thirteen thousand dollars ($13,000) per mile, is brought into and made part of this mortgage, but no new or additional liability beyond such liability as the said provision may create or import, is intended to be, or is hereby imposed upon, or undertaken by the government.

There is no addition made to the government's liability. The hon. gentleman has told us, and correctly, that the company were allowed to issue bonds on the prairie section to the extent of $8,000 per mile, making with the $13,000 guaranteed by the government, $21,000. The counsel who appeared for the company alleged that it was ascertained that the road across the prairies would cost on an average about $21,500 a mile, so that if the limitation contained in the original agreement were preserved, there would be $500 a mile for which the means might not easily be found. Now, what does clause 4 of the Bill say:

4. The power of the company to issue the bonds for the amounts severally provided for by the deeds of trust respectively mentioned in this Act shall not be deemed to be limited by the provisions of section 13 of chapter 122 of the statutes of 1903.

Section 13 allowed an issue of only $8,000 a mile in addition to $13,000 a mile guaranteed by the government, and that limitation is taken away because it is found that it will be necessary for the company, under this agreement, to issue bonds for $500 a mile more. That does not affect in any way the powers of the company beyond that. The subsequent provision is based on the discovery that it would cost a little more on the mountain section. It was deemed necessary to insert this 4th clause, but the interests of everybody are protected. The parties were represented by eminent counsel. The result of conferences between the eminent counsel was submitted to the government and approved by them; it came before the House of Commons and this agreement was accepted without any question, and I think we had better assume that there is nothing very seriously wrong with the agreement.

Hon. Sir MACKENZIE BOWELL—I understood the hon. gentleman from Halifax to say that the issue of bonds on the prairie section was limited to $8,000.

Hon. Mr. POWER—I took the statement of the hon. gentleman from Toronto, who was reading from the original agreement, as being accurate.

Hon. Sir MACKENZIE BOWELL—I hold in my hand the Act, the 13th section of which permits the issue of debentures to the extent of $20,000 per mile, upon which the government guarantees the interest upon $13,000; and Mr. Chrysler pointed out that the $20,000 per mile would not cover the cost of construction. On the contrary, it would cost $21,000 per mile.

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

BILL INTRODUCED.

Bill (176) An Act to amend the Inland Revenue Act.—(Hon. Mr. Scott.)

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

SENATE.

Ottawa, Friday, July 7, 1905.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

MUTUAL RESERVE LIFE ASSOCIATION COMMITTEE ACCOUNTS.

MOTION POSTPONED.

The motion being called :

By the Hon. Mr. CLORAN :

That the Senate give instructions to the proper officer of this honourable House to pay the balance of accounts due to the counsel at-law and expert witness for services rendered by them to the Special Committee appointed during the last session of the Senate, to investigate the affairs in Canada of the Mutual Reserve Fund Life Association of New York.

Hon. Mr. CLORAN—I may say that I have some of the papers I asked for in this matter, but the record which is now in my hands does not make me any wiser than I was before. It consists simply of the accounts, certified to by the chairman of the committee, a letter from Mr. Foster, an acknowledgment of the receipt of $500 on account, and a letter from the Deputy Minister of Justice. Those are all the papers I have been furnished with, and they do not give me the information I require in order to lay the matter before the House. I therefore ask that the motion be allowed to stand until Tuesday next.

The motion was allowed to stand until Tuesday next.

ERROR IN MINUTES.

Hon. Mr. POWER—Before the Orders of the Day are called, I wish to direct attention to an error in the minutes of yesterday's proceedings. At page 645 it is stated that on motion of the Hon. Mr. Watson, seconded by the Hon. Mr. Young, it was ordered that the 70th rule of this House be dispensed with in so far as it relates to the said Bill—that is, the Bill respecting the Grand Trunk Pacific Company—and that the said Bill be now read the third time. The motion made by the hon. gentleman from Portage la Prairie was that the 70th rule be dispensed with in so far as it related to this Bill, and that motion was adopted unanimously. Then the hon. gentleman moved the third reading of the Bill, upon which there was rather a prolonged discussion. The minutes, therefore, are inaccurate; there were two motions instead of one.

GRAZING LEASES IN THE NORTHWEST.

MOTION.

Hon. Sir MACKENZIE BOWELL, in the absence of Hon. Mr. Lougheed, 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 a return of :

The number of closed grazing leases granted since 1897 by the government in the Northwest Territories, together with the following information relating thereto : The number of acres in each lease, the date when, and time for which granted ; the parties to whom granted, and by whom at present held ; the rental per acre, and the township and range in which situate.

He said: I move this in the absence of the hon. senator from Calgary, because I am under the impression that he desires this information, or as much of it as he can obtain, before the consideration of an important Bill which is to come before the House.

Hon. Mr. SCOTT—There is no objection to the motion.

The motion was agreed to.

PATENT OF WM. A. DAMEN BILL.

ORDER POSTPONED.

Hon. Mr. KERR (Cobourg) moved concurrence in the amendments made by the House of Commons to Bill (M) an Act respecting a patent of William A. Damen. He said: The amendments are three in number. They are not important and they are in the right direction.

Hon. Sir MACKENZIE BOWELL—Would the hon. gentleman inform the House why the time is extended two years in this instance, while in other Bills sent from the Senate to the House of Commons the time has been reduced from ore year to six months, and if the patentees do not commence to manufacture in this country within the next six months their rights under the law cease. In this instance the time has been extended from

six months to two years, and the House would like to know why this has been done. My own impression is that we are dealing altogether too leniently in the interests of the trade of the country with these patentees. We have had this year some half dozen or more of these Bills where the inventors or those who have purchased the inventions or obtained patents in Canada have not taken a single step towards the manufacture of the article patented. Is the hon. gentleman in a position to tell us why the time has been extended in this case?

Hon. Mr. KERR (Cobourg)—I do not know that I can give the exact explanation, because I was not present at the time the amendments were proposed and made. This Bill, which originated in this House, was simply an Act of last session which dealt with several patents. One patent was omitted and this Bill is simply to amend that Act so that this patent, which was omitted, shall form part of that Act and be dealt with as the others are. Why the time was extended I am not quite sure, but they seemed to think it would be reasonable to grant the extension. Every one seems to be fully protected. Any one who has begun to manufacture can go on manufacturing, so no harm can accrue to anybody.

Hon. Sir MACKENZIE BOWELL—Do I understand the hon. gentleman to say that the Act which he proposes to amend extended the time of the patentees for two years? I have no recollection of that time. The hon. gentleman says that the extension of the time to two years will not interfere with the rights of any one. The restriction for which it provides is that if this article has not been made in the country up to the present time, no one may manufacture it except the patentee. Under the law as it stands, if any one has commenced the manufacture of an article after the patent has expired he may continue to manufacture it. That is the case where the extension granted is six months; this extends the time to two years instead of six months. Would it not be well to let the Bill stand until next week, and in the meantime the hon. gentleman can ascertain the facts and let us know.

The order was allowed to stand until Tuesday next.

SECOND READING.

Bill (No. 173) An Act respecting the St. Maurice Valley Railway Company.—(Hon. Mr. Mitchell.)

TRELAWNEY DIVORCE BILL.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. KERR (Cobourg), in the absence of Hon. Mr. Lougheed, moved the adoption of the thirty-sixth report of the Standing Committee on Divorce in re Trelawney.

Hon. Mr. POWER—There is one point in connection with this divorce Bill to which attention should be directed. The evidence has not been distributed, and while under ordinary circumstances I should not, perhaps, call attention to that fact, I find the committee in the other House—and I hope it is not a breach of privilege to make the statement—have only to-day thrown out a divorce Bill passed by this House on the ground that the evidence did not satisfy them. I think we had better be careful about concurring in a divorce Bill unless we are satisfied with the evidence.

Hon. Mr. CLORAN—Hear, hear.

Hon. Mr. POWER—I do not oppose the motion, but I do not think it is wise to pass it.

Hon. Mr. WATSON—I should like to say in connection with this Bill, that the case was heard yesterday, a little late in the session, on account, I believe, of trouble in getting some evidence. The case was closed yesterday, and the committee were ready to report the evidence, and I understand the case was very clear. Now, the party applying for the divorce and some of the witnesses had to come all the way from Winnipeg, and some also from Montreal, at considerable expense. The lady, I understand, is not at all in circumstances to come back another session, and if there is any delay now it is not probable that the Bill will be passed this session. I think the committee were very clear about the case, and perhaps some members of that committee might explain it. I understand the evidence was to be distributed by three o'clock, but it has not been done. I think it would be a hardship if the lady were compelled to apply for a divorce next session.

Hon. Mr. ROSS (Halifax)—I was going to remark that the whole system of divorce is crude and out of form, and not consistent with the spirit of the age. It is only suitable for people who can afford to come here with their witnesses, and a poor man is shut out altogether from the benefits of divorce. I am not in favour of divorces; I would like to have them confined in every instance to the doctrine laid down by our Saviour. In the provinces of New Brunswick, Prince Edward Island and Nova Scotia, a Supreme Court judge, with an extra salary, disposes of all cases of divorce. The evidence is never printed ; no one knows anything about it. But the evidence taken before the Divorce Committee of the Senate is scattered about this House and the other chamber, picked up by the charwomen about the place, and distributed among the children, and I am sure it is not the most healthful and pleasant reading that people could have. It is time that we should consider the necessity of reform in the system of granting divorces. Mr. Charlton, when appealing to the people at the last general election, stated that he intended to bring in a Bill to change the present system. I remember a case of a man from Ontario whose divorce Bill was passed in this House, and the woman in question had a relation among the members from the province of Ontario, in the other chamber. At that time the members from the province of Quebec were much more strict in their ideas with regard to divorce—at least publicly so—than they are at present, and in every case they voted against divorces. With the influence that this member possessed among certain of his friends he obtained a majority with the aid of the members from Quebec, and they defeated the Bill in the other chamber. Before the next session of parliament this member from Ontario died, and the applicant for divorce came back the second time, produced the same evidence in this House, and the Bill passed both Houses. Where would a poor man be in that case? Our whole system is calculated to prevent the poor man from receiving the same justice as the rich man. I think in this, as in many other respects, it would be well for the wise men in this House to adopt the system that has been so successful in the lower provinces. We have given certain lessons in reform to the other provinces, and I think this should be one of them.

Hon. Mr. de BOUCHERVILLE—Could the hon. gentleman inform us how many divorces have been granted in Nova Scotia and New Brunswick?

Hon. Mr. ROSS (Halifax)—Very few indeed, I am happy to say. I cannot state the number, but I think there are very few indeed.

Hon. Mr. FERGUSON—I must correct my hon. friend with regard to Prince Edward Island. The Supreme Court of the province has nothing to do with divorces. The Governor in Council has power to hear divorce cases and to grant divorces. We have not had one case in fifty years.

Hon. Mr. McMULLEN—I am exceedingly sorry that my hon. friend from Cobourg (Mr. Kerr) had not noticed the evidence in this case was not printed and distributed before he moved in the matter. I can say for the information of the House that in my limited experience in connection with the business usually brought before the Divorce Committee, there has never been a case in which more positive evidence has been produced of the justice of granting a lady release than in this very case. This woman was subjected to persecution for twelve years by a man who never should have been privileged under the law to have a wife. She was subjected to intolerable experiences, and the committee after hearing the evidence decided to report the Bill. I am sorry the evidence is not before the House. With regard to the Hersey case, I regret that the House of Commons have felt it their duty to take up the matter before a committee without any reference to the Senate. I think if the committee had reported recommending that the Bill be sent back to the Senate with instructions to take further evidence on certain points, that would only have been the courtesy to which we are entitled. We could have done so, or we could have given the parties notice to appear again and satisfy us upon the points to which the Commons took exception, but we passed the Bill on the evidence produced. They have submitted the question to a committee of their own, and I do not know what further action may be taken; but whatever they do I think the committee of the Senate has not received that courteous treatment at the hands of the Commons which they should have received.

Hon. Mr. WILSON—I can see no reason why this report should not be received on the present occasion. If to adopt the report was in any way to affirm the principle of the Bill, then I could understand my hon. friend wishing to read the evidence; but this is not the case. It is merely proposed to receive the report from the Divorce Committee and when the Bill comes up for third reading, if there be any reason why the evidence should be before us, we can have it then. The Committee on Divorce is not in any way to blame for the evidence not being here. We have not full control of the Printing Bureau or we would have had the evidence printed to-day. It was not the intention of the committee nor of the one who has charge of the report to slight this House in any way. I am sure my hon. friend from Halifax (Hon. Mr. Power) will waive his objection and will see that it is perfectly right to receive the report on the present occasion. On the third reading objection can be taken as he may think proper. As far as the evidence is concerned, I cordially agree with my hon. friend from Wellington (Hon. Mr. McMullen). Some people think there are no cases where a divorce should be granted—but if there be a case on record wherein a separation between husband and wife is justified, it is the present case. More unjust treatment no wife could have received at the hands of the husband. The husband is not objecting to the divorce. He feels that he is a guilty party and ought to be separated from an apparently noble woman. The evidence is positive; the acts on account of which we grant divorce were thoroughly proven by more than one witness. This Bill will have to be passed by the House of Commons and it may perhaps receive the same treatment as was dealt out in the Hersey case if they shut their eyes to the evidence. Perhaps the Commons will say: It is too late in the session ; we have not an opportunity of examining this Bill carefully and we will throw it out. I appeal to the hon. members of this House if they ever did an act of justice to accept the report of the committee on the present occasion.

Hon. Mr. KERR (Cobourg)—I regret exceedingly the absence of the acting chairman (Hon. Mr. Lougheed.) I know that he gave directions that the evidence should be printed and in the hands of the members before this hour of the day. There seems to be a necessity to push the matter along as rapidly as possible owing to the fact that the Bill has to pass the other House. and in view of early prorogation there is no time to be lost. Any one who knows that hon. gentleman knows that he is incapable in any respect of doing a thing which ought not to be done. He has a most profound respect for this body and every member of it. I cannot as a member of the committee, however, refrain from making an observation with reference to the remarks made by the hon. senator from Halifax (Hon. Mr. Ross)—the baby, shall we call him, of the Senate. He characterized our divorce proceedings as altogether crude and out of date. I beg to differ, with all possible respect, from the hon. gentleman in that regard. The proceedings before the Divorce Committee have been assimilated as nearly as may be to the course of procedure in cases in the High Court of Justice in Ontario, and I speak of Ontario because I am well acquainted with the proceedings in that province. The rules of evidence are as carefully guarded and as closely adhered to as in proceedings before the High Court in important cases in the province of Ontario. Every precaution is taken that no undue haste shall characterize the proceedings, and that no snap judgment shall be obtained as against any person, but that everything shall be done openly and above board, under the solemn sanctity of an oath. I will say for my colleagues, of whom there are eight, that they are most painstaking and careful men in regard to weighing the evidence, and I am convinced that the evidence is abundantly strong enough to sustain any report that is brought into this House. In this particular case—hon. gentleman will recollect my words when they receive the evidence—the unfortunate respondent, the unregenerate scion, I am sorry to say, of an old and highly respected Cornish family, known for generations in England—the Trelawney family—by his own letters, under his own hand and signature, addressed to his wife, admitted his guilt in reference to the charges on which these proceedings were based. In addition to his own letters, we have the evidence of respectable witnesses corroborating these statements; so that if there ever was a clear case this is one. I hope the Senate will take this view of it and that

they will concur in this report and fix the third reading for Monday next. If the case is not ready on Monday, adjourn it until Tuesday, and if not ready on Tuesday it could be again adjourned, but in the meantime no time should be lost in view of the fact that the Bill has to pass the other chamber. Now, there is a popular impression abroad in Ontario that the proceedings in divorce cases in the Senate are intended for the rich men and not for the poor man. Would hon. gentleman be surprised when I tell them that during the seven years during which I have had the honour of serving upon the Divorce Committee, there has not been a single case in which any one who could be called a rich person has been before the committee either as petitioner or respondent. Nearly all of the parties to these cases have been in humble circumstances.

Whether the rich get divorces or not, they have not applied for them to this parliament. They may go somewhere else, and I am willing that they should do so. Perhaps they go across the line, but they do not come here. I hope that idea will not prevail one minute longer in the mind of any member, because it is not a proceeding for rich people, but for those who are poor and deserve relief. If they deserve relief they will get it, but not otherwise, because in principle I shudder at the idea of divorce. However, as long as we tolerate these proceedings I will recommend that divorce be granted when the evidence warrants it. I had not intended to say so much, but when I heard the hon. senator from Nova Scotia, for whose right judgment and wisdom I have profound respect, I thought it necessary to speak. I hope he will not think that in acting as I do I have abated one jot or title for my respect for him as a man whom I have known intimately in the other House as well as here for thirty or thirty-five years. I should like the Senate to feel that they should concur in this report, but they need not finally dispose of the Bill until the evidence is printed and in the hands of every senator. In that way they will have time to consider and act intelligently on it.

Hon. Mr. MACDONALD (B.C.)—Does not the hon. gentleman think it would be far better to have a divorce court in this country where cases could be heard more carefully and expeditiously. For years I was a member of the Divorce Committee. I gave it up because I saw many members did not weigh the evidence brought before them and were apt to be carried away by their feelings. Some years ago I introduced a Bill in this House when Mr. (afterwards Sir John) Abbott was premier, to establish a divorce court in Canada—making the Exchequer Court a divorce court. That Bill was read a second time in this House, but Mr. Abbott found that the feeling of the Roman Catholic members against a Bill of that kind was so strong that he advised me to withdraw it. On his advice I did so, but I still think there ought to be a divorce court in this country. England, old fashioned as we know her to be, has done away with parliamentary divorce and established a court of divorce, and such a court ought to be established here.

Hon. Mr. ROSS (Halifax)—In reply to the hon. gentleman who has made a remark about myself, I do not know what his ideas are with regard to the rich and poor who apply for divorce. We had a case here the other day from Winnipeg. Suppose the applicant had been a labouring man, do you think he would have been able to attend and bring his witnesses here and get justice? I had the idea long ago that Ontario was the great reform part of this Dominion and many representatives from that province run away with that idea themselves. But if they would be the reformers they claim to be, there is room enough for them to institute a reform in this instance, and create a divorce court such as exists in the province of Nova Scotia. An hon. gentleman opposite asked me how many divorces have been granted in Nova Scotia. I am not sure, but I think I am within the mark when I say that within the last year there have not been more than two or three cases within the whole province of Nova Scotia.

Hon. Mr. McSWEENEY—How many since 1868?

Hon. Mr. ROSS (Halifax)—I have not the information here. The beauty of it there is that none of the evidence taken in divorce cases is published. Either the divorce is granted or refused, and that is all the public will know. Here every Tom, Dick and Harry may read a lot of trashy literature which is not fit for any one to read.

Hon. Mr. CLORAN—I am really surprised at the open advocacy of divorce by the patriarchs of the Canadian people. In the United States, where divorce has become quite a habit, in England, where divorce is very limited, and in France and other countries where divorce is raging, public opinion is turning against divorce courts, and if the people of Canada had their ears to the walls of the Senate and listened to the advocacy of divorce by my hon. colleagues they would stand aghast. It is an awful thing to break up a home; it is practically a crime against society to do so. Such is the feeling of the most temperate minds in all countries. I have in my hand a report of a resolution passed in London, Eng., by the united clergy of the English Church, which reads as follows:

AGAINST DIVORCES.

London Diocesan Conference Has Taken Action.

London, May 18.—The London diocesan conference now in session here under the presidency of the bishop of London, the Right Rev. Arthur F. Ingram, passed a resolution to-day demanding an amendment of the English marriage law, as to preclude the re-marriage in church of divorced persons during the lifetime of the other party to the proceedings. An attempt to modify the resolution in favour of permitting the re-marriage in church of the innocent party was defeated by a large majority.

Now, there is an instance of the Christian and civilized feeling of England. In the United States, on the other hand, in the state of New Jersey a few weeks ago the Roman Catholic archbishop went before the House Judiciary Committee at Jefferson City and urged the passage of legislation introduced by Representative Grace, and this is what the archbishop said:

Unless we have the home the country fails. It is the cornerstone of our civilization. An enemy of the home is an enemy of the state. Every divorce is the destruction of a home. The more divorces the more injury to the state and our moral well-being. Any restriction making for the unity of the home is good. In asking you to support this Bill I do so asking for the betterment of the country. Every opportunity we give for divorce attacks morality and individuals. Every divorce is a slap in the face of a woman. Divorce is an attack on children. Most of the divorcees are childless. When they have children the situation is worse. Marriage relations are naturally debased. We talk of divorce as we do of trading horses. In Canada there were only fourteen divorces last year. There were only 289 in England last year.

Is not the Senate the enemy of the home when it facilitates the breaking up of the home? I could quote sentiments equally serious pronounced by people in other countries who have at heart the welfare of society, but I have read expressions of opinion in England and the United States which we should entertain in this honourable House, and instead of making divorce easy we ought to make it difficult. I am not against the separation of man and wife when they cannot live with one another, but I am against granting them a renewal of the marriage tie. Why? Simply because you encourage them if they do not suit one another in the second marriage to try a third and a fourth, breaking up the home. Although I am not going to express an opinion on this Bill in the absence of the evidence, I may say that as men who should stand for safeguarding the home and society, it is not pleasant to hear hon. gentlemen advocating the breaking up of homes for the sake of mawkish sentiment. I believe those women and men who seek divorce do suffer, but it is a general principle that the individual must suffer for the general welfare. There is nothing going on in the world where some individual interest is not attacked, where some private interest does not suffer, and so in the moral and in the Christian life of this country individuals will have to suffer for the general benefit and welfare of mankind. If you open the courts to easy divorce, what will happen here? We will have in Canada what is now going on in other countries. In the United States last year they had 27,000 divorces and in France 25,000. I have before me the statement of a clergyman who held up Canada as an example for the rest of the civilized world, because in 1901 only 14 divorces were granted in the Dominion; in 1902 only 19, and Canada has been held up as the country where the home is protected. This year the Senate is passing probably 30 or 35 divorces—doubling the number.

Some Hon. GENTLEMAN—Oh, no.

Hon. Mr. CLORAN—There are quite too many, and I hope this honourable House instead of seeking to make divorce easy will make it more difficult.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the fact that this is not the question before the House. The question before us is whether this Bill should be read a third time, and not whether it is advisable to establish a divorce court.

When that question comes before the Senate I have no doubt this House will treat it intelligently, but let us confine ourselves to the question before us.

Hon. Mr. McSWEENEY—For the benefit of the hon. gentleman from Halifax (Hon. Mr. Ross) I should like to read the number of divorces granted in Canada from 1868 to 1903.

By the court in Nova Scotia	119
" New Brunswick	78
" British Columbia	61
Total	258
Granted by parliament :—	
Ontario	53
Quebec	18
Northwest Territories	4
Manitoba	4
Total	79

Yet the hon. gentleman tells us that the divorce courts will be a benefit.

Hon. Mr. ELLIS—I have no feeling in the matter, but this is an important question and what is the Senate doing? It is practically granting a divorce without having the evidence before it. I submit there is no excuse for doing so.

Hon. Mr. POWER—As I am the cause, I suppose, of this discussion, perhaps I might be allowed to say a word or two. It is understood, of course, that the members of the church to which I belong do not vote for the divorce Bills. At the same time, speaking for myself, I may say I have never been in the habit of interposing technical difficulties in the way of granting these divorces. If the Senate, as a court, thinks that under its practice a divorce should be granted I do not feel that I have anything to say. I vote against the motion, but do not believe that I should raise technical difficulties. I have called attention to this matter for the purpose to some extent of getting information. I do not think we should be expected to vote without understanding something of the evidence. Now, we have from three members of the committee charged with the duty of hearing the evidence direct and positive statements that the evidence in this case was of the most revolting character, and that there is no question whatever but that under the practice of the Senate the divorce should be granted. That being the situation, and inasmuch as there is an expectation that we may have prorogation by the end of next week, and inasmuch as perhaps the delay from to-day until Monday might hinder the other branch of parliament from dealing with this question, I do not undertake to interpose any technical objection in the way of the progress of the Bill.

Hon. Sir MACKENZIE BOWELL—I must say that in all my experience I have never known a Bill of this character to be passed without the evidence being before the House. The acting chairman of the Divorce Committee presented the report last night with the evidence. The clerk has sent the evidence to the printer, and it has not been printed and distributed yet. I remember not long ago objecting to the adoption of a report on the ground that we had not had time to read the evidence and judge for ourselves. We all know that there is only one offence which we consider sanctions the granting of a divorce, and we decide on the propriety of granting divorces after seeing the evidence. I have no doubt that what the hon. gentlemen who are members of the committee have said is quite correct, but I want to be convinced for myself, and I do not think we ought to adopt the report until we have had an opportunity to read the evidence. The hon. gentleman from Halifax has made the announcement in this House to-day and also yesterday that parliament is to be prorogued at the latter end of next week. I should like to know on what authority that statement is made. Has the hon. Secretary of State relegated his duty to the hon. gentleman to state when parliament is to prorogue?

Hon. Mr. POWER—I was simply speaking of hearsay from members of the other House.

Hon. Mr. WATSON—As the House is not in a position to consider the report after the discussion to-day, I think it would be as well to postpone the matter until Monday. I hope the hon. gentlemen will facilitate the passing of the Bill. My reason for making this a matter of urgency is that I was informed by a prominent member of the opposition that we are liable to have prorogation next Thursday.

Hon. Mr. McMULLEN—The report can only be advanced one stage to-day. The House is not asked to read the Bill the third time to-day, and before the third reading comes up the evidence will be in the hands

of every member. If it does not corroborate the positive statements made by three members of the Divorce Committee it is open to the House to throw out the Bill.

The report was adopted on a division.

THIRD READING.

Bill (No. 58) An Act respecting the Canadian Northern Railway Company.—(Hon. Mr. Frost.)

DOMINION CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 159) An Act to amend the Dominion Controverted Elections Act.

Hon. Mr. SCOTT—This Bill is to carry on proceedings during the interval between the time the Territories are erected into provinces and the adoption of legislation by the local legislatures. There will be a number of Bills of the same character which must be passed this session.

The Bill was read the first time.

NORTHWEST IRRIGATION ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 161) An Act to amend the Northwest Irrigation Act, 1898.

Hon. Mr. SCOTT—The lands of the Northwest, or those belonging to the Crown, will continue to be vested in the Crown as represented by the federal government.

This authorizes the necessary rules and regulations with regard to irrigation matters to be made under the authority of Orders in Council passed at Ottawa. The matter will still be under control at Ottawa.

The Bill was read the first time.

CENSUS AND STATISTICS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 163) An Act to amend the Census and Statistics Act.

The Bill was read the first time.

Hon. Mr. TEMPLEMAN moved that the Bill be read the second time on Monday next. He said: This Bill provides for the taking of a quinquennial census for the new provinces of Saskatchewan and Alberta, as in the case of Manitoba.

The motion was agreed to.

REVISION OF RULES OF THE SENATE.

Hon. Mr. CLORAN—A note has been placed in my hands—and I presume in the hands of all hon. gentlemen in the House—stating that at the meeting of the Senate on Monday the report of the committee appointed to revise the rules of the Senate will be considered. There are several hon. gentlemen who are not present to-day who would like to be in the chamber when the question is discussed, and I suggest that the matter be taken up on Tuesday.

Hon. Mr. POWER—I think at this stage of the session the request is unreasonable.

Hon. Mr. CLORAN—It is not unreasonable. Monday is an awkward day for members living in the west.

Hon. Mr. POWER—That is the hon. gentleman's opinion, but not the opinion of others. It is current rumour that we are to have prorogation next week, and it will not be wise or prudent to postpone the consideration beyond Monday. If the hon. gentleman wishes to discuss these rules and orders—and I think that probably he is one of the members who would like to discuss the report of the committee—he had better be present on Monday.

Hon. Sir MACKENZIE BOWELL—It is not often that I agree with the hon. gentleman from Victoria (Hon. Mr. Cloran), but I think in this case his request is very reasonable. There are a great many changes suggested, to some of which hon. members may object, and there ought to be time to consider them, even if we do not adopt them this session. I am not going to characterize the proceedings of the committee in any particular way, but I am somewhat busy in looking after my own business and my duties as a member of the House, and I have not had time to go through these rules. I have been in the committee, but not there all the time, and I ask for further time to consider these matters.

Hon. Mr. POWER—I think there will be time enough when the Order of the Day is called.

Hon. Sir MACKENZIE BOWELL—Oh, yes, that is quite right.

Hon. Mr. WILSON—I think the request made by the hon. gentleman from Victoria and the hon. leader of the opposition is a reasonable one. There are many of us who have not read the suggested changes in the rules. It is something that we are all very much interested in. I think every hon. gentlemen in this House desires to abide by our rules, and we should all like an opportunity of discussing them. I could not understand them by reading them over once. Some people might say that I would never understand them. However, I require more time than from to-day until Monday to consider the subject and, therefore, I think it is a reasonable request to make.

Hon. Mr. CHURCH—I agree with the remarks of the hon. gentleman from Victoria, the hon. leader of the opposition and the hon. gentleman who has just spoken. In fact, when this matter comes up for discussion I would be prepared to support a motion to let the whole matter stand till next session.

Hon. Mr. YOUNG—The committee to whom was assigned the duty of revising the rules spent a great deal of time in this matter, as the nature of the work naturally calls for a great deal of consideration, and the House to consider the result must be specially summoned. While there would be no desire on anybody's part to rush through a matter of so much importanec as the rules of the House, I would suggest, as the House has been summoned to consider the rules on Monday, that we commence on Monday and go over the rules, many of which are repetitions, slowly and deliberately. Many rules are at present in our book and I have no doubt hon. gentlemen have read them a great many times, and we can proceed in this way until we come to some contentious matter which might be allowed to stand until the next day. If we do not take action at once and either approve or disapprove of the work of the committee, it will have to stand until another year and we will practically have to go through the same work. We will be compelled to use the rules which are at present in force because it is not advisable to change the rules during a session, and it is very desirable that these rules may be adopted and come into force immediately on the prorogation of this House.

Hon. Mr. FERGUSON—I am glad the hon. gentleman from Victoria referred to this matter, because I am one who is anxious for information. The House is summoned to consider this question on Monday evening next. I do not know whether we have any precedent for a House, summoned to consider a question of revision or making of rules, adjourning and meeting again without a fresh summons. I am not clear as to whether there will have to be a new summons in order to get us together to consider these rules. I think very little will be gained by entering upon the consideration on Monday. These rules are very voluminous. I attended nearly all the meetings—all but one, I think—and gave all the time I could spare and all the attention I could to the matter, but I should like a little longer time to consider these matters—that is, if the meeting on Monday must be a final one to go right through the rules, and if we cannot meet again without a fresh summons.

Hon. Mr. de BOUCHERVILLE—I cannot accept the proposal of the hon. gentleman from Killarney (Hon. Mr. Young). I think that this report should be taken into consideration at the next session of parliament. The committee has been considering this question for nearly six months. They have just made a report, and if they expect this House to pass this report in six days, or ten days at most, I cannot agree to that. Common sense would show that we could not be prepared to pass in six days what has taken them six months to prepare.

Hon. Mr. POWER—I do not think that the experience of the past would lead any one to suppose that there was ever any disposition in this House to force a measure through against the wish of any considerable number of the members. It seemed to me there had to be certain formalities gone through in connection with this report—the senators had to be specially summoned. That has been done, and I object now to undoing it. If any hon. gentleman who looks at the matter seriously states on Monday that he is not prepared to agree to the adoption of a particuiar rule, then I assume the House will postpone the consideration of that rule to a later date. That will not involve the necessity of summoning the members, as they have been summoned already; because, having once been summoned, if the consideration of the rules is adjourned, I do not think that any further

summons will be necessary. The hon. gentleman from Montarville (Hon. Mr. de Boucherville) has referred to the fact that this committee has been sitting for nearly six months. It is perfectly true it is nearly six months since the committee was appointed. It was appointed on the 18th or 19th of January; but the committee have held only ten or eleven meetings, because the Senate has been so constantly adjourning from time to time during the six months that it was almost impossible to sandwich in a meeting of this committee between two adjournments. As the report states, the points upon which there was any difference in the committee are very few, and these points can be considered and discussed at length, but the greater part of the report is simply a re-enactment of the old rules.

GRAND TRUNK ARBITRATION.

Hon. Sir MACKENZIE BOWELL—Might I ask if there is any information which the hon. leader can give us in reference to the result of the arbitration between the government and the Grand Trunk in connection with the non-fulfilment of the terms of the bargain made with them in reference to the Drummond County road.

Hon. Mr. SCOTT—I communicated with Mr. Schreiber, who is supposed to know all about the matter, and he has sent me the following memo:-

The board of arbitrators is composed of the following:
Mr. A. E. Killam, Chairman.
Judge Davidson, Grand Trunk arbitrator.
Mr. George F. Shepley, government arbitrator.
There have been a number of sittings of the board and much evidence has been taken, but the case is not closed, an adjournment for a few weeks having been made.

Hon. Mr. FERGUSON—Will the appointment of Judge Killam as chairman of the Arbitration Board interfere with his duties as chairman of the Railway Commission?

Hon. Mr. SCOTT—No.

Hon. Mr. FERGUSON—He still remains chairman of the Board of Arbitration?

Hon. Mr. SCOTT—Oh, yes.

Hon. Sir MACKENZIE BOWELL—It seems to me rather anomalous that the chairman of the Railway Commission should be appointed on the Arbitration Board because the matters being heard by the arbitrators might be referred to the Railway Commission.

Hon. Mr. SCOTT—He was nominated as an arbitrator before he was appointed Chairman of the Railway Commission.

Hon. Sir MACKENZIE BOWELL—I understand that, but the question is whether his appointment to the chairmanship would interfere with his duties as arbitrator.

Hon. Mr. SCOTT—I should hope not.

Hon Sir MACKENZIE BOWELL—However, I have every confidence in that gentleman.

The Senate adjourned.

SENATE.

Ottawa, Monday, July 10, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CANADIAN NORTHERN AND GRAND TRUNK PACIFIC RAILWAYS.

Hon. Mr. PERLEY—Before the Orders of the Day are called, I desire to ask the government a question. I see in the newspapers a report to the effect that the Canadian Northern Railway Company and the Grand Trunk Pacific Railway Company have amalgamated their interests in some respects. I do not know how far this amalgamation goes, and would ask the government whether they know anything of it? Is it intended that the Grand Trunk Pacific is to utilize the line of the Canadian Northern across the prairie section?

Hon. Mr. SCOTT—I never heard anything of this matter until I saw it in the newspapers, nor do I think it has ever come before the government.

AUTONOMY BILL.

Hon. Mr. LOUGHEED—May I ask my hon. friend if the Autonomy Bill will be down to-day?

Hon. Mr. SCOTT—I am expecting it momentarily.

TRELAWNEY DIVORCE BILL.

THIRD READING.

Hon. Mr. WATSON moved the third reading of Bill (II) An Act for the relief of Agnes Hedevig Helga Salusbury Trelawney.

Hon. Mr. BERNIER—I should like to ask whether the evidence in connection with this case was distributed to every member of the House, or only to certain members ? If it has not been distributed to every member we should not proceed with the case.

Hon. Mr. WATSON—It was distributed to all the members on Friday last.

Hon. Mr. SCOTT—I think the evidence was in the possession of one of the officers of the House at the time we were discussing the question on Friday. I had evidence to that effect.

Hon. Mr. BERNIER—We should not proceed until every member of this House has received the evidence.

Hon. Mr. POWER—I may say that I received my copy on Friday evening. It was in my box at the post office, and I suppose that is the case with other members as well.

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

On the question : That the Bill do now pass,

Hon. Mr. BERNIER—I object again.

Hon. Mr. YOUNG—What is the objection ?

Hon. Mr. BERNIER—The objection is that I have not received the evidence in this case.

Hon. Mr. LOUGHEED—We can readily appreciate the fact that it would be impossible for this chamber to satisfy itself that every member had received a copy from the proper officer of the House. As a matter of fact, this evidence was distributed among the members, and I fancy most of the members, if not all, excepting my hon. friend, received the usual copy. These copies are usually inclosed in an envelope and very often put into one's box in the post office, without any attention being paid to the fact that the evidence is intended for the particular purpose of accompanying the Bill. If my hon. friend were to look among his papers in the post office box he might discover it there.

Hon. Mr. de BOUCHERVILLE—I cannot agree with the statement that it would be very difficult to ascertain whether a Bill has been distributed to all the members or not. When a member gets up in his place in the House and says that he has not received the Bill, his statement should not be called in question, unless some one is able to show that he is not speaking the truth.

Hon. Mr. LOUGHEED—My hon. friend entirely misunderstands what I have said ; I did not reflect in the slightest on my hon. friend from St. Boniface (Hon. Mr. Bernier). What I intended to convey was that it would be utterly impossible to determine whether or not the evidence had been distributed unless each member were to state in his place in the House that he had received it. Of course, my hon. friend apparently has not received his copy.

Hon. Mr. SCOTT—I asked the postmaster whether the evidence was distributed on Friday last, and he said it was.

Hon. Sir MACKENZIE BOWELL—I received mine on Friday night, immediately after the adjournment of the House. It was brougbt from the post office to my room.

The SPEAKER—The third reading of the Bill has been passed and we are now on the question, that the Bill do now pass. If necessary the vote may be challenged.

Hon. Mr. BERNIER—My objection is not precisely to the Bill itself, but to the method of proceeding. It is to my mind very objectionable. I have stated that I did not receive a copy of the evidence in this case, and then I asked whether the House should proceed with such a Bill until the evidence had been distributed to every member. It is said that many other members have received their copy of the evidence. In that case the question arises whether all the members are to be furnished with a copy of the evidence, and if not how many have been passed over.

Hon. Mr. FERGUSON—It is scarcely proper to proceed with the Bill if any hon. gentleman rises and states that he has not received a copy of the evidence. I think we might reasonably delay action if my hon. friend is prepared to give us an assurance that he will vote for the Bill if he finds the evidence amply satisfactory. He appears to be the only gentleman who has not received the evidence, as no other person has complained. If my hon. friend is prepared

to give us his word that he will support the Bill if time is given him to obtain the evidence, I think his request should be granted.

Hon. Mr. BERNIER—We might find some supplementary evidence against the Bill.

The Bill then passed on a division.

Hon. Mr. BERNIER—I rise to a question of privilege. As I have said, it is not so much the Bill before us that concerns me as the rule of the House. It is a question of procedure. Should the House pass over the statement of an hon. gentleman in this chamber that he has not been furnished with a copy of the evidence which by the rules he is entitled to have ?

REVISION OF RULES, ORDERS AND FORMS OF THE SENATE.

The Order of the Day being called.

Consideration of the Third Report of the Special Committee appointed to consider and revise, and if deemed necessary, to add to the Rules, Orders and Forms of proceeding of the Senate.

Hon. Mr. POWER—When the notice in regard to this matter was given on Friday last, there was some little discussion with respect to the procedure to be adopted in dealing with this report, and I wish to state what I look upon as being the correct method. Inasmuch as a large committee of this House has devoted a great deal of time and attention to these rules, and inasmuch as the committee were almost unanimous as to their decisions with regard to the rules, and amongst other matters were unanimous in adopting a resolution to the effect that the rules should come into operation immediately at the close of this session, I think it would not be desirable that there should be any unnecessary delay in dealing with the report. At the same time the rules of the House are an important matter, and if we come across any rule to which an hon. gentleman takes special exception, I think, speaking as one of the committee, I should be quite prepared to let the rule stand over till the next meeting of the House for further consideration but I submit, under all the circumstances of the case, there should not be any unnecessary waste of time. Unless there is some very urgent business that would take precedence of it, I propose to move that the report be now adopted.

Hon. Sir MACKENZIE BOWELL—If we adhere strictly to the rules, we are prevented from discussing the merits of this report on the motion which has been made. The hon. gentleman has said these rules were adopted almost unanimously, but there are some very important rules on which the committee were not unanimous. I do not think at the present time we can give them that consideration which a matter of this character really merits. A great many changes are suggested. Some of them are copied, as the hon. gentleman said the other day, from Australia, and some from other parts of the world. Some have been adopted from the English rules and practice. There are two or three to which I take serious objection, which I will point out when we come to them. Under the circumstances it would be much better, at this stage of the session, not to press the motion for the adoption of the report or even for its consideration.

Hon. Mr. MILLER—I do not know that I am in a position to say anything on this question, because I have not attended any of the meetings of the committee, although my name was placed there by the hon. chairman of the committee. I have been prevented by ill-health during the greater part of the session, from attending the meetings of that committee or of any other committee of the House. Under the circumstances, I do not know that I have much right to find fault with the chairman for pressing the report on our consideration now, but I think it would be very unwise and impolitic to attempt to press these rules through this session. In the first place we are understood to be in the last week of the session, in the sweltering heat of July, and I say it would be impossible to give these rules the consideration they deserve in the time at our disposal. The revision of the rules on the present occasion is the most extensive and important that has ever taken place in this House. A number of changes, additions and innovations have been made, and it would be impossible for the Senate, in less than two or three weeks, to go through these rules and revise them carefully as they ought to be revised, coming from the committee. With my experience of

business in this House, it would be impossible to do that work as it ought to be done under two or three weeks. There is no urgency in this matter; we can get on very well with the present rules this session, and it is just the sort of work to be done next February, in the cold weather, instead of taking it up in hot weather like this, which debilitates even the younger men of the House. It would be a most unwise thing to attempt to put these rules through during the present session. For my own part I shall not take any part in the revision of the rules because I do not feel strong enough to do so, but probably next session I shall be better able to take part. In view of innovations and changes in the rules requiring careful and prolonged attention and discussion before they pass this House, I suggest that the report be postponed until next year.

Hon. Mr. POWER—The suggestion made by the hon leader of the opposition that the rules should be considered in Committee of the Whole is a wise and judicious one, and for my part I shall be very glad to adopt the course he proposes. I, therefore, with the permission of the House, would substitute that for the motion I have made. Hon. gentlemen must remember that these rules have been before the committee from almost the beginning of the present session. As I intimated a while ago, there was no difference in the committee as to the time the rules should go into operation, and if they do not go into operation from the end of this session it will be the end of next session before they can be put into force. I think that is an undesirable condition of things. There is, for instance, one rule which proposes to make it the duty of the Speaker to preserve order and decorum. This is a matter in which the committee were unanimous, and I think it is desirable that that rule should become law. The committee is a large one, consisting of twelve or thirteen of the oldest parliamentarians. They held several meetings, and the differences of opinion which arose in the committee were confined to three or four rules. As to these three or four rules, the House may possibly adopt the opinion of those who do not concur in the rules as they appear in the report; but I think, after the trouble the committee have taken and under all the circumstances of the case, it would be an unwise matter to postpone the consideration of the report and let all the work of this session go for nothing. I wish to direct the attention of the House to the manner in which a like subject was dealt with on the last occasion when the revision of the rules was before the House. In the journals of the Senate for 1894, I find this entry on the 29th March, at page 34:

> The Hon. Mr. Power, from the special committee appointed to consider and revise, or add to the Rules, Orders and Forms of Proceeding of the Senate, presented the following as their report. Ordered that it be received, and the same was then read by the clerk as follows:

And then follows the report. Immediately after the reception of the report is this entry:

> On motion of the Hon. Mr. Bowell, seconded by the Hon. Mr. Power, it was ordered that rules fourteen and eighteen of the Senate be suspended in so far as the same relate to the report of the special committee appointed to consider and revise and add to the Rules, Orders and Forms of Proceedings of the Senate.
>
> The Hon. Mr. Power moved, seconded by the Hon. Mr. Pelletier, that the said report be now adopted. The question of concurrence being put thereon, the same was resolved in the affirmative, and ordered accordingly.

The whole matter was disposed of on the same afternoon that the report was presented. While I admit more changes have been made in the present instance than were made in 1894, there were some changes made in 1894, and in the present instance the difference of opinion is confined to some three or four rules. I move, therefore, that the report of the committee be now referred to a Committee of the Whole House.

Hon. Mr. LANDRY—I suppose in asking this House to make new rules, the first thing to do is to follow the old rules, and I do not see that an hon. member has a right to make two motions simultaneously.

The SPEAKER—The hon. gentleman asked leave to withdraw the first motion.

Hon. Mr. de BOUCHERVILLE—The first motion was not put. Therefore the hon. gentleman cannot make a second motion until the first has been disposed of. He asked leave to withdraw his first motion, and we must take that motion first.

The SPEAKER—The question is, will the House permit him to withdraw his first motion?

Hon. Mr. de BOUCHERVILLE—I object.

Hon. Mr. POWER—Then go on with the original motion.

Hon. Mr. CHURCH—I understand the original motion of the hon. gentleman is before the Senate. I have been strongly opposed to going any further with the rules this session at all, and I think that there are many other members of the House of the same opinion. I am one of the younger members of this House—I came into the Senate four years ago. Several rather knotty questions of order came up during my first session, and to my surprise the older members of the Senate, gentlemen who had been here for a quarter of a century, were not agreed on the points of order, and I saw that the old rules were not very well comprehended. This has gone on from session to session, and finally a committee, of which the hon. gentleman from Halifax is chairman, was appointed. It has taken that committee nearly six months to bring in the revised rules, which were placed in my hands only about forty-eight hours ago—I think either on Thursday or Friday. I do not consider it my duty to wade through all those rules and points of order, and consequently I have not read them and am not prepared to vote on the matter. If it took this committee six whole months, meeting eleven or twelve times, as the hon. gentleman said himself the other day, to produce this report, how do they expect we can go through it and pass upon it within the time that remains. It is surmised on good authority that his Excellency Earl Grey will come down on Saturday next to prorogue the House. We have a good many important measures—the celebrated Autonomy Bill, the 'Monotony Bill,' or the 'Anatomy Bill,' as I am inclined to call it, is not yet before us; and surely there will have to be some discussion on that Bill. Other matters will come before this honourable body for consideration, and really I think we are not going to lose anything by postponing this report until next session. We have gone along nicely under the presidency of the present Speaker, and I believe we will get along fully as well during the present week with our present rules. By postponing the matter until parliament meets again, every hon. gentleman will have an opportunity, during the recess, of reading the rules. With the existing rules before us, we can compare one with the other, and hon. members will come next session prepared to give an intelligent vote on the question. I think that would be the proper course to pursue. I do not wish to dictate the line of action this honourable House should take in regard to the matter, but I am expressing my own opinion in full. I defer largely to the opinion of the hon. leader of the opposition in this regard. He wishes to have it discussed by a Committee of the Whole House. The hon. gentleman himself was a member of the Special Committee. Considering that these hon. gentlemen have met eleven or twelve times to deliberate on the rules, and have only now completed their report, I am opposed to this matter being disposed of now, but I do not wish to make a formal motion.

Hon. Mr. de BOUCHERVILLE—Granting that every credit is due to the members of this committee for their labour in revising the rules, I think it is the opinion of the majority of this House, that we have not time now to consider this report. The hon. gentlemen have done a great deal of work as the hon. chairman has told us. They have put in a great deal of work during these six months, and we require a few weeks to consider the matter. I therefore move in amendment that the consideration of this report be postponed until the next session.

Hon. Mr. MACDONALD (B.C.)—I wish to say that I know that the committee in charge of this work have laboured very ardently in this matter, and more especially the chairman. The hon. gentleman from Halifax was very assiduously engaged upon it for the last three or four months. Out of respect for the labours of these hon. gentlemen, this House should go into Committee of the Whole and consider the report. The task may be too long to complete this session, as the time is short; but I will move, in amendment to the amendment, that the House go into a Committee of the Whole on the rules.

Hon. Mr. FERGUSON—I have been a member of the committee, but I must say that I agree with my hon. friend to my right and also with the hon. gentleman from Lunenburg, and others who have addressed

the House. I think the changes made in the rules are so serious and the revision so extensive that it would not be wise for this House to summarily dispose of these rules at this very late stage, in view of the press of work which is now upon us, which must be attended to during the very short time that will intervene before prorogation. It is correct, as stated by the hon. gentleman from Halifax, that the bulk of the rules have received the unanimous approbation of the members of the committee, but it must be remembered that in a good many cases that unanimous approbation has been brought about by compromise in order to secure a consensus of opinion, and it is quite possible that when these rules come to be considered by the larger constituency of the House other hon. gentlemen in this chamber might not see them in the same way that the committee saw them, and other and greater changes may be necessary. I must say that I do not quite agree with the hon. gentleman from Halifax as to the very small number of rules as to which there remains a difference of opinion amongst the committee. There are a larger number than my hon. friend indicated, and possibly he may be under a misapprehension on that ground. When a particular rule was discussed in committee and it was found that there were differing opinions upon it, my hon. friend who was in the chair took what he understood was the consensus of opinion of the committee, and undertook to amend the rule on the lines indicated by the discussion. I have no doubt my hon. friend very faithfully attempted to carry that out; but I noticed that some of these rules did not come up again for consideration in the committee, and that there is a difference of opinion among the members of the committee in some cases as to whether a rule has been amended in the way that was indicated by the discussion in the committee, or which would meet the approval of the members of the committee. I do not say that anything has been done in any other way than in good faith. I do not raise any question of that kind, but I think if the committee had not been interrupted by the various adjournments, as we necessarily were, and that if it had been possible to have another meeting or two to go over the rules once more from first to last, we could have improved them. I have not the slightest doubt that if further time were given to us they could have been improved in the judgment of almost every member of the committee. The hon. gentleman from Halifax knows that only a few days ago we completed the work of going over the rules, and I feel that after the light which was thrown upon the matter the second time we went over them, we could have considered them again with a good deal of advantage. In order to illustrate this point, I wish to mention that rule 45, as it is drafted, might create a position in which this House could not be adjourned at all. It provides that unless a specific motion of adjournment be made when the Orders of the Day are called for the purpose of bringing up a discussion, no motion to adjourn the Senate shall be made except by or on behalf of a minister. A case might arise such as once occurred in Quebec, as I am told, where a minister of the Crown made a motion to adjourn, and it was negatived and no further motion could be made unless other business intervened. We are very often with only one minister in this House, and it might happen—I do not think it is very likely to happen under present circumstances—but it might happen that a motion made by a minister of the Crown might be negatived, and he might refuse to make a second motion. He might leave the House, and under rule 45, as it stands now, there could be no motion made, because no motion to adjourn could be made except by a minister of the Crown or some one in his behalf. That is a point which did not occur in my mind when we were considering the rules, but it shows the necessity there is for careful consideration when we are dealing with new rules. When we are changing old rules we know what the extent of the change is, but we are asked to adopt absolutely new rules, and in many cases rules that have never been accepted in the British Houses of parliament. We are taking several of these rules from the newly-made rules of the Australian colonies, and we know very little about their operations. We should be very careful in the drafting of new rules, or when we are adopting rules that have not stood the test of time, like the rules of the Australian Commonwealth. My hon. friend pointed out that in 1894 very

little time was spent in the House in dealing with this question; that the existing rules were suspended in order to allow the work of the committee to be passed very summarily and promptly. It may be that in that case there were no very serious departures from the old rules. I was not here at the time and cannot speak positively as to that; but I know in the present case we are adopting many new rules and we are very materially changing old ones. There are very serious changes made, and I think hon. gentlemen who have had any experience in drafting almost any class of document will agree that the greater the volume of the work the greater chance you have of finding that you have made mistakes, or left the door open to misunderstanding. I have not taken any prominent part in drafting the proposed rules, but I have no hesitation in saying that the work which has been done is very valuable. It cannot possibly be lost, and if the matter is laid over now, a new committee can be struck next session, or the old committee can be reappointed, with the hon. gentleman from Halifax, if he is in the House, as we hope he will be, in the chair. If the whole of the committee are present they might be reappointed, or in the event of any of them not being available, some changes could be made and the matter could be referred to the new committee. They could take up the matter as it is left now, and as the chairman has said and said very properly, we would in the beginning of the session have very little to do, the weather would be cool, and we could go into the matter without that physical discomfort which we suffer in attempting such work now. In view of the fact that the important work which has been done cannot be lost to this House, and that no great detriment to the public interest or to this House can arise from our working under the existing rules for the next session or a part of it, I will support the motion of my hon. friend from Montarville that the consideration of this question be laid over until next session.

Hon. Mr. POIRIER—We are entering upon a week of very important work. The labour of this week is going to be strenuous. We will have before us a question which has occupied the other House for months and months, a question which has engrossed the attention of the whole Dominion, and a question which might have extreme consequences. In addition to that, we have the remainder of the estimates and we have also other important Bills to consider. As this week will probably terminate the present session of parliament, is it reasonable that we should set aside those momentous questions which the country is expecting us to look into seriously and severely, and spend our time discussing the rules of this House? I do not believe that that would be a proper course to pursue. Hon. gentlemen are aware, as well as I am, that the longest discussions which have taken place in this chamber have often been upon points of order and upon domestic affairs, while very often questions of grave importance have passed with very slight discussion. I have a strong feeling that we should not at the close of the session set aside those questions which we should discuss in order to take into consideration the report of this committee, which may be very good, which has no doubt been prepared very conscientiously, but which will certainly involve a long discussion in this House. Next session will likely be a very long one indeed if the government bring up the question of the revision of the tariff, and we will have plenty of leisure time. Why not postpone the consideration of this report till next year, when we can work at it deliberately, when nothing else will be pressing, particularly as we now have those momentous questions before us, and the country, after the many vacations we have taken, expects us to take matters more seriously? I, for one, will vote for the postponement of the consideration of this report.

Hon. Mr. McGREGOR—As a young member of this House, I know very little about our present rules, and I suppose if this report were laid on the table for a year I would not know very much more. But I should like to know whether this largely representative committee of this House were unanimous in their conclusions. If they were anything like unanimous, I should be inclined to support them. Of course, there would not be much loss by the postponement, but what would be lost if we adopted the report? It would not be like the laws of the Medes and Persians; the rules

could be changed. If a rule is not found to work well, it can be changed.

Hon. Sir MACKENZIE BOWELL—In reference to the action of the Senate in 1894, the different changes in the rules at that time were not of sufficient importance to create any great discussion, and hence no particular objection was raised. In the present case it is a complete revision of the rules, with the introduction of some rules from other colonies and from Great Britain, which we have never had to consider before. There is not, I may say to the hon. gentleman who has spoken, a unanimity of feeling as to the introduction of some of these rules ; and for this reason, I am opposed to the closure or that which approximates to it.

Hon. Mr. POWER—There is no closure in these rules.

Hon. Sir MACKENZIE BOWELL—I expected the hon. gentleman to say that, but I added 'or that which approximates to it.' You restrict the speaking in this House to a certain number of minutes and that is approximating the choking off of speeches. There are other rules in which the government is given power which private members are deprived of. It is quite right that the government should have the right, when they are asked to lay documents on the table, to refuse to do so, on the ground that it would be detrimental to the public interest or because of negotiations then going on. I do not go so far as my hon. friend here in objecting to giving them that right ; but I do not think that a member of the governmen should be permitted to read a certain portion of a document and then to refuse to lay it on the table on the ground that it would not be in the public interest to do so. If he wants to fortify the position he takes, he might refer to correspondence which was going on, to letters in existence bearing on the subject, but not sufficiently advanced to justify him in laying them on the table. I think that has been the general rule. There are other rules in connection with this point to which I take very strong objection. The right to move amendments has not been abused in this House.

Hon. Mr. MILLER—Hear, hear.

Hon. Sir MACKENZIE BOWELL—If we had a democratic body, and a large one, where advantage was taken to frustrate or obstruct the business, a rule of that kind might be required, but it is not necessary in the Senate.

Hon. Mr. MILLER—Why shackle the members ?

Hon. Sir MACKENZIE BOWELL—My hon. friend, who has been Speaker of the House, asks, why shackle the members in the expression of their opinions ? The delay cannot do any particular harm, and the rules can be well studied during the recess. I may say, in reply to the hon. member from New Glasgow, that one of the objects in adopting the new rules is to get them as perfect as possible so as to avoid the necessity of making constant changes. They will all be printed in a book, and that will have to be revised before it is ready for use. One of the rules provides that if you make a change in a rule, no matter how unimportant it may be, you must summon the whole Senate to consider it. Let us try to make the rules as unobjectionable as possible, and—what is of more importance—to make them workable and understandable. If we do that we shall have accomplished the object we have in view. I desire to add a word to what the hon. member from Victoria, B.C. (Hon. Mr. Macdonald), has said in referring to the chairman of the committee (Hon. Mr. Power). He has been unremitting in his attention to duty, and the time which he has devoted to the consideration of these questions has scarcely ever been given by any member of this House, at least during the time I have been one of its members. But while I am quite willing to accord him that praise, and to admit that he deserves great credit, it does not follow, because he has devoted four months to the consideration of these rules, that his particular views will be concurred in by the other members of the Senate. Every senator has a right to consider and decide for himself as to whether the conclusions at which he has arrived are correct and to the advantage of the Senate. That is my principal reason for objecting to going on now. If we go on now we shall have to take the rules up seriatim, rule after rule, and discuss each one at such length as will be necessary to make clear to every member the effect it will have if adopted. As my hon. friend said, we expect in a short time to have very important

measures before us which will take up the time of the House for the remainder of the session, but if the hon. Secretary of State will promise that he will not go on with the autonomy Bills, I shall withdraw my objection and we will go into committee on this report and spend two or three weeks in discussing it. My hon. friend laughs; I do not know whether that is in approval of the suggestion I make, or whether it is in derision. I take it for granted that it is approval of what I suggest, and we may therefore, if he accepts my suggestion, be relieved of the discussion likely to take place on that great question.

Hon. Mr. YOUNG—I have listened with interest to the preliminary discussion over our rules, and I agree with a great deal that has been said. Particularly I agree with the words which fell from the lips of the leader of the opposition when he said that every one must read the rules and come to his own decision on the work of the committee. The discussion which has arisen shows, it seems to me, the wisdom of the course that has been suggested by my hon. friend from Victoria, that a further discussion should take place in a Committee of the Whole, where the opinions on both sides of the case, so to speak, could be given ; and whether the rules were adopted this session or next session, the discussion would be of advantage, and those who studied the question would be able to come to a sound and safe conclusion as to the desirability of adopting or opposing them. It might be well, when dealing with the rules, that we should follow the ordinary procedure on such occasions. As the case stands now, my hon. friend from Montarville (Hon. Mr. de Boucherville) has moved an amendment to the amendment, which to my mind is not according to the practice, because it is practically moving the six months hoist. It is a motion to postpone this matter until next session, and it is not according to parliamentary practice to move an amendment of that character. Therefore the discussion should be on the motion of the hon. senator from Quebec. I fail to see that we would lose anything by going into Committee of the Whole, and proceeding as far as we reasonably can. It may be that we can get through the rules and we will thus find out where the objections are, what are the weaknesses of the work of the committee. Even if the report were postponed until another year, which I would rather not see done, there would be an advantage in this discussion. It would be an education to every member of the House who had not the advantage of being a member of the committee and hearing the reasons for arriving at the conclusions contained in the report. I suggest that we postpone this order until the other business of to-day is cleared off, and then take up the matter. Whatever our decision might be, we would not interfere with the business of the day, and we could devote the rest of the sitting to a further discussion of these rules, and go as far as we could in the time at our disposal. If that suggestion meets the views of the House, we could give considerable information to other members of the House who have no opportunity of knowing the reasons for the conclusions arrived at by the committee. I may say the great bulk of the report is a repetition of former rules, some of which have been slightly changed. There are not many new rules and these are the result of experience in other Houses. We have not taken any new departure which should alarm this honourable body, as will be seen when the rules are carefully analysed.

Hon. Mr. SCOTT—I presume on a matter of this kind it is not proposed to call for a division. The adoption of the rules ought to take place only after they have met the cordial reception of members of the Senate. We should at least be advised substantially of the objections urged to them. It is quite clear from the remarks that have fallen from several hon. gentlemen that there will be a good deal of controversy before we adopt these rules. We can all see that the chairman of the committee has devoted a great deal of time to the subject and taken a great deal of care to bring the rules up to what he considered the proper standard. I do not know a member of the House, with the exception of perhaps of the hon. gentleman from Richmond, who could be classed as having a superior knowledge of the rules; and I am sure others pay great deference to the opinions he entertains on the subject of any changes he might desire to make. At the same time it must be admitted, at this stage of the session,

with several important Bills coming down, it is not an opportune time to consider them. It would be improper in my judgment to allow the rules of the Senate to block any business of importance which we may desire to complete during the coming week, and therefore I would ask the hon. gentleman from Halifax to withdraw his motion and allow the matter to stand over for another year.

Hon. Mr. POWER—After what has taken place, and after the suggestion made by the hon. Secretary of State, I suppose it would be looked upon as pure stubbornness on my part if I declined to accept it. I may say that I defer to his wishes and to the views expressed by some members of the House. At the same time I may be allowed to say just a word or two. I do not think it is customary, after such a large committee has dealt with a subject of this kind, that its report should be discussed at great length in the House. The very object of referring such a question to a committee, is that the details shall be dealt with by the committee. There were certain very important points as to which there was entire unanimity in the committee, and I supposed that when this report came up for consideration in the House, it would be considered in what might be called a judicial way. As to the three or four rules regarding which there was a difference of opinion I thought there might be some discussion and possibly motions made to amend those rules. A totally different course has been taken, and I cannot help feeling that there is just a little of the 'Dr. Fell' idea prevailing in the minds of some members of the House. Something was said by one hon. gentleman with respect to my being exceedingly unreasonable in thinking that my particular views should be adopted. I do not think so. On several points, I might mention, my particular views were not adopted by the committee; but if I thought a certain course was the right and proper one, and some hon. gentleman suggested another course was better, if the hon. gentleman's reasons did not seem to me to be very convincing, I do not think I would be acting properly in changing the views which I believe to be well founded; and if the majority of the committee happened to agree with me, I think I was perfectly justified in trying to carry out my own views. As a matter of fact, I repeat, there was a marked difference of opinion as to three or four of the rules only; and every one of those rules has been amended by the committee in the direction of meeting the views of the hon. gentleman who objected.

Hon Sir MACKENZIE BOWELL—No.

Hon. Mr. POWER—If we had taken the report into consideration as a whole, the views of these hon. gentlemen might have been met altogether, and considering that for some sessions there has been a feeling that in certain respects our rules urgently needed alteration, I contend that would have been a reasonable view to take. It may be I am mistaken. At any rate my view does not appear to be the view which prevails in the House just now, and consequently I must express my willingness to acept the suggestion made by the hon. Secretary of State.

Hon. Mr. BEIQUE—I am glad the hon. gentleman from Halifax has deemed it advisable to accede to the request which has been made. I agree in what he has said, that when a large committee has taken the trouble to make a study of the rules, it is hardly to be expected that there will be a great deal of discussion by the members of this honourable House generally when the matter is taken into consideration. On the other hand, it is but fair that every member of the House be afforded the necessary time to look over the rules and have a clear idea as to their purport; and I agree with the members who have taken the position that it is rather late in the session to expect hon. members to whom these rules are altogether new and who have had only two or three days to study them, to form an opinion on them. I thought we should have gone into committee on the rules, devoting one sitting to them and I think it would have facilitated greatly the work of next session. The matter is now fresh in the minds of the members of the committee. There could be some short discussion on the rules as to which there is a difference of opinion. The views of different members would be put on record and during the recess some of us would very likely be prepared to suggest the best rule to be adopted on the subject. Therefore I think that this honourable House should agree to have the matter postponed until next session, but

in the meantime should spend an hour or two in committee in order to better study those rules on which there are differences of opinion. Otherwise even the members of the committee will forget a great deal. Speaking for myself, I shall not be as well prepared next session as I am now, because the matter is fresh in my mind to-day. If we had a short discussion it would be on record in the proceedings of this House for reference next session.

Hon. Mr. ROSS (Halifax)—I do not think any of us will study these rules very closely during the recess. Our minds will be taken up with something more directly important to ourselves. We all agree that the weather is very hot and that we are getting a little dull. I speak for myself; I am getting a little stupid from the heat in this city. Next session we may come here with the wind blowing from the Northwest and our minds brightened up by the frost; and we will have very much clearer ideas as to what should be done than we can possibly have at present. Next session, after passing the address and appointing the committee, we should arrange to remain here until those rules would be passed; and in this way the subject would be disposed of early in the session.

The amendment was agreed to unanimously.

Hon. Mr. de BOUCHERVILLE—Just now some remarks were made by some hon. gentlemen that they had not received notice that this subject was coming up. For my own part, I asked some of my friends if they had received the regular summons for this meeting. Some told me that they had, others that they had not. Just now my hon. friend near me showed me a paper on his desk, addressed to me. There ought to be a little more care when the House orders members to be summoned, to require that the summons be placed in the hands of the member for whom it is intended.

INLAND REVENUE ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (176) An Act to amend the Inland Revenue Act. He said: Although this seems to be a Bill of considerable length, on analysing it I find it adopts no new principle, except in one particular. At present when officials connected with the Inland Revenue Department are appointed they are obliged to furnish personal security. This provides that in all such cases a guarantee company's bond may be substituted for the bond of an individual. Apart from that the changes are simply verbal; the clauses amended is reproduced, which is of course very much the better way. Beyond the adoption of the guarantee system in lieu of personal security there is practically no material change.

Hon. Mr. MACDONALD (B.C.)—Why was not the guarantee system adopted before? In some of the departments they have had the guarantee system for some time.

Hon. Mr. SCOTT—I do not know why.

Hon. Sir MACKENZIE BOWELL—It is difficult to accept the statement of the hon. gentleman, although I have no doubt it is made in good faith, that there are no important changes in this Bill. It covers some ten pages. If it is only confined to verbal corrections or alterations of the Act, they must be of an important character, otherwise we would not have such a large Bill to consider. It is a great misfortune that the government does not, in the introduction of Bills of this kind, re-enact the old law instead of changing, as in this instance, no less than thirty-four sections. If any member desires to study this Bill affecting the Inland Revenue Department, he must take up two or three enactments in order to arrive at what the law really is. My hon. friend from Richmond very properly suggests that that is the reason for the codification of the laws and the appointment of a very expensive commission, which sat for a year or two in order to revise and consolidate the statutes. Bills are introduced time and again amending the statutes, and if they are only of a verbal character, as the hon. Secretary of State says this Bill is, it makes it much more difficult to understand them. Now, to understand these amendments, the whole law should be before the senator, and he has either to compare them while at his seat or devote a day to studying them when the House is not in session. I should like to put it fairly to my brother senators, how many of us

have taken that Bill and studied the proposed amendments by comparing them with the law on the statute-book? Yet we are expected to go into committee and put this Bill through in ten or twelve minutes. The hon. Secretary of State, I have no doubt, is prepared to give an explanation of each of the amendments and why they are proposed; but I make this suggestion very seriously to him, that when so many amendments have to be made it would be better to consolidate the law itself. I take it for granted that the consolidation of the statutes will be laid before parliament, if not this session, at least next session. Will all these amendments that we propose to make now be inserted in the consolidated Act affecting the Department of Inland Revenue? If they are not included in the consolidation, then you have the statute, so far as it affects the inland revenue, as difficult to understand as it was before consolidation. I hope the hon. minister will not think I have made these remarks in a captious spirit. Might I ask if he thinks there is a probability of these Acts we are passing this session, amending other Acts, being considered by the commission consolidating the law? The hon. gentleman nods his head. Then my objection is not so strong. I fully concur in the amendment which he proposes to make in reference to security. Any one who has had any experience in administering these laws containing penalties will know that, where personal securities are given, it is always a difficult—shall I say indelicate—to press a personal friend who has become security. If the bond of a security company is required, then there is no compunction at all in compelling them to pay if anything goes wrong. That is the only objection I have, and I hope my hon. friend, when we reach the different clauses, which are somewhat numerous, will have the chairman read them, and then explain why the changes are made, unless the House is prepared to swallow it holus bolus, without any knowledge of its contents.

Hon. Mr. LOUGHEED—I desire to say that I concur to some extent in what has fallen from my hon. friend. I for one must sympathize with that section of the public which is called upon from year to year to familiarize itself with the very elaborate amendments which are made to departmental statutes from time to time. It seems to me one of the evils of the parliamentary system to-day is the constant changes which are made in departmental machinery from session to session. I have particularly in view three or four departments that come here, one might safely say every session, for very radical changes to be made in their administration. I cannot overlook the fact that the Inland Revenue Department is probably the greatest sinner of them all. I might mention also the Fisheries Department, and the Agriculture Department. If one would take up our statute-book and look at the large body of statute law passed from session to session incident to those three or four departments, one cannot fail to really admire the patience of that section of the public which has to do business with those departments from time to time. I apprehend that there should be, and will be, no complaint on the part of the legal fraternity with reference to these radical changes which are being so constantly made in the law, but speaking, not on behalf of the profession, but rather on behalf of the public, I think it is time a halt should be called in this matter of varying legislation so frequently. It seems to me if those departments find that their departmental machinery is defective in the way of statutory enactment that there should be a codification of the law with reference to those various departments. The authorities of those respective departments should decide upon what they really want, and they should come down here some session and have their Act entirely consolidated. The public would then know for some years to come what they might expect in conforming to the various statutory obligations cast upon them in doing business with those departments. But really, if one would analyse our statute-book with reference to departmental legislation the conclusion would be irresistible that those changes are an abuse of the parliamentary system.

Hon. Mr. POWER—I am sorry that the hon. gentleman has not moved that the consideration of this question be postponed. It seems to me the public necessity calls for as careful consideration of the Inland Revenue law as the rules of the Senate.

Hon. Mr. SCOTT—As hon. gentleman know, the Inland Revenue Act covers 106

pages. It would have been folly to have reprinted all that matter, particularly as the codification is now going on. What has been done in this particular case has been to re-enact each section. If there were only one word changed it is simply re-enacted with that particular word included.

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

RAILWAY ACT, 1903, AMENDMENT BILL.

SECOND READING POSTPONED.

The Order of the Day being called.

Second reading Bill (PP) An Act to amend the Railway Act, 1903, as respect the amount of securities to be issued by Railway Companies.—(Hon. Mr. Davis.)

Hon. Mr. WATSON—I move that this Order of the Day be allowed to stand.

Hon. Sir MACKENZIE BOWELL—I would like to ask the hon. Secretary of State if the government has any policy to announce in respect to this matter.

Hon. Mr. SCOTT—A Bill was introduced in the House of Commons with respect to the same matter, and it is to be dropped. There would be no use in our passing this Bill because it would not pass the Commons this session.

The Order of the Day was allowed to stand.

DOMINION CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (159) An Act to amend the Dominion Controverted Elections Act.

He said: This is to make provision for cases that arise in the process of the change from territories to provinces, reserving all powers to the Supreme Court.

Hon. Mr. LOUGHEED—I have no intention of opposing this measure because I regard it as entirely necessary but why was not a more comprehensive Act introduced so as to meet all classes of cases which might arise during the interval referred to? It seems to me there is no more probability of such a question arising under the Dominion Controverted Elections Act than under any other Dominion Act. It seems to me it would have been much better for the government to have introduced a comprehensive Bill dealing with all classes of litigation arising under Dominion Acts.

Hon. Mr. SCOTT—There were a number of Bills. Probably some of them may not have come up yet. I know the Justice Department had under consideration the preparation of such Bills as would be really necessary. There may be other Bills to be sent up to us.

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

SECOND READING.

Bill (161) An Act to amend the Northwest Irrigation Act, 1898.—(Hon. Mr. Scott.)

CENSUS AND STATISTICS ACT AMENDMENT BILL.

SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (163) An Act to amend the Census and Statistics Act.

He said: This Bill amends the Act passed during the present session. Bill No. 5 which provided for the taking of the census in the provisional districts of Alberta, Assiniboia and Saskatchewan; and this Bill provides for the taking of the census in the provinces of Manitoba, Saskatchewan and Alberta. It is necessitated by the fact that the Territories have been constituted into provinces.

Hon. Mr. FERGUSON—It is not clear to my mind whether the census will be taken twice in every decade in future, or whether there will be only one. It provides that in Manitoba, Saskatchewan and Alberta there shall be a census taken in June next year, and every tenth year thereafter. Will the ordinary decennial census for the whole country apply to the west as well?

Hon. Mr. SCOTT—Yes, it will all come in the regular order in 1911. There will be a quinquennial census taken twice in order

to get into the dates at which the general census will be taken.

Hon. Mr. FERGUSON—This Bill provides that there shall be a census next year and one at the end of every ten years thereafter for those three provinces. Will the usual decennial census in 1911 apply to the whole country, in other words will the census be taken twice in every ten years ?

Hon. Mr. SCOTT—No.

Hon. Mr. LOUGHEED—The intention is that the census should be taken twice in every decade. This would permit of that being done. That is to say, the general census which is taken every ten years would be equally applicable to those provinces; and the intermediate census, taken every ten years after the date fixed by this Bill would be specially applicable to those provinces. That would give us the quinquennial census required under the Autonomy Bill. But I would like to say to my hon. friend who has introduced this Bill that I hope when it goes to committee he will make some provision for limiting the time during which the census is to be taken. If we are to accept the last census taken by the Department of Agriculture as a precedent, it will not only absorb a considerable time but a proportionate amount of the revenue of the Dominion to determine what the population is. It seems to me what is needed more than anything else is a time limit upon the taking of the census.

Hon. Mr. TEMPLEMAN—In reply to the hon. gentleman from Marshfield (Hon. Mr. Ferguson) I might say that the Act respecting the census and statistics passed this year, provides that the census of Canada shall be taken under the direction of the minister on a date in the month of June in the year 1911 to be fixed by the Governor in Council, and every tenth year thereafter. That is the ordinary decennial census. The clause which we are about to amend by the Bill before the House reads as follows :

2. A census of the population and agriculture of the province of Manitobe and of the provisional districts of Alberta, Assiniboia and Saskatchewan in the Northwest Territories, shall be taken by the office, under the direction of the minister, according to special forms and instructions to be approved by the minister, on a date in the month of June, in the year one thousand nine hundred and six, to be fixed by the Governor in Council, and every tenth year thereafter.

This means that there is a decennial census for the entire Dominion every ten years, and in addition to that there is a quinquennial census for these two provinces.

Hon. Mr. FERGUSON—I now understand it perfectly. Is there any good reason why British Columbia should not be included along with the other provinces ? I should expect my hon. friend to be looking after British Columbia. The province is growing rapidly and I think it would be simple justice to that province that it should also have its census taken every five years ; but I would like to inquire from him why he is not looking after the interests of that province.

Hon. Mr. TEMPLEMAN—My hon. colleague from Victoria has constituted himself the particular guardian of the interests of the province, and I am sorry he is not present; but I quite agree with my hon. friend so far as to say that if the object of the quinquennial census in the new provinces and in the province of Manitoba is in order that increases to the provincial subsidies may be thereby obtained, the province of British Columbia should stand on the same footing. Possibly by another year or two when our population begins to increase with the rapidity that it has increased in the new Territories, British Columbia will make the request that my hon. friend has said the province should make.

Hon. Sir MACKENZIE BOWELL—I am glad to know the hon. gentleman recognizes the assiduity with which the hon. member from Victoria attends to the interests of British Columbia and as he says he has constituted himself the guardian of the interests of that province, might I ask if he has relegated his duty as minister without portfolio to my hon. friend on my left, leaving the interest of that very important province to his colleague who is not a member of the government. One generally supposes, and it is the general impression, however correct it may be, that a minister whether he has a portfolio or not. is the guardian of that section of the Dominion which he is supposed to represent. But my hon. friend evidently has come to the conclusion that the hon. gentleman who sits to my left is really the

guardian of the interests of British Columbia. Let me hope he will join with him in the endeavour that he manifests on every occasion to bring the interests of the province before the Dominion. It will be my pleasure to tell my hon. friend that he occupies that very important position, and he will begin to read in the debates the remarks made by the minister who is supposed to represent British Columbia.

Hon. Mr. TEMPLEMAN—I am not very sure, but I think my hon. friend the leader of the opposition was a member of the government—at all events he was a member of the political party which made the terms of union with the province of British Columbia.

Hon. Sir MACKENZIE BOWELL—I was in parliament but not a member of the government.

Hon. Mr. TEMPLEMAN—A member of the party which agreed to the terms under which British Columbia came into confederation.

Hon. Sir MACKENZIE BOWELL—Very liberal terms too.

Hon. Mr. TEMPLEMAN—It seems to me if the party of which my hon. friend was a member was consulting the interests of the province at that time, he would have arranged for the taking of the quinquennial census, with a view to increase the subsidy to the province, every five years, as this government has done in respect of the new provinces now being formed. However, I simply said that I thought the suggestion of my hon. friend from Marshfield was a very good one indeed, and I am quite sure that my hon. friend from Victoria, who is not present, would also think so. While I will not say that I surrender to my hon. friend from Victoria all questions affecting the province, still we may be found in accord on that question at another session of the House. While I do not surrender my duties to my hon. friend from Victoria, I am quite willing to surrender my salary.

Hon. Sir MACKENZIE BOWELL—I did not advocate the principle laid down by my hon. friend, neither do I understand he did. He merely asked why it was not done. When British Columbia came into confederation I did not consider, as an independent member of parliament, that it was necessary, and I do not think it is necessary now.

Mr. MACDONALD (P.E.I.)—I was about to remark that if the present government had followed the same course as the Conservative government to which allusion has been made, the government which was in power when Manitoba was brought into the union—if they had followed the course which the first Conservative government followed at the time Prince Edward Island came into confederation, they would have taken the population and statistics required in the new provinces by estimation and thus saved the hundreds of thousands of dollars required for the additional census.

Hon. Mr. CHURCH—May I ask how long the five years census arrangement is to continue? It seems to me it is necessary to have it now. I understand the subsidies to the two new provinces are on a very liberal scale, and I also understand from the imperfect knowledge which I possess—I have not studied the Bills very closely—that there is a maximum, and after it reaches that maximum I suppose the same rule will prevail in those provinces with regard to the census as prevails in other provinces of the Dominion. Am I right or wrong?

Hon. Mr. TEMPLEMAN—You are right.

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

The Bill was then read a third time under suspension of the rules.

BILLS INTRODUCED.

Bill (69) An Act to establish and provide for the government of the province of Alberta.—(Hon. Mr. Scott.)

Bill (70) An Act to establish and provide for the government of the province of Saskatchewan.—(Hon. Mr. Scott.)

Bill (139) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—(Hon. Mr. Templeman.)

Bill (147) An Act to amend the Seamen's Act.—(Hon. Mr. Scott.)

Bill (186) An Act to provide for the regulation of Wireless Telegraphy in Canada.—(Hon. Mr. Templeman.)

Bill (193) An Act to amend the Revised Statutes respecting the salaries of certain public functionaries and other annual charges on the Consolidated Revenue.—(Hon. Mr. Templeman.)

DELAYED RETURNS.

Hon. Mr. SCOTT moved that the House do now adjourn.

Hon. Mr. LANDRY—I wish to ask the leader of the government if there is any intention on the part of the departments to comply with the order and wishes of this House? Eighteen months ago I made a motion asking for a return giving the names of the crew on the steamship 'Neptune,' which was sent to Hudson bay. I asked for it several times last year, but could not get it. I have asked several times for it this year and cannot get it. I suppose I shall be obliged to keep the House in session a few months more until that return is laid upon the table. That may happen; we do not know what the future may have in store for us.

On the 11th April, three months ago, I moved for a return in regard to the sale which took place to the hon. Senator Choquette on the part of the Department of Public Works. That return could have been prepared in two or three hours, but we have not received it yet. I suppose the hon. gentleman wants to keep us here all summer. If he wants to get rid of us, he should bring down that return to-morrow or, at latest, the day after.

Hon. Mr. SCOTT—I think I got one of the returns. The hon. gentleman asked me about it, and I passed on the request to the proper quarter. I do not know why the return has not been prepared. If the hon. gentleman will send me a memorandum of what he requires, I will give it attention. I think one of them was prepared and I brought it to the House. I do not know whether I laid it on the table or not.

Hon. Sir MACKENZIE BOWELL—I think the hon. Secretary of State will recognize the just nature of the complaints made by the hon. gentleman from Stadacona (Hon. Mr. Landry). I regret to say it has become the practice the last few years with some departments to treat any orders made by the Senate with contempt. I am not prepared to accuse the hon. Secretary of State of neglect of duty, but he has often informed the Senate, when complaints have been made, that no answers have been made to returns moved for, that he has sent the request to the proper department, and they have paid no attention to it. Whether the Senate can take any steps to show their disapproval in some practical way which the government will feel, I am not prepared to say, but the hon. member from Stadacona has thrown out a hint that it would be well for this Senate to put in practice, and that is if the information asked for is not furnished that parliament be kept in session until we do get it. Until you assert the rights of the Senate in that manner, depend upon it certain members of the government and certain departments will treat the Senate in the same way for all time to come. The hon. member from Calgary (Hon. Mr. Lougheed) asked for some important information in reference to the sale of school lands, which he required to enable him to discuss, with some degree of intelligence, that portion of the Autonomy Bill which deals with the educational question. It is quite evident he is not going to get it.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman has it, then it is his duty to lay it on the table. On a number of occasions when I have called the attention of the Senate to this very question, the hon. Secretary of State has raised the lid of his desk and taken out returns inquired for and laid them on the table. How long he had them in his desk I do not know. The probabilities are they may have been there a week, or a fortnight, or perhaps a month, and they are not laid on the table until the attention of the members of the government in this House is called to the question a number of times. I do not say that it is done intentionally. The matter may have been forgotten, but I do not think it should have been forgotten. I do not think he is treating the Senate with that degree of courtesy to which they are entitled.

Let me add that we have presented to-day by the Speaker a number of the most important Bills which have been considered this session. Bills which have occupied the attention of the other House for four or five months. They are laid before the Senate and we are gravely told, if not by members of the government, by members of the Senate who support them, that the House is to adjourn at the end of this week. Is it to be supposed that there is any one here, no matter how gigantic his intellect, who can

master in three or four days, the Bills submitted to-day for our consideration? My past experience would lead me to another conclusion. We must swallow them as they are, without a knowledge of their contents, or keep the Senate in session for a number of days. I am not complaining of the Secretary of State for this; I do not say he is responsible, but the government is responsible, and they should not ask a deliberative body like the Senate to swallow Bills holus bolus without some little consideration.

Hon. Mr. SCOTT—I venture to say that the promptness with which the government Bills have been brought up to this chamber will not only compare favourably with the experience during the years the hon. gentleman's friends were in power, but is far in advance of the experience of former years. I can myself produce the evidence of it if it were necessary now, to show that baskets full of Bills would come down here twenty-four hours before the House was to be prorogued. I have myself, when the guns were being fired, insisted in declining to allow a Bill to go through simply because it was absurdly late. No such charge can be made here. There must be a certain number left to the end of the session. The two Autonomy Bills were kept back—by whom? The friends of my hon. friend opposite.

Hon. Mr. LANDRY—No, by Mr. Sifton.

Hon. Mr. SCOTT—It is all very well to say Mr. Sifton. The Toronto influence kept them back, the newspapers hammering away day after day, and grossly insulting pictures being published in the Toronto 'News' exciting public opinion. That was the cause of the delay. The Bills were introduced four months ago and we were ready to have gone on with them. With reference to the return, I quite admit that all governments have been guilty of remissness in presenting returns to the House. I deny that it is my practice to put them in my desk, although it might happen in one or two cases. I put them on the table. Sometimes when a member moving an address is not in the House it would be unfair to lay it on the table because it would go on the files and he would never hear of it. I like a member to be present and I like to call his attention to the returns. I am not going to enter upon a discussion of this subject. A month ago I took the trouble to look up the returns that were absolutely refused me in former years by the government of the day and were never brought down. Session after session passed by and it was absolutely futile to ask for these returns.

Hon. Mr. LOUGHEED—The remarks which have fallen from the hon. leader of the House with reference to the Toronto representation, to use the expression he has used, having stood in the way of the passage of the Autonomy Bill, are entirely uncalled for. When my hon. friend refers to passions and prejudices excited by the Toronto press he sounds a note which is certainly not favourable towards a temperate discussion of the Bills coming before this House. My hon. friend has already sounded the keynote, and if he chooses to indicate this as being the tone in which the Bill is to be discussed, he certainly will be met in equally vigorous tone by those who are opposed to the Bill. It was to be hoped that the leader of the government in this chamber at least upon the presentation of those Bills, would have made no reference to the passions which have been aroused in Quebec as well as in Ontario upon a question which it is to be regretted very much has aroused the religious and racial prejudices of both provinces. But if my hon. friend wishes to further arouse those animosities, as he already has indicated a desire to do——

Hon. Mr. SCOTT—Oh, oh. I did nothing of the kind.

Hon. Mr. LOUGHEED—I must say it certainly will be resented by those who think differently from him with reference to this legislation. Permit me to say at this juncture that it is extremely unfortunate if the Toronto representatives in the House of Commons cannot express themselves as they have done, in a parliamentary way, upon differences of opinion which they may entertain and upon the differences of opinion which Ontario members may entertain as to this Bill, without being accused of passion and prejudice. I would just say that it is extremely undesirable that in approaching the discussion of two of the most important measures in this House, the Senate above all other deliberative bodies

should regard the discussion to be entered upon in the way indicated by my hon. friend. The remarks which have fallen from him were entirely uncalled for. Those who differ from the view which he takes with reference to this Bill may very properly express their opinions in a free assembly, such for instance as the parliament of Canada, without incurring the displeasure already expressed. I simply make this remark indicative of the feeling with which I desire to enter upon the consideration of these Bills; and I hope my hon. friend when he comes to address the chamber on the second reading of the Bill will approach it in a much more appropriate and moderate spirit than he has done to-day.

Hon. Mr. SCOTT—I do not think the hon. gentleman's lecture is well placed. I do not as a rule adopt an aggressive attitude in this House. I was taunted with the delay in bringing down this Bill, and I stated that the delay was occasioned by the opposition in the other chamber and the opposition in Toronto.

Hon. Mr. LOUGHEED—The hon. gentleman had no right to say that.

Hon. Mr. SCOTT—I had a perfect right to say it.

Hon. Mr. LOUGHEED—It was not warranted.

Hon. Mr. SCOTT—I said that the cartoons published from time to time——

Hon. Mr. LOUGHEED—What has that to do with it? Are we responsible for the press of Toronto or Montreal?

Hon. Mr. SCOTT—I was challenged for some explanation why the Bills were detained in the other House. I said calmly that they were introduced four months ago. I was speaking the truth and not endeavouring to create any excitement. On the contrary I approach questions of this kind with as much calmness as my brother senators do. I would be exceedingly sorry if any feeling should be shown and I do not think the irritation shown by my hon. friend was at all appropriate. It was rather got up, I think. There was nothing on my part to induce him to speak in the manner in which he has spoken, and it was not quite fair.

Hon. Mr. POWER—There is no question before the House.

Hon. Mr. LANDRY—Yes, there is the motion to adjourn.

Hon. Mr. FERGUSON—Apart from the point which has been very properly made by the hon. gentleman from Calgary, I wish to dissent entirely from the statements made by the hon. Secretary of State with regard to the causes which have led to the delay in the Autonomy Bills reaching the Senate. My hon. friend says it was the fault of the friends of my hon. friend from Calgary in the other branch of parliament, keeping up a long discussion on the subject. My hon. friend must be aware that the supporters of the government in the House did as much talking as the opposition; in fact it was observable during the progress of that debate that the government had not the slightest desire to terminate the debate and on the contrary seemed to encourage their friends to talk; and I do not think that either side can find any fault with the other as to the amount of talking or the length of the speeches. But there is one point my hon. friend entirely lost sight of and with the memory he has for the past political history of Canada. I do not think he should lose sight of contemporary history or go astray in it. Has he forgotten that one of the important causes for delay in that Bill was due to internal dissensions in the government? They quarrelled among themselves. One resigned, and others were on the point of resigning. The leader of the government brought down the measure without the approbation or even the consent of his colleagues, and a state of chaos prevailed in the government. That is why the business of the House has been delayed, and this Bill is so late in reaching us. The government practically suspended work in the House during the London and North Oxford elections; a large portion of their contingent went up there to take part, and work was almost suspended in parliament pending these elections. A strong government would not have done this, and would not have had a disruption in their ranks over a measure of this kind. A government carefully considering

their measures would have had the Bill prepared and settled upon among themselves before parliament met. Instead of that they were fighting among themselves when they should have been at work. My hon. friend appears to have forgotten all this. One whose memory is so good about the political history of forty or fifty years ago should not have forgotten the incidents of the present session.

Hon. Sir MACKENZIE BOWELL—I am in full accord with the sentiments uttered by my colleague. I was in hopes that this question would have been discussed calmly. I see no reason why I should not differ from the hon. gentleman and he from me upon any important question, without being accused of bigotry. We are not educated in the same schools and not brought up the same way. We think differently upon different questions. Let us think differently, act differently and express our opinions without being accused of bigotry. The hon. gentleman should not forget that the principal agitators in the city of Toronto were his own friends. Take the Toronto 'Globe'; it was the leader of the agitation against this Bill, and continued until it was silenced by some means or another, which I am not prepared to state. Let me refer to the great meeting of 10,000 or 12,000 people in Massey Hall. Who were the principal men present? The leading Liberals of the city. My hon. friend knows them. I could give you the names of all of them, and there were only one or two Conservatives in the whole meeting. The Conservative leaders in the House of Commons were condemned by these agitators, led on by the 'Globe,' because they did not appear there to join in the hue and cry against the Autonomy Bill. Yet at the present day an attempt is made to place the whole responsibility for delay upon a class of people who really took no initiative in the matter in that city in particular. Those Liberals I have no doubt were conscientious in what they did. They expressed themselves calmly. That led to opposition from Quebec members, and language was used that should not be used. It was commented on by the Ontario press, and statements were made which might better have been left unuttered. They should have pursued the course which I intend to pursue in any remarks I may make. In matters affecting different races and different creeds I have never taken a position on which a slur could be thrown. I believe that is the principle pursued particularly by the members in the Commons from the city of Toronto. While their remarks have been forcible and to the point, expressing their views, I have read pretty carefully what they have said, and I have no recollection of any of the members from the city of Toronto having used language which would justify the remarks made by the hon. Secretary of State. However, I am quite prepared, if it is to be a fight upon that question, to take my share of it, but I would much prefer dealing with it in a calm and statesmanlike manner. If we are forced into a discussion similar to that which has been indicated by the Secretary of State, I promise him he shall have enough of it.

Hon. Mr. KERR (Toronto)—I am sorry this difficulty has been raised, and that the words which the Secretary of State used have been misinterpreted, misapprehended and misapplied, where all his language is inspired by kindliness of disposition and heart. We all know perfectly well that there was no intention on his part to irritate or annoy any particular member of the Senate. Nothing was further from his mind than to do anything of the kind. I am quite sure I can say that for him and say it with a good deal of confidence. The observations which have been made, however, by the hon. gentlemen on the other side appear to me to be rather aside from the complaint they are making. It was that these Bills were not before us yet; and that at the very close of the session, without an opportunity of considering them, we were called upon to pass judgment upon them. Hon. gentlemen have had copies of these Bills for three months. They have had copies of the debates conducted in the other House and they have had an opportunity of weighing the arguments which have been so ably presented on both sides. They would have been able to notice that a great deal of the argument in point of length was directed from one side of the House, and a great deal of the strong argument was directed from the other side of the House.

Hon. Sir MACKENZIE BOWELL—Particularly that by Mr. Bourassa.

Hon. Mr. KERR (Toronto)—Of course the hon. gentleman has had the full benefit of it. I am glad to find the hon. gentlemen appreciate exactly all that is in it, and that they are not taken by surprise by any of those arguments. They will be able to deal with as much of them as they think proper, and be able to pass over in silence what they do not agree with. There is no novelty about the Autonomy Bill to any of us here. They have been before us and every member has had an opportunity of considering them and all the arguments for and against them, and therefore there is no reason for complaining of them coming in a few hours before prorogation.

The motion was agreed to.

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

SENATE.

Ottawa, Tuesday, July 11, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

CONTINGENT ACCOUNTS COMMITTEE.

THIRD REPORT ADOPTED.

Hon. Mr. WATSON, from the Committee on Contingent Accounts of the Senate, presented the third report of the committee, and moved its adoption.

Hon. Sir MACKENZIE BOWELL—I desire in the first place to express my approval of the action of the committee, in making young Mr. Choquette assistant postmaster. He has been most assiduous in attending to his duties and is one of the most faithful officers we have had. I think the committee should have gone farther and granted him at least $50 or $100 increase in salary. He has been discharging the duties of the position for a number of years with great acceptance, and I do not know of any one who is more deserving of an increase. If that could be accomplished now, I would like to see it done.

Hon. Mr. FERGUSON—I desire most cordially to endorse the remarks of my hon. friend the leader of the opposition. Since Mr. Choquette has been employed in the post office of the Senate, I have had many opportunities of observing the diligence and intelligence which he has manifested. He is a young man of education, and is very well up in every matter relating to post office business. I think it would be a very graceful thing to give him a reasonable increase of salary.

Hon. Mr. MILLER—I perfectly agree with my hon. friends to my right. I might say, without desiring to commit any breach of confidence, that I presented this view in the committee, but there seemed to be no inclination to make any increase of salaries this year. I submit that this case is an exceptional one. I know the young man very well; he was my page when I was Speaker, and I have never had a single occasion to find fault with him, nor have I even noticed any neglect of duty on his part. It is unfortunate that an instance of signal merit like this should be overlooked when we are spending money so lavishly in other respects. There is a recommendation to appoint a second carpenter at a larger salary. I think that is simply extravagance, and I am sorry to see that there is no desire to grant even the paltry sum of $50 in a case of merit like that of young Choquette.

Hon. Mr. WATSON—As chairman of the committee, I am pleased to know that the report has received such unanimous endorsation as regards the appointment of Mr. Choquette as assistant postmaster. I may say that it was understood at a previous meeting of the committee that no further increases of salary would be considered this year, and we acted upon that understanding this morning. Several other applications were made, but for the reason mentioned they were not entertained. As regards increasing Mr. Choquette's salary I may say that he has now received a standing in the post office as assistant postmaster. Every member of the House appears to appreciate the action which the committee has taken and next session whoever has charge of the committee will bear in mind the kind words which have been said, and Mr. Choquette will no doubt receive the consideration he deserves. I shall not move now that an increase be granted because in view of the understanding that no increases were to be granted, I think it would be a matter of

breaking faith with the committee. For all the increase would amount to it can easily be made up next year.

Hon. Sir MACKENZIE BOWELL—It must be remembered that there have been a good many increases during the present session. If the principle to which my hon. friend refers had been laid down in the first place I think it would have been fairer. If I am in order in doing so, I shall most willingly move that the report be amended by adding to the words relating to the appointment of an assistant postmaster, 'with an addition to his salary of $100.'

Hon. Mr. SCOTT—There were other applications for increases which I think were quite as justifiable, but I have acted on the understanding that there would be no further increases this session. Several applications have been made by deserving officers, but I gave the answer that none would be entertained this year.

Hon. Mr. MILLER—If the hon. Secretary of State would attend the meetings of the committee and urge there his views on matters of economy rather than make these general statements in the House, I think the effect would be better.

Hon. Mr. POIRIER—No doubt the rule which has been referred to is a justifiable one, but we must remember that several increases have been made during the present session. In view of that fact I think, seeing that the House is practically unanimous in its appreciation of Mr. Choquette's services, no undesirable precedent would be established if he were granted say $50 or $100 increase. It would be simply following the principle laid down in other cases during the present session.

Hon. Mr. POWER—I concur most cordially in all that has been said in behalf of Mr. Choquette, and am very glad that the committee, by recommending him for the position of assistant postmaster, have practically secured his future if he lives. With respect to the question of an increase of salary I should have been very glad to see such an increase given to Mr. Choquette, but as there was an understanding that no further increases were to be granted, it would not be fair to other applicants who might be considered as entitled, to single out this one officer. I think the whole case is met by the statement of the chairman of the committee, that when we meet, please God, at the beginning of next year, Mr. Choquette can be placed in just as good a position as if we were now to give him $50 or $100 more.

Hon. Sir MACKENZIE BOWELL—In view of the statement made by the chairman of the committee that this young gentleman's claims will be recognized next year, I shall not press my view; but I am strongly reminded of an anecdote I read some years ago of Horace Greeley. A great many application were made to him for gratuitous notices in his paper, and it was said that he had a little cage at the door of his office in which he kept a live cock. His favourite expression when any thanks were tendered for free advertising was: 'Give your thanks to the cock; he will soon starve; we charge for what we do here.' The sympathies of hon. gentlemen have been freely expressed in favour of Mr. Choquette, but unfortunately they consist altogether of thanks, without any substantial reward being given him for his services.

Hon. Mr. MILLER—Is it not absurd and unjust that an officer like the keeper of the wardrobe should have $750 a year, and the door keeper of this House, who is only on duty while the session lasts, should receive $800, while the assistant postmaster, who is entrusted with the most important duties and has a great responsibility resting upon him, should get only $700 ?

Hon. Mr. WATSON—It is surprising that the zeal of hon. gentlemen has only wakened up at this late date. Mr. Choquette has been doing the work of assistant postmaster for the last four years at his present pay, and I have had no complaint from him. I have never even been asked to suggest an increase on his behalf. I have no doubt that he is a very efficient officer, but without any request on his part the committee have recommended him for the position of assistant postmaster, thus placing him in a better position than if he were granted $800 per annum without the status which he will now enjoy. I am informed—I think it was the law clerk who told me—that if anything were to happen and there were to be a vacancy in the postmastership, the assistant would take the place of the postmaster at the salary which the latter is receiving. In

this way it will be seen that what the committee has done is in itself a considerable recognition of Mr. Choquette's merits, and no doubt in case of a vacancy the standing which he now possesses would lead to his obtaining the position of postmaster.

The motion was adopted.

TAX ON COMMERCIAL TRAVELLERS.
INQUIRY.

Hon. Sir MACKENZIE BOWELL rose to:

Inquire whether it is the intention of the government to take any action in reference to the imposition of a tax upon commercial travellers by provincial governments, and if so, what ?

He said : Is my hon. friend the Secretary of State able to give me any answer to this question with reference to the action of the government relating to the tax levied upon commercial travellers in the different provinces ?

Hon. Mr. SCOTT—The matter has been partially discussed and was referred to the Minister of Justice, the understanding being that some action would be taken in reference to the case.

Hon. Sir MACKENZIE BOWELL—Then the matter might drop, with the understanding that if any decision is come to before prorogation, the hon. gentleman will kindly inform the Senate of it.

The inquiry was dropped.

MUTUAL RESERVE COMMITTEE ACCOUNTS.
MOTION.

Hon. Mr. CLORAN moved:

That the Senate give instructions to the proper officer of this honourable House to pay the balance of accounts due to the counsel-at-law and expert witness for services rendered by them to the special committee appointed during the last session of the Senate, to investigate the affairs in Canada of the Mutual Reserve Fund Life Association of New York.

He said : In rising to make this motion I find myself in a somewhat embarrassing position. The motion which stands in my name deals with a matter affecting more or less, probably more, indirectly, the dignity of the Senate, its integrity, and its honour. I am obliged—and I regret it very much under the circumstances—to recall to this House that its mandate has been ignored, that the order unanimously passed by this House during the last session has been set aside ; by whom I know not. The valuable work done by its committee under the direct supervision of the counsel has also been ignored, consequently I feel it embarrassing under the circumstances to have to make this motion before this honourable House. Hon. gentlemen will remember that during the course of last session an hon. member of the Senate made certain charges, very grave charges—I may say criminal charges—against a certain insurance company called the Mutual Reserve Fund Life Association of New York. These charges were made on the strength of his reputation as a public man and as a member of this honourable House ; and they were levelled at this company, not in the interests of any one person, but in the interests of the masses of the Canadian people who were insured in it. That hon. gentleman staked his reputation, and his position as a senator on the result, and declared that if he did not prove his charges to be true he would withdraw from this honourable House and retire into private life. On the strength of that declaration this honourable House, as we all know, granted him a committee by a small majority. After the committee had met and organized, the chairman of that committee, who was your humble servant, was obliged to come before this House and state that the investigation into the affairs of that insurance company would take so much time, and require so much expert knowledge that the members forming the committee would be unable to perform the task that this honourable House had imposed.

Under these circumstances I was commanded by the committee to come before this honourable House and ask for expert testimony and counsel, because it was utterly impossible for the members of the committee to go into all the details of this investigation. On my motion this honourable House acceded to the wishes of that committee, and granted the right to employ counsel and obtain expert testimony and clerical service. With that mandate I returned to the committee and laid the facts before them, and was authorized to procure counsel, an expert witness and clerical services. I engaged the three under the mandate of this House and by the authority of that committee. These people were engaged at a fixed rate for

their services, and the investigation began. It lasted over two months, the committee sitting day and night most of the time. The committee was enlarged from the original 5 to 19. The busiest senators in this chamber gave their time, attention and ability to that investigation for two long weary months in the hot season of the year. I do not need to go into the results which were obtained by that committee, but the fact is there that during that long period of time our witness (we had but one), our counsel (we had only one), and our clerical servant (we had only one), were occupied constantly. We were probably the most economical committee that ever investigated public affairs under parliamentary authority and by parliamentary rule. Objection was taken to the granting of a committee on the ground that it would cost so much money. Some hon. gentlemen opposite stated that it would cost $15,000 to $20,000. I was informed that if the Senate had sanctioned the cutting down of expenses the cost would not have exceeded $4,000. As a matter of fact, it did not cost more than $6,000 or $7,000, and that was largely for clerical services. I do not need to recall to the memory of this House what were the results of that investigation. We fully proved the charges made by the hon. member for Rothesay (Hon. Mr. Domville) that the Mutual Reserve Fund Life Association of New York was a combination of men who bled the policy-holders for their own personal aggrandizement and enrichment, and that they lived in luxury. That was proved up to the hilt before that committee. It was proved that the president of that company had spent over $40,000 to buy from the New York Inspector of Insurance a report favourable to the company. It was proved that the directors had been fraudulently paid out of the funds of the company the same as in the case of the Equitable Life Insurance Company of New York. It was proved that these officials were stealing the funds of the company, and that the policies when they matured were not paid in full; that the claimants received only 25 per cent to 50 per cent of the amount to which they were entitled. The hon. member for Rothesay was perfectly right in putting the people on their guard against such a company. Where is the hon. senator in this House who rose after the investigation and dared to say to the hon. member for Rothesay, 'You have failed in your charges—retire from this honourable House according to your pledge.' This investigation was carried on under very great disadvantages to the hon. member from Rothesay, and the policy-holders of this company in Canada. We had the best legal talent in this House arrayed against the investigation, and they tried every means to stop any question that would throw light on the vile doings, the robbery and thieving of that company. Day by day and hour by hour we were blocked in our attempts to get at the facts That is known to everybody. Apart from the hon. gentlemen who were standing up for the company trying to shield it and prevent its evil doings being known, we had behind them the greatest legal talent that Canada has produced. We had Mr. Aylesworth—the coming Minister of Justice, they say—with one of the best firms in Toronto, backing that company, and they had firms of lawyers in Ottawa, Montreal and New York, all the talent that wealth can always get. And whom did we have behind us? One man and one man alone, a lawyer by the name of Coster, true a Conservative, but a lawyer in whom my hon. friend from Rothesay had confidence, a man on whom he could depend to ferret out the facts and put them before the country. It would have been an easy matter for the hon. member from Rothesay and myself to have gone on with the investigation if other counsel had been employed, but he said to me: 'I have confidence in one man in this country, he is my attorney, and I feel that if the investigation is put into his hands my honour will be maintained and my veracity will be upheld.' Mr. Coster was alone against that array of talent from Toronto, from Ottawa, from Montreal and New York, and to-day this honourable Senate is asked to pay him at the rate of $5 or $10 a day for his services. All that he has got so far is $500, so far as the records show, while the lawyers supporting the company had, some of them, $200 a day, and there are lawyers outside of the bar of this House to-day who receive more. We relied on the services of one man to maintain the truth and honour of a colleague, and now we are asked to pay him——

An hon. SENATOR—What is the amount of his claim?

Hon. Mr. CLORAN—It is simply $50 a day, while lawyers on the other side, dozers of them are getting from one hundred dollars to two hundred dollars a day. There is no instance where an attorney has been paid so little. His account is a small one. The other day he wrote to the hon. member from Rothesay, who is responsible for the investigation and who, as I say, staked his position in this House on the result. Mr. Coster writes to him as follows:

St. John, N.B., July 4th, 1905.

Lieut. Col. the Hon. James Domville,
The Senate, Ottawa.

Dear Col. Domville,—Re investigation affairs of the Mutual Reserve before select committee of the Senate.

Seeing that you are bringing the matter of my fees before the Senate, I would like to refresh your memory as to the facts. The Select Committee was appointed by the Senate and authorized to appoint counsel. Was retained and the matter of my retainer, counsel fees was left by the committee to the chairman the Hon. Mr. Cloran. He agreed with me as to what I should receive and after the conclusion of the investigation certified my bill as being correct. Although I have charged for fifty-four days only, in this investigation I was away from my office for over two months, and made three trips to Ottawa where the expenses of but two are charged in the bill.

When in Ottawa and not before the Select Committee the whole of my time was spent in going over evidence of which there was an immense volume, and selecting such as I thought absolutely necessary to put before the committee. This is partly evidence by the fact that Miss O'Hanly was paid one hundred and eighty seven dollars for typewriting three thousand seven hundred and fifty folios of my brief dictated to her at the Russell House by myself and the actuaries employed. Had this not been done the labours of the committee would have been interminable. Some days at the hotel we worked fifteen hours, yet nothing is allowed for work outside the committee room. My bill was left to the Department of Justice to be taxed. It was taxed by the department without their having any knowledge of the facts, without notice to me and I was given no chance of being heard. I actually lost through being away from my office over twice as much as I have been paid and would not have accepted the retainer except under the agreement made with me by the Hon. Mr. Cloran the chairman with the express authority of the whole committee.

I am informed that the fees paid to the several counsel retained by the Mutual Reserve were very much larger than those charged by me.

All I ask is fair-play and the carrying out of a definite agreement.

Yours faithfully,
(Sgd.) C. J. COSTER.

I have been witness of the fact that Mr. Coster worked sometimes fifteen hours a day. The work was not done in the committee room, but in the hotel rooms throughout the hot months of last summer—selecting documents which should be produced before the committee, going over reports for the last ten or fifteen years where this company had done business——

Hon. Mr. LOUGHEED—I rise to a point of order. I am very loath to disturb the hon. gentleman. On the 10th of August, 1904, a resolution was moved in this House by the Hon. Mr. Scott, seconded by the Hon. Mr. Templeman, as follows:

That all the accounts for expenses incurred in connection with the select committee appointed to investigate the Mutual Reserve Fund Life Association of New York in Canada, other than travelling and hotel expenses, which have been handed in to the clerk for payment by the said committee, be referred to the Department of Justice for taxation.

The question of concurrence being put thereon, the same was resolved in the affirmative, and ordered accordingly.

Afterwards I understand those costs were taxed and the money was paid. My hon. friend does not move that this resolution be rescinded or reconsidered, and as the matter has already been dealt with by the House, I submit that my hon. friend is clearly out of order in the motion he is moving and in the remarks he is making.

The SPEAKER—Has the hon. gentleman anything to say in answer to the point of order ?

Hon. Mr. CLORAN—I do not remember at the moment how the matter was dealt with by the Senate. I do not believe it was a motion—I forget now. The hon. gentleman has the record before him.

Hon. Mr. LOUGHEED—I have read from the Journals of the House.

Hon. Mr. SCOTT—I was called upon the other day to lay on the table the accounts and report of the Justice Department, which I did.

Hon. Mr. CLORAN—What is the point of order ?

Hon. Mr. LOUGHEED—The point of order is that the matter has already been dealt with.

Hon. Mr. DOMVILLE—There is nothing before the House to show that it has been dealt with.

Hon. Mr. CLORAN—The only matter before the House is my motion, and my mo-

tion deals with the matter altogether in dependent of the point of order raised by the hon. senator from Calgary. The action of last session does not interfere with any action this session.

Hon. Mr. SCOTT—It is due to the House that I should state what action was taken upon the order of the Senate. The costs were taxed and payment has been made in accordance with that taxation, so that there is really nothing before the House.

Hon. Mr. DOMVILLE—There is the motion.

Hon. Mr. SCOTT—But it does not propose to reverse the action of the House. I have the report of the Acting Deputy Minister, dated 17th August, 1904, addressed to the clerk of the Senate, which reads as follows :

In reply to your letter of the 12th instant, referring for taxation a number of accounts for witness fees, and also the account of Mr. Coster, who acted as counsel in connection with the select committee appointed by the Senate to investigate the affairs of the Mutual Reserve Fund Life Association of New York, I have the honour to state that the witnesses appear to have been paid at the rate of $5 per day and their travelling expenses. This appears to me quite sufficient. I will allow Mr. Coster $100 retainer and $30 for each day actually engaged before the committee, together with his travelling and hotel expenses, in all $1,023.60.

Bradshaw was paid in full.

Hon. Mr. DOMVILLE—I rise to a point or order. This is a debatable question in the House. My hon. friend is trying to convince this honourable House of certain facts and an argument is brought in against him while there is a question of order before the House. I do not think that is right. If my hon. friend has any case to present he should be allowed to present it, and then it will be in order for the hon. gentleman to lay before the House such justification as he may have why the counsel was not paid for his work, as the committee thought he should be paid. I think the question of order is whether my hon. friend should go on or not.

The SPEAKER—The only question before the House is the question of order raised by the hon. member from Calgary (Hon. Mr. Lougheed).

Hon. Mr. POWER—I think the question of order raised by the hon. gentleman from Calgary is well taken. I do not mean to say that this House has not the power to deal again with the matter which was dealt with last year, but the motion of the hon. gentleman is not in the right shape, and that point was made by the hon. gentleman from Calgary. This House passed a resolution by a decided majority which practically disposed of the question. Now if the hon. gentleman wishes to bring it——

Hon. Mr. CLORAN—Is the hon. gentleman making another point of order, or explaining the point of order of the hon. gentleman from Calgary?

The SPEAKER—He is speaking to the point of order.

Hon. Mr. POWER—I am simply endorsing what was said by the hon. gentleman from Calgary (Hon. Mr. Lougheed), that if the hon. gentleman from Victoria division (Hon. Mr. Cloran) wishes that the action taken by the House last year be reversed, he should give notice of motion to rescind that resolution.

Hon. Mr. CLORAN—Not at all.

Hon. Mr. POWER—Here is a matter which was completely settled by a resolution as pointed out by the hon. gentleman from Calgary, and the only possible motion now is that that resolution be rescinded so that the House may deal with the matter again.

Hon. Mr. TESSIER—If I may be allowed to express my humble opinion I should say that the point of order is not well taken. I understand that the motion which was referred to by the hon. gentleman from Calgary was in effect to tax the bill of costs which was presented by the counsel named. That has been done. There is no motion now to rescind the order of the House, nor to rescind the taxing of the bill of costs by the Minister of Justice, but the present motion is an expression of opinion that the Senate, for certain reasons which will be placed before us, should pay the bills without rescinding the order taxing these costs. We have before us the statement of the Deputy Minister of Justice that in his opinion the costs should be at a certain amount, but have we not the power, notwithstanding that statement, to declare that the balance of these costs should be paid ?

Hon. Mr. CLORAN—It is plain as A, B, C.

Hon. Mr. LOUGHEED—May I be permitted to answer my hon. friend who has just spoken on the subject, and to say that it is obvious that the intention of referring the accounts to the Department of Justice was to ascertain the amount that should be paid. That amount, according to the statement made by the hon. leader of the government in this House, was paid. It is equally obvious that since that amount has been paid there could not have been a balance of account remaining unpaid, because the motion deals with a payment for legal services and expert witnesses, the subject-matter of the resolution which was passed by this House last session. It was dealt with last session according to the order of the House, and it therefore seems manifest that there cannot be any subject before the House.

Hon. Mr. DOMVILLE—Allow me——

Hon. Mr. LOUGHEED—Permit me further to say, before the hon. gentleman from Rothesay enlightens us further on the matter, that it would have been idle for this House to have referred the bill of costs to the Department of Justice for taxation if it be understood that after the department has taxed the account at a certain amount we are to pay the balance of it.

Hon. Mr. MACDONALD (B. C.)—What happened last session cannot affect our action this session, and whether the whole of the costs have been paid or not is a matter of opinion and open to discussion.

Hon. Mr. DOMVILLE—I know that the hon. gentleman from Calgary is a very able lawyer, and it is a great labour for a layman like myself to argue with him. I ventured a suggestion with reference to a report of the Divorce Committee, and I was not allowed to open my mouth—but I observe now that the Commons has reversed the decision of the Senate in that case. My hon. friend has stated in speaking on the question of order that the account was disposed of. I state in this House freely and without fear of contradiction that I called on the Minister of Justice himself and he said that it was outrageous. He had no business to tax those costs. He was not in the office at the time, nor was the deputy, and some wretched clerk taxed the costs. The Minister of Justice authorized me to use his name in this House and to say that the bills should never have been sent to him, but should have been paid here. My hon. friend has presented an argument which is not tenable at all to my mind, because he is trying to raise a question of order to prove that this matter should not have been brought before the Senate of Canada. Two or three gentlemen have been trying to air themselves, but this is the highest court in the land and every grievance that originates in this House should be discussed in this chamber and should not be choked off. If this man has no right to be paid, then do not pay him at all, but I should like to see my hon. friend or any counsel of his celebrity go into court and come out without being paid. Mr. Aylesworth, who was a member of the government for a short time, told me the bill should be paid. Through what vindictiveness is it that it is not paid? All we ask is that the Senate in defence of its own honour should say whether for any reason this account should not be paid. My hon. friend has tried to choke it off, but his ground was not well taken in regard to the point of order. I ask the House to consider whether the decision of this clerk in the Department of Justice is to be supreme over this parliament. If it is we should know it.

Hon. Mr. LANDRY—I do not know whether it is quite competent to raise a point of order on the rescinding of a motion passed in a previous session. I think the power of rescinding applies to all motions except those adopted during the current session, and this is a motion passed last year. If we could not revoke what we did last year, where is the power to amend an Act of parliament or to bring in new legislation? If the point of order is with reference to the rescinding of a motion, it should apply to a motion passed during the present session and not to a motion passed during previous sessions.

Hon. Sir MACKENZIE BOWELL—I was not present when my hon. friend raised this point of order, but from the discussion which has taken place I must confess that I cannot agree with him on the point of order which he has taken, for the reason that this account—and I may say

parenthetically that I am not at all committing myself as to what my vote might be when the question of paying any more money is moved—this account was presented by a solicitor who performed special services on a committee. That account was thought to be exorbitant, and it was referred to the Department of Justice for taxation. It was taxed, and the amount which the Justice Department thought should be paid was paid. The motion now is clearly and plainly to pay the balance of the account. Surely that is not out of order. We may reject it, but perhaps if my hon. friend had been more explicit in his motion and had said 'that notwithstanding anything contained in the report of the Minister of Justice in reference to taxation, the balance of the account be now paid,' it would have been clearer, but I cannot well see how a point of order can be raised. The Senate is paramount. The Minister of Justice may report what he pleases, but the Senate may reject or confirm as they please, and if they think proper to order the payment of the balance of the account they have the right to do it. The statements made by the hon. gentleman from Rothesay (Hon. Mr. Domville) are of a most extraordinary character. The hon. gentleman in his remarks in reference to this account said that he had the authority of the Minister of Justice to state that the reduction of this gentleman's account was outrageous.

Hon. Mr. DOMVILLE—Allow me to correct what the hon. gentleman said. I waited on the Minister of Justice and he said he would not allow anybody to tax his account that way nor would he tax any account in that way, and that the Senate should pay the Bill—that he was entitled to be paid.

Hon. Sir MACKENZIE BOWELL—About as much difference as between tweedle dee and tweedle dum. The Senate authorizes sending an account to the Minister of Justice for taxation. The department of which the Minister of Justice is head reports ; the Senate acts upon that report, and then the Minister of Justice tells the hon. gentleman that the account never should have been in his department ; that he would not allow anybody to tax his bill in that way, and that it should have been paid.

Hon. Mr. DOMVILLE—That is what I said.

Hon. Sir MACKENZIE BOWELL—That is an extraordinary position for the Minister of Justice to take with reference to his officials. One would suppose under our system of government that the head of the department is responsible for the acts of his officials.

Hon. Mr. DOMVILLE—I think the hon. gentleman lost sight of the fact that I stated that the Minister of Justice authorized me to make the statement.

Hon. Sir MACKENZIE BOWELL—That makes it ten times worse. I am not complaining of the hon. gentleman making the statement. I am complaining of the position taken by one of the leading members of the cabinet in repudiating the action of the officials of his department and authorizing the statement to be made in this House that what the official did should not have been done, and that the account should not have been dealt with as it was. However, this is only on a par with the manner in which the government has been administered departmentally for the last few years. I know it is contrary to the rules of the Senate and of parliament to refer to what may transpire in the other House, but any one who reads the newspapers—and I suppose I may refer to what appears there—will see one of the ministers voting against a motion of one of the other ministers in the same committee and in the House of Commons. This may be a new reading of the principle of responsible government. However, that has nothing to do with this question. I do not think the point of order is well taken, but I am somewhat surprised at the action of the Minister of Justice, and I do not well see how the leader of the Senate can approve of the position taken by his colleagues in matters of this kind. However, that is a matter for them to decide and not a question for the Senate.

Hon. Mr. LANDRY—I call the attention of the hon. gentleman to a quotation from Bourinot, page 452, which reads as follows:

> It is, however, an ancient rule of parliament that 'no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the House has already been expressed during the current session.' The old rule of parliament reads : 'That a question being once made, and carried in the affirmative

or negative, cannot be questioned again, but must stand as a judgment of the House.' Unless such a rule were in existence the time of the House would be constantly frittered away in the discussion of motions of the same nature, and the most contradictory decisions would be sometimes arrived at in the course of the same session. Consequently if a question or Bill is rejected in the Senate or Commons it cannot be regularly revived in the same House during the current session.

So that the point of order with regard to the rescinding of a motion cannot be invoked except in the case of a motion that has been made during the same session.

Hon. Mr. KERR (Toronto)—In discussing these points of order we very often drift into a discussion of matters altogether outside of the point of order. The question of order arises in this way: A motion is made of which notice has been given by an hon. gentleman that the Senate give instructions to the proper officer of this honourable House to pay the balance of accounts due to the counsel-at-law and expert witness for services rendered by them to the special committee appointed during the last session of the Senate to investigate the affairs in Canada of the Mutual Reserve Fund Life Association of New York. What is the matter which is referred to in this resolution? It is not interfering with the resolution of this House of the previous session. It has reference to a claim which was made for a certain sum for services. That claim was made last year and was referred to the department which usually deals with such matters, to determine the proper amount to be paid. We have the report of that department stating what is the proper amount, and now we have a motion for the payment of the balance of account due to the counsel-at-law. There is no question, it seems to me, of order in the matter at all. The wording of the motion is in itself perhaps a little short of being as complete as it might have been, because if this were stated to be the balance of the amount claimed by the counsel-at-law it is quite clear the matter would be open for discussion. I apprehend that is what the hon. gentleman (Hon. Mr. Cloran) means—although what he says is to pay the balance of accounts due to the counsel-at-law. It is a perfectly good argument in answer to that to say that the whole amount due has been paid, but it seems to me that the motion before the chair is in order.

Hon. Mr. LANDRY.

Hon. Mr. BEIQUE—I am afraid I cannot agree with the hon. gentleman from Toronto. If there is a claim which is not disputed for, say $100, and that claim has been paid and the receipt is laid on the table of the Senate, would a motion for the payment of the account be in order?

Hon. Sir MACKENZIE BOWELL—The balance of it.

Hon. Mr. BEIQUE—I say, would a motion for the payment be in order?

Hon. Mr. CLORAN—Not if there is a receipt.

Hon. Mr. BEIQUE—We are in the face of exactly the same situation. I claim that if the motion of the hon. gentleman was that the Senate should give instructions to the proper officer of this honourable House to pay the balance of the account, as filed by so-and-so, then the motion would be in order. But last session the claims were presented before this honourable House and this House decided that the amount due should be ascertained by taxation by the Department of Justice. That has been done; the amount due has been ascertained, and the amount taxed has been paid. That being the case we occupy the same position as in the case I have mentioned. If a claim for $100 had been presented and the full amount paid, and a receipt was before the Senate, would it be in order in that case to ignore the order of the House and move that that amount be paid? In my opinion the point is well taken, because as far as we are informed, if we are to act consistently with what was done by this House last session, the amount due has been paid.

Hon. Mr. CLORAN—It is a pity the hon. gentleman spoke without knowing the facts. He says the amount due has been paid. Is that a fact? Does he assert that before this honourable House.

Hon. Mr. BEIQUE—I am informed so.

Hon. Mr. DOMVILLE—Who is the hon. gentleman's authority?

Hon. Mr. BEIQUE—I am afraid the hon. member is confusing the amount due with the amount of the claim. I would not be surprised if he did. I am informed by the hon. Secretary of State that it appears from

the papers which have been laid before this honourable House that the claim has been taxed, that the amount of the taxation has been paid, and that a receipt is on file as evidence of it. If so, the amount due has been paid.

Hon. Mr. CLORAN—'If.' It is a good thing that 'if' was introduced. I have here a receipt in the following words addressed to the clerk of the Senate :

I duly received your favour of 17th instant inclosing cheque for $500 on account of counsel fees.

There is the only receipt produced before this honourable House from the records of the Department of Justice. He has received $500 on a claim of $3,303, so that the motion is perfectly in order. I quite agree with the hon. member from Belleville (Sir Mackenzie Bowell) who has spoken on this matter, but before sitting down I protest against the action of the hon. member from Calgary (Hon. Mr. Lougheed) in trying to limit the action of the Senate in this matter and prevent justice being done.

The SPEAKER—On the 10th of August, 1904, the following resolution was passed in the Senate :

That all the accounts for expenses incurred in connection with the select committee appointed to investigate the Mutual Reserve Fund Life Association of New York in Canada, other than travelling and hotel expenses, which have been handed in to the clerk for payment by the said committee, be referred to the Department of Justice for taxation.

This, from the documents laid on the table, the Department of Justice has done, in accordance with the resolution referring the bills to that department for taxation. The hon. gentleman from Victoria (Hon. Mr. Cloran) under a form which I fear is somewhat irregular, appeals from the taxation of the Department of Justice, and asks that the Senate should overrule the taxation and grant a larger amount than the amount allowed by the Department of Justice. It would have been preferable that the resolution of the hon. gentleman should have mentioned the fact of the taxation and recommended that a further payment should be made regardless of that taxation ; but we have before us the resolution passed in August, 1904, which is self evident. It can be referred to in the discussion as against the resolution of the hon. gentleman. For that reason I declare the motion in order and that the point is not well taken.

Hon. Mr. CLORAN—When the hon. member from Calgary interrupted me I had just finished reading Mr. Coster's letter. I hope the hon. gentleman will give him fair-play and that the Senate will not consider itself bound by the decision of a subordinate official of the Department of Justice. The Minister of Justice and other ministers of the government have said that this amount should be paid, and that it was beneath the dignity of the Senate to refuse to pay it. Where is the secret influence that has been exercised to block this matter ? What the hon. member from Rothesay has said of the Minister of Justice is perfectly true. It was the same with the right hon. Minister of Trade and Commerce. When I questioned him on the matter, he said, certainly the account ought to be paid. Once the Senate pledged its word to the agreement there is no backing out of it. Had this taxation been the decision of the Minister of Justice I would have had some respect for it, but the hon. member from Rothesay has told us that the Minister of Justice said that the account should never have been sent to his department and that he himself would never have undertaken to tax it. In the face of that statement and the statement I have made in the name of other ministers, the Senate should not hesitate one moment in ordering these accounts to be paid. The hon. gentleman from de Salaberry (Hon. Mr. Béique) says the amount due has been paid. The amount due has not been paid ; the amount allowed by a gentleman named Power may have been paid. He is the man who has undertaken to draw the knife through this account made out on behalf of the Senate. Here is the report of that official, made without the knowledge or approval of the Minister of Justice, made in contravention of his wishes. It is as follows :—

Sir,—In reply to your letter of the 12th instant referring for taxation a number of accounts for witness fees, and also the account of Mr. Coster, who acted as counsel in connection with the select committee appointed by the Senate to investigate the affairs of the Mutual Reserve Fund Life Association of New York, I have the honour to state that the witnesses appear to

have been paid at the rate of $5 per day and their travelling expenses. This appears to me quite sufficient——

That decision is not the decision of the Department of Justice, or the government of Canada, or of the Senate, but the decision of Mr. Power. Fortunately for our honour and the honour of the government, it is merely the decision of a clerk in the department. What did Mr. Power know about the work done by Mr. Coster? We cannot be tied down by the decision of a man acting without the sanction and against the wishes of his chief. This case has occupied a good deal of attention in the United States, in the same way as the investigation into the affairs of the Equitable of New York is now occupying the attention of the Canadian people. Who knows whether the action of the Canadian Senate last year, was not the beginning of the investigation into the affairs of the Equitable Life of New York and may be the beginning of investigations into the affairs of other companies in Canada and the United States which are in an equally rotten condition. Mr. Coster had integrity and ability, and was equal to the legal talent arrayed against him. He stood there alone against that talent and ferreted out these facts in spite of some members of the committee, yet we are told by a Mr. Power, in the Department of Justice, 'I will allow him $30 a day for each day of the actual sitting.' It is a wonder he did not allow Mr. Coster a little overtime, when he worked from eight until eleven or twelve o'clock at night. He does not allow him as much as a common labouring man who works overtime. This House cannot sanction such a report. Our bounden duty here, as men of honour, is to hold to the definite agreement and give instructions to the proper officer of this House to pay the accounts in full, not only the account of Mr. Coster, but that of Mr. Patterson, one of the most able and conscientious actuaries on the continent of America, a Canadian who holds a high position among the insurance people of both the United States and Canada. Is he to be told after making the best effort of his life to assist the committee in its investigation, that he must be satisfied with $5 a day and hotel expenses. I say it is not fair. Mr. Patterson holds a high position in his walk of life, and it is a shame if he is to be told that the immense amount of work he did for that committee should be paid for at the rate of $5 a day and expenses. They want to pay him at that rate only for his actual appearance before the committee, when I and other members of the committee know of his own knowledge that outside of such appearances he was occupied with the examination of documents that would fill a room. His account is a small one, amounting to $1,290, and he worked day and night. It is only fair to instruct the officers of the Senate to pay these accounts as a matter of honour.

Hon. Mr. SCOTT—It is only fair to the House to say in what position Mr. Power was acting at the time he taxed these bills. In the original letter he signs himself as Acting Deputy Minister of Justice.

Hon. Mr. CLORAN—He had better not act any more as deputy.

Hon. Mr. DOMVILLE—I should hardly think it necessary to say anything on this subject. Hon. gentlemen are aware that a very great outrage was committed on the public by this Mutual Reserve Company. I have no fault to find with those who thought that the investigation should not take place; we cannot all agree on such subjects. From the time the investigation started there was a most determined opposition. Why should that opposition arise? I can understand why such a conflict might arise if we were in a court of justice. There is something to strive for there, but what was there to strive for in this matter? Was it wrongdoing to ask parliament to look into that question? As my hon. friend from Victoria (Hon. Mr. Cloran) has said, possibly our investigation may have been the cause of the investigation now going on in New York into the affairs of the Equitable Life. The hon. gentleman from Wellington (Hon. Mr. McMullen), having due regard to his position and status in the country as a well known man, brought up the question of insurance the other day in this House, and held that it was a question whether these insurance companies should have power in their own hands to invest their money as they thought fit.

Hon. Mr. KERR (Toronto)—I rise to a point of order. It appears to me we are getting away from the whole question. The subject before us is not the position of the Mutual Reserve Fund Life Association, but whether certain persons employed by a committee of this House shall be paid for their services.

Hon. Mr. DOMVILLE—If my hon. friend feels sensitive, I will not refer to it. I was only going on to show how necessary the investigation was.

The SPEAKER—The hon. gentleman, I think, is speaking somewhat apart from the matter under consideration. The necessity of the investigation is not the subject before the Senate. It is a question of paying a balance of an account.

Hon. Mr. DOMVILLE—Why should he be paid if he did not do service ? I am only showing the reason why he was employed, and why his services should be paid for, not with any idea of casting a reflection on anybody else. He was appointed by this honourable body, and did his work ; and I was only trying to show the great importance of that work. The Senate and the country will some day wake up and see that the hon. member for Rothesay and the hon. committee and the gentleman who acted as solicitor, were right. Had their advice been taken the poor widows and orphans would not have suffered as they are going to suffer, because it is inevitable ; but for some unexplained reason the company seem to have great power here. I will not say what I should like to say, because I might be reproved for using unparliamentary language. It is very difficult to prove statements, but I think if Mr. Coster had been any one else but Mr. Coster, he would have been paid in full. I hold in my hand a minute of the committee showing that the committee had the authority of the House to appoint and pay him, and I have here a statement showing what the committee agreed to pay him. Why was not objection taken then ? Mr. Coster was appointed by the committee, the committee was appointed by the House and the House authorized him to be paid. The account was made up by the committee and signed, yet he was not paid. I hold in my hand a telegram from the Minister of Justice. He never served for any $30 a day, but because Mr. Coster comes from the lower provinces and not from the province of Quebec it is decided he shall not be paid more. The telegram of the Minister of Justice, dated November 2nd, promises to reopen the Coster matter as requested. With that telegram in my hand, can there be any harm in asking whether Mr. Power can dictate what Mr. Coster shall be paid ? It seems to me there is an over-riding influence being exerted over this hon. body. I asked six months ago for certain returns regarding that company, and they are not down yet. I was met with the answer when I moved for them, that it would take months to prepare them. I have waited patiently and calmly for that return. Are we not entitled to the return ? What is there to be kept back from the people of Canada ? If there is nothing wrong, there is no harm in bringing it down ; if there is anything wrong it should be produced without delay. The people of Canada will watch those proceedings, and I am very much mistaken if they will not declare in the long run that from first to last every difficulty has been placed in the way of this investigation, and that this refusal to pay Mr. Coster is a method of punishing a man who endeavoured to free Canada from the sharks. If he is not paid I shall endeavour to get him paid by public subscription from all over Canada for trying to guard the rights of the people. Had things turned out differently perhaps he would have been paid. He had a noble object before him, and the whole country looked to the Senate to protect those who were suffering through the course pursued by this insurance company. Mr. Coster can say : Here is my contract. I hold in my hand the bond of employment, the appointment to act as counsel for the committee. My account was passed by the committee, and yet parliament will not pay me. Some individual named Power, whoever he may be, seems to be more powerful than parliament. I find fault that there should be a power outside the Senate which controls us and curtails our right of action and our usefulness. There is nothing more to be said except that this man has been employed and it is not consistent with right or justice that he should not be paid.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman read the telegram from the Minister of Justice ?

Hon. Mr. DOMVILLE—My hon. friend will understand this is a telegram I sent to the minister complaining of the injustice, and asking him as he had been away and his deputy had been away, to re-open the case, as I was not willing to accept the dictum of this clerk in the department. His answer is : 'Will re-open Coster matter as you request. (Sgd.) C. Fitzpatrick.'

Hon. Mr. KERR (Toronto)—Has the hon. gentleman made any further application to re-open the case ?

Hon. Mr. DOMVILLE—I have just said that I went to him and he said that it was an outrage and that Mr. Coster should be paid.

Hon. Sir MACKENZIE BOWELL—Did he reconsider the question ?

Hon. Mr. DOMVILLE—He said the department had nothing to do with it, that it never should have been sent there at all.

Hon. Mr. POIRIER—I do not know what direct effect the investigation had upon that particular company, but I may say that indirectly it had a good effect. We may not have got from it the pound of cure, but we certainly have the ounce of prevention. The attention of the people of Canada was called to the necessity of carefully selecting the companies in which they insure their lives, and securing in every way the funds upon which their families rely for a living after the death of the insured. It has been shown that while the great majority of insurance companies are safe, there are some which are not, and therefore it is proper for the insured to be very careful in selecting the company in which to place their insurance. On the other hand the companies which to-day carry hundreds of millions of insurance, have been shown that the eye of this House at least if not, unfortunately, the eye of the Department of Finance is upon them; that there is a searchlight in operation, and that they must be careful in their methods, because they are amenable, if not to the Department of Finance and to the Department of Insurance, at least to this Senate. Considering those results, and considering further what has happened lately in the United States, where the affairs of one of the three leading companies of the world, the Equitable, have, through the acts of their president and vice-president, Mr. Hyde and Mr. Alexander, been brought to the attention of the legislature and the attention of President Roosevelt. I say considering those indirect facts, we should not begrudge the fees of the attorney who has been attending to the work. We should allow him the ordinary price paid to attorneys for conducting other investigations where the result perhaps has not been so far-reaching and timely. I should regret to see the Senate act in a small way in this matter. I shall not use the word I have in my mind in regard to that reference to the Department of Justice, but I may say that it is more or less of a farce. We have no business to refer to the Department of Justice the cost of what we are doing. There are in this House from twelve to twenty lawyers possibly just as well able to decide what is due to a leading attorney for professional services as those officials in the Department of Justice, where they are on friendly terms with the officials of the Department of Finance, at whose door perhaps, if investigation should be made, some blame might be laid. I do not say that any wrong, other than negligence, could be brought home to them. I hope for one that the motion of the hon. gentleman from Victoria will be carried, and that we will not in this instance singularize ourselves by littleness and smallness.

Hon. Mr. KERR (Cobourg)—The question before us is not whether that inquiry was a wise or an unwise one, or whether it resulted in great good or otherwise. The question we have to consider here is simply the account which is before us. While I took strong ground against the wisdom of the reference to a select committee, the Senate having granted the committee and sanctioned the proceedings, and authorized the retaining of counsel, that does not prevent me from exercising my judgment in reference to the counsel and witness. Ordinarily when a solicitor renders services to his client—and I take it that in this particular case the Senate is in the position of a client—the solicitor usually renders a signed

bill. The client has one month by statute within which he may have that bill referred to taxation or pay it. I understand, though I was not present at the time, that this bill was referred to the Department of Justice for taxation. The bill having been regularly referred to the Department of Justice for taxation, if the bill was properly taxed by a proper taxing officer of that department, that fixes the amount which ought to be paid. The 'balance of account due' is a rather ambiguous expression. No matter what the account was rendered at, the amount fixed—I am speaking now of cases at law—the amount fixed by the proper taxing officer is the amount due ; but it is also open to the party aggrieved to appeal to the court from that taxation. It seems to me that this matter comes up somewhat by way of an appeal, but I understand it is claimed there really was no taxation by a proper authority. I can hardly go so far as that, and I am sorry that some hon. gentleman felt it necessary to speak of subordinate officers in the language they have employed. I do not know that officer, but I would feel hurt, if I were trying to do my duty in the Department of Justice, if my conduct in that matter had been spoken of in such terms. But I take it the matter is here now and I understand the Minister of Justice has virtually repudiated the responsibility of his department for the taxation. I do not see that any other inference can be drawn from his telegram. If I had been acting for the solicitor, I would have taken the account to the Department of Justice and I would have said: 'Am I to understand that you are going to revise the taxation of your subordinate officers, or do you repudiate the responsibility altogether?' I take it that is the position, because that is the interpretation to be put upon the telegram, that he throws the account back upon the Senate.

Hon. Mr. DOMVILLE—When I presented the case to the Minister of Justice he said 'Let the Senate pay their own bills. We have nothing to do with it.'

Hon. Mr. KERR (Cobourg)—I want to do justice to a professional man with whom I am not acquainted. As the matter comes before us now there has been no taxation, and there is to be no taxation. We have to tax the accounts ourselves and say whether they are fair and reasonable. Although I was strongly opposed to the incurring of this expenditure, I feel that under the circumstances I must do justice according to my light and as at present advised, I shall vote for the payment of the balance of the bill as rendered—I think we have no other alternative. I will therefore support the motion for payment of the account, because the amount has not been fixed. The Minister of Justice repudiates his right to fix it and that leaves the matter in the position that the amount due to these people is the amount certified to by the chairman. I think the committee ought to be very careful to allow the right amount, and I think we will have to fall back on the taxation of the committee and pay the balance.

Hon. Mr. SCOTT—It might be as well that we should consider fairly the position of accounts before the Senate. I read now from Bourinot on the item of payment of witnesses, he says :

> By a rule common to the Senate and House of Commons, the clerk of either House is instructed to pay every witness summoned to appear before a committee a reasonable sum for attendance, to be determined in the Commons by the Speaker, and also for travelling expenses upon a certificate or order of the chairman of the committee, but no witneses shall be so summoned and paid unless a certificate shall have been first filed by the chairman of the committee or a member thereof, stating that the evidence of such witness is material and important, and no witness residing at the seat of government shall be paid for his attendance. Under this certificate it is the practice to pay witnesses their travelling and hotel expenses, but nothing is necessarily allowed for loss of time, even in the case of professional men. Printed forms are provided and certified by the clerk of the House before payment is made by the accountant. No witness who comes as a witness at the instance of parties interested in a private way is paid by the House.

When these accounts were first rendered some members of the Senate thought they were rather high. The accounts total $5,809. Mr. Bradshaw was paid in full, Stevenson in full—that is travelling and hotel expenses. The amounts paid were as follows : Bradshaw, $1,873 ; Stevenson, $55 ; Wells, $280. Mr. Wells, for Mr. Pendleton, $97. Patterson claimed $1,290 ; he was paid $240. Eldridge claimed $655, and he was paid $155.60. Coster claimed $3,303.60.

Hon. Mr. CLORAN—Was Mr. Eldridge the Mutual Reserve man ?

Hon. Mr. SCOTT—I never attended a committee, and gathered my information from reports from time to time. Coster claimed, as retainer, $250; he was paid $100. Then he claimed $5 per day, hotel expenses for 54 days. That was allowed in full. Then travelling expenses two trips St. John, N.B., to Ottawa and return, $83.60. That was paid in full. Then counsel fee from the 3rd June, 1904, to 2nd July, 1904, both inclusive, and from 9th July, 1904, to August 1st, 1904, both inclusive—54 days at $50 a day, $2.700. He was allowed $30 a day for every day the committee sat. He was allowed 20 days. His whole bill was $3.303.60 of which he was paid $1,053.60. My hon. friend stated there was only a receipt for $500.

Hon. Mr. CLORAN—According to the record.

Hon. Mr. SCOTT—I am advised some previous payments were made.

Hon. Mr. CLORAN—Then we have not the complete record.

Hon. Mr. SCOTT—The resolution referring the matter to the Department of Justice was carried in this House without any opposition from either side. Mr. Power was acting deputy minister at the time, Mr. Newcombe, the deputy minister, being away. Mr. Power is a very fair and conscientious man and holds a prominent position in the Department of Justice. I have no further comment to offer than to say that the department followed the instructions of the Senate. I am very much surprised to hear the telegram which has been read; I never heard it before. It does seem to me very extraordinary, when such a telegram was sent, that the question was not reopened. If the minister thought the account had not been fairly considered and wanted to reopen the matter, he should have done so, but he has not thought fit to reopen the matter up to the present time, and, therefore, it looks as if he had concurred in the report of his official.

Hon. Mr. PERLEY—Is $50 the usual fee paid for counsel appearing before a committee of the Senate?

Hon. Mr. CLORAN—No, double that.

Hon. Mr. SCOTT—The fees paid to counsel vary very materially. If a counsel appeared for one or two days a larger fee might be allowed, but certainly where an inquiry is protracted over a considerable period and the committee does not sit every day, sitting only from time to time, the allowance is usually smaller. However, I do not make any comment on this charge; I do not express an opinion.

Hon. Mr. PERLEY—Then $30 would not be a fair allowance?

Hon. Mr. CLORAN—He did more work outside of the committee than he did in it.

Hon. Mr. SCOTT—He asked $50 for 54 days, and he was allowed $30 a day for 20 days.

Hon. Mr. McMULLEN——I happen to be a member of that committee, and in my humble opinion there has not been a committee of this House which has rendered better service to this country than the Mutual Reserve Committee. I know that thousands of people in Canada have contributed from year to year their hard-earned means with the expectation that there would be a fulfilment of the covenants of their insurance policies with the Mutual Reserve institution, and on investigation it was proved to be one of the most rotten institutions that ever had an existence. I am satisfied that the New York Mutual Reserve although in a miserably embarrassed financial position paid double for counsel fees, double the amount charged by Mr. Coster if he got every cent of his bill.

Hon. Mr. CLORAN—Ten times as much.

Hon. Mr. McMULLEN—I am quite sure Mr. Aylesworth never attended the committee for $30 a day. In the next place the hon. Secretary of State says that Mr.Coster was allowed $30 every day the committee sat. I should like to know what Mr. Coster would be expected to do a thousand miles from his home. Here he was in an hotel, and I can honestly say that in my extended experience in business matters and lawsuits I never saw a man work more diligently night and day than Mr. Coster. I think it is a serious matter if we are going to cut him down to $30 a day for every day the committee sat and allow nothing at all when he was away from home and working in his room at the hotel.

Hon. Mr. YOUNG—Why did the committee not procure a lawyer nearer home? What would be the consequence if the committee had brought a lawyer from the Yukon?

Hon. Mr. McMULLEN—The committee was guided in their selection of this gentleman by the assurance that he was well posted with regard to all the affairs connected with the Mutual Reserve. We had the most positive evidence that he was. We knew that he had handled some lawsuits against the association, and knew the history of the company from top to bottom. Under those circumstances, we believe that he was a good man to employ, and that is the reason he was selected. I regret very much that Mr. Patterson was put off with $5 a day and travelling expenses. I can assure this House that when that investigation was going on here Mr. Patterson had in his pocket an offer of $20 a day and travelling expenses if he would go down, I think it was to Indiana, for the purpose of investigating some financial tangle that took place there in connection with insurance. His usual fee was from $10 to $20 a day, I believe. He is an exceedingly clever actuary, a man of first-class education to begin with, well up in his profession in the way of criticising transactions of insurance companies; and I think it is a small thing to ask that man to remain here on an allowance of $5 a day. I think, everything considered, Mr. Coster's account is not an unreasonably large one. He laboured very assiduously night and day, and did all he could. He had two or three lawyers opposed to him all the time. The company were not even satisfied with that, but they had their New York lawyer present. During the whole of the investigation we had two Canadian lawyers fighting continually, taking advantage of every technicality that could be thought of to obstruct the investigation. I am positive that in the county from where I come the people have saved sufficient money to pay the whole of the law costs from the number of policies which have been cancelled by members who have left the company.

Hon. Mr. DAVID—In the speeches which have been made reference has been made only to counsel. But I observe in the motion that the experts are mentioned.

Hon. Mr. CLORAN—That is the witness the hon. senator from Wellington has just been talking about. Mr. Patterson is the only one.

Hon. Mr. GIBSON—He is not an expert at all.

Hon. Mr. CLORAN—No other expert can compare with him.

Hon. Mr. DAVID—Is there any proof that he was employed the twenty days for which he charges?

Hon. Mr. CLORAN—As a matter of justice, it should not be called twenty days only. We had sittings in the morning at ten o'clock and we had sittings in the evenings from eight to eleven. There were twenty days actual sitting. We sat Tuesdays, Wednesdays, Thursdays and Fridays. We did not sit on Saturdays or Mondays, but the counsel could not go home to New Brunswick in the meantime. He used to spend his time looking up documents.

Hon. Mr. ELLIS—I am glad to hear what is said with reference to the effect of the examination made by the committee. My own judgment at the time the examination was going on was somewhat against it. I thought there were many times when the committee ought to have been stopped. Those who left the company would have done so without the investigation. But it must be remembered, with reference to counsel, that the Senate appointed the committee to carry on the examination and authorized the employment of counsel. Now, it appears to me that we are committed to the expense. It may be unfortunate, but it is so. The witnesses and different persons employed, including the lawyer, are entitled to a fair allowance for their services. I do not think that for a man of Coster's standing the amount which is allowed him is sufficient, when we consider the time which he has devoted to this work.

With reference to the examination of the matter by the Department of Justice, there appears to be something very remarkable about it. I think Mr. Power is a man of reputation in his department, and I am sorry that any reference should be made to him in the way of a slur of any kind. But the telegram submitted by the hon. gentleman from Rothesay declares a willingness, to

say the very least of it, on the part of the minister, that the examination should be opened up, and conveys an impression that he is not himself satisfied. I think the bill ought to be paid, inasmuch as the Senate committed itself by a deliberate action to the appointment of a committee to do the work.

Hon. Mr. SCOTT—Does the hon. gentleman include the expert ?

Hon. Mr. DAVID—Are we bound to vote for the fee claimed by the expert if we vote for the payment of the fee to counsel ?

Hon. Mr. SCOTT—It includes everything.

Hon. Mr. CLORAN—Although I have not seen Mr. Coster since he left Ottawa last year, I have not the slightest doubt that he would be man enough to refuse payment of his account if the expert witness—without whose work Mr. Coster would not have been able to prove the Mutual Reserve Fund Life Association to be a band of thieves—was not paid also.

Hon. Mr. BEIQUE—How much was Mr. Patterson paid ?

Hon. Mr. CLORAN—He is asking for the 54 days he was here $1,290 and travelling expenses—at the rate of $20 a day. I am proud to feel that this Senate has agreed with the chairman of the committee in regard to this matter.

Hon. Mr. SCOTT—Honourable gentlemen must recollect that this item ought to go into the estimates ; there is no appropriation for it. I do not see how it can be paid this year if voted.

Hon. Mr. POWER—As I understand the position the Senate last year referred the question of these costs unanimously to the Department of Justice. The Department of Justice made a report ; that report as I understand has been acted upon and the sums indicated by the Department of Justice have been paid.

Hon. Mr. CLORAN—No, they are not paid yet, only a part of them.

Hon. Mr. POWER—I understand they have been paid, or if not they will be paid when the parties apply for their money. Now it is proposed that this House which, without any difference of opinion left the question of the taxation of these costs to the Department of Justice, should ignore its own action of last year, and the action of the Department of Justice. The hon. gentleman from Rothesay has adopted what I consider to be a somewhat unusual course. He has made the statement that the Minister of Justice repudiated the action of the gentleman who was acting as his deputy. That is a very extraordinary circumstance and one that deserves to be inquired into.

Hon. Mr. CLORAN—By whom ?

Hon. Mr. POWER—By the proper party.

Hon. Mr. CLORAN—Who is that ?

Hon. Mr. POWER—I shall try and make that clear. We are in this position, that it is the duty of the Department of Justice under the circumstances to make a further report to the Senate. I do not think it is the duty of the Senate to conclude that the officer who made the report was not authorized to do so. The Department of Justice would have been justified in declining to deal with the matter, but having become seized of it, the Department of Justice cannot say now : We have given you a report, we cannot do anything more about it. As the matter has been referred to the Department of Justice and as according to the hon. member for Rothesay, there would be some question as to what the Department of Justice really decided, we should have a further report from the department. When the whole matter was fresh in the minds of members last year, they thought the claims made were exorbitant, and should be taxed by the Department of Justice. I do not see why now, without further light on the subject, we should agree to pay claims which last session we considered exorbitant.

The Senate divided on the motion which was rejected by the following vote :

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The Honourable Messieurs

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Cloran,	McSweeny,
Coffey,	Montplaisir,
Domville,	Owens,
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(Rigaud).—18.

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The Honourable Messieurs

Baker,
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Casgrain
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Lougheed,
Macdonald (P.E.I.),
Merner,
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Power,
Ross (Regina),
Scott,
Templeman,
Watson,
Yeo,
Young—20.

Hon. Mr. CLORAN—Can a senator vote when he comes in after the motion is put or while the vote is being taken?

Hon. Mr. POIRIER—He must hear the motion put from the chair.

Hon. Mr. LANDRY—The proper way is to call the names of the senators first.

The division list was read.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman whose vote is challenged was absent when the motion was read, he had no right to vote.

Hon. Mr. CLORAN—I would ask if the Hon. Senator McGregor was in the House when the motion was put?

Hon. Mr. McGREGOR—I was not.

Hon. Mr. CLORAN—Then I ask to have the vote struck out.

Hon. Mr. POIRIER—I believe a senator, in order to be allowed to vote, must hear the question when it is put from the chair, and must be within the precincts.

The SPEAKER—Do I understand the hon. gentleman from Nova Scotia to say that he did not hear the question put?

Hon. Mr. McGREGOR—I did not hear the question put. I heard the debate and was in my room when the division bell rang.

The SPEAKER—Did the hon. gentleman understand the question put by the chair?

Hon. Mr. McGREGOR—I did not hear the question put, but I think I understood the question.

The SPEAKER—The name must be erased.

Hon. Mr. DOMVILLE—Was the Hon. Mr. Ross present?

Hon. Mr. ROSS—Yes.

Hon. Mr. CLORAN—I should like to know why the Hon. Mr. Dobson did not vote?

Some hon. MEMBERS—Paired.

Hon. Mr. PERLEY—I should like to ask the hon. Secretary of State a question. I understand there is a division of opinion with regard to the effect of this motion voted on. Some hon. members say it is to pay only the balance——

Some hon. MEMBERS—Order, order.

Hon. Mr. PERLEY—What is the point of order?

Hon. Mr. YOUNG—The matter has been dealt with by the House.

Hon. Mr. PERLEY—I am asking for information; is the man not to receive the sum already awarded to him by the Department of Justice?

Hon. Mr. SCOTT—That has been paid.

Hon. Mr. PERLEY—I understood it was not.

PATENT OF WM. A. DAMEN BILL.

COMMONS AMENDMENTS CONCURRED IN.

Hon. Mr. KERR (Cobourg) moved concurrence in the amendments made by the House of Commons to Bill (M) An Act respecting patent of Wm. A. Damen.

Hon. Sir MACKENZIE BOWELL— I do not rise for the purpose of objecting to concurrence in the amendments. I rise to call attention to the character of the amendment which has been made. On the face of the report made by the House of Commons it looks like a very innocent amendment, but on investigation it will be found to go a long way beyond what appears on the face of it. Last year by chap. 72 we extended the rights of a number of patentees to their patents until the first of last January, a term of six months. The Bill which is now before us, when introduced in the Senate, was for the purpose of adding another patent to those mentioned in the preamble of chap. 72 which we passed last year. In the House of Commons they not only added that patent to the number mentioned in chap. 72, but extended the

rights of the patentees to all these inventions, for another year, including the one that we are dealing with. Instead of granting an extension for six months, the Bill now extends all the patents included in chap. 72, for a period of two years. I call the attention of the Senate to the loose way in which we accept those amendments without understanding what they really mean. It is another lesson to us that we should be careful to consider amendments made to our Bills by the House of Commons. My own opinion is that we deal too leniently with these inventions. People get a certain right for a number of years to manufacture a patented article in the Dominion. They do not move during the whole time, and every one else is prevented manufacturing that article. Then at the expiration of the time they come here and ask for an extension. In a number of Bills passed in the Senate this year, the House of Commons reduced the time to six months and we accepted that. In this instance, however, the House of Commons extended the time to two years, and not only that but included in that extension several other patents. There is a clause in this Bill to protect those who have commenced to manufacture the patented article since the first of January.

Hon. Mr. KERR (Cobourg)—I am very much obliged to the gentleman for calling the attention of the Senate to the nature of the amendment. While the House of Commons have granted a longer extension of time than usual, clause 3 protects all parties interested, so that no person can be injured by the Senate accepting these amendments.

The motion was agreed to.

INLAND REVENUE ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 176) An Act to amend the Inland Revenue Act.

(In the Committee.)

On clause 1,

Hon. Mr. SCOTT—The method adopted in making amendments to the Bill has been to repeal the clause and re-enact it with the changes, even though they are only a word or two. In reference to the first clause the department require when there are any changes made in a building used for excise purposes that the plan must be filed. It is to apply to cases where the improvements are very immaterial.

The first clause was adopted.

On clause 8,

Hon. Mr. SCOTT—The only change is that the word 'gauging' is struck out and the word 'weighing' is substituted. Gauging is done away with and weighing takes its place.

The clause was adopted.

Hon. Mr. BAKER, from the committee, reported the Bill with amendments, which were concurred in.

The Bill was then read a third time and passed.

BILL INTRODUCED.

Bill (No. 162) An Act to amend the Land Titles Act, 1894.—(Hon. Mr. Scott.)

The Senate adjourned until 8 p.m.

Second Sitting.

The Senate met at 8 p.m.

Routine proceedings.

BANK ACT AMENDMENT BILL—THIRD READING.

The House resolved itself into Committee of the Whole on Bill (No. 181) An Act to amend the Bank Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill was held over for a few days for the purpose of ascertaining whether in the opinion of those who have given it some thought and attention, particularly the Finance Minister, it would be desirable to fix a limit to the number of directors. The opinion of the government is that it would be better to leave the Bill as it is. I had myself suggested a limit of fifteen. The answer to that suggestion is that there are many small banks with a capital of one and a half to two millions who are now satisfied with a very small number of directors, and that there would be a pressure on those small banks to bring up the number of directors to the limit. Therefore it would probably be safer to leave the num-

ber at present undefined rather than bring it up to a figure higher than it ever has been.

Hon. Mr. SULLIVAN—Ought it not be proportionate to the amount of capital.

Hon. Mr. SCOTT—Yes, but there is no clause in the Bank Act applying to that case.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman is no doubt right; there should be a limit to the number.

Hon. Mr. McSWEENEY—The banks are the best judges of the number of directors they require.

Hon. Mr. LOUGHEED—As I understand, the maximum number of directors appointed is ten.

Hon. Mr. SCOTT—Those words are struck out by this Bill. It is now optional with the shareholders of the Bank to fix the number of directors. The leader of the opposition himself suggested a limitation, and as fifteen is the number fixed under the Joint Stock Companies Act, that figure was spoken of. However, when I brought up the matter a second time, he said he had no very decided opinion on the subject and did not care to press his views. On discussing the point with some gentlemen who profess to have given it some thought and attention, they urged that if there was a limit, it would be an incentive to some of the smaller banks to increase the number of directors. As it is now, there are many small banks who have not ten directors.

Hon. Mr. LOUGHEED—What is now proposed?

Hon. Mr. SCOTT—To leave it optional.

Hon. Mr. SULLIVAN—That is the proper way.

Hon. Mr. McMULLEN—I have no very decided opinion on the subject, but I think since we are amendng the Act we had better leave it to the different banks without fixing a limit of fifteen. Let them regulate the number themselves. The smaller banks, if they are judicious and careful in their management, will see that they have not too many. Large banks like the Bank of Montreal may find it necessary to have directors in different parts of the country, and in different countries, so I think it is just as well, if the Act is amended at all, to let it go without fixing a limit.

Hon. Mr. MACDONALD (P.E.I.)—It would be desirable to fix a minimum so that there should not be less than a certain number.

Hon. Mr. SCOTT—That is the law now.

Hon. Mr. McMULLEN—I do not know that this legislation is going to be beneficial. I have very grave doubt of it myself. Ten is a good number for a board of directors for a bank. I can easily see that this will open the way for a great many men to get on the board of directors of a bank who would not be able to do so if this Act had not been passed. There are men in the country who hold quite a large amount of stock and who would be glad to get on a bank board, but instead of being of use they may be actually a hindrance because they are not up to date in their views regarding banking. It would have been better to leave the number at ten and give the Bank of Montreal the desired power to elect an honorary president. I do not know whether the banks have been consulted, or whether they sent in a request for this change. I should like to know from the government if they have asked for this legislation.

Hon. Mr. SCOTT—I am not aware that there has been any formal communication with the banks. As hon. gentlemen know, a Bill was introduced at the instance of the Bank of Montreal, giving that bank power to increase the number of directors. The Finance Minister thought it was better not to single out the Bank of Montreal, that it might create a little feeling of jealousy on the part of the other banks, and it was thought better to leave the matter to the shareholders. I do not think the privilege of electing a large board is likely to be abused. There are many small banks which have now only five, six or seven directors. They have the right to go up to ten, but their good sense has led them to keep within narrow limits, and therefore I do not see that the privilege granted under this Bill is likely to be abused, judging from the experience of the past.

Hon. Mr. SULLIVAN—As one of the public who have nothing to do with banks either as manager or director, I fail to see why a bank should be regulated more than

any other society. I do not see why the government should take these associations called banks and impose certain rules on them, unless there is some special reason for it. If the number were proportionate to the capital, I could understand it. Unless it is based on some good foundation, it is an unwarranted assumption on the part of those who impose such a restriction on the bank. The shareholders should be allowed to elect forty directors, or only two, if they choose. They are handling their own money, and moreover one talented man is worth fifty ordinary men, so it would depend largely on the talent of the directors. I wish to know if any hon. gentleman here can say why this arbitrary number should be fixed ?

Hon. Mr. McMILLAN—The restriction is removed by this Bill. There is no limit now except the minimum. My hon. friend from Wellington (Hon. Mr. McMullen) asked if the different banks of the country have sought this legislation. The reply of the hon. Secretary of State, was that he did not understand they had, but this Bill has been before the public for a long time, and if the banks of Canada felt that the Bill was not in the right direction, they would have at once opposed it. They have been neutral in the matter, and consequently there does not seem to be any harm in the Bill.

Hon. Mr. WILSON, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

DOMINION CONTROVERTED ELECTIONS ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (159) An Act to amend the Dominion Controverted Elections Act.

(In the Committee.)

Hon. Mr. SCOTT—This Bill is to provide for the intermediate period covered by the change which is taking place in converting territories into provinces. The clauses all relate to the proposed new provinces of Saskatchewan and Alberta.

Hon. Mr. LOUGHEED—Should not the last subsection of clause 1, relate to both provinces ? It makes provision for an electoral district which is partly in Alberta, but it does not seem to make provision vice versa.

Hon. Mr. SCOTT—It was carefully drawn in the Justice Department, and I presume all the possibilities were discussed. It is so palpable, it must have been considered.

Hon. Mr. LOUGHEED—Perhaps my apprehensions are unfounded, because if the electoral district is partly in the province of Alberta, the other part would be in the province of Saskatchewan, and it is therefore provided that the proceedings shall be conducted in the province of Alberta. That will meet the case.

Hon. Mr. WOOD, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

NORTHWEST IRRIGATION ACT AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (161) An Act to amend the Northwest Irrigation Act, 1898.

(In the Committee.)

Hon. Mr. SCOTT—As the lands belong to the federal power, the irrigation laws will necessarily be under the Federal Government at Ottawa ; and this Bill makes provision for their management and the appointment of such officers as may be necessary to carry out the terms of the Act.

Hon. Mr. BEIQUE, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY BILL.

SECOND READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (139) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

He said : This Bill has reference to a railway company in the province of British Columbia. The legislature of British Columbia incorporated a company with autho-

rity to build a railway from the cities of Victoria and Vancouver, penetrating the Hope Mountains and connecting with the railways in the Boundary Creek country, at or near Midway or Rossland. In 1896 this company had an Act passed by this parliament confirming the provincial Act, and one of the reasons for asking for this Bill is that it is doubtful whether the legislation then granted by the Dominion parliament properly confirmed the provincial Act. Clause No. 1 was passed upon by a sub-committee of the Railway Committee of the House of Commons and by the Justice Department; and the clause now appearing in the Bill is the result. This clause is practically the same as was passed during the present session of this parliament confirming to the Nicola, Kamloops and Similkameen Railway powers and privileges which had been given them by previous legislation, but which were considered to be more or less in doubt. With respect to clause 2, the company asks for power to build a short line of railway between the Fraser River bridge near Liverpool and a place called Oliver's on the line of the Victoria Terminal Railway and Ferry Company. This is a line connecting the cities of Vancouver and New Westminster with the city of Victoria on Vancouver Island. With respect to clause 3 the company asks for permission to cross the boundary line in the province of British Columbia with a view to obviating or overcoming physical difficulties connected with the building of the line on Canadian territory.

As the House will know British Columbia, as a whole, is very mountainous particularly southern and central British Columbia, and it is very difficult to construct railways. The whole country is mountainous, with very narrow valleys. Hence it has been found that to run a line of railway from Midway straight to the coast it would be necessary to have very heavy gradients at several places and the result would be a railway costing an enormous sum of money, and one which would cost immeasurably more to operate in the future than a longer alternate line. So that the company in clause 3 ask permission to cross the boundary line at a point to be decided upon by the Governor in Council. That amendment was made in the Railway Committee of the House of Commons, that is to say, the permission to cross the boundary line, and the point at which they shall cross is to be determined by the Governor in Council. It must be shown that it is necessary for the purpose of avoiding the difficulties of construction. The other clauses are not very important. Clause four is the usual provision with reference to entering into an agreement between this company and some subsidiary companies which are practically owned by the holders of the charter of the Victoria, Vancouver and Eastern Railway Company, with a view to amalgamation and consolidation. Clause 5 is the usual provision for the time of construction. These I think are the essential features of the Bill.

Hon. Mr. THOMPSON—Where does the navigation come in?

Hon. Mr. TEMPLEMAN—It comes in between Vancouver Island and the mainland. It is the intention of the Victoria, Vancouver and Eastern Railway to make an agreement with the Victoria Terminal Ferry Company, a local company, operating two short branches and a ferry between the island of Vancouver and the mainland at Port Guichon on the Fraser River. This Bill, I might say in general terms, is one of enormous importance to British Columbia. The entire delegation of British Columbia members in the House of Commons and in the Senate are unanimous in support of this Bill—a somewhat unusual thing in matters of this kind, unusual not only in regard to British Columbia but in regard to every other province. In the Commons a rather strenuous opposition to this Bill was raised in the committee, but I am advised that that opposition has ceased, and there is no longer any desire on the part of any person to see this Bill defeated or amended in such way as to defeat its object or to defer its passage. It will, therefore, be unnecessary for me at this stage of the proceedings, to deal with some of the objections that were urged in the other House in regard to this Bill. I desire that this Bill be read the second time tonight and go to the Railway Committee to-morrow.

Hon. Mr. LANDRY—I do not see why I should not raise an objection at this stage of the Bill, prompted by the position taken yesterday by the government. The govern-

ment would not introduce the Autonomy Bill because it was not printed in French, and I think the government should be consistent and should not press this Bill because it is not printed in French.

Hon. Mr. TEMPLEMAN—The hon. gentleman is quite in error. The Bill is printed in French, as I took very good care to ascertain about midday to-day. I inspected some of the files of members of the Senate and did not find it there so I took the trouble of laying a French copy of the Bill on the desk of my hon. friend. I have some copies here and would be glad to send them to my hon. friend.

Hon. Mr. LANDRY—I have two English copies.

Hon. Sir MACKENZIE BOWELL—I am surprised that my hon. friend should express surprise at any inconsistency on the part of the government. That is a matter which we can fully appreciate and he need express no surprise. I would like to ask the hon. gentleman who moved the Bill, a question regarding the line described in the second line of the third paragraph, which reads as follows:—

> The company may at such points on the international boundary line between the west bank of the Similkameen River and the Columbia River as the company deems expedient—

In order to connect those two points is it necessary to go through the United States?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—Is that the portion of the country described by the hon. gentleman as being so mountainous as to render it necessary to divert the line southward in order to reach those two points?

Hon. Mr. TEMPLEMAN—The object of crossing the boundary line at a point between the Similkameen River and the Columbia River is that there are great physical difficulties in the way of construction. There is a mountain range locally known as Anarchist Mountain or Sidley Mountain, which runs north and south, as nearly all the mountain ranges in British Columbia do. To cross that mountain would entail enormous difficulties and would necessitate gradients that would be unworkable. By following the watercourse of the Similkameen River they can get round the southern end of that mountain, diverting the line of railway for some 30 or 40 miles through the State of Washington, and coming out again into the province of British Columbia, and continuing from thence to the town of Princeton and the coast. It is entirely with a view of surmounting these difficulties that the order of the Governor General is asked for.

Hon. Sir MACKENZIE BOWELL—If they receive a report from their engineers or surveyors that the line can be built in Canadian territory between those points, the government will insist upon it being so built; but if the character of the country is such that it cannot be done they will permit it to go through the United States. I understand that to be the meaning of the clause.

Hon. Mr. MACDONALD (B.C.)—It will be in the recollection of hon. gentlemen that a very long and sharp discussion took place in the Commons over this Bill. The 'Free Press' of the 27th June, published an article on the Bill which is not accurate, and, as far as I am concerned, I wish to contradict the statement contained in that article and make my position clear. That report makes it appear that the members from British Columbia are opposed strongly to the Canadian Pacific Railway, which is untrue. I do not know of any member from British Columbia who is opposed to the Canadian Pacific Railway. It states also that we are urged on in the matter because the Canadian Pacific Railway bought the Esquimalt and Nanaimo Railway. Now, we are all delighted at that purchase. The facts are just the reverse of what is stated in this article. There is not a member from British Columbia who is not glad that the Canadian Pacific Railway have bought that road, because it will put new life and vigour in that railway, which has been doing nothing for years. The 'Free Press' says:

> The British Columbia members, all seven of them, and the three Senators from the province——

That is incorrect, to begin with, because there are only two Senators from the province. The article continues——

> are spurred to quicker action by the equipment of the Vancouver Island Railway by the Canadian Pacific Railway.

That is false, because we are all delighted at it.

They say that this corporation is an octopus, with a large 'O.'——

I do not know if any member said that. If he did I am entirely ignorant of it. I know the members, and they are all extremely friendly to the Canadian Pacific Railway. They see what the railway has done, that it has opened up the Northwest country and developed the trade from the coast to China and Japan. The article makes a very nasty insinuation against members that because they formerly got tickets from the Canadian Pacific Railway for transportation, they sold their independence. That is not a very nice thing for a paper to say, and I should like every member of this House to give that paper the strongest castigation they possibly can. The article continues——

Freed from any of the charges of former subservience by the new law which compels Canadian railways to issue passes to members of parliament, there is now evidence of a spirit of independence of the persuasive methods of the railway corporations.'

It indicates that formerly we had no independence and were cringing to the Canadian Pacific Railway because we had free passes. I can deny emphatically every word the 'Free Press' has said. A few years ago a gentleman from the United States wished to get a railway charter similar to this, and I was opposed to it, for I thought it would do us more harm than good. I saw Sir Charles Tupper about it and the Bill was afterwards defeated. Now, I have changed my mind. The Grand Trunk Railway and the Canadian Pacific Railway both run into the United States territory and no harm will be done by granting the permission desired in the present case. We lost our trade with the mining country because we had not a road of this kind. The trade went to Spokane instead of to Canadian cities, and I think this road will do us good. In supporting it, I desire to express my entire friendship for the Canadian Pacific Railway. I know what it has done and what it is doing.

Hon. Mr. WILSON—If the road runs across the boundary and into United States territory, what authority has the Railway Commission over that portion of the road running into the United States? I can understand the prudence of diverting the line if there be the mountain range spoken of; but we should be very careful and very guarded indeed when we grant permission to run 40 or 50 miles across the line and make connections with United States lines on the the other side.

The Bill says that if the commission is satisfied that it is necessary to avoid the difficulties of construction, they may permit this diversion. Well, we know what the commissioners will do under the circumstances. We know also that if this road is built for the purpose of reaching some of the iron mines up there, and the company desire to ship the ore to the United States, we have no evidence that they might not possibly tap our mines and carry the ore to the United States. My hon. friend says, 'hear, hear.' Has he any evidence to the contrary, and is there any reason why he should say, 'hear, hear,' ironically? We know very well that the smelting operations may be carried on, on the United States side, and thereby prevent the manufacturing of those ores into finished material in the province of British Columbia. It is a matter we ought to consider and look into carefully. It is true, as my hon. friend said, that the members from this province are all in favour of it. Is there an hon. gentleman in this House near whose county a railway is going to run who will not be in favour of that road being constructed? We know the effects of that, and we know it would have the same effect upon a member from British Columbia. I do not think there is any danger that they will not be able to find some means whereby they can obviate running into United States territory, unless they desire, for the purpose I have mentioned, to get in to the mines and carry the products of those mines from Canada into the United States to be smelted there. While I am not going to oppose this road, I hold the government responsible, and say that they must be satisfied that there is no possibility of constructing this road on the Canadian side before they permit the road to run thirty or forty miles into United States territory. We do not desire to build roads on the other side. We do not desire to carry away the traffic from our country into the United States. It will be said, 'But you know we have roads running from east to west and from west to east, extending

into United States territory, and they are a benefit to the people living in Canada.' but it cannot be shown that this diversion is in the interest and for the benefit of the Dominion of Canada. I therefore feel that we ought to be very careful and move slowly in this matter, and see that we are right before we pass the Bill.

Hon. Mr. CHURCH—As I understand, it is necessary for this line to be built to develop the trade of British Columbia. May I ask which 'Free Press' my hon. friend is alluding to ?

Hon. Mr. MACDONALD (B.C.)—The Ottawa 'Free Press.'

Hon. Mr. CHURCH—I have always understood that the members from British Columbia voted in the House of Commons and in this chamber as a unit in support of this Bill, and my hon. friend's observation proves that that is correct. The reason assigned by the member of the government from British Columbia, is that there is a mountain range running north and south, at right angles to the boundary line. We had the same difficulties in Nova Scotia in building the Southwestern Railway there, from Halifax to Chester, Liverpool and Yarmouth. We had high hills there—not mountains—running at right angles to the shore, and consequently it was very difficult to get a line of railway around them. If these mountains run in the way indicated I can understand that it would be difficult to get along in British Columbia. But the difficulty suggested by the hon. gentleman from St. Thomas surely must have been met in railway building years ago. We all know that the Canadian Pacific Railway line in going down to the maritime provinces goes across a corner of the State of Maine, and surely whatever arrangements were made with regard to that road crossing the State of Maine, and then entering the province of New Brunswick and going on to St John, can be made in regard to this road. I should imagine there would be no difficulty in that regard. I agree that if it were practicable to build a line within the borders of British Columbia, that it should be built in that way in preference to entering the United States, but if it be a fact that it cannot be so built without increasing the expense of the road with no good results whatever to the province of British Columbia, I think that after all the contentions and haggling in the Railway Committee of the House of Commons, that body have arrived at a fair solution of the question ; and I am prepared to vote for the Bill in its present state.

Hon. Mr. WATSON—It has been said that because a portion of the road runs through United States territory, the Bill should not be passed. Now with four thousand miles of international boundary between Canada and the United States we cannot expect that there will not be some engineering required to effect the construction of a railway on Canadian territory. Take the Northern Railway which is looked upon as a purely Canadian road. From Winnipeg to Port Arthur it runs through the State of Minnesota, which is a part of the United States. Nobody ever suggests that there is any harm in that railway running through thirty-five miles of United States territory. I can quite understand the difficulty that is met in British Columbia. Where they have a sea of mountains, which they have to avoid in the same way that the Northern Railway has to avoid the Lake of the Woods, I cannot see any harm in the railroad running through a portion of the United States for the purpose of getting easy grades to make connections with that portion of British Columbia. Therefore I feel disposed to support the Bill.

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

SEAMEN'S ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (147) An Act to amend the Seamen's Act. He said :—

This Bill refers to the employment of seamen in the province of British Columbia. The object is to enable shipping masters in British Columbia, especially in Vancouver and Victoria, to procure crews for ships leaving port. It provides that the shipping master may employ not more than two deputies, and that they may charge a sum of money to be approved of by the department, but never to exceed ten dollars.

Hon. Mr. LOUGHEED—What provision is to be found in this Bill or in the Seamen's Act, chapter 74, to prevent either foreigners

or others from acting in that capacity entirely irrespective of the authority of the Minister of Marine and Fisheries ?

Hon. Mr. TEMPLEMAN—I do not know of anything to prevent United States agents inducing sailors to go over to Seattle or Tacoma from the city of Vancouver or Victoria.

Hon. Mr. LOUGHEED—I did not refer to that. I think my hon. friend said one of the difficulties that confronted British Columbia was the fact of United States agents going into our ports and acting the part of shipping agents.

Hon. Mr. TEMPLEMAN—They induce sailors to go to the United States where they are engaged on United States ships.

Hon. Mr. LOUGHEED—It seems to me that it should be a penal offence for any one to come into our ports and interfere in that way with the spirit of the Act.

Hon. Mr. TEMPLEMAN—I do not know how we can prevent United States agents coming into the country and advising sailors that if they went to Seattle they could secure employment on United States ships at a remunerative salary, but it is a fact that Victoria and Vancouver have been very largely denuded of sailors, and vessels have been compelled to go from these ports to Seattle and Townsend to secure crews. This legislation has been submitted by the department at the earnest solicitation of the Boards of Trade of Victoria and Vancouver and of shipping men generally. It has been found that in those cities on the coasts crews cannot be easily obtained. Shipping masters do not go out of their office to secure sailors, and the result is that the crews cannot be found when they are wanted. I think the possibility of crimping as it used to prevail is obviated by the provisions of this Bill. No deputy can be employed who sells liquor in any way, nor any boarding house keeper who sells liquor, and it is also provided that the amount of money paid by the government to the deputy shipping master for obtaining sailors cannot be deducted from the earnings of the sailors.

Hon. Mr. LOUGHEED—As I understand it, this Bill is for the purpose of facilitating the employment of crews by shipping masters and it makes provision that two deputy shipping masters with the approval of the Minister of Marine may be appointed at the instance of each master. They are, I apprehend, charged with a certain duty for which there is certain compensation, but there is nothing to prohibit anybody else from doing this particular work or acting in that particular office. What is the use, I ask my hon. friend, of clothing these deputy shipping masters with the authority prescribed in clause 2 of the Bill if every Tom, Dick and Harry, including United States agents and others can come into Victoria and perform the same services without any penalty being imposed.

Hon. Mr. TEMPLEMAN—My hon. friend does not imagine that a foreigner from Seattle can come into Vancouver and secure sailors for a vessel sailing from Vancouver. The shipping of sailors must be done under the shipping master or his deputy. The grievance in Victoria and Vancouver in regard to sailors is that greater inducements are sometimes offered them to go over to Seattle and there engage on United States ships or others and so our ports are deprived of the sailors we ought to have. The difficulty of securing sailors is also emphasized by the fact that the remuneration paid to the shipping master is so little that no person takes the trouble to secure them ; but a United States shipping master cannot do business on Canadian territory. He must privately induce the men to go over the boundary. All sailors are enlisted on board the ship through the shipping master, and it is impossible for any person other than a shipping master or deputy to enlist any sailor for any ship.

Hon. Sir MACKENZIE BOWELL—Does this Act provide for anything more than allowing the shipping master to charge $10 instead of 50 cents? That appears to me to be the chief provision of the Act. My own impression is that we are altogether too liberal in dealing with sailors and masters of vessels in our inland waters as far as regards United States sailors. I have often heard a complaint that while the United States seamen were permitted to accept employment and sail on Canadian vessels, no Canadian or British subject can take command of a United States vessel unless he first becomes a citizen or has a certificate

from that country. They prevent altogether the employment of British subjects upon their vessels. I have had sailors and officers of vessels make great complaint that while they were deprived of the right of employment on United States vessels the Yankees could come over and sail our vessels and take command of them on the inland waters. I am very much inclined to the opinion that there should be a little reciprocity in that matter, but I do not know that this measure affects it. This Bill merely permits the shipping master to do certain work and charge ten dollars for it instead of fifty cents.

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

The House resolved itself into Committee on the Whole of the Bill.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—I would call the attention of the hon. gentleman to the debate which took place in the other House on this subject. In reading the reports of the debates in the public press, I notice the Minister of Justice gave a very decided and positive opposition to this Bill, although it was introduced by his colleague the Minister of Marine and Fisheries, and I would ask the hon. gentleman if the opinions of these two gentlemen are reconciled ? This is another case of legislation by departments and not by the government. It is a rather unseemly sight to see one minister opposing another, particularly when the Bill is a government measure, and I am somewhat interested to know whether they have come to an amicable understanding on this question or whether one of them has resigned.

Hon. Mr. TEMPLEMAN—The Bill has been changed since it was introduced in the House of Commons. One of the exemptions proposed in the original Bill has been eliminated. For instance, clause 1 in this Bill as it was originally drafted, provided that sections 7, 16 and 18 of the Seaman's Act, chap. 74 of the revised statutes, shall not apply to shipping masters or deputy shipping masters in British Columbia. Now, section 7 of the Seaman's Act provides that no person who sells spirituous liquors, or tavern keeper or boarding house keeper, shall be eligible for the position of shipping master or deputy shipping master.

It was proposed in the original Bill to make that clause inapplicable, which would have the effect of permitting persons who sold spirituous liquors to become shipping masters or deputy shipping masters. In the House of Commons that was struck out. That, I think, is the only opinion the Minister of Justice expressed on the matter, and the provision as it now reads is that sections 16 and 18 of the Seamen's Act shall not apply. This Bill deals entirely with the charge which may be made for shipping sailors in the province of British Columbia. The present charge made by shipping masters is 50 cents per sailor. This makes it possible to pay any sum of money that may be agreed upon between the captain of a vessel and the party providing the sailors, up to but not exceeding the sum of $10, but whatever price is paid must be approved of by the Minister of the Department, and is subject to be changed at any time by him.

Hon. Mr. MACDONALD (P.E.I.)—I wonder if we have in this Senate any person representing the interest of the seamen, for it seems to me that this Bill is putting a tax on seamen to which they were not subject before, raising that tax apparently from 50 cents to $10, which is a very serious matter to people who receive a very limited sum for their services. I cannot see why the fee should have been raised from 50 cents to $10.

Hon. Mr. TEMPLEMAN—My hon. friend has not read the last clause of the Bill. It provides :

4. Notwithstanding the next preceding subsection, the sum which the owner or master of a ship engaging or discharging a seaman in a shipping office in British Columbia may deduct from the seamen's wages under section 17 of "The Seamen's Act," shall not exceed what it would be if section 16 thereof were in force in that province.

Section 16 of the Seamen's Act provides that the sum of 50 cents shall be paid upon each engagement of a seaman, and the sum of 30 cents upon each discharge of a seaman shipped in any of the provinces specified, so that the amount that is chargeable to a sailor in British Columbia is not any more than before.

Hon. Mr. MACDONALD (P.E.I.)—It is difficult to understand that, as I read the Bill, because the first clause says that section 16 shall not apply to shipping masters or deputy shipping masters in the province of British Columbia.

Hon. Mr. CHURCH—I do not see why an exception should be made of the province of British Columbia. For over 30 years, I have represented the county of Lunenburg, which is largely interested in shipping. We have about 2,500 men at this moment engaged in our deep sea fishing fleet alone, all of whom have to be shipped, and they are shipped under the general Act. Of course the shipping master is paid by the master, but in settling up for the voyage, it is taken out of the seaman. There may be some reason why British Columbia should be treated differently from other provinces. Altogether we have about 8,000 voters in the county of Lunenburg, fully one-half of whom are fishermen, and I know this Bill as introduced by the minister would not suit our country at all. However, I do not oppose the Bill, if the representatives of British Columbia in both Houses are satisfied. The circumstances may be peculiar and require special legislation. If it were a general measure, I would feel it my duty to oppose it, in the interest of the fine old county of Lunenburg.

Hon. Mr. WOOD—I had it in my mind, when the last speaker rose, to make some remarks in the same line as he has made. This Bill may be acceptable to the people of British Columbia, but I feel very confident that it would not be accepted in the eastern provinces of the Dominion. I have not had very much to do with the shipping of sailors of late years, but I had some experience years ago, and I know very well what was the practice then. The sailors when they arrived in port were generally led to leave the vessels. If they were discharged from the vessels, they fell into the hands of the boarding-house keepers, and if their voyages were not up they were in a great many cases induced to leave the vessels and place themselves in the hands of the boarding-house master. When the vessel was ready for sea, the captain, in order to engage his crew, was obliged to go to these boarding-house keepers, and enlist their services in order to make certain of getting his sailors on board his vessel, and it was a common practice of the boarding-house masters to make a charge for providing sailors on delivering them on board the vessels. That charge varied. I did not know that it ever exceeded $10, but I have often known $10 to be paid for delivering these men on board. So far as the duties of the shipping master are concerned, they are simply to attest to the signing of the articles. The boarding-house keeper and the captain bring these men before the shipping master and he is merely a witness to the signing of the articles, which is the agreement under which the sailors serve on board the ships. Now it would appear to me that under the Bill as it stands, the shipping master would be in a position to charge, and no doubt would charge if he was legally entitled to do so, $10, for merely going through this form of witnessing the signatures of the seamen to the articles; but I do not see how the captain of a vessel or any person else can impose upon him any duty of supplying or finding the sailors. The captain must still go outside and find the sailors and bring them to the shipping master to be shipped if the practice in British Columbia is the same as the eastern provinces. Another case that might arise—and I know of many cases of that kind with us—the captain of a vessel often has perhaps members of his family or men living in his own particular community, forming a very large part of his crew. These men require no one to procure them, they come voluntarily and sign the articles before the shipping master and he receives 50 cents each for merely witnessing the agreement under which they engage to act as seamen on board the vessels. I confess that from the explanation given, I do not see how this change of the law is to be of any advantage to any one in British Columbia, unless it is the shipping masters, in enabling them to charge $2 for every seaman shipped.

Hon. Sir MACKENZIE BOWELL—I could not catch the remark made by the hon. gentleman in his explanation as to the diversity of opinion between the two ministers. Did it arise out of the provision in the original Bill which prevented the appointment of tavern-keepers as shipping masters, or is that in the original Bill?

Hon. Mr. TEMPLEMAN—The original Bill as submitted in the House of Commons read that certain sections of the Shipping Act should not apply in British Columbia. Consequently it was proposed under the first Bill to make such persons eligible. That is the point. They are not eligible in the Bill as it stands.

Hon. Sir MACKENZIE BOWELL—That is not repealed ?

Hon. Mr. TEMPLEMAN—No, and it will apply to British Columbia the same as to the rest of the Dominion.

Hon. Mr. ELLIS, from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

NORTHWEST TERRITORIES REPRESENTATION ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (156), An Act to amend the Northwest Territories Representation Act. He said : In the Northwest there are no regular voters' lists. The lists are made up after the issue of the writ. Enumerators are appointed either by the Governor in Council or by the returning officers and the enumerator goes around and makes up his list in a very primitive way, and files three copies of it in the polling division. There has in the past been considerable liberty allowed as to the place where a man might vote. I think men have sometimes voted outside of the district in which they live. The first clause of the Bill provides that except that as hereinafter provided—which applies to scrutineers or deputy returning officers who are allowed to go outside of their own divisions to vote—an elector may only vote at the polling station of the division in which he is a resident at the time of voting. The next clause makes provision for the posting of the lists. It must be done in a post office or some public place. Heretofore the lists were practically not posted, but they were put up at any three places which the enumerator thought proper. Of course after the province has been organized the legislature will no doubt enact laws with regard to the franchise. As we have adopted the provincial franchise, this Bill is simply for the short period which must elapse until the territory organizes and prepares voters lists.

Hon. Sir MACKENZIE BOWELL.

The motion was agreed to, and the Bill passed through its final stages under a suspension of the rules.

WIRELESS TELEGRAPHY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (186) An Act to provide for the regulation of Wireless Telegraphy in Canada. He said : This Bill is introduced upon the suggestion of the home authorities, and is, I believe, almost an exact copy of a Bill passed by the imperial parliament last session. It provides for regulating wireless telegraphy, making it illegal for any wireless telegraphic station to be installed without first obtaining a license. It provides also for the form and conditions of the license, and the penalty for working without a license. The Bill is a very simple one. It is necessitated by the new discovery of wireless telegraphy, and it is to meet the conditions arising therefrom.

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

The House resolved itself into Committee of the Whole on the Bill.

On the third clause.

Hon. Mr. ELLIS—This clause provides that—

> 3. No person shall establish any wireless telegraph station, or instal or work any apparatus for wireless telegraphy in any place or on board any ship registered in Canada.

One can understand why the license should be obtained from the Minister of Marine and Fisheries with reference to a ship, but what right has he to control 'any place,' or what right has the government of Canada to control any place.

Hon. Mr. SCOTT—Any place in the Dominion.

Hon. Mr. TEMPLEMAN—The Dominion government have established a number of wireless telegraphic stations in the Gulf of St. Lawrence and along the Labrador coast, the most recent one being on Sable Island, and it is essential that the government should have the right to license stations in any place in Canada. The establishment of these wireless telegraphic stations all over the Dominion is a very important thing.

I can conceive in matters of great national importance, for instance in the case of disturbances arising in the country, it would be absolutely necessary that the government should have the regulating and controlling of this system of telegraphy. I think my hon. friend will see that there is certainly just as much reason for government control on the land as on the sea, and probably a great deal more.

Hon. Mr. LOUGHEED—How about a system of wireless telegraphy entirely within the boundaries of a province ?

Hon. Mr. TEMPLEMAN—The same would apply.

Hon. Mr. LOUGHEED—The federal government would be infringing on the rights of the province in exacting a license for a system of wireless telegraphy entirely within the boundary of any particular province. It is only by reason of the provision in the British North America Act relating to cases where lines of telegraphy connect two provinces that they have any jurisdiction in the matter.

Hon. Mr. ELLIS—I will supplement what the hon. gentleman has said by pointing out that the hon. minister referred to it as a copy of the English Act, but of course the English system is different. Of course under the ordinary systems of telegraphy the provinces have certain rights. The Dominion government is apparently taking that right for the whole country, and while it may be that on Sable Island or any government property it is perfectly right to do so, there might be a question whether they could do so on territory not within their control.

Hon. Mr. SCOTT—It cannot be limited to a province. If a system is constructed in any province it may communicate with a foreign country, and secrets may be conveyed in that way. There are times when the government takes charge of all means of communication—in cases of tariff revision. They take charge of the telegraph system, so that information shall not be conveyed. How much more important is it in regard to wireless telegraphy outside of the province ? The messages go through the air. The British government felt that it was of the first importance that they should control wireless telegraphy. We on this side of the Atlantic do not entertain the fears entertained in Europe, but they call our attention to it from an imperial point of view, and they hope that wireless telegraphy shall not be permitted in a general way without the government having some control over it. Before that policy was adopted, Marconi had secured some privileges both on the English coast and foreign coasts, as well as on the coast of Canada, and it was intimated that so far as Marconi was concerned, the arrangement would have to stand and the government would have to take their chances as to any control they may have over him. He got certain concessions in Great Britain and Canada and was in some degree bound to observe any regulations that might be made in Canada, but other corporations are now springing up and asking certain rights. I had an application the other day from a company of United States people who desired to establish wireless telegraphy. I told them that there were two difficulties in their way. In the first place they could not obtain a charter under the Joint Stock Companies' Act, and in the next place they would require to have the permission of parliament before they could begin operations.

Hon. Mr. LOUGHEED—I think it is not a question of the national importance of wireless telegraphy. We quite recognize its importance in the telegraphic world to-day, but let us instance the case of two of those stations being established for commercial purposes within the boundaries of the province of Quebec, does my hon. friend assume to say that the federal government can arrogate to itself the right of forbidding the establishment of those stations unless a license is taken out from the Minister of Marine for their establishment ? It is only in pursuance of the tenth subsection of section 92 of the British North America Act that the federal government exercises its jurisdiction with regard to telegraphic lines generally. The exception with reference to the province exercising jurisdiction is in regard to lines of steamers, telegraphs or other works or undertakings connecting the province with any other province, extending beyond the limits of any one province. The Bill would certainly be within the purview of the Federal parliament if the system connected two provinces, or if it went beyond the boundaries of any one province, but it seems to me some exception should be

made in the Bill, in order that due regard may be had to the rights of the provinces to regulate the establishment of stations within their own boundaries.

Hon. Mr. SCOTT—When the former Act was drafted, telegraphy did not mean telegraphing through the atmosphere ; that was never dreamed of. Supposing you have two stations in the province, you may have also a station in a foreign country that you know nothing of. There is no limit to the possibilities of wireless telegraphy. It has been shown that they can transmit messages three or four or five hundred miles. I read the other day that one of the regular liners running out of New York—the Lucania, I think —was in communication during the first half of the journey with Great Britain and during the last half with the United States. They published a daily paper on board, so that the possibilities of wireless telegraphy are beyond conception. While there may be two stations in Canada, and you may assume they are limited to that, there may also be stations in half a dozen places outside of Canada. The provision regarding telegraph systems which my learned friend read does not apply, because while this is called telegraphing, it is really atmospheric communication.

Hon. Mr. LOUGHEED—In other words it would be utterly impossible for a province to legislate with reference to the establishment of wireless telegraphic stations within the boundaries of that province.

Hon. Mr. TEMPLEMAN—I may call my hon. friend's attention to this fact ; very recently before I left Victoria a wireless tower was put up in order to communicate with Tacoma and Seattle and other United States cities. That was done without any authority from the government. They had no particular status in the country. Now, to all intents and purposes that is equivalent to a cable crossing the straits of San Juan de Fuca, for which they would require permission from the government. I do not know how wireless telegraphic stations could be established without the possibility of communicating with the neighbouring states all along the boundary. I am not prepared to argue that the provinces would not have the right to establish these stations, but I very much doubt it. It seems to me this Bill is along the right lines, and the government are well justified in taking the present method of regulating this new discovery.

Hon. Mr. LANDRY—Supposing the Richelieu and Ontario Navigation Company desires to have a line between Tadoussac and Rivière du Loup across the river or from the head of the Saguenay to the south shore, just for the purpose of their own navigation.

Hon. Mr. SCOTT—I do not suppose there would be any opposition. A good deal would depend on the character of the party.

Hon. Mr. LANDRY—Would the government exact a license from them ?

Hon. Sir MACKENZIE BOWELL—Under this measure they would.

Hon. Mr. SCOTT—In cases where the government had confidence that the people were not going to abuse the privilege there would not be any trouble.

Hon. Sir MACKENZIE BOWELL—The case put by my hon. friend to my right has not been answered. If the Richelieu Company desired to establish wireless telegraphy from the head of the Saguenay to Montreal would they have a right to do it without a license ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Would that not be infringing on the rights of the provinces unless the hon. gentleman takes the ground that the provinces have no control over the electric waves?

Hon. Mr. CASGRAIN (de Lanaudiere)—*It* seems to me it must be under the control of one authority. You must have some infringement of provincial rights. When you grant a railway charter you decide that the government has the right to provide where a railway station shall be located in any province, and the company are allowed to expropriate lands in the province only where parliament says they may expropriate. In that case you are interfering with provincial rights, and it appears to me that this is about the same thing. In granting a license, the government say where the stations shall be located. You must not have two wireless telegraphic stations close to one another. We have incorporated the Fessenden Wireless Telegraph Company, and the Marconi Company was incorporated two years ago. With regard to Sable Island, the Marconi

Company erected a station there and they object to the Fessenden Company building a station on the same island, claiming that it would interfere with their messages. Even if it be some infringement on provincial rights, is it not better that we should put these matters under some regulation of this kind?

Hon. Mr. BEIQUE—The question is as to adhering to the constitution and it seems to me the point deserves serious consideration, although the law may not have any effect at all. It seems to me that it should be worded in this way: 'For the transmission of messages beyond any province.' Otherwise I am afraid that the Act will be absolutely ultra vires, and will have no effect whatever. I appreciate the object, and it is a very good one, but we must try to frame the law within the constitution, so that the object will be attained.

Hon. Mr. MACDONALD (P.E.I.)—As the imperial government has passed a Bill similar to this, and has recommended to the government of the Dominion the passage of a Bill of the same tenor in Canada, I think it deserves perhaps a little more consideration than some hon. gentlemen appear to be willing to give it, and after all it is only a matter of obtaining a license at a cost of some ten dollars from the Dominion government, and when you come to think of this matter, I believe that the federal government should be the controlling power where there is the possibility of a little difference as the question of the authority of one or the other. There must be some supreme head that is to control in matters affecting the whole Dominion, and this I think is one where the provincial rights should give way to the higher authority of the federal government.

The clause was adopted.

On clause 4,

Hon. Mr. LANDRY—Why is the minister the only one able to prosecute?

Hon. Mr. TEMPLEMAN—Because that is proper.

Hon. Mr. SCOTT—It may be in the case put by the hon. gentleman opposite, where the Richelieu line were erecting two stations, it would be unfair to prosecute them providing they were not giving communication outside of the province.

Hon. Mr. LANDRY—I do not think the Richelieu Company could be sued if they paid the minister for the license. I do not see how the remark of the minister answers my question.

The clause was adopted.

On clause 6,

Hon. Mr. LANDRY—I wish to know if the minister is entitled by the Act to name the places where the stations will be located, and has he the right to expropriate? It appears to be the minister alone that settles the whole question.

Hon. Mr. TEMPLEMAN—He does not need to expropriate.

Hon. Mr. LANDRY—Would those regulations go so far as to order an expropriation for the purpose of constructing a station?

Hon. Mr. SCOTT—No, there is no reference to expropriation under this Act at all.

Hon. Mr. LANDRY—No, but there are restrictions and conditions and terms.

Hon. Mr. LOUGHEED—I might say to my hon. friend in connection with clause 5 that there should be taken into consideration the exercise of extra-territorial jurisdiction with reference to the establishment of those stations on ships beyond the limit within which this government may exercise jurisdiction.

Hon. Mr. POWER—The third clause says that the Bill deals only with ships registered in Canada.

Hon. Mr. LANDRY—Is not this clause infringing on provincial rights?

Hon. Mr. TEMPLEMAN—I should not think so.

Hon. Mr. LANDRY—A man wants to conduct experiments in one particular place, and the federal government exacts a license from him.

Hon. Mr. TEMPLEMAN—As the government has undertaken to license wireless telegraphy, in the event of a scientific investigator wishing to carry on experiments he would be infringing the law unless there were special provisions in his case. No

doubt the license would be a mere formal matter, and very little or no fee would be charged.

The clause was adopted.

Hon. Mr. CHURCH, from the committee, reported the Bill without amendment. The Bill was then read a third time and passed.

REVISED STATUTES AMENDMENT ACT.

SECOND AND THIRD READINGS.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (193) An Act to amend the Revised Statutes respecting the salaries of certain public functionaries and other annual charges on the Consolidated Revenue.

He said: This Bill is simply to provide for the salaries of the Lieutenant Governors of the new provinces of Saskatchewan and Alberta, fixing their salaries at $9,000 per annum, which is the same as the salaries of Lieutenant Governors in New Brunswick and Nova Scotia, and Manitoba. I think, in Quebec and Ontario they are paid $10,000, in Prince Edward Island $7,000. All the others are paid $9,000.

The motion was agreed to, and the Bill was read the second and third time under a suspension of the rules.

LAND TITLES ACT AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (162) An Act to amend the Land Titles Act, 1894.

He said: The Land Titles Act has been administered, I understand, from Ottawa up to the present time, and will continue to be until after the formation of the government in the provinces, and until the legislature has made some provision for carrying on the work. It will then be, no doubt, dealt with by the province.

Hon. Mr. LOUGHEED—There is one consideration arising out of the proposed transfer of the registration of Land Titles to the provincial government that I should like to ask my hon. friend about; possibly inquiry will have to be made into the subject. The assurance fund which has been established by this government from the funds which are paid in from time to time by those obtaininig titles must by this time have reached a pretty large sum. I should like to ascertain if the government has considered the handing over of that fund or the dividing of it between the two provinces as the basis of an assurance fund for the guarantee of titles?

Hon. Mr. SCOTT—Yes, of course that fund will be handed over. It will be temporarily administered until the provinces make proper provision for assuming control.

Hon. Mr. LOUGHEED—Has that fund been kept separate from the Consolidated Fund?

Hon. Mr. SCOTT—Yes.

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

The Senate adjourned till 3 o'clock tomorrow.

SENATE.

Ottawa, Wednesday, July 12, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings

PACIFIC BANK OF CANADA BILL.

THIRD READING.

Hon. Sir GEORGE DRUMMOND, from the Committee on Banking and Commerce, reported Bill (No. 175) An Act respecting the Pacific Bank of Canada.

He said: I was practically authorized by the committee, in reporting the Bill, to say that they had consented to report it under the impression that they could not well abstain from doing so inasmuch as the same action has been taken in similar cases during the session, but that they considered the practice of this House, and of both Houses in fact, in regard to the extension of time for the introduction of Bank Bills is too lax, and they thought in future it would be well to lay down some hard and fast rule, such as, for example, that the time for presenting Bank Bills should not be extended unless the promoters were prepared to proceed.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

The report was adopted.

Hon. Mr. TEMPLEMAN moved the third reading of the Bill.

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

THIRD READINGS.

Bill (No. 173) An Act respecting the St. Maurice Valley Railway Company.—(Hon. Mr. Mitchell.)

Bill (No. 139) An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.—(Hon. Mr. Templeman.)

TUBERCULOSIS IN CANADA.

MOTION.

Hon. Mr. EDWARDS, from the committee appointed by both Houses to consider the subject of tuberculosis, presented their first report, and moved that it be now concurred in.

Hon. Mr. MACDONALD (B.C.)—Has the committee gone into the matter of finances at all ?

Hon. Mr. EDWARDS—No.

Hon. Mr. MACDONALD (B.C.)—That is the chief thing. People are dying now while you are waiting for action to be taken. The committee should have pointed out the way and asked the government to contribute. In my province they are raising money for this purpose. It will take two or three years before that can be matured, and the committee should have at once attacked the financial aspect of the question and called on the federal government, provincial government, municipalities, banks, churches and every one, to contribute money to build hospitals for the treatment of those who are affected.

Hon. Mr. EDWARDS—In answer to the hon. gentleman, I said we had not dealt with the financial question, but I may point out that this report is simply a prayer to the Dominion government to aid in providing means, and we suggest also that an appeal be made to all the institutions the hon. gentleman has named to co-operate.

The motion was agreed to.

Hon. Mr. EDWARDS—Hon. gentlemen will notice that in terminating the report a suggestion is made that a delegation wait on the Dominion government and present this report and make a request that the Dominion government will aid us. I now beg to move :

That a delegation of the Senate be appointed to wait upon the government, together with a like delegation from the House of Commons, to present a copy of the report which has been adopted this day in connection with tuberculosis, and

That the said delegation be composed of :

The Honourable Sir Mackenzie Bowell, K.C.M.G., the Honourable Sir William Hingston, Kt., the Honourable Messieurs Béique, de Boucherville, Casgrain (Windsor), Edwards, Ellis, Fiset, Godbout, Kerr (Toronto), McMillan, Robertson, Sullivan, Wilson and Young.

I am sorry that at the moment I have not been able to arrange the date when the delegation should meet the government, but it will be done at an early date, and all the members of the delegation will be advised.

The motion was agreed to.

MUTUAL RESERVE FUND LIFE ASSOCIATION.

MOTION.

Hon. Mr. DOMVILLE moved :

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate a return showing :

1. Under section 6, chapter 101, Edward VII, the details of policies filed with the Superintendent of Insurance in certified schedule.

2. The last return made by the Mutual Reserve Life Association, of New York, made up to 31st December, 1904.

Hon. Mr. SCOTT—The hon. gentleman asked me a question about the returns from the department of insurance. On inquiry at the department they informed me that they were completing them as quickly as possible, and would get them ready without delay.

Hon. Mr. DOMVILLE—Next year, I suppose.

Hon. Mr. SCOTT—No, by August. They are not ready for the printer.

Hon. Mr. DOMVILLE—Parliament should be delayed until they are brought down.

Hon. Mr. SCOTT—They have not gone to the printer yet.

Hon. Mr. DOMVILLE—We passed a resolution last year that this company should make a return to the department of those who accepted terms, what the terms were, and what they were to receive. That is the information I want. I have been a long

while in public life and was never aware until the other day that anything ordered by the House need not be furnished. I was not aware that a return called for could be placed in the pocket of the insurance inspector, whoever he may be, and that he might decide whether it was proper for parliament to see the information called for or not. This House ordered a report to be made and that report should be in our possession. What reason can they have for keeping it back. In the early part of the session I was answered that it was private. What is private ? We have the case of the Equitable Life Insurance Company before us to-day, and everything in that company has been turned upside down. If such information had been private the Equitable Insurance Company of New York would not have been investigated. We have come down to a terrible state of affairs. I must keep within parliamentary bounds; I shall be called down if I do not; but if I were to characterize the whole thing as it should be characterized, I am afraid His Honour the Speaker would call me down at once.

There is no use being mealy-mouthed about it ; the policy-holders in Canada are not satisfied, because they cannot get information which they should be furnished with ; and the answer we have to-day is that these unfortunate people and all others who are endeavouring to help them cannot get the information which, in my humble opinion, we have a right to. I think I was told that the return would take six months to prepare. If the company got the statement up in ten weeks, surely the young men in the department could prepare it in six months, and I have delayed to see if it could be brought down. I propose to make no motion. but I shall place the responsibility where it belongs. If the papers are not brought down voluntarily the government must take the responsibility, and when the time comes that they wreck the company, which is not far off, then let those who differed from me take the responsibility of the whole matter. Between now and next session I hope to obtain the Insurance Report, and I shall next session introduce a Bill in this House to wind up the Mutual Reserve Company in Canada. I beg to withdraw my motion.

The motion was allowed to drop.

Hon. Mr. DOMVILLE.

FRANCHISE ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (52) An Act to amend the Franchise Act, 1898.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time to-morrow. He said : This is simply providing what I thought was already law—that the voters' lists receive the imprint of the King's Printer to show that they are official and come from the government printing office.

Hon. Sir MACKENZIE BOWELL—How is it to be known that they are official ? Are they to have the King's Printer's name on them ?

Hon. Mr. SCOTT—Yes ; I presume it is for the purpose of verification when it is used in court.

Hon. Sir MACKENZIE BOWELL—Supposing it was a forgery—because I presume that is the reason that a Bill has been introduced providing that the lists shall bear the King's Printer's imprint in order to show their authenticity—if there is a forgery, I do not see any penalty provided.

Hon. Mr. SCOTT—That does not require a penalty to be prescribed.

Hon. Sir MACKENZIE BOWELL—I know there is a penalty for forgery, but would it apply to this case ?

Hon. Mr. SCOTT—Oh, yes ; clearly.

The motion was agreed to.

BILL INTRODUCED.

Bill (170) An Act to amend the Militia Act.—(Hon. Sir Richard Cartwright.)

PROVINCE OF ALBERTA AUTONOMY BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 69) An Act to establish and provide for the government of the province of Alberta.

He said: The Bill which I have the pleasure of presenting for your consideration—and I hope also for your approval—is one of the many evidences that we have recently had of the growing time in this Dominion.

Heretofore Canada has consisted of but seven provinces. When these two Bills, this and the sister Bill making a province of the area now know as Saskatchewan, become law, there will be nine provinces. The two provinces to be added to the Dominion give promise of being in the not distant future the two most important provinces embraced in the whole Dominion. Each province enters confederation with a population very much larger than the population of Manitoba at the time it entered the union, much larger than Prince Edward Island, and larger than the population of British Columbia in 1871 at the time that province entered the union. One of the remarkable facts which attracted my attention in considering this subject is the marvellous growth and development of the two provinces. In the thirty years since British Columbia and Prince Edward Island entered confederation the growth of the Territories as compared with the growth of the two provinces in that period has been marvellously great. While British Columbia has increased its population five times since confederation, the increase in New Brunswick and in Nova Scotia would be less in the thirty years than the reputed increase of the Northwest Territories in one year, if we may rely on the authorities that give us the number of persons coming into that country. That is a striking instance which gives one a fair appreciation of the marvellous growth and development which is taking place—that in one year each of those provinces will have grown more in population than Nova Scotia, New Brunswick or Prince Edward Island have done in the thirty years since confederation. It conveys also an idea of the richness of that country, of the undeveloped wealth which must be there to attract the rapidly increasing population which has been going in. I venture to say that in no part of the world will the labour of husbandmen be rewarded in a greater degree than it has been in the Northwest, according to the evidence furnished us, nor is there any part of the world in which the same number of farmers will be producing as large a crop and as valuable a crop. I think that observation cannot be controverted, and that fact assures us of the marvellous growth that will mark the future history of the two provinces. When the question of granting full provincial powers came up, the first point for consideration was, should we make one province of the Northwest. The feeling among the members of the Northwest was favourable to a single province, but it appeared to the government, and I think to all reasonable men who reflect upon it, that it would be a very great mistake to create one province with an area of five hundred thousand square miles. In time to come it would overshadow all the rest of the Dominion. For that reason it was thought wise to have two provinces forming what now will be known as Saskatchewan and Alberta. Even with that subdivision the two provinces will be of enormous extent, and they will contain a greater portion of arable land, land fit for cultivation, than in any other section of the world. With those facts kept in view we can appreciate what those provinces will be in the next quarter of a century. In the next place let me say British Columbia entered confederation with 30,000 persons. Its population in 1901 was 187,000; it had increased 142,000 in thirty years. Manitoba entered confederation with 25,000 population; it has grown to 255,000. Since confederation the population of Manitoba has multiplied by ten. I need not quote the maritime provinces, because the growth there has been comparatively small. The Territories and Manitoba have increased about ten times from the period from the date I have given, in 1871.

Hon. Sir MACKENZIE BOWELL—Give us the population of the Northwest Territories now. The hon. gentleman says they have increased ten times.

Hon. Mr. SCOTT—They have been estimated at 500,000; they probably rank something over that.

Hon. Mr. MACDONALD (B.C.)—That is only for the purpose of subsidies.

Hon. Mr. SCOTT—Later on I may be able to lay my hand on a table which will give the estimated number. Between the two it is somewhere, I think, a little over four hundred thousand. In 1901, when the census was taken, the population was put down at 158,940. I estimated the average increase year by year. In 1902 the increase was not rapid. In 1903 it did increase very much, about 50,000. In 1904 it still further increased, and it is estimated this year that upwards of 100,000 will

come in, so that it will probably bring the population before the end of this season up to the neighbourhood of 400,000. Now in regard to area, I find that in the United States, Pennsylvania has an area of 45,000 square miles with a population of 6,000,000. Compare that with Alberta, which has 254,000 square miles, 5½ times larger than Pennsylvania. Pennsylvania today supports six million people and could support more, because it is quite true that a very considerable number are engaged in manufacturing, but if that state can support 6,000,000 people one cannot go far wrong in saying that Alberta in time will be able to support certainly 25,000,000 people. For many years to come no doubt the largest industry will be agriculture. That is the industry the success of which we all rejoice in, because it distributes wealth more evenly than any other industry you can name. There are of course other industries in which perhaps more money is made than on the farm, but if wealth flows in it is distributed among a limited number of people, and the remuneration to the labourer is fixed in many instances at a low rate. There is no industry that is so beneficial generally to the country as agriculture, and it is a very proud thought to the members of this House that in the Northwest, with the rich area of land, with the fine climate that they have, with the facilities for the construction of railways, the growth of the agricultural industry will be in the next 25 years probably phenomenal. I see it stated now in the papers that although we have two railways which pass through the wheat belt, the Canadian Northern and the Canadian Pacific Railway, with their many branches, it will tax their capacity to bring out the crop of the present year, if the anticipations which we all hope will be fulfilled are realized. That gives one an idea of what that country is capable of producing. The product of the soil will absorb all the transportation facilities which now exist, although the country is being pretty well permeated with railways. Comparing states in the neighbouring union and their population with the provinces we are now establishing, I find that Ohio has 41,000 square miles, against 250,000 square miles in Saskatchewan. Ohio has a population of 4,157,000. The areas of the other western states vary from 40,000 square miles to 83,000 square miles. All of them are very much smaller in area than either Alberta or Saskatchewan and I am justified in saying have less capacity for supporting an industrial population, so that we may look forward to the time when the west will really be the populous part of the Dominion. Probably that was another reason why it was wise and prudent to subdivide the area into two provinces. It might perhaps have been better to have had a third province, but under the present conditions it was thought advisable to create two, and they probably will answer. The Territories come in not alone with a larger population than many provinces of the Dominion, but they also come in with pretty wide powers. It was my privilege some 30 years ago in this chamber to introduce a Bill giving powers to the Northwest Territories. That Bill gave them really very considerable powers, so far as the management of their internal affairs was concerned. They had a local assembly—Lieutenant Governor Laird was the first governor appointed—and they were given control over many domestic matters. Since 1875 powers have been added from time to time until at present one may also safely say that they have all provincial powers except the right to go into debt, the right to tax themselves. They have the right to incorporate companies, the right to establish various industries, and to grant licenses and very many more powers, so that practically the transition will not entail any violent change. It is proposed in the Bill now before the House to grant each province four senators. We already have four from the two, which will be an increase of four more, and further increase will be made by the parliament of Canada as the population justifies, up to six. The idea—I may foreshadow it now—will probably prevail in the future to follow the lines that have been adopted in regard to the older provinces. We have grouped together the maritime provinces, represented by 24 senators; Quebec, represented by 24 senators; Ontario represented by 24 senators, and it would not be unreasonable, particularly in view of the anticipated increase of population, to give 24 senators to the country

west of the Ontario boundary. That would embrace Manitoba, Alberta, Saskatchewan, British Columbia and any other provinces that might be formed later, because the two provinces of Alberta and Saskatchewan only extend to a certain latitude. I have here a map which I will place on the table showing the two blocks representing the new provinces, and hon. gentlemen can form some idea of the area of these provinces as compared with the rest of the Dominion. I have given now the constitution of the senate as proposed. The representation in the House of Commons will be adjusted after the next quinquennial census and after the dissolution of the present parliament. At present there are from the Territories ten representatives in the House of Commons. Assuming that the population is 500,000, they would be entitled to ten each, on the basis which has been established since confederation, which, as you know, is equivalent to a population for each electoral district of some 25,300. That is arrived at on a scale which was adopted at the time of confederation. As hon. gentlemen know, representation is based on the population of the province of Quebec—that is the standard by which all the other provinces are governed, in the number of representatives to which they are entitled. At the present figures, if one of these new provinces should have a population of 250,000 it would have about ten members in the House of Commons, so that after the next quinquennial census if the two new provinces are found to contain 500,000 they would be entitled to 20 members in the House of Commons.

The feeling for some time past, for the last two years at all events, has been outspoken that they should have this provincial autonomy. The government did not feel that they were suffering at all from the absence of it. With the preceding government and with the present government, the feeling was in no way to restrict them in any fair expenditure so long as the finances were judiciously and economically administered. There was no desire in any way to check them; on the contrary there was a desire to give them liberally what really was necessary for their growth and development, and here it must be remembered that in estimating the amount which ought to be allowed for the administration of each province, one has to take into consideration the large area involved. It is very much cheaper to govern a small country than a larger one, and more particularly a country situated as the Northwest is. In many sections of new countries, the population converges in centres and distributes itself slowly and gradually, that has been the history of Ontario and Quebec; but that policy does not seem to have been adopted by the people who go into the Territories. Owing to the fact that the good lands extend over a large area, that travel over a level country is easy, and that they have no forests to cut down, the population has distributed itself in an extraordinary degree. One would have thought it would have gradually grown as it has grown in Ontario and Quebec. Many of us can remember when the population of even Ontario was limited largely to the frontier; and the back country was remote, uncultivated and uninhabited, for very many years. It was so also in the province of Quebec. Population followed the river St. Lawrence first, then followed the St. Maurice and other streams flowing into the St. Lawrence. That was a highway by which they could travel readily. In the Northwest there has been a marked difference in the method of taking up lands. Settlers have had no hesitation in going twenty, fifty or one hundred, two hundred, even three hundred miles away from neighbours. I presume that may be largely due to the fact that in the earlier years the Hudson Bay Company had posts distributed over the country at distances of three, four and five hundred miles apart. Then came the class of men known as half-breeds, who were utilized by the Hudson Bay people who formed colonies. Take for instance the settlement at St. Albert, which is many hundred miles from Winnipeg. That was a settlement made probably 150 years ago, so that the conditions in the Northwest are entirely different from the conditions in the eastern provinces and the population seems to have scattered over a very large area. The effect of that necessarily has been to make the administration of affairs very much more expensive. Bridges had to be built. The rivers there you all know sometimes cut great gorges in the country and make the bridging very expensive. Freshets sweep down through the plains through a cut or

stream and deepen and widen it, making the work of bridging extremely difficult. So the subsidy per head ought to be calculated on some other basis than that which exists in the older provinces, the expenses being very much greater in consequence of the wide distribution of the people. That distribution, while it has its disadvantages in that respect, has counter advantages, because it creates a flow of immigration, by leaving the impression that there is space and room for very many millions of people. You may travel ten, fifteen, twenty or fifty miles over a country that is capable of supporting a population without finding inhabitants. That creates, of course a stimulus in taking up lands. Although none of us favour the lands falling into the hands of speculators, still the fact of large syndicates being formed to buy up tracts of land from the railway companies and loan companies has had the result of bringing in population by channels of immigration that in the earlier years were never dreamed of. It was due entirely to the facilities for getting land that a large population has been induced to come in from the United States. As we all know, very many farmers in the older states sold their holdings at liberal prices and bought lands in the Northwest Territories. That transition is going on constantly, and from recent reports is steadily increasing. It must increase, in fact, so long as lands can be obtained in the country north of the boundary line for a less sum than south of the boundary line. The division between the United States and Canada in the western country is an invisible boundary to which the people pay very little attention. They move over from the United States to Canada, and as our laws are much more fair and just, and the administration of affairs is more economically carried on, there is this satisfaction about it, that the United States citizens who come in make excellent Canadian settlers.

The allowances made in the past have been on a pretty liberal basis, and in fixing the amount which this Bill settles as to payment to each province, it will probably help hon. gentlemen to form a fair estimate as to whether the amounts are reasonable or otherwise if I give the financial statement for the last year as far as the Territories are concerned. They were allowed in the last fiscal year for civil government, $101,540; administration of justice, $21,000; public works, $680,000; education, $345,000; agriculture and statistics, $47,000; hospitals, charities and public health, $40,000; miscellaneous, $68,000; total, $1,313,000.

To those sums must be added moneys that were spent directly by the government of Canada, because, as hon. gentlemen will have noticed when the estimates were going through, there have always been generous contributions to public works in the Northwest. We spent on public works about $100,000; justice, $100,000; miscellaneous, $124,000; lieutenant governor's office, $3,630; incidental justice, $32,000; insane patients, $70,000; schools in unorganized districts, $65,000; making a total expenditure of $1,636,000. I will give you the financial statement under the Bill and probably it may help to consider it properly by quoting at the same time the allowances to the other provinces. I have a statement here from the Auditor General's Report of 1902-3 which gives the financial allowances made to the various provinces. For support of the government and the legislature, $50,000. In Manitoba the amount is exactly the same. In British Columbia it is $35,000, in Prince Edward Island, $30,000; in New Brunswick, $50,000; in Nova Scotia, $60,000; in Quebec, $70,000; in Ontario, $80,000. I gave in the first place the amount expended by the federal government over the whole area of the two provinces. I am now about to give an estimate of what will be paid under the Bill which we are discussing.

For support of the government and legislature, $50,000; eighty cents per head on an estimated population of 250,000, $200,000. Of course hon. gentlemen know 80 cents is the per capita allowance made under the British North America Act to all the provinces. That is to be increased until they reach a population of 800,000, the increase to be ascertained by a quinquennial census. In view of the assumed rapid growth in population of the provinces, it was thought fair that instead of waiting for the decennial census they should be entitled to any increase that would be possible under that rule every fifth year. The limitation is up to 800,000.

Hon. Mr. McMILLAN—In each province?

Hon. Mr. SCOTT—In each of these provinces, but it is not the same in all the pro-

vinces. The 80 cents is the same, but the limit of population is not the same. The next item would be the amount allowed inasmuch as those provinces have no debt. When the provinces came into confederation as hon. gentlemen know, the debt of each province was assumed, and where the debt of the province was less per capita than the debt of the two provinces of Upper and Lower Canada, the province admitted to confederation was allowed a certain sum to bring up the equality; that is, they were assuming a part of the debt at confederation which was a larger amount per capita than the debt existing in the individual provinces. As these new provinces have no debt now, they come in on a basis of 5 per cent on $8,107,500. That is based on a per capita debt to-day of $32.43 per head.

Hon. Mr. MACDONALD (B.C.)—I should like to direct the hon. gentleman's attention to section 20, where provision is made until the population goes up to 1,200,000.

Hon. Mr. SCOTT—That is in reference to another clause than the one I am discussing now. That is compensation for the absence of public lands. We decline to give them the lands. I am discussing the per capita allowance in connection with the debt, not the compensation for lands. As we take the lands which they claim they have a right to, assuming the present population at 250,000, until it reaches 400,000 we allow them $375,000 a year in lieu of the land. Now that 400,000 may increase to 800,000, when the allowance will be increased to $562,500, and when the population reaches 1,200,000 there will be an increase to $750,000, so that the allowance will then be $1,125,000.

Hon. Mr. MACDONALD (B.C.)—And 80 cents per head besides?

Hon. Mr. SCOTT—Yes. That is entirely in lieu of lands; it has no reference to the other. The 80 cents per head is on a different basis.

Hon. Sir MACKENZIE BOWELL—The consideration for lands is in perpetuity?

Hon. Mr. SCOTT—Yes. Now the amount added to the sums for support of government and for legislation, per capita allowance on debt account and the compensation in lieu of lands for some years to come, would make in all $1,030,375, which would be the total amount allowed to each province. There is an additional clause in the Bill which for five years gives them a specific annual grant of $39,750 for public buildings. It will terminate in five years, so that during that period they will receive $1,124,000 per annum. The Bill of course provides not only for the organization of the government but for its administration. The number of members to be elected, until the province otherwise orders, will be 25. No doubt a debatable question which may arise is with reference to the distribution of electoral districts. That has been made with a good deal of consideration in the other House, and I believe it to be fairly reasonable. Of course it is subject to change by the provincial legislatures. On and after the first session they have a right to alter the boundaries and they will have absolute control of their own internal arrangements. They can increase or diminish the number of representatives. It was thought that twenty-five would be a reasonable number at the present time and that number has been decided on in the Bill.

There is another clause which has created a good deal of discussion, No. 17, the educational clause. I do not propose going into that fully at the present time. It may be necessary for me to make further explanations on that subject at a later stage. All I can say now is that clause 17 is really a compromise. It does not confer the full powers that were given to the minority.

Hon. Mr. LANDRY—What was the compromise?

Hon. Mr. SCOTT—The compromise is the existing clause 17. I say it is not what parliament gave to the minority in 1875. I had the privilege of introducing the Bill of 1875 in this chamber. It went through the House of Commons, after being fully discussed, without a single dissenting voice. On that day, the 2nd of April, 1875, there were 145 members present in the House of Commons, among them my hon. friend to my right (Rt. Hon. Sir Richard Cartwright), and the leader of the opposition (Hon. Sir Mackenzie Bowell), and Hon. Mr. Macdonald, of Cape Breton. On that occasion there was no division; it went by unanimous consent. It contained the clause which has been debated so recently in the House of

Commons, in the press, and, I will not say in the pulpits, but certainly on the platforms. As I say, it was unanimously adopted by the House of Commons. When it came to the Senate it was discussed here. Two gentlemen, now, I am sorry to say no more, in this chamber opposed the Bill and moved an amendment to strike out clause 11 of that Bill.

Hon. Mr. SULLIVAN—Was that the first educational Bill for the Territories ?

Hon. Mr. SCOTT—That was the first educational Bill in the Northwest Territories. We had a full discussion and the ground taken in this chamber was that as this had been a very controversial question in the past, it was much better to settle it then for all time to come. It was argued that people going into that country would know the conditions that existed there in regard to schools and would thereafter have no reason to complain. Sir Alexander Campbell, who was the leader of the opposition at that time, expressed very strong views in support of the government proposition, giving as his reason that it was very much better to settle it then and there than have it the subject of controversy in the future. He remembered, as others of us remembered, the discussions that had taken place, the dissensions that had arisen, the unfortunate scenes that had occurred in Canada in connection with those discussions; and with all that in view, he and others expressed the opinion that it would be far better then and there to settle it so that it could not be disturbed thereafter. When the parliament of Canada settled it at that time the parliament of Canada had been authorized by an imperial Act to do so. Hon. gentlemen know that what is called the first confederation Act was an imperial Act. When British Columbia came into the confederation that had to be an imperial Act. When Prince Edward Island came into confederation that had to be done by an imperial statute. When Manitoba came in, they had to go to the imperial parliament. The imperial parliament then came to a conclusion and said: 'There are new provinces to be added from time to time; can we not once for all vest in the parliament of Canada full power to create new provinces and give them such powers as the parliament of Canada think wise and prudent. So that the parliament of Canada, when they dealt with this question in 1875, had just as full and ample powers as the imperial parliament had when they settled this question in the former Act. When section 93 of the British North America Act was enacted and it was introduced in the charters granted to all the provinces, it insured to the minorities those rights and privileges which they considered themselves entitled to. And let me say here, with a very intimate knowledge of this subject, because I have had to do with it for considerably over forty years, that it was a gentleman who was not a member of the church to which I belong who really put those clauses of the British North America Act on the broad basis on which they stand to-day; that is the late Sir Alexander Galt. At a later stage I will be very glad to give to members of the committee the various drafts which were made of those important sections known as section 93. The first section was a bald one, limited to Quebec and Ontario. It was widened from time to time until it assumed the proportions it possesses to-day. I may say here that in 1866 the question came up and Sir Alexander Galt, who represented an important element in the province of Quebec, was not satisfied with the existing conditions there, He stated that while the feelings of the people were kind and tolerant, still the matter required to be crystallized into an Act of Parliament, so that there could be no departure from the principles that were then recognized of allowing the minority to have their own schools and placing the matter on that basis. Sir George Cartier and Sir John Macdonald both assured him that this would be done. It was not done in 1866, and he then resigned in consequence, and remained out of the government for some months. However, he went to London, and a meeting was held in the beginning of 1867; and he then and there framed the basis of the present section 93 of the British North America Act. It is due to him rather than to anybody else that it was made a part of our constitution. At the time we dealt with it in 1875, I say we had just the same power as the imperial parliament had. We recognized our power and we exercised it in a way that we thought was wisest and best, and I may say here for the gentleman who

took the most prominent part in opposition to it—the late Hon. George Brown, who at that time had a seat in parliament—that after that section was carried George Brown buried the hatchet for ever as regards any opposition to the subject of separate schools. He said in the concluding part of the debate on that occasion :

> Now that it has been settled by this parliament it is for ever removed from any question hereafter. It becomes part of the British North America Act and as such must be enforced.

It is worthy of note that although George Brown spoke against clause 11, not one line was to be found in the Toronto 'Globe' of that period against the adoption of that principle and in support of Mr. Brown's views. He did not subordinate the 'Globe', which was then the organ of the Liberal party, to his own individual views. He allowed the 'Globe' to continue to represent the views of the Liberal party, which were in favour of the extension of this principle to the minority in all parts of the Dominion. It is worthy of note here because it was not alone the Toronto 'Globe.' The organs of the Conservative party never hesitated about the line of policy they should adopt. They all supported it, because Sir John Macdonald himself, from the first time he entered parliament in 1854 up to the date of his death, was always a strong advocate of the rights of the minority. He recognized that if you wanted to make a population loyal and true and tolerant you had to give way in this matter, that there should be no hesitation so far as any religious body thought that they had from their standpoint a right to teach their own religion in any school, and Sir John Macdonald always advocated that principle down to the time of his death. Those who have had any experience in the effect of that toleration must be convinced that it is the wisest and best plan after all.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. SCOTT—The true principle is that the child belongs to the parent and not to the state. God holds the parent responsible for the child's bringing up. The education of a child is not simply the acquisition of knowledge of geography and arithmetic and kindred subjects. It is to bring up the child to a sense of the moral duties that are incidental to life in this world, and these moral duties are those that are taught in all religions. There is no church existing that does not teach a higher life. They may differ in their dogmas, but they are all one in recognizing that the Sermon on the Mount is the golden rule by which we should all be governed. That is the principle, and I take it that it would be a terrible mistake to introduce the public school system from the United States, ignoring entirely the existence of a God. The effect is visible to-day in the Republic to the south of us. I ask hon. gentlemen does crime, dishonesty and fraud exist in any part of the world to the extent that it does in the United States ? There are more murders committed, more forgeries, more robberies committed,—not perhaps stealing as the burglar would steal, but stealing through other sources, stealing by fraudulent methods. An hon. gentleman alluded a few minutes ago to the Equitable Life Insurance Company. There is an instance of what I referred to. That is one of the object lessons. Such a man as Chauncey Depew, who certainly ought to be above anything of the kind, stated the other day that one fraudulent transaction amounting to a quarter of a million had taken place. He was asked if he approved of that. He said, 'No, I did not approve of it.' He was asked 'Were you conscious of it ? Were you a party to it ?' He answered, 'Well, I cannot deny my responsibility.' In that case money was taken from where it honestly belonged and placed where it had no right to go. There is no country in the world where more dishonest practices are carried on than in the United States. Methods are employed which save a man from indictment. That is the criterion : how far can I go and make money safely. If I go so far, I will escape an indictment and cannot be prosecuted for robbery or for obtaining money under false pretenses. I cannot be made to answer for acquiring it dishonestly ; but judged by the strict moral rule no man of honour, no man of common honesty, could say that money acquired as it is in the very many instances of which we have had illustrations is honestly made. I have had occasion before—I am not going to do it now—to quote the evidence of clergymen, not of my own church, but of other churches, showing how

in the United States men were deserting the church. I saw that the Rev. Mr. Stewart, the other day at a meeting of a Christian body in Toronto said they were surprised to see the men going to church in that city, and stated that in the United States the men never went to church although the women to a certain extent did attend. The number of men who visited any of the churches to which they belonged in the United States was comparatively small. I dare say it has been a matter of observation to hon. gentlemen—it has been to me when I visited the cities of the States—to note in the very large churches the small number of men who attended. It seemed to be the prevailing practice that the men were not under the influence of the clergy. I attribute that largely to the fact that God is excluded from the schools, that men are educated without any sense of the true object of this life, which is the preparation for the next. The whole idea of life is misunderstood, and life is turned into channels that Providence intended it should not run into. I say that the dogmas of every church teach high principles, and therefore it is very much better that any dogma should be taught than that all should be excluded from the schools. I remember very well the time when we had no public schools in Canada. I am speaking now of Upper Canada ; I remember when there were only the district schools—in every district there was one school. All over the rest of the country the schools were just as the people chose to make them ; if there were enough members of a particular congregation they had a school of their own and taught their children religion in their schools ; and I think no better family existed in the world than the population of early Canada. They were a model population. Crime rarely was practiced ; men lived honestly. You rarely heard of any threats. I remember perfectly well in my early days travelling from Montreal to the west. When the stage would be leaving McGill Street in Montreal, the bank clerks would come to a man and say, 'Where are you going ?' He might be going to Cobourg, Port Hope, Brockville, Toronto, Prescott or Cornwall. 'Well, would you take charge of this package ?' It would probably be a package of money. There was no express in those days ; you never heard of any man deceiving another, although a perfect stranger. No man would betray the trust reposed in him. You never heard in those early days of bandits—people being stopped at the point of a pistol and robbed. That did not exist ; but it is one of the features of the present age. I attribute it largely to the fact that we have excluded religion from our schools.

Those are views which perhaps hon. gentlemen may not concur in, but they are views formed after very many years experience, and noticing the effect not only on men but on communities. It has been my particular good fortune to have had this question of education somewhat prominently under my control. In the early fifties, it was a burning question in Upper and Lower Canada, more particularly in Upper Canada. In Lower Canada, I am glad to say, it never assumed anything like the same bitterness—in fact it never assumed any bitterness. The conciliation there was ample and abundant. The proof of that is to be found in many volumes that could be quoted here to-day. It was, however, a burning question at that time in Ontario. I had to do somewhat with the settling of the question and therefore my attention was probably more drawn to the subject than it would otherwise have been. I shall say no more on that subject other than this ; the proposal in the present Bill is vastly different from the concessions, as I may term them, that were made by this parliament in 1875, and which were fully discussed in this chamber. Those are a mere skeleton of what parliament then conferred upon the community, but for the sake of peace the minority are willing to accept them. They will make the best of the situation. Practically there are to be no separate schools beyond the fact that there may be half an hour's instruction from 3.30 until 4 o'clock, if the trustees so desire. Beyond that, the teachers have to pass through the Normal school and hold certificates and they have to be under the control of the inspector. Whether a teacher belongs to a public or separate school, he must hold the same certificate according to the grade of the school. The school is open to the inspection of an official named, not by the trustees, but by the government. The books in the schools are fixed by the government. When I say

the government, I mean the commission delegated by the government of which I think one of the members is chairman. So that practically the schools are public schools up till 3.30 in the day.

Hon. Mr. SULLIVAN—Have they a separate Normal school ?

Hon. Mr. SCOTT—No.

Hon. Mr. SULLIVAN—Is the qualification of the teachers the same ?

Hon. Mr. SCOTT—No, there is no separate Normal school. The only province where there is a separate Normal school is the province of Quebec, where the generosity of the people there contribute to the support of the Normal school for the purpose of educating teachers for the class known as the dissentients. It is only in Quebec where that exists.

Hon. Mr. LANDRY—The hon. gentleman has just said that this clause was a compromise accepted by the minority.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—Could the hon. gentleman inform us who accepted that compromise in the name of the minority, or who was entitled to do so.

Hon. Mr. SCOTT—There has been no convention held of the minority. They have not spoken through official channels that I am aware of. I myself have seen letters from gentlemen who were entitled to speak for the minority from the positions they held and who have discussed freely this educational question, and who, recognizing the public feeling that has been aroused, thought it was best not to demand what we were entitled to, but for peace sake to accept the best arrangement that could be made, and preserve peace and harmony.

Hon. Mr. LANDRY—Could those letters be made public?

Hon. Mr. SCOTT—No, I could not say that.

Hon. Mr. LANDRY—They might impress us.

Hon. Mr. SCOTT—All I can say is that I myself, from being connected with this matter, from having carried on the negotiations in this chamber some thirty years ago, feel more than ordinary interest in the subject. When I found the high feeling that was aroused when this Bill was first submitted to parliament was likely to create a great deal of bitterness and unpleasantness, I thought it was much better to yield, far better to accept what has been conceded than to seek to obtain more with the acrimony and bitterness and prejudice that would naturally follow.

Hon. Mr. LANDRY—I wanted to know if there was any mandate from the minority to any person to speak in their name.

Hon. Mr. SCOTT—I think as far as that goes, there has been no mandate—what one could call a mandate—either from the minority or the majority in the Northwest. I think they have taken less interest in the subject than the people at Ottawa and Toronto.

Hon. Mr. LANDRY—The hon. gentleman does not know that.

Hon. Mr. SCOTT—I judge it from the newspapers I read from the Northwest, the observations I have been enabled to make, and from the expressions of public men up there and persons who have travelled through that country. I may say here that half an hour has been accepted as a reasonable compromise. It is to be presumed that no objectionable books will be forced on the school. We have confidence in the kindly feeling that will be maintained in that country. A great variety of people are going in there from all parts of the world, and I think that the tendency will be rather—more particularly if this compromise is accepted—to diminish the prejudices that might otherwise arise. If the original clause had been insisted upon, there is no doubt it would have been opposed, and we know how difficult it is to maintain and carry out a law of that kind which is objectionable to a considerable majority of the population. I need not refer to the Manitoba question as an illustration of it. When my hon. friend from Richmond (Hon. Mr. Miller) was discussing this question in 1875, and eloquently maintaining the propriety of the clause, he instanced an illustration in the case of Manitoba and he said he could point to Man-

toba as having had that question settled. He said it could not be disturbed there. He said the whole question has been removed from the political arena for ever. He was not a prophet in his own country.

Hon. Mr. LANDRY—I suppose the hon. gentleman is no more a prophet to-day.

Hon. Mr. SCOTT—If a legislature is determined to take away these rights that are obtained under the sanctity of the constitution, and if courts are made up of men with weak minds and intellects full of prejudices—we are all born with natural prejudices and caprices—where religion comes up there appears to be a peculiar obscuring of the vision. Those of us who had to do with the Manitoba question thought that was certainly settled, and five years afterwards my hon. friend here quoted it as an illustration of how much better it was to have it settled in 1871, than to have it an open question.

Hon. Mr. LANDRY—Could the hon. gentleman tell us why the Manitoba school question is not settled to-day ?

Hon. Mr. SCOTT—Because the parliament of Canada could not settle it.

Hon. Mr. LANDRY—Did the Privy Council not settle it ?

Hon. Mr. SCOTT—I have always been opposed to the decision of the Privy Council. I think they decided on the ground of expediency. They thought that the little red school house at the corner of the concession lines would be a proper receptacle for all denominations. It was a pure expediency judgment. However, I was going on to say that it is very much better to settle this question in such a way that it will not create any opposition in the future and I think that the skeleton is so slight that it cannot offend anybody, and if the children get the half hours' instruction and if as I believe will be the case, the schools are carried on fairly and justly and objectionable books are not used, probably as time goes on in a community where all belong to one church, I do not anticipate any government would care to interfere with the teaching of religion at other hours, provided there were no children belonging to other congregations. Where you get a body of people who are all in harmony, Presbyterian or Catholic, if they happen to be all of the one church, or if they can agree on a dogma, I am sure that no government in the Northwest would interfere with their permeating their literature through the schools.

Hon. Mr. LANDRY—It is against the law.

Hon. Mr. SCOTT—I think I can point now to where the law is not observed. There are to-day in the maritimes provinces denominational schools, and there is no public law for them. They are there by the good sense and toleration of the people of the maritime provinces.

Hon. Mr. MILLER—No, no.

Hon. Mr. SCOTT—I am advised by my friends from New Brunswick and Nova Scotia that there are schools carried on there where Christian Brothers are teachers, and where practically——

Hon. Mr. McMILLAN—The state supports them.

Hon. Mr. SCOTT—They have certificated teachers and they receive their allowance just as the other schools receive it. There are other hon. members here who can say whether I am right or wrong. When the other provinces came in the schools as they had existed in Upper Canada were practically denominational schools, but they were not established by law, and in New Brunswick and Nova Scotia—though section 93 of the British North America Act applies to Prince Edward Island—the denominational schools had no authority to exist of course, and for a time they were wiped out of existence ; but as the years went on people living together thought it would be far better to yield a little, even if they considered it was only prejudice on the part of the minority to desire to educate their children in their own way.

Hon. Mr. MILLER—There is one such school in the city of Halifax, but outside of that I think there are none.

Hon. Mr. SCOTT—I think there is one in Moncton, and I think there are schools in Prince Edward Island. My hon. friend can tell me if I am wrong. Are there not some schools in Prince Edward Island in which

although certificated and subjected to inspection, they allow religious teaching ?

Hon. Mr. FERGUSON—I am not sure that they do.

Hon. Mr. PERLEY—If a school was perpetuated against the law and not under the law, it would be a fraudulent school.

Hon. Mr. SULLIVAN—It would not be against the law to teach religion.

Hon. Mr. PERLEY—Yes. He says it is contrary to law to have these schools in Nova Scotia, Prince Edward Island and New Brunswick, but that they have them. It is against the law and it is worse than the system in the United States.

Hon. Mr. ROBERTSON—It is not anything of the kind. We had our free schools in Prince Edward Island, but in Charlottetown, in order to please and to yield a little to our Catholic brethren, we have the St. Peter's school in Charlottetown which is taught by Roman Catholic teachers, paid by the government entirely. That is a concession made by the government and not fraudulent at all.

Hon. Mr. MACDONALD (B.C.)—A separate building ?

Hon. Mr. PERLEY—If it is against the law, it is a fraud.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman explain to the Senate the difference between the rights enjoyed by the minority in Ontario under the provisions of section 93 of the British North America Act, and those which are conferred upon the people of the Northwest Territories in the new provinces, and what is the difference between the 16th clause as originally introduced by the premier and the amended clause which he is now discussing. That is really what the House wants to understand.

Hon. Mr. SCOTT—The clause as introduced first was a recital of section 11 in the Act of 1875.

Hon. Sir MACKENZIE BOWELL—That is the ordinance.

Hon. Mr. SCOTT—Yes, and the practice under that was to have two boards having absolute control, one of separate schools and one of the public schools, and the money allotted was divided between them and apportioned by the boards. The first clause 16 re-enacted section 11 of the Act of 1875, and this is an entirely different clause now.

Hon. Mr. McMILLAN—Under clause 16 they were really getting separate schools in the Northwest.

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMILLAN—And under clause 16 as at present framed they do not get anything ?

Hon. Mr. SCOTT—They have a right to religious instruction from 3.30 until 4.

Hon. Mr. McMILLAN—That is not a separate school ?

Hon. Sir MACKENZIE BOWELL—My hon. friend has not answered my question. We can all read the two clauses. I asked him if he could explain to us the difference between the concessions made to the minority in the Northwest Territories as they were originally intended to be given by the 16th clause, and the present clause ; and then I asked him, in addition to that, how far is the minority in the Northwest Territories restricted in regard to the question of education than they would be if they came in under section 93 of the British North America Act. We all know what that is so far as it affects Upper and Lower Canada.

Hon. Mr. SCOTT—As the law stood in 1875, and as they put it in operation for very many years—the local legislature passed an Act codifying it in 1884—there were two boards of administration, what was known as the Protestant Board and the Catholic Board, and they consisted of six members.

Hon. Mr. McMILLAN—Twelve members.

Hon. Mr. SCOTT—At all events equal numbers. The board of the minority were given half the money and absolute power and control over the schools to teach religion all day if they liked for that matter. There was no restriction ; even their inspector was appointed by themselves, and not by the government. They were absolutely independent of the government. Under this Bill, the schools are under the control of the minister who has charge of education. Substantially up to half-past three they are absolutely public schools except this, that the trustees may belong to the

minority. If it is a separate school, presumably the trustees have been elected from that body, but the inspector is appointed by the government, and the teachers must hold certificates on a par with the teachers of the public schools so that the conditions are extremely wide.

Hon. Mr. LANDRY—If I understand the hon. gentleman, the difference is only in the half-hour.

Hon. Mr. SCOTT—That is all, except this, there are trustees elected who have the control and management of the schools internally, but they are not permitted to teach other books than those supplied by the department.

Hon. Mr. LANDRY—But the compromise is giving the half-hour.

Hon. Mr. SCOTT—Yes ; there is the additional fact that the trustees belonging to the minority body, who have control of the schools, have a good deal of power and a good deal to say in the domestic arrangements. For instance, the selection of a teacher is an important matter.

Hon. Mr. LANDRY—But all subject to the regulations of the department.

Hon. Mr. SCOTT—He must hold a certificate from the proper authorities. You can quite see where the trustees belonging to the same religion as the larger proportion of the pupils, there would necessarily be a religious atmosphere given to the school, but if there are children attending the school belonging to other denominations, then they would have no right to intervene with anything like religious teaching. What I say is this, if they were all of one religion no government would interfere seriously with their having prayers at the opening of the school—in fact they would have a right to say the Lord's prayer at the opening.

Hon. Mr. MACDONALD (B.C.)—I suppose there are two sets of trustees, Catholic trustees and others ?

Hon. Mr. SCOTT—Oh, yes.

Hon. Mr. MACDONALD (B.C.)—If the Catholic schools are in separate buildings entirely, where does the half-hour come in ?

Hon. Mr. SCOTT—From half-past three to four.

Hon. Mr. MACDONALD (B.C.)—But if they are Catholic schools they do not require the half-hour, because they will inculcate their tenets all through.

Hon. Mr. BERNIER—Even those schools that are separate will be subject to the regulations of the department.

Hon. Mr. SCOTT—Certainly.

Hon. Sir MACKENZIE BOWELL—I am sure every one who has listened to the explanation of these Bills by the hon. Secretary of State, will acquit him of any desire to raise excitement or create a feeling similar to that which was exhibited by himself a few nights ago when the hon. gentlemen referred incidentally to the subject. Having said that, I frankly confess that I approach this subject with a very great deal of diffidence, and with a desire as far as possible to treat the subject in as calm and collected a manner as my hon. friend who has just spoken. We have now the Bills presented creating two provinces, after a demand for them had been made for the last two or three years by the people of the Northwest Territories and also by the party with which I have the honour to be connected. Whenever the question was broached in the House of Commons, it was constantly voted down by the Liberal party until on the eve of a general election when the whole Northwest Territories were in arms demanding what they considered their rights in the way of local autonomy. Nothing was heard of the intention of the government until the excitement in the Northwest Territories became so great and their demands for provincial autonomy so loud that we had an announcement from the premier that if the Liberal party were returned again to power they would deal with this question and organize the Territories into provinces. Whether their action was the result of the agitation, and of an intimation from their supporters in the Northwest Territories that unless the people were granted that concession there would be no probability of any supporter of the present government being elected, it is not difficult to say. That announcement made by the premier, resulted in the return of a number of members supporting the present government. Upon the assembling of parliament we had the most extraordinary ex-

hibition ever made before a legislative body —the premier of the country bringing down measures creating two new provinces in the Northwest Territories without the consent or apparently the knowledge of two of his most prominent ministers, one of whom represents the Northwest Territories and who was supposed to understand the wants and requirements of the section of the Dominion he represented—a gentleman, too, who had, when in power in Manitoba, deliberately deprived the minority of that province of the rights which were given to them under the law to which my hon. friend has called attention. That which has followed since I need not repeat. We all know the difficulties that presented themselves in the way of the Conservative government and myself when head of the government, in trying to settle the school question in a manner that we believed to be honest and equitable to the people who had enjoyed those privileges before being deprived of them by the Manitoba government, of which Mr. Sifton was one of the principal members. What resulted from that? Mr. Sifton on his return to the country at once took exception to the clauses relating to education. Subsequently, however, after negotiations extending over some time, an arrangement was effected. What my hon. friend opposite now designates as a compromise clause was substituted for the original clause 16 in the Bill. I have tried to elicit from the hon. gentleman the difference between these two clauses, but he very dexterously avoided altogether the explanation which I expected he would have given. He has told us, however, what the meaning of the present clause is. All I can tell him is, and I think he knows it, whoever accepted that compromise, if compromise it may be termed, certainly is not in accord with the sentiments of the vast majority of those who are affected by it, nor is the interpretation which he has given at all in accord with the explanations of the organs of the party to which he belongs, some of which organs are principally owned by members of the cabinet. However, I may refer to this point again before I close. We know there was a little rebellion in the cabinet after the return of Mr. Fielding from Europe. He was not satisfied with the provisions of this Bill and if rumour be correct, or partially correct, he was on the verge of leaving the cabinet unless the concession which he demanded was made. I think his speech on this question was the most ingenious one delivered in the House of Commons. It all resolved itself into this one point, that unless they accepted the amended clause the premier would have to resign, and that would have broken up the government; and rather than break up the government and lose his portfolio he would swallow the dose prepared for him while he was absent in Europe. It is precisely the same with others in the cabinet. The explanation given by the hon. gentleman on the questions to which I have called attention are in accord with the utterances of some of the ministers during the last election. They are diametrically opposed to the utterances of some of the other ministers when they were speaking in Quebec and the maritime provinces. I shall not weary the House, although I have them under my hand, with reading extracts from these speeches to show what their opinions were. Their opinions, stated in public and in portions of the public press, were in accord, as they supposed, with the sentiments of their particular readers and the portions of the country in which they happened to be.

I approach this subject with a good deal of diffidence because of the diversity of opinion which exists as to the actual power of the Dominion government under the British North America Act to deal with questions of this kind. We have had a variety of opinions. We have had Sir Wilfrid Laurier telling the lower House that upon the entrance of any new province similar to these which are about to be established, the provisions of the 93rd section of the British North America Act would apply. If that interpretation of the law be correct, it would automatically operate in favour of separate schools as they existed at the time the Territories were made provinces. I do not think there can be a question on that point. That opinion was also given in much stronger and more forcible language by Mr. Monk in dealing with this question. I must admit that Mr. Borden as a lawyer takes exception to that interpretation, and outside of parliament there are differences of opinion. An eminent lawyer in Toronto,

Mr. Christopher Robinson, takes a view of the question which is to a certain extent in accord with the views taken by the leader of the opposition in the House of Commons, but you will notice that he adds to the opinion which he gave to Mr. Sproule, one of the members of the House of Commons, upon a certain question that he had asked, that it must be left to the courts to decide, as he could not venture to give a decided opinion upon the question. Mr. Haultain, who I believe is a legal gentleman, takes a very strong view in favour, not only of the autonomy of the provinces in all other respects, but in regard particularly to education, claiming that the British North America Act provides that that subject shall be left exclusively with the provinces subject to the provisions of the British North America Act. His argument is that as the Northwest Territories were not a province or provinces at the time the British North America Act became law, therefore they do not come within the purview of the 93rd section of the British North America Act, and if they do not come within the purview of that clause, the provinces have under another section of the Confederation Act the right to deal exclusively with the subject of education. If we legislate respecting education, how far are we trenching on the rights of the provinces, and how far would our legislation be decided by the Supreme Court to be ultra vires. That is a grave question, and no doubt will have to be settled in the future by an appeal to the courts. Mr. Haultain has already declared in his public utterances that in case this clause is forced upon the new provinces, they will appeal to the courts in order to settle the question. It would seem to me, therefore, that it would have been better if the Dominion government, before introducing these Bills, had submitted the case to the Supreme Court and if necessary the law lords of the Privy Council in England, in order to have their opinion and interpretation of the clauses of the law to which I have called attention. If it should transpire that we have gone beyond our powers in dealing with this question or with any other question affecting the provinces, then I take it the Dominion parliament and government would be in a somewhat humiliating position. It seems to me, and I think it would appear desirable to most people who have considered this question, who have been connected with the agitations which have taken place in the past, and who have had to undergo condemnation and praise from different parties when they were dealing with this matter, that it should be settled in such a manner as to prevent any future litigation upon this very grave and important question. That is the view which I hold, and I think it would be well if the government had pursued the course which I have indicated.

My hon. friend the Secretary of State referred to his course in the past in reference to the passage of the Bill granting territorial rights to the Northwest Territories in 1875. I remember very well a little of the by-play that was going on at that time. What he says is correct so far as the agitation at that time in the House was concerned. He also referred to the part that he has played upon the question of education during the last forty wears. I do not know that I should weary the House with an historical account of the separate school question, but I hold in my hand a short synopsis of the whole legislation upon separate schools since 1807. I was somewhat amused when I heard the hon. gentleman refer to the action of the political parties in the past. The record shows that instead of the Liberal party having been either the fathers or supporters of separate schools the contrary is the fact. Turn to the memoranda which the hon. gentleman published and circulated a short time ago in connection with this subject, and you will find that George Brown, Oliver Mowat and the whole Liberal party at that time with scarcely an exception, voted against the establishment of separate schools in the old province of Canada, and also in the new provinces of Upper and Lower Canada. To us who have lived long enough and had something to do with events for the last forty years, it is really amusing to hear hon. gentlemen arrogating to themselves the credit of having done that which was really done by the Conservative party. My hon. friend took a very prominent part in the establishing of separate schools. I give him credit for the honesty and perseverance that characterized him in days past when he was dealing with this question, but I do not forget that when all this

was done the hon. gentleman belonged to the Tory party and was acting with that party and not with the Liberal party, as I can show by the memoranda I have in my hand showing who voted for and voted against the Bills that my hon. friend himself introduced. He allowed them to remain without putting them on the statute-book in 1862. Perhaps it is not fair to say what the reason was, but the inference was that it was opposed by the party with which he is now connected, the late Sir Oliver Mowat and others voting constantly against him and the principles involved in the Bill.

Now, I am not taking any particular credit to the Conservative party for what they have done. I have already announced in this House, and I have no hesitation in saying now, that notwithstanding the horrors which my hon. friend has depicted in this House of crime in the United States arising from the fact of there being no separate schools, I have never been a supporter of separate schools per se, but I believe there are fundamental principles of Christianity which should be taught in all schools altogether independent of the peculiar dogma taught either by the Roman Catholic or the Protestant churches. I took that ground in 1895-6. I know, because I was a party to the legislation when Manitoba was brought into confederation, that it was intended that separate schools should be given and guaranteed to the minority in that province, and at that time most of you know that it was a grave question as to where the minority was to be found. The fact is, if we are to take history as we read it, that the Protestants were in a minority in the Territory at the time it was made a province and came into confederation. That being the case, then we may draw the inference from what was done that it was intended to protect the rights of the Protestants of Manitoba at that time. Such was the intention of Mr. Galt when he insisted upon clause 93 of the British North America Act being enacted to protect the rights of minorities in the provinces of Quebec and Ontario. Since the hon. gentleman has claimed all the credit for the Liberal party for having secured separate schools, I will read from a statement now before me which will show who has done most for separate schools.

The Act of 1807, or 47th George III., chapter 6, makes provision for public schools.

Under this Act no provision was made for religious instruction, but the trustees had power to regulate the schools and consequently they could introduce religious instruction if they chose.

I may add that that was the character of the schools in the town of Belleville some 70 years ago.

The Act of 1808, or 48 George III, chapter 16, amends the above, but only as regards the location of the London schools.

The Act of 1816, namely 56 George III., chapter 36, page 383 of volume of Acts from 32 George III. to 37 George IV., in library, makes no special provision for religious training, but leaves power in the hands of the trustees to provide for the government of the schools.

The Act of 1819, or 59 George III., chapter 4, page 450 of the library volume, amends the previous Acts in unimportant particulars, but makes no mention of religious instruction.

The next Act is that of 1820, namely chapter 7 of 60 George III., see volume in library mentioned above.

This Act provides for the continuance of the Act of 1816 above mentioned, with certain exemptions, but no provision is made for religious teaching.

Nevertheless under these Acts in consequence of the complete control the trustees had of the direction and teaching of the schools, the district in which Catholics had a majority or a considerable minority were in the course of time provided with schools directed in a manner agreeable to the Catholic people.

The Act of 1824, or 4th George IV., chapter 3, made permanent and extended the preceding Acts and provided the sum of £150 per annum, to afford the means of moral and religious instruction to the more indigent and remote settlements. The object stated was to purchase and distribute by means of the district boards of education, books and tracts calculated to afford the necessary instruction.

Hon. Mr. MILLER—What province does that refer to?

Hon. Sir MACKENZIE BOWELL—Ontario—old Upper Canada.

This is the first legislative recognition in Canada of the principle of placing religious instruction on the programme as a principle of public policy, but it was not specially intended to further the views of Protestants or Catholics, either of whom could when they were in the majority no doubt obtain some benefit by purchasing Protestant or Catholic tracts and books.

No further legislation took place until the union. Though in 1835 and 1836 there were movements in regard to schools, the events of 1837 rendered impossible any attention to education. The negotiations for the union of the provinces of Upper and Lower Canada absorbed the attention of public men for some years after. At length in 1841 the two provinces were united and the province of Ontario came under the influence of the members from the province of Quebec. The very first Act regarding education shows the influence of the Catholic members from the lower provinces.

In the upper province at that time the question of separate schools had not been carried to the extent that the representatives of the Roman Catholic faith of Quebec carried it, and consequently they insisted or persuaded the members with whom they came in contact from Upper Canada to grant further concessions. At that time my hon. friend who is looking at me knows that these members were principally Protestants. I am glad to bear evidence to the fact that where the Protestants have been in large majorities, and the agitators have not entered among them, they have made great concessions which would not have been made otherwise had an agitation been started, and aroused the feeling that has unfortunately been exhibited in other instances. I may add that I firmly and conscientiously believe that if this question of education were not touched at all in this Bill the great majority—and I think there will ultimately be a great majority—of Protestants in the Northwest would have made concessions which would have been acceptable to the Roman Catholic settlers. That is the opinion I have of the Protestant community when not roused by inflammatory speeches and by agitation that should never exist. This statement continues:

The Act of 1841, 4 and 5 Victoria, chapter 18, passed by the Baldwin-LaFontaine government (Liberal), repealed the Acts previously mentioned as insufficient for the purpose. It provided among other things—

First, that Christian Brothers should be eligible as teachers though not British subjects. (Section 7, subsection 3.)

And this suggests to me an explanation of the remarks made by my hon. friend from Prince Edward Island, in reply to the question put by the hon. Secretary of State. The hon. gentleman said that in Charlottetown they permitted nuns and Christian Brothers——

Hon. Mr. ROBERTSON—No, they simply permitted Catholic teachers.

Hon. Sir MACKENZIE BOWELL—I went to him and asked him then if that carried with it the teachings of the Roman Catholic faith, or Roman Catholicism, and he said no, they are working under the Public School Act, though taught by Roman Catholic teachers. That was a common practice when I was a boy. We never used to draw the distinction as to what a school teacher's faith was in those days. Then.

2nd. That separate schools might be established whenever the minority differed on religious faith from the majority. (Section 11.)

3rd. That the boards of examiners in cities and towns corporate, should consist when necessary one-half of Protestants, one-half of Catholics, to examine teachers and govern the schools. (Section 16, Statutes of Canada, 1841, chapter 18, page 102.)

The Act of 1843, or 7 Victoria, chapter 29, in sections 54, 55, 59, provides :

1. That no child shall be required to join in any exercise of religion objected to by the parents.

2. That where the teacher of any public school was a Protestant a separate Catholic school could be formed on the application of ten or more freeholders, and vice versa if the teacher was a Catholic.

So that it gave the right to establish separate schools where the teacher was a Protestant, and the right to establish a Protestant separate school if the teacher was a Catholic—to my mind a most absurd provision.

3. That such schools should be entitled to their share of public appropriations.

The Act of 1843, 7 Victoria, chapter 9, provides for the apportionment of the school funds of the united provinces between the two provinces.

The Act of 1845 (Draper and Papineau, Conservatives), 8 Victoria, chapter 41, page 235, makes provision for public instruction in the province of Quebec. It makes provisions (section 26) for the interest of the Protestant minority in the province of Quebec, and repeals the Act of 1841 so far as it applies to Quebec.

The Act of 1846, 9 Victoria, chapter 20 (Draper government, Conservative), sections 32, 33, page 729, provides for the establishment of Protestant and Catholic schools under certain conditions.

The Act of 1847, 10 and 11 Victoria, chapter 19 (Draper and John A. Macdonald government, Conservative), amends the Common School Act of Upper Canada by providing that the corporations of cities, towns and municipalities shall be corporations for the purposes of the School Act. It recognizes the existence of separate schools in sections 5, subsections 3 and 5, and 7.

The Act of 1849, 12 Victoria, chapter 83 (Lafontaine-Baldwin government, Liberal), page 563, of Statutes of Canada, part 1, 1849, which repealed the Act of 1843, does not contain any privileges for Catholics, though it does for coloured people. This Act, it was stated, was never read by ministers ; was objected to on all sides and allowed to remain a dead letter.

It is a most extraordinary thing that the legislature at the time should make a special provision for coloured people and leave out the other portions of the community, unless it was supposed that the coloured people should not associate with the children of the white people. That is the only inference I can draw.

The next Act making provision for separate Catholic schools is the Act of 1850, 13 Vic-

toria, chapter 48 (Lafontaine government, Liberal), section 19, page 1263 of Statutes of Canada, 1850. This Act enacts provisions for separate schools for Catholics, Protestants and coloured people, according to the provisions of the Act of 1843.

The Act of 1851, 14 Victoria, chapter 111 (Lafontaine government, Liberal), one section only, explains the Act of 1850, section 19, and enlarges the power to establish separate schools in cities and towns. (Statutes of 1851, page 2129.)

The Act of 1853, 16 Victoria (Taché and Hincks government, Liberal and Conservative), chapter 185 of the Statutes of Canada, 1853, section 4, page 905, further provides means for strengthening separate schools by freeing their supporters from assessment for the common schools, &c.

The Act of 1855, 18 Victoria, chapter 131 (Tache-Macdonald, Conservative government), page 553 of statutes, was specially enacted for the purpose of defining and enlarging the powers of the Catholics to establish separate schools. It repeals section 19 of the Act of 1850 and the 4th section of the Act of 1853, but provides more fully than these did for the establishment and government of separate schools.

In 1859 a Bill was introduced by Mr. Ferguson, a private member, providing for the repeal of the Acts authorizing the establishment and maintenance of separate schools. This Bill was debated briefly by Ferguson and McGee but no division was taken and the Bill was not reached again that session.

The Secretary of State will remember that, because he was in parliament at the time. It may be mentioned that Mr. Ferguson was an extreme opponent of separate schools in any shape or form.

The Consolidated Statutes of Upper Canada, 1859 (Cartier-Macdonald Conservative government), chapter 65, sections 18 to 36, page 771, re-enacted the Act of 1855 of the Cartier-Macdonald government, and this continued to be the law on the subject till the Act of 1863 was passed.

In 1860 Mr. Scott introduced a Bill to amend the Acts respecting separate schools in Upper Canada. This Bill passed its second reading on 16th May, 1860, on a vote of 59 yeas to 19 nays, and was supported by J. A. Macdonald, Carling, Abbott and other Conservatives. The Macdonald-Cartier government were then in power.

Mr. Mowat and those who followed him invariably voted against separate schools. I only mention that fact to show the Liberal party's stand upon this question of education in old Canada.

In 1861, on the 23rd March, Mr. Scott introduced his Bill again, but it was not reached till the 16th May, when the order for the second reading was discharged and the Bill was withdrawn ; no vote was taken (Cartier-Macdonald government).

In 1862 Mr. Scott again introduced his Bill which was carried as far as the second reading by a large vote of 93 to 13, but not reached again for a third reading, though an attempt was made to give it precedence (Cartier-Macdonald government), Mowat and other Liberals voting against it.

That is the time the Bill was dropped and an election followed immediately. I have a pretty distinct recollection of that, because I had an election at that time and was defeated on this very question because I refused to go the full length of pledging myself to vote to take from the minorities of the provinces of Ontario and Quebec the rights that were granted to them under the Act. However, I never regretted the position I took then. I believe it was the proper course, as I believe it is correct to protect the rights of all classes of Her Majesty's subjects.

The Act of 1863 (Sandfield Macdonald government), 26 Victoria, chapter 5, was then introduced by the Hon. Mr. Scott, and was assented to on the 5th May, 1863.

In that case Mr. Mowat and other Liberals voted against the Bill. I am not sure whether my hon. friend the Minister of Trade and Commerce was in the House at the time.

Hon. Sir RICHARD CARTWRIGHT—No, I came in in 1863.

Hon. Sir MACKENZIE BOWELL—Yes, that is the time the hon. gentleman was elected, and I was defeated. I do not know what position the hon. gentleman took on that question, but as he belonged at that time to the Conservative party, I take it for granted he voted with his leaders and supported the Bill.

The Act of 1863 was duly re-enacted and embodied in the Revised Statutes of Ontario, 1877, chapter 206, volume 2, page 2140.

This Act was prepared, I have good reason to know under the direction of the Roman Catholic hierarchy. I do not instance that fact to complain that the hon. gentleman sought the advice of the hierarchy, whose interests he was looking after at the time any more than I——

Hon. Mr. SCOTT—I got Mr. Ryerson's consent, which perhaps the hon. gentleman does not know.

Hon. Sir MACKENZIE BOWELL—Oh, yes, I do know. Rev. Mr. Ryerson was just about as clerical as any of the gentlemen to whom I have referred belonging to his own church. I have a very good recollection of Egerton Ryerson, one of the best educationalists who ever occupied a position in Canada and to whom Canada owes in a

great measure the educational system which prevails in Canada.

This Act was prepared under the direction of the Catholic hierarchy, and has continued to be the law ever since, with certain amendments from time to time to protect the manner of making assessments and collecting the rates, The law as it exists at present is to be found in the Ontario Revised Statutes, Volume 11, page 2466, chapter 227.

Upon this memo. I based the statements which I have made with reference to the history and growth, if I may so term it, of the separate school question from 1807 to 1863.

Mr. Scott's Bill of 1860 was supported by a vote of 59 to 19, and John A. Macdonald, John Carling and J. J. C. Abbott voted for it, the Macdonald-Cartier government being in power. Journals of 1860, page 450, Conservative government.

Mr. Scott's Bill of 1861 was introduced on 23rd March, 1861, and not brought up again till the 16th May, when it was discharged. No vote was taken on it at all. Journals 1861, 36-363, Conservative government.

Mr. Scott's Bill of 1862 was introduced on April 7th ; was debated on the 29th April and again on the 30th April ; was carried on May 2nd by a vote of 93 to 13 ; John A. Macdonald, Carling and Conservatives generally voting for it, and Sir Oliver Mowat and others voting against it. Journals, 1862, page 147, Conservative government.

Mr. Scott's proposition of 1863 was passed by a majority of 74 to 30, John A. Macdonald, Abbott, Carling and Conservatives generally voting for it, and Mowat and Liberals voting against it. Journals, 1863, page 130, Sandfield Macdonald government.

It is thus obvious :

1. That previous to Mr. Scott's entry into the affair the two enactments of any value to Catholics (i.e., the Acts of 1855 and the re-enactment of it in 1859) were by the Conservative government, and

2. That but for the Conservatives Mr. Scott's amending Act of 1863 could never have been carried.

3. That Mr. Scott was but the agent of the Catholic bishops, who then as now thought that they could take care of their church interests pretty effectively.

Those are deductions which I have drawn from the facts which I have read to the House. They may not be interesting to some, but they are facts which, placed upon the records may be of benefit to those who are dealing with the question in the future. The next historical events, the record of which I am not going to read, relate to the New Brunswick School Act and what followed after confederation. The Manitoba separate schools shall also receive attention. I will show how they were dealt with and by whom they were dealt with, but I do not know that I shall take the trouble to read the statement, because they are of such a modern date that most people know the effect of them. It will be noticed by the statistics which I have read in reference to the schools, that the period to which my hon. friend called attention in the history of this country when everybody was honest and he could trust his money and his packages to any person to take them a distance was a period when religion was not exercised in the schools by law at all. In his boyhood days and in my boyhood days religion was taught although not recognized by the law; it was taught in the manner in which I indicated when I spoke of the matter before. The fundamental principles of religion were taught, and not the doctrines of the Episcopalian or Roman Catholic or any other church. The masters of the schools I attended in those days were principally Irish mathematicians who came to the country, educated men who were not fit for anything else, and they generally taught school, I received a good portion of my education from them. If at that period we were all honest, and rascality and villainy of the character described by my hon. friend prevails in the United States where no separate schools exist, how does he reconcile the two cases ? I think no child should be brought up without being taught the rudiments of Christianity. There are principles in connection with the Roman Catholic and Protestant churches upon which all agree. You go further than we do upon many points, and all I can say is that I hope we may be right and reach the heavenly home as well as you gentlemen who think you have a better religion than we have. It being six o'clock, I move the adjournment of the debate.

Motion agreed to, and the Senate adjourned until 8 p.m.

Second Sitting.

The SPEAKER took the Chair at 8 p.m.

Routine proceedings.

Hon. Sir MACKENZIE BOWELL, on resuming the debate, said: When the House rose at six o'clock I had given a short resume of what I may call the history of the rise and progress of separate schools in Canada. I intimated that I had a short memo-

randum of historic events which took place with reference to the New Brunswick School Act and also of the Manitoba School Act. It is very short, but I did not consider it necessary to read it to the House. I have, however, been requested by a number to give it as they would like to see the full history of the school question, not only as given from 1807 to the present time, but also the action of parties in parliament in dealing with the New Brunswick and Manitoba school questions. As it will not take many minutes, although not strictly pertinent to the measures before the House, perhaps it would be excusable to give it under the circumstances. If you refer to Todd's Parliamentary Government, page 346, you will learn that in 1871 a Bill passed the legislature of New Brunswick regulating the schools, out of which arose the difficulties that afterwards culminated in an appeal to the authorities here, and also carrying the case to the Privy Council in England. The Act was passed by the New Brunswick legislature in 1871. On January 10, 1872, the Roman Catholics of New Brunswick protested against the provisions of that law and asked for its disallowance by the Dominion government. The government of the day decided not to interfere with that legislation. However, on May 20, 1872, a motion was made in the House of Commons by Mr. Costigan, asking the government to disallow the Bill. That was lost. Subsequently another motion was made that a petition be sent to Her Majesty to amend the Confederation Act in regard to the separate schools in the province of New Brunswick. That also was lost. In 1873, on May 14, a motion was made in the House of Commons asking the government to disallow the New Brunswick School Act of 1871, imposing taxes on non-supporters of public schools. That motion was carried. However, though the resolution passed parliament, the request was not complied with by the Dominion government. Sir John Macdonald was head of the government at the time, and his Attorney General declared that the Act being intra vires they would not disallow it, notwithstanding the passage of the resolution in the House of Commons, asking them to do so. Subsequently the government referred the question to the law officers of the Privy Council in England, who decided the Act to be intra vires. That ended the question so far as the Separate School Act and the school law of New Brunswick were concerned. I may say, however, that since that time those who have paid any attention to the working of the Act in New Brunswick, know that the most liberal construction has been put upon the provisions of that Act and they have followed the same course as had been explained by my hon. friend from Prince Edward Island in reference to the schools in Charlottetown. Bear in mind, the Privy Council in Canada and the law Lords in England sustained what we now term provincial rights. Whatever the constitution gave them in matters of this kind should not be interfered with. In 1878 we had another illustration of that principle, and it is somewhat worthy of note that on the day we are celebrating, the 12th of July, in the year 1878, Isaac Butt presented a petition to the government in England from 20,000 Irish Catholics, praying for the disallowance of a Bill which has been passed by the New Brunswick legislature incorporating the Orange Society. The decision of the English authorities was that the Bill was within 'the competency of the legislature of New Brunswick' and therefore should not be disallowed—another instance in which the Privy Council as well as our own government of that day asserted and maintained the principle of provincial rights. Turning to the Manitoba School Act, the Act bringing that portion of the Northwest Territories into the confederacy as a province was passed in 1870. The separate schools clauses were added to that Bill, as most of you are aware, in the words used in the British North America Act, in reference to the right to separate schools in Ontario and Quebec, but as there was no law at the time in Manitoba, Sir Geo. E. Cartier moved that the words 'and in practice' be added, because Sir George at that time knew that the denominational schools had existed in Manitoba, and he supposed as parliament did, at the time, that by putting in the words 'by law or by practice' he would continue the rights enjoyed by the minority in that province, prior to the passage of the Manitoba Act. Under that provision of the Mani-

toba Act, a Bill was introduced in the Manitoba legislature by Mr. Norquay, leader of the Conservative government, establishing separate schools much upon the principle existing in Ontario and Quebec, and those rights continued and the schools were organized and maintained under that law until 1890, when Mr. Greenway repealed the law and abolished separate schools and the use of the French language in that province.

There was an appeal to the Manitoba courts on behalf of the Roman Catholic minority, by Mr. Barrett, then a resident of Manitoba and an officer of the Inland Revenue Department, I believe. He entered an action testing the legality of the law. The court decided it to be intra vires. This judgment was appealed against to the Supreme Court of Canada which unanimously decided, strange to say, even in opposition to the court in Manitoba, that the Act of 1890 abolishing separate schools was ultra vires. Then appeals were taken to the Privy Council in England, who declared the law passed by Mr. Greenway to be intra vires on this ground, notwithstanding the fact that the Manitoba Act provided for the retention of all the rights and privileges that had been enjoyed by law and practice in Manitoba, the Catholic minority had the same rights that they had possessed prior to the passing of the Manitoba Act. That is, there being no law at the time Manitoba entered the union establishing or supporting denominational schools, such schools having been supported by private funds, the minority have the same right to continue them and consequently the repeal of Norquay's law was not in contravention of the power of the Manitoba legislature. They added to that decision that a wrong had been done to the minority, and that they should appeal to the Dominion government to introduce remedial legislation. Then followed an application on the part of the minority to the Privy Council of Canada for remedial legislation. The question of the right of appeal was submitted to the Supreme Court of Canada which decided by three to two that the minority had no such right. The dissentients to that judgment were the late Mr. Justice King, formerly of New Brunswick, and the late Mr. Justice Fournier, who was a judge at the time. The last judgment of the Privy Council in England declared the Act passed by the Manitoba legislature abolishing separate schools to be intra vires for the reasons I have given. But as I say, they added to that judgment that a wrong had been done to the minority in Manitoba which should be remedied by legislation. The minority appealed to the Law Lords of the Privy Council against the decision of the Supreme Court, which denied them the right to appeal to the Dominion government for remedial legislation, which appeal was sustained. An appeal to the Dominion government for remedial legislation was made in 1892. The government tried as far as possible to come to some amicable arrangement, but it could not be done. The appeal to the Privy Council was in 1894, the judgment of the Privy Council was in 1895, and the remedial order, which was passed by the government of which I was the head at that time, was dated March 21, 1895. The resolution of the Manitoba legislature reaffirming its position on the question was passed on the 19th June, 1895. Then the supplementary order was issued. Most of you know what followed. The remedial legislation was blocked by the opposition in the House of Commons talking parliament out of existence. My hon. friend opposite smiles, but that is the literal truth. The fifth year of the parliamentary term expired in the month of April. The party, then as now headed by Sir Wilfrid Laurier, talked night and day until the term of parliament expired, and so persistent were they in their opposition to remedial legislation that they did not even allow partial estimates to be passed to pay the employees of the government. They, however, when they came to power passed an Order in Council contrary to law, and the Governor signed it in order to provide money to pay the government employees. I have placed these historical facts on record that they may be of use hereafter.

Referring to the legislation of to-day and the position occupied by the gentlemen who now control the destinies of this Dominion, their actions in 1895 and 1896 must be left to the judgment of the electors and to their own consciences. There was a reason, and a good reason, based upon equity and upon the judgment of the Privy Council for the government to take action in the attempt which they made to remedy the wrong

which the Privy Council said existed, and which I believe did exist. I have under my hand extracts here that will fill two or three pages from the utterances of my hon. friend sitting opposite, Hon. Sir Richard Cartwright, the hon. Secretary of State, Sir Wilfrid Laurier, and the whole party, in which they condemn in the strongest terms the action of the government for interfering with prerogative and privileges of self government in the province of Manitoba. Even my hon. friend from Halifax wrote a pamphlet on the question which in order to refresh my memory I read again the other day in which he takes the same ground with those whom he was supporting in opposition to remedial legislation, declaring in as plain language as he could without committing himself too far against remedial legislation under the circumstances. Whether he has been doing penance for that during the last ten years I do not know, but I am very much inclined to think that he will support the present government notwithstanding his utterances and his sentiments in the pamphlet to which I have referred. If I may be permitted to do so, I will pay him the compliment of saying it is one of the best defences of the subject that I have read though I think his conclusions were wrong, and I think he would agree with me to-day, but the political exigencies of that time demanded the course which he pursued in support of his friends. The political exigencies of to-day require that the supporters of the government, although I know they conscientiously disagree with the course pursued by the ministry, should sustain the government in the course they are taking now, even though it is diametrically opposed to that which they took in 1895-6. I remember very well the numerous paragraphs which were written and the great use that was made of the words 'political exigencies' by the late Hon. Thomas White in one of his speeches. It was looked upon not only as a moral error, and delinquency on his part but as a political sin that any party should ever act on the principle that political exigency justified a politician in departing from his honest convictions in order to support the government. How far the supporters of the present government, particularly the gentlemen from Manitoba who took part in the repeal of the Separate School Act in Manitoba, have acted in such a manner is a matter for them to explain, not for me. I purpose to act, as far as I can, in this matter consistently with what I did before, because I felt that I was doing right then, and I can reconcile the course I am pursuing to-night with the way I acted then.

My hon. friend the Secretary of State referred in glowing terms to the growth and development of the territories. We all rejoice with him on that fact. He intimated that the population of the older provinces was not growing as rapidly as he would like to see it grow, or as rapidly as the population of the Northwest. That is easily explained. No one can go through the Northwest Territories, especially Manitoba, without meeting in every second man a settler from the older provinces. One of the principal reasons why the population of Ontario did not show as large an increase as we expected and why we lost six representatives in the House of Commons was the fact that thousands of her people moved from Ontario to Manitoba and the Northwest Territories and British Columbia. An hon. gentleman sitting opposite to me, who is an Ontario man, now boasts of being a resident of British Columbia. It is gratifying to know that we have a Northwest of our own to which our people who desire to acquire lands can go, instead of emigrating as they did twenty or thirty years ago to the United States. We retain the population in the country but it is lost to the older provinces, and that accounts in a great measure for the apparently slow growth of population in the older provinces, and for the rapid increase in Manitoba and the Northwest. I am sorry that my hon. friend from Brockville, (Mr. Fulford) is not here to-night, because this being the 12th of July I should like to refer to a letter of his which appeared in the London 'Chronicle' on this very question, and to enter a protest against the statements which he made on that occasion. I informed him that I intended to bring this up and I had hoped he would be present. The hon. gentleman was in England while this agitation was going on with respect to Provincial Autonomy. As I said to him, I suppose the reason he wrote the letter was because he wanted to make himself solid with the Irish Catholics. He was then on the point of taking an automobile trip through Ireland, and in order to get a good reception

he wrote this inflammatory, I was going to say untruthful letter, under a misapprehension, I hope, of the facts. The London 'Chronicle' of April 25th last, contained his letter. Referring to the agitation in Canada, he says :

In a population where the Catholics number about 43 per cent of the entire population, and where there is a small but active minority of political Orangemen, it is not to be wondered at that occasionally there are sectarian extremists.

It is only by the efforts of people of this character that the political aspect of the Orange Order can be kept alive. A certain class of mediocre bigots can only secure political prominence through these means; therefore, it is found necessary to wave the Protestant banner every decade or two.

Now, as heretofore, the agitation is confined almost altogether to Toronto, which is extremely Tory, and more wildly Orange than any city in Ireland. The introduction of legislation in the Dominion Parliament by Sir Wilfrid Laurier creating two new provinces in the Northwest furnished another wild outburst from these so-called enthusiastic Protestants, numbering, as I have said, but an extremely small proportion of the population of the Dominion, and confined almost altogether to Toronto.

If the hon. gentleman had asked me, I could have shown him by reference to the Orange statistics that the organization which he speaks of as an extremely small proportion of the population of Canada, runs up to over 200,000. He continues, following almost in the language used by the Secretary of State, to explain clause 17, of the Bill :

There is no proposal to establish sectarian schools in western Canada. The schools are in every particular, both as to standard, teachers and public inspection, similar to other schools, with one exception, that between 3.30 and 4 o'clock, where the majority come under this particular legislation, religious instruction can be given by the resident clergyman.

There is more of this character of writing in the letter, but I have read enough to show the manner in which a Canadian senator undertook to educate—I was going to say mislead the people of England. I do not purpose to answer the hon. gentleman myself. I shall allow the Toronto 'Globe,' the leading organ of the Liberal party in Canada, to deal with Mr. Fulford, and reply to his denunciation of the Orange Order and his declaration that the excitement was confined to that particular class of politicians in Canada. In the 'Globe' of April 10th, there is an editorial, which contains the following :—

Those who suppose that opposition to the educational clauses in the Northwest autonomy bills is confined to Toronto, and that it is dependent on Orange-Toryism for its vitality, are living in a fool's paradise.

It is not very often I can agree with the 'Globe,' but I do in this case ; Senator Fulford must have been living in a fool's paradise when he wrote his letter, stating that the whole agitation against the educational clauses is confined to the Orange society. The Globe continues :

The point of capital importance, and which cannot be disproved by shutting one's eyes to its undesired existence or by shouting bravely that it does not exist, is the unmistakable fact that not in Toronto alone, but in scores of centres throughout this province the sanest and steadiest and most intelligent men cannot bring themselves to approve of the Dominion Parliament, on any pretext whatsoever, interfering in the educational affairs of the new provinces. The men who make this objection are not Tories. They are not Orangemen. They are Liberals. They are, some of them, the men who give virility and prestige to Liberalism in their constituencies, and without whom there would be no Liberal party worthy of the name. To ignore the fact of their opposition, to minimize its significance, or to misunderstand its quality, is to play the part of children in a situation which demands the wisdom and courage of men.

Another delusion is the notion that this significant opposition is wholly based upon racial or religious prejudices.

Now that is pretty strong language, and I think it is a sufficient answer to Mr. Fulford's declaration that the agitation is confined to Orange-Toryism in the city of Toronto. I do not propose to follow that point further than to call attention to a mass meeting which was held in Massey Hall in the city of Toronto, for the purpose of denouncing the remedial legislation, if such I may term it, that is now before parliament and condemning the action of the government in framing the 16th or any other clause affecting what they term the educational rights of the Northwest Territories. Who were those who attended that meeting? Were they the leading Orange Tories of whom Mr. Fulford writes? My hon. friend opposite me knows very well they were not. They were nearly all leading Liberals of that city, such men as Caldicott, Thompson the lawyer, and Leighton McCarthy, and a number of others that I could mention. Not satisfied with denouncing the government, they denounced the Tory members from the city of Toronto for not being present to assist them in their condemnation of the pre-

sent government, and yet in the face of such facts we find government supporters attributing to others that which the leading men of their own party are guilty of. I do not desire to be understood as saying that many Orangemen are not opposed to this legislation, but any man who knows the facts will not attribute to them alone the agitation in the city of Toronto. If he does he is either speaking of matters of which he knows nothing, or wilfully perverting the facts. So much for the 12th July, and the Hon. Mr. Fulford.

In conclusion, I want to refer for a few moments to the provisions of the Bill. To the money arrangements I have no objections to make. I should like, however, to have seen one province instead of two. My own conviction is, and I believe it is the conviction of the great majority of the residents of Manitoba and the Northwest, that the arrangement should have been to increase materially the area of the Province of Manitoba and erect the balance of the Northwest Territories into one province. The Hon. Secretary of State, in speaking of this, ingeniously said 'you could control and manage a small province cheaper than a larger one'; but there is considerable difference between the cost of governing one province and the expenditure involved in governing two. By giving a large addition from the present Northwest to Manitoba, and making but one province west of Manitoba in the Territories, the expense of governing that part of the Dominion would have been much less. There is very little difference in the cost of managing a large province and that of managing a smaller province, as we know by the experience of the smaller provinces of the Dominion. British Columbia does not require more territory. It is large enough now, and the developments and discoveries in that country prove it to be one of the richest of our provinces. Three provinces west of Ontario would have been quite sufficient for all the purposes of government, and would have been infinitely better than the proposed arrangement.

I think also it is a very great mistake—and this has been my conclusion for many years, both with regard to Manitoba and the Northwest Territories—that the lands have not been given to the local authorities to manage for themselves, and relieve the country of the charge upon the revenues of the Dominion, in lieu of the land, which must be made for all time to come, of the interest on over one million dollars. When the Dominion has sold all the lands or given them away for railway purposes in the two western provinces, there will be no returns to recoup the annual payment. The interest on the amount will have to be paid for all time to come.

Hon. Mr. McDONALD (C.B.)—There would be no land to sell.

Hon. Sir MACKENZIE BOWELL—There will be none to sell, and after it is all gone the interest charge will remain for ever. I do not share the fear expressed by the Prime Minister, when he referred to this subject, that if the lands were given to the provinces, the price would be made so large that it would prevent settlement. That has no force whatever, except as an excuse for depriving the people of that part of Canada of the control of the lands. I am opposed to interference with the autonomy of the different provinces. We have heard a great deal on that subject this session in the different committees in dealing with minor matters, such as railway charters. Under the constitution certain rights in connection with these roads are given to the provinces, which I think is a blot on the constitution. I have always believed, and believe still, that the whole range of transportation systems should be under the control of the Dominion. We are not dealing with that question now; I refer to it merely for the purpose of pointing out how tenaciously the Senate has adhered to the principle of provincial rights in that respect, and yet hon. gentlemen opposite do not hesitate to vote for a proposition which takes from the new provinces rights which I believe are guaranteed to them under the law. I shall not deal, because I am not capable of doing so, with the legal aspect of that question. I shall leave that to others who in all probability will follow me, and who can deal with it more intelligently than I can. But I may refer again to the uncertainty as to the power which this parliament has to deal with the educational question. It would be exceedingly unfortunate if we should have interminable law-suits, whether instigated by individuals or by the provinces themselves, testing the question of the power of

this parliament to legislate upon a purely local question. For that reason I repeat that while strongly in favour of the erection of that portion of the Dominion into a province or provinces, I do think, in order to avoid the difficulties which may arise, and which are presenting themselves to the mind of every thinking man who has paid any attention to this question, that it would have been better to have allowed this measure to stand for another six months, until the government could have submitted these disputed points to the Supreme Court or to the Privy Council in England, and have them finally settled. Convinced as I am of the propriety and statesmanship of that course, I propose to move, seconded by my hon. friend from Montarville (Hon. Mr. de Boucherville), That the Bill be not now read the second time, but that it be read the second time this day six months.

If that were carried, the government could act upon the suggestion made, I will not say exclusively by myself, but which I now repeat, to ascertain precisely the power we possess, and then legislate in accordance with the authority given us by the British North America Act.

Hon. Mr. BEIQUE—Will the hon. gentleman state what question in his opinion should have been submitted to the courts ?

Hon. Sir MACKENZIE BOWELL—I have pointed out a number of differences of opinion. Sir Wilfrid Laurier is contradicted by the leader of the opposition in the lower House, while his opinion is sustained by Mr. Monk and Mr. Bergeron. Then another opinion has been given by Mr. Haultain, and another by Mr. Christopher Robinson, upon different points which have been raised in the debate. I might add that the Minister of Justice has given a very deliberate opinion in the House of Commons, but I venture the assertion that a Philadelphia lawyer after reading it would be unable to understand what it means. I read it two or three times myself, and my blunted intellect was quite incapable of comprehending its meaning. I asked a number of lawyers if they understood it, and they all replied that they did not. My hon. friend is a student of political history and knows the points to which I have referred.

Hon. Sir RICHARD CARTWRIGHT—This is a measure on which, in my judgment, it is most peculiarly appropriate that the Senate of this Dominion, both collectively and individually, should express an opinion. Late as the session is, long as it has been protracted, I for one have no objection whatever to the debate being continued as long as our hon friends see fit to continue it ; for I am well convinced that the longer this question is debated, the more it is brought before the public, the more convinced they will be that the government on this occasion has pursued a just and wise course, and that they are not in the slightest degree liable to the imputation made by my hon. friend that their course to-day is diametrically opposed to their course eight years ago. As I have said, this is a question which it is peculiarly appropriate that the Senate of the Dominion should pass upon. We are here, if we have any function at all in the constitution, for the express purpose of guarding the rights of the smaller provinces. For that purpose the members of the Senate have been given a life tenure, for that purpose the smaller provinces are provided here with a much larger representation in proportion to their numbers than the larger provinces are conceded. It is perfectly clear that while it is abstractly possible, though not probable, that one particular province might dominate in the other chamber, it is inconceivable under any circumstances that any one province should exercise an undue influence in this body. Therefore I say that it is peculiarly appropriate that the measure should be fully discussed in the Senate of the Dominion.

It is not my purpose to follow my hon. friend the leader of the opposition, who I may remark has treated this question with unusual moderation and in an unusually reasonable manner, through the somewhat lengthy dissertation with which he has favoured us, as to events which occurred, I was going to say, prior to the creation, at any rate prior to the creation of this confederation, nor do I desire either to enter at any great length into the legal subtleties which trouble my hon. friend's mind. Some years ago I had occasion to discuss this question of the value of legal opinions with a very eminent English lawyer.. no less a personage than the late Chancellor of England, my lamented friend, Lord

Herschell; and I very well recollect that he was good enough to expound to me and to an interested audience how it was that legal opinions were obtained, even in so good a constitutional country as England. I remember Lord Herschell telling me that on one occasion Lord Palmerston had consulted the late Sir Richard Bethel on a question of great importance affecting principles of international law. Sir Richard Bethel, after due consideration, presented to Lord Palmerston a learned, lengthy, well-reasoned, logical, clear opinion, taking a particular view of the case. Lord Palmerston took the opinion, but expressed to Sir Richard Bethel his regret that he had arrived at that conclusion. Sir Richard expressed his surprise that Lord Palmerston had not told him what conclusion he wished him to arrive at, and remarked that there was a good deal to be said on the other side of the question; and he withdrew his opinion. Forty-eight hours later he presented to Lord Palmerston another opinion, still more learned, still more logical, still clearer, and still better reasoned, in support of Lord Palmerston's view.

Hon. Mr. LANDRY—That is what the government have done in this case.

Hon. Sir RICHARD CARTWRIGHT—I have not the slightest doubt that the government could obtain opinions on any question in any particular direction they desired. That has been my experience and I think it is the experience of most men who have had much to do in the matter of legal opinions.

There is one feature of this whole discussion to which I think the attention of this House and this country may well be called. It is remarkable that the parties who are most directly affected by this legislation are the parties of all others who appear to care least about it. We know that Ontario has been set in a turmoil; we know that Quebec has been agitated more or less on this question; but the Northwest has remained perfectly cool and impassive. Fiery agitators, I admit, have had no trouble whatever in stirring up the angry passions of my friends in Toronto to almost boiling pitch, but the fiery agitators, when they got as far as Edmonton, struck a barrier of perpetually frozen ground so far as this question is concerned at any rate. There has been plenty of time; this matter has been before the country for fully six months; there has been plenty of opportunity for our countrymen in the Northwest, if they thought they were aggrieved, to make their wishes known. I ask, in the judgment of this House and of this country, whether all the advices they have received from the Northwest do not go to show that to-day there is no serious discussion or dispute on this matter. But the other day a member of the government was sent back for re-election to the very heart of the region most concerned, and yet the men who tell us that the Northwest is disturbed and agitated over this question, did not dare to put up a man to oppose him and he was elected by acclamation. I remember perfectly well the state of things in Manitoba when in 1896 it was proposed that the government of the Dominion should coerce that province. There was plenty of agitation then; there was plenty of demonstration then; there was no uncertain sound either from the people or the legislature of Manitoba on that occasion. Now I ask the House what is the natural inference to be drawn from those circumstances. I say the natural inference is this, that there is no substantial grievance, that the people of the Northwest are not in the slightest degree dissatisfied with what the government propose to do in this matter.

I come to the merits of this case. First I shall discuss what I may call the natural equity of the case, then I shall have a word or two to say as to the legal aspect thereof. Again I have to ask the House and to ask the country what right of the majority do we propose to interfere with, what just privilege of the majority do we propose to take away? On the contrary it will be found on examination of this Bill that every legitimate right of the provinces, every legitimate right of the majority in these provinces has been scrupulously guarded and protected. As the hon. gentleman has admitted, as the hon. Secretary of State has declared again and again, the provincial authorities retain the fullest power to decide the qualification of every teacher who teaches in every school, whether separate or public. The provincial authorities retain the fullest authority over the course of study, over the curriculum, over the books

that are to be used, and they retain the right of appointing examiners to see that the various teachers who are employed conform to their regulations. What is the special privilege, the only special privilege, which this Bill proposes to confer. It proposes to confer the permission on those who choose to use it for one-half hour in every day to have those children whose parents desire it instructed in the religious tenets of the religious body to which they belong, and that is not confined, as I understand the Act, to any one particular denomination. The Anglicans, the Methodists, my Baptist friends, may, if they choose, avail themselves of the privilege. The Presbyterians may do it—for aught I know the followers of Buddha, if there are any there, can do it.

Hon. Mr. LANDRY—It is no longer a privilege if everybody has it.

Hon. Sir RICHARD CARTWRIGHT—That is all the Bill does. If my hon. friend is correct that it is not a privilege, it is not a thing which can interfere materially with the rights of the majority. The Catholic minority, or any other minority, could not well ask less, and if there is any party who are likely to suffer from granting of that right or privilege, call it which you will, it is those very men who propose to erect separate schools under the conditions prescribed. Recollect that in erecting a separate school, in most cases the men who for conscience sake choose to do so, put themselves at a certain disadvantage. They will have in most cases, as I have known in Ontario and elsewhere, to pay more in proportion than their neighbours. They will probably have to put up with less efficient teaching, because they will not be able to pay as large a salary in most cases as the teachers in the ordinary public schools enjoy. Under these circumstances, I say the majority have small right to complain, and that the interference with the so-called rights of the majority does not exist except in the imagination of men who wish to make a grievance out of nothing.

Now, hon. gentlemen, I will admit frankly that if we were approaching this question for the first time, if we took this matter up with an absolutely clean slate, if we were bound by no previous engagements, I will admit that it is a fair question of argument, and I do not hesitate to say, that I myself would strongly incline to advise no interference in the matter of education with the new province. But we are in no such position. We are entering this discussion bound, if ever a parliament was bound, by a solemn compact entered into by both the great parties in Canada, without dissent, without dispute, without division, as far back as 1875, when there was no population in those territories worth speaking of. For 40 years, and more, I have been a member of the Canadian parliament. I was present in 1875, although I did not take part in the debate when this question was under discussion. My hon. friend beside me has truly stated—my hon. friend opposite has not denied the fact—that on that occasion, both the leaders of the great parties, so far as in them lay, and their followers, including, I think, my hon. friend himself, raised no objection whatever to those provisions in the Act of 1875, and they formally and solemnly guaranteed to the minorities the rights which we now propose to guarantee to them when these provinces are erected into separate provincial communities.

Hon. Mr. MACDONALD (B.C.)—They had not provincial rights then ?

Hon. Sir RICHARD CARTWRIGHT—Nor have they to-day. They have no provincial rights to-day. That is the fallacy which underlies most of the arguments advanced. to-day. They are spoken of as if they were independent provinces coming into confederation. They are not independent provinces. They are provinces of our creation, as I shall presently show, and the Dominion of Canada have a right to dictate to them, in law at any rate—I do not say it would be expedient to do so—and say on what terms we will admit them to a provincial status. I am myself a strong advocate of provincial rights as they are defined by the Confederation Act, but on this question of provincial rights, I have to say that it does not exist in this case at all at the present moment. I repeat that these provinces have no provincial rights until we create them, and I say there is no legal obligation on the Dominion to take that action. Does any hon. gentleman dispute that position ? If so, I should like to know on what grounds they pretend to do it.

Hon. Mr. LANDRY—The Minister of Justice.

Hon. Sir RICHARD CARTWRIGHT—No, the Minister of Justice did not, if the hon. gentleman will read his opinion, dispute that proposition, nor do I see that any human being can pretend that there is at this moment any province either of Alberta or Saskatchewan.

Hon. Mr. CLORAN—They are not in existence.

Hon. Sir RICHARD CARTWRIGHT—There is none existing to-day, and there will be none existing until such time as the parliament of Canada passes and the Governor General of Canada gives the royal assent to the measures creating them. I repeat here, and I am prepared to repeat anywhere, before the strongest advocates of provincial rights in this Dominion, that it is an utter absurdity to allege that these new provinces stand on all fours with the older provinces of the Dominion. These older provinces had separate and independent existence before the confederation was formed. They could not have been compelled to enter into confederation—at least it would have been in an extreme degree inexpedient for the British government to have passed an Act forcing them into confederation against their will. We certainly would not have compelled them. But in the case of these new provinces, the very land of which they are composed was actually purchased with money belonging to the older provinces of Canada. They have been developed, and are being developed at huge and monstrous cost by the money of the older provinces of Canada. For my part I should like to ask this House, and I would like to ask my hon. friends from those provinces, whether they are of the opinion that the new provinces owe anything to older Canada. I have witnessed the birth and growth of the new provinces during a period of forty years, and I say here, and I challenge contradiction here or elsewhere, that never did older states sacrifice more for the benefit of younger states than the older states of Canada have during the last five and twenty years for the benefit of the younger provinces which they are now creating. I say that the history of North America, not to speak of other countries, has nothing like it to show. The history of the United States will show nothing in the slightest degree resembling such sacrifices made by the federal power for the benefit of new and distant provinces as we can point to during the last five and twenty years. From 1870 to 1896, it is a literal fact, demonstrable from our financial records, that one-third of the entire net income of the people of Canada was devoted to the task of providing for the wants of the new dependencies in the Northwest. We paid for their lands. We paid and are paying a very large sum to-day, for quieting the Indian title. We paid for constructing the road to make their country accessible. We paid heavily to preserve law and order all through the distant territories, and here let me say that two of the brightest features in Canadian history are these : that throughout the whole course of our confederation and before confederation itself, to the honour and credit of the governments of Canada be it said, whether they have been Liberal or Conservative, they have always dealt justly and fairly with the Indian possessors of the soil, and that under very difficult circumstances they have maintained law and order and enforced respect for life and property, from the Yukon to the farthest boundaries of the Pacific or Atlantic Ocean, as it never was enforced on the other side of the boundary line. Let us recall the facts, and I desire simply to recall the absolute facts of the case—if they grate a little on the ears of some of my hon. friends opposite, let them blame the facts and not me. Let us recall the facts ; let us remember how through all that dreary period from 1878 to 1896, while old Canada remained stagnant, while every third male inhabitant of Canada between the years of twenty and forty, as our records and the United States records will show, found a home in the United States, when the growth of our collective population was less than the growth of the oldest country in Europe, when our trade and commerce were practically standing still—during all that period older Canada was pouring out money like water for the benefit of her northwestern territories. It is a coincidence—I will not say the cause, for fear of hurting my hon. friend's feelings—it is a coincidence that all that has changed and changed remarkably since 1896. As I have dwelt a good deal on the sacrifices older Canada made for the North-

west, I have this now to say, that if all that is changed now, if for the last eight or nine years Canada has been advancing by leaps and bounds, if in the last seven years, as I had occasion to show in another place, the material progress of Canada is not only equal to but has surpassed that of any other civilized nation in the world ; if the growth of our population in a single year probably equals the growth of our population in ten former years—if an honest census had been taken—the predominant factor,—the *causa causant*, as I may say—of this progress lay in the unparalleled growth of our northwestern country. Without that it would have been utterly impossible for us to have made the showing we did; but while I grant that, I say also that the residents of the Northwest should not in their turn forget the sacrifices which Canada made on their behalf in the past. As I have said, it appears to me to be utterly absurd to pretend that the condition of these provinces that are to be, which do not exist to-day, can be placed on all fours with the position of the provinces which, having an independent existence, combined to enter into our present federation. Hon. gentlemen will mark that I am not discussing the expediency of restricting these new provinces. The question is of the legal right to impose terms. To my poor mind we have heard quite enough of provincial rights, and it would be just as well that we should pay some regard to the the rights of the Dominion too. I am perfectly willing for my part to raise and stand by the cry of Canada first, but I never have and I do not intend to raise the cry of Ontario first and Canada second, or Quebec first and Canada second, or Nova Scotia first and Canada second, or the Maritime provinces first and Canada second. This is all the more true and all the more fair because these provinces are at the present moment exceedingly well represented both on the floor of this House and on the floor of the House of Commons.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—I say they are well represented and therefore there is not the slightest fear of any material injury or injustice being done to them. It requires no prophet to predict that in all human probability before another decade has passed we shall have fifty members on the floor of parliament from the Northwest country between Lake Superior and the Rocky Mountains, and no leaders of parties would ever intentionally do any injustice to the men who are going to form so large a component part of the body to whom they will be responsible. In this connection I desire to say a word or two as to a certain injustice which, in my opinion, has been done during this contest, not so much perhaps in this Chamber as in other places, and in the press particularly. I am sorry to say that grave injustice to my mind has been done in the press of Ontario to Sir Wilfrid Laurier and to the province of Quebec. I should like to ask these gentlemen who are to-day condemning, as my hon. friend condemns, Sir Wilfrid Laurier for having acted in a manner diametrically opposed to his professions in 1896—I should like to ask him and to ask the country if they have wholly and entirely forgotten 1896 ? What would have happened to Canada had Quebec in 1896 chosen to throw her weight against Manitoba. Have any hon. gentlemen here, have any of those men who are raising these charges against Sir Wilfrid Laurier considered well what the result would have been had Quebec arrayed itself beside my hon. friend, and beside my hon. friend's colleagues—if I can call them colleagues—had Quebec arrayed itself on the side of my hon. friend and his allies or supporters, for the purpose of coercing Manitoba. I have seen two rebellions in the Northwest and I have no desire to see or take part in a third ; and I say that at that particular time had Quebec thrown its weight, as I have said, against Manitoba, the result in all human probability would have been that our confederation would have been rent asunder or at the best that the progress of the Northwest would have been retarded for many years ; and those great results to which I pointed so recently would have been in all probability utterly unattainable by us, at any rate without much greater sacrifice and much greater delay. I doubt exceedingly whether these hon. gentlemen who are to-day denouncing Sir Wilfrid Laurier and by consequence denouncing the province of Quebec, fully understood what passed in 1896. I say that Sir Wilfrid Laurier and the Liberal party in 1896 took their political lives in their hands if any men ever did so ; and though

it is true that when they appealed to the province of Quebec that province responded nobly to that appeal, and though the province of Quebec on that occasion rose superior to race and religious prejudice and refused to be made an instrument for the sake of political advancement or even for the sake of gratifying their own prejudices in coercing their sister province their risk was none the less. Canada owes a great debt to the Liberal party and a great debt to Quebec and to Sir Wilfrid Laurier for the action he took on that occasion. Let us be fair. After all what is it, if they allege, as some of these gentlemen do allege, that Québec is making a demand upon us, what is it that Quebec demands ? What is it that Quebec proposes ? It proposes purely and simply this : that we guarantee to these people in the Northwest the simple privilege that I have mentioned that during one-half hour in each day those who so desire may, at their own proper cost and charges confer religious instruction upon a certain portion of the population. That is a good deal less than Catholic Quebec has guaranteed to the Protestant minority within its borders. It is less and a good deal less than Protestant Ontario has guaranteed to the Catholic minority within its borders.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—And I am free to admit that as far as I can judge it is considerably less than the actual legal obligation incurred by us in the Act that we passed in 1875.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—I ask the House to be fair. I ask them to recognize that those obligations which we ask them to implement are obligations not of our making at the present moment, but they are obligations which were formally entered into by the parliament and people of Canada as far back as 1875 ; and I appeal to the Senate as the body which is by its constitution and by the position it holds, best qualified to pass upon this matter in a judicial and temperate way. I appeal to them to sustain the just, fair and reasonable terms now proposed to be made in this difficult question. While I am disposed to give every reasonable latitude to these provinces and desire to interfere with them as little as we possibly can ; while I repeat that all this argument about provincial rights falls to the ground from the simple fact that they are not provinces at all to-day, that they can only become provinces by the act of this parliament. I maintain that under those circumstances we are amply justified in imposing the very light and trifling restrictions which we propose to place upon them with respect to this particular question, which be it remembered are less than the great provinces of Ontario and Quebec have voluntarily submitted to from the moment they entered into confederation down to the present day.

Hon. Mr. LANDRY—To-day the government presents for our consideration a most important measure. It comes to us fresh from the crucible of the House of Commons. It is the paramount measure of this session.

We have been told so without any circumlocution, and in presenting to the House of Commons this child of his predilection, proud of his handiwork, self-satisfied in the thought that the new provinces would owe to him their political existence, it was the Prime Minister who used these words: 'We are at the door of the 20th century. It is Canada's century. Such shall history style it. On the very threshold of this century, which shall be ours, I present this Act of legislation that will create two new provinces, and will give them their own autonomy.'

Alas ! the Bill which the Prime Minister introduced in the House of Commons, on the 21st February last, has failed to justify the promises made by its author. Mutilated by the hand of the Prime Minister himself, it is now no longer that apparently equitable measure that was to do full justice to the minority; henceforth it becomes a law, spoliatory in character, which strips and robs our fellow-countrymen and co-religionists of their rights.

Before the country and before history I here accuse the government of having deliberately, coldly, calculatingly given way and sacrificed the rights of the minority; given way before the menace of fanaticism, made sacrifice to an interest that had to be counted with.

No; the Bill that comes before us to-day, and that we are asked to accept, is not the one that, on the 21st February last made its

triumphal appearance in the House of Commons and for which, with a speech that made a certan reverberation, the Prime Minister received from the large majority of the people's representatives both enthusiastic support and significant applause.

Deep piercing modifications and cruel mutilations have changed the nature and altered the purport of that Bill.

No longer is it the generous wine that strengthens, rather has it become the subtle poison that permeates the organism, that penetrates its every fibre and that kills it unmercifully.

The Bill presented to the House on the 21st February, by the Prime Minister, contained a vivifying principle.

The Bill that comes to us from the House of Commons, amended as it is by the Prime Minister himself, contains the germs of dissolution.

Might we not well apply here the line of the French poet:

'De tout Laurier, un poison est l'essence,'

and paraphrase the same in the words of an English bard;

'Death lurks beneath the laurel wreath?'

In order to demonstrate the essential difference that exists between the Bill as it was presented for a first reading in the House of Commons and as it is to-day after having been altered by its own author, allow me to draw your attention to the educational clause, and to compare that clause 16 of the original Bill with the clause 17 of the Bill now before us.

That simple comparison will afford you the entire story of the humiliating retreat which the government has beaten and will set forth, in all its extent the disastrous sacrifice that we are asked to condone.

Firstly, we will take clause 17—16 as it appeared in the original Bill. It runs thus:—

16. The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force, the territory comprised therein were already a province, the expression 'the Union' in the said section being taken to mean the said date.

2. Subject to the provisions of the said section 93, and in continuance of the principles heretofore sanctioned under the Northwest Territories Act, it is enacted that the legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein always be provided (*a*) that a majority of the ratepayers of any district or portion of the said province or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (*b*) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and make the necessary assessment and collection of rates therefor, and (*c*) that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.

3. In the appropriation of public moneys by the legislature in aid of education, and in the distribution of any moneys paid to the government of the said province arising from the school fund established by the Dominion Lands Act, there shall be no discrimination between the public schools and the separate schools, and such moneys shall be applied to the support of public and separate schools in equitable shares or proportion.

The better to grasp the true significance of this clause 16 of the original Bill, let me remark that the second subsection is merely the word-for-word reproduction of clause 11 of the Northwest Territories Act, 1875, as it is in force to-day and as we find it in chapter 50 of the Revised Statutes of Canada, clause 14.

The federal law that to-day governs the Northwest Territories, is the supreme authority for the moment at least. So long as the Territories have not obtained their autonomy, the authority that defines the rights and obligations of those far-off religions, their real though temporary charter is the Northwest Territories Act, 1875; and concerning the matter of schools this is what that Act says:

The Lieutenant Governor in Council shall pass all necessary ordinances in respect to education, but it shall therein always be provided that a majority of the ratepayers of any district or portion of the Territories, or of any less portion of subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof.

The Bill, as it was introduced, and the Act of 1875, which it reproduces, therefore accorded the Territories the right to legislate on matters educational, but with this very significant restriction, that all territorial legislation, in order to conform to the law should always ordain that in each school district:

1. The majority could establish therein whatever schools they think fit—neutral or denominational, English or French.

2. The minority, whether Catholic or Protestant, could establish therein separate schools, denominational or neutral, French or English.

3. The maintenance of the separate schools must be at the expense of the minority alone, which thenceforth, shall not be called upon to contribute to the support of the schools of the majority.

4. That the division of the public moneys voted by the legislature for the support of the schools, as well as the division of the moneys taken from the fund created by the sale of lands reserved for the purpose of education, must be equally and proportionately made between the schools for the majority and those of the minority.

The Bill, as introduced, consequently demanded that :

(a) The majority have schools according to choice.

(b) The minority have separate schools.

(c) And both have proportionate shares in the moneys intended for educational purposes.

Before going any further, I desire, in a special manner, to draw the attention of this House to the nature and extent of the rights created by the provisionary Northwest Territories Act, 1875, as to matters of education, and which the Bill, as introduced by the Prime Minister, intended to perpetuate.

The majority in each school district, according to that law of 1875, which still is in force and will so remain until repealed, has a right to demand whatever kind of schools it selects.

Let us suppose a school district the majority in which is Catholic and French—for there are districts of this category—such majority, according to the terms of the present law may select to have confessional and French schools, the schools they think fit, says the law.

In accordance with the provisions of the Northwest Territories Act and within the limitations defined for them, the Lieutenant Governor, in the first place, and the legislative assembly of the Territories afterwards, from time to time issued ordinances that gave to the majorities and minorities precisely the schools to which they were entitled.

As a sample of those constitutional ordinances established in good faith and in conformity with the law allow me to cite for you the ordinances of 1884 and 1885.

Passed on the 6th August, 1884, the ordinances No. 5, of 1884, created a council of public instruction composed of twelve members, of whom six were to be Catholics and six Protestants (clause 1.)

That council was divided into two sections—one Protestant the other Catholic—and the duty of each was :

1. To have under its control and direction the schools of its denomination and to pass any regulations that it might deem useful for the government and discipline of such schools as well as the enforcing of the provisions of the ordinances ;

2. To see to the examination and classification of the teachers, the granting of their licenses, the accepting of outside certificates and the annulling—for sufficient cause—of all licenses;

3. To select the books to be used in the schools ; all books concerning morals and religious instruction—in as far as the Catholic section was concerned—to be submitted for the approval of the competent religious authority ;

4. To approve of the plans submitted for the erection of school-houses;

5. To appoint inspectors who remain in office during the pleasure of the section that appointed them (clause 5.)

In no case could a Catholic be obliged to pay taxes for the support of Protestant schools (clause 131.)

All schools received their proportionate shares of the general fund of revenue in the Territories according to the average attendance of pupils in each school (clause 91).

By an amendment adopted the following year (clause 78 of ordinances No. 31, of 1885) separate schools were left perfectly free to have their own religious instruction.

Do you wish to be fully convinced of the scope of the rights accorded to the minority by the federal laws of 1875 and by those first territorial ordinances and what were their immediate and legitimate application ? Listen, then, to what the ex-Minister of the Interior, Hon. Mr. Sifton, declared in the House of Commons on the 24th March last. I quote verbatim :

What followed the passage of this law? There was established in the Northwest Terri-

tories a complete dual system of schools; a system of schools under which the denomination regulated the text-books and the conduct of the schools, and by which everything that appertained to the Roman Catholic schools was directly under the control of a Roman Catholic board of education. We had in the Northwest Territories at that time, under that Act, to all intents and purposes, what are generally known as church schools or clerically controlled schools. That was the system that was built up under this Act of 1875. It went on for some time. It was exactly the same system—I do not know as to the efficiency, for I am not familiar with that—but in principle it was the same system we had in Manitoba up to the year 1890, when it was abolished by the Public School Act of that year.

This testimony of the ex-Minister of the Interior is most conclusive. It is moreover corroborated by that of Mr. Forget, at present Lieutenant Governor of those Territories, and at that time a member of the Catholic Board of Public Instruction. Mr. Forget says :

Until the date of the ordinance of 1892 we had never been denied the right to administer our schools, to regulate the programme of studies, to choose the text-books, to control the religious instruction and to authorize the use of the French language whenever thought convenient. These rights were exercised by the Catholic section of the board of education, and strictly speaking they were sufficient to preserve to our schools their distinctive character of Catholic schools.

The law of 1875, which is still in force, gave consequently to the majority schools of its own choice and to the minority separate schools.

The first ordinances of the Northwest respected those rights of the majority and the minority, by keeping within the limits traced out by the law itself. And the separate schools that were then granted to the people of the Northwest were really separate schools in the full acceptation of the term.

What then, after all, is a separate school and wherefore does it exist ? Let the leader of the government speak. He it was who in introducing the Bill on the 21st February last, said :

Before I proceed further, before I pass the threshold of this question, I put at once this inquiry to the House: What are separate schools? What is the meaning of the term? Whence does it come, what was its origin and what was its object? Perhaps somebody will say: What is the use of discussing such a question ? The term separate schools ought to be familiar to every one. Sir, if any one were to make such an observation and to interpose such an objection, I would tell him that never was objection taken with less ground. Mankind is ever the same. New problems and new complications will always arise, but new problems and complications, when they do arise, always revolve within the same well beaten circle of man's passions, man's prejudices and man's selfishness. History therefore should be a safe guide, and it is generally by appealing to the past, by investigating the problems with which our fathers had to deal, that we may find the solutions of the complications that face us. If we look back to the history of our own country, if we find what is the origin of the separate schools, perhaps history may be the pillar of cloud by day and the pillar of fire by night to show us the way and give us the light.

After relating in full the history of the separate schools in the olden days of the Upper and Lower Canadian legislature, the Right Hon. Sir Wilfrid Laurier thus continued :

I need not say that the Christian religion is not only a religion founded on moral laws, prescribing moral duties, but it is also a religion of dogmas. Dogmas from the earliest times have occupied just as strong and commanding a position in the faith of all Christians as morals themselves. The reformation created a cleavage between Christians. The old section remained Roman Catholics; the new called themselves Protestants. Between the Roman Catholics and Protestants there is a deep divergence of dogmas. Between the various Protestant denominations there are but small differences in dogmas; the differences are more matters of discipline than of dogma. Therefore, the old legislature of Canada, finding a population of Catholics and different denominations of Protestants all mixed together, finding only one cause of cleavage between them in Christian faith, that is dogmas, allowed religious teaching to be had in all the schools of our country, so that every man could give to his own child the religious tenets which he held sometimes dearer than life. That is the whole meaning of separate schools.

The hon. the Prime Minister was not the only one to define the separate school as it should be.

In a petition presented to the government in 1894, and signed by thirty-one archbishops and bishops of Canada, we read :

Catholics believe in the necessity of religious instruction in the schools. This conviction imposes upon them conscientious obligations, and these obligations give them rights of which they cannot be deprived. They cannot be satisfied by the saying: Others do not believe as you do, therefore you must change your convictions ; others are satisfied and even wish that their children should be brought up and educated in such a way, therefore, you Catholics you cannot stand aside, or if you do, do so at your own expense. Such an argument is neither fair nor just.

The undersigned, pastors of souls, are at one with their flocks in insisting on the rights they claim, and they are fully determined to preserve them in their integrity. There is in this a question of justice, of natural equity, of prudence and of social economy, closely connected with the fundamental interests of the country.

The Catholics being under the obligation of educating their children according to their faith and religous principles they profess, have, in our free country, the right of establishing their separate schools, and that right they must be allowed to exercise without being forced to the burden of double school taxes.

For his part, the immortal Leo XIII., that Sovereign Pontiff whose glorious reign hath shed such lustre upon the Catholic Church, when, one day, addressing in a special manner, the church in Canada, traced clearly—in his Encyclical Affari vos—the pathway to be followed, when with authoritative pronouncement, he defined the nature of the education that parents must, in conscience, procure for their children. Here is that doctrine conveyed in a manner that cannot be misunderstood :

Justice and reason then demand that the school shall supply our scholars not only with a scientific system of instruction but also a body of moral teaching which, as we have said, is in harmony with the principles of their religion, without which, far from being of use, education can be nothing but harmful. From this comes the necessity of having Catholic masters and reading books and text-books approved by the bishops, of being free to regulate the school in a manner which shall be in full accord with the profession of the Catholic faith as well as with all the duties which flow from it. Furthermore, it is the inherent right of a father's position to see in what institution his children shall be educated, and what masters shall teach them moral precepts. When, therefore, Catholics demand, as it is their duty to demand and work, that the teaching given by school masters shall be in harmony with the religion of their children, they are contending justly. And nothing could be more unjust than to compel them to choose an alternative, or to allow their children to grow up in ignorance or to throw them amid an environment which constitutes a manifest danger for the supreme interests of their souls. These principles of judgment and action which are based upon truth and justice, and which form the safeguards of public as well as private interests, it is unlawful to call in question or in any way to abandon. And so, when the new legislation came to strike Catholic education in the province of Manitoba, it was your duty, venerable brethren, publicly to protest against injustice and the blow that had been dealt; and the way in which you fulfilled this duty has furnished a striking proof of your individual vigilance and of your true episcopal zeal. Although upon this point each of you finds sufficient approbation in the witness of his own conscience, know nevertheless that we also join with it our assent and approval. For the things that you have sought and still seek to preserve and defend are most holy.

This extract from the Encyclical addressed by Leo XIII., directly to the Canadian hierarchy sheds a bright light upon the question that at present occupies our attention and brings out in grand relief the obligation imposed on the Catholic to control the teaching to be given in the school.

When the Manitoba school question was decided by the highest tribunal of the British empire in the upper judicial sphere in England this matter was perfectly well understood. Over there, far better than here did they comprehend what a Catholic school should be, when that court—composed entirely of Protestants—set forth, in the very differences between confessional and neutral schools, the true character of the Catholic separate school.

They understood it to be the intention of the legislatures, in granting separate schools to accord something tangible and appreciable to the minority.

Allow me to cite for you the following remarkable passage in the judgment rendered by the Judicial Committee of the Privy Council, in the case of the Manitoba schools:

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 Catholic schools. What is the position of the Roman Catholic minority under the Act 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 the 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 the 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.

And further on the judges of the Privy Council added the following important words, to which, hon. gentlemen, I cannot too strongly claim your attention, conclusive as they are in regard to the position I maintain :

As a matter of fact, the objection of Roman Catholics to schools such as alone receive state aid under the Act of 1890, is conscientious and deeply rooted. If this had not been so, if there had been a system of public education accept-

able to Catholics and Protestants alike, the elaborate enactments which have been the subject of so much controversy and consideration would have been unnecessary. It is notorious that there were acute differences of opinion between Catholics and Protestants on the education question prior to 1870. This is recognized and is emphasized in almost every line of those enactments. There is no doubt either what the points of differences were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

The quotation may be a little lengthy, but is it not conclusive ? It applies, if you will to the Manitoba question ; but a separate school is still a separate school, be it situated on the banks of the Red river or on the banks of the Saskatchewan.

And such separate school, be it where it may, must ever remain distinct from the common school by the character of its teaching, the selection of its books, and the distinctive authority that controls and directs it.

Such the opinion of the highest tribunal of the empire ; such the opinion of the leader of the government, such the opinion of the church to which every Catholic in the country adheres.

And now, is not the following question timely? Have the Catholics of this country in general and of the Northwest Territories in particular a right to denominational schools ?

Let the law and the treaties make reply.

The circumstances under which the present confederation took the place of the former union of Upper and Lower Canada and the special conditions that brought about its inception are all well known. The union of the two Canadas could no longer survive the countless differences that daily tore it and that made a successful administration of the affairs of these two old provinces thenceforth impossible. Necessity demanded the discovery of some other political system whereby each one of the provinces might be allowed to settle for itself, according to its own will and for its own immediate benefit those thousand and one questions of special interest, the solution of which, for over twenty years, had been left to an administration that repeated political crisises had weakened and spasmodic political convulsions were killing.

A confederation, with a federal parliament where great questions of general interest would be discussed, and with local legislatures wherein the more domestic problems of special interest to the different provinces would be regulated, was proposed. And that confederation was accepted.

The provinces that, then, decided to form part of that confederation only consented to become members thereof after protracted deliberations in which some of the most distinguished men of Upper and Lower Canadas, of Nova Scotia and New Brunswick had taken part. It was they who discussed the project of confederation and who settled, by common agreement, the basis on which the new political structure was to be raised. We had a written agreement, sanctioned by England, and to which the imperial power gave a legal existence by means of an enactment—an enactment that we cannot touch, that is the ark of our liberty, wherein our most sacred interests have been deposited, safe from all attack, from the breath of hatred, the turmoil of racial and religious contentions, under the protecting folds of the British flag.

What, then, is this Canadian confederation and what is its grand characteristic ?

It is the assemblage of all the heterogeneous elements, of divers races, different creeds varied tastes, aspirations and tendencies ; who under one sky, from the fringes of the Atlantic to the mirror expanse of the Pacific, live beneath one flag, in a union of hearts and minds, and growing up with a common desire to raise their common country to the rank of a nation respected abroad and prosperous at home.

The Canadian confederation is a union of diversities, and those very diversities render still more admirable the union that blends them together.

But if that union of divers elements has constituted a confederation we may say, without giving umbrage, that their harmonizing will be the source of the country's greatness and prosperity .

It was in order to secure that harmony that, from the outset, the fathers of confederation established a division of powers between the federal parliament, on the one hand, and the provincial legislatures, on the other.

The British North America Act consecrates that division and enumerates the powers that belong to the federal parliament and those conferred on the legislatures.

There is also another principle which equally consecrates—and with like force—our constituting enactment.

It is the preservation to the minority—in each of the provinces—in matters educational—of all the privileges and of all the rights which that minority might have acquired before the entry of such province into the confederation. And it is in this way that the rights to denominational schools were for ever secured in the provinces where they were then found in existence.

The British North America Act says so:

> 93. In and for each province the legislature 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 province at the union.

The question as to whether Catholics in general have a right to denominational schools is answered by our charter, the imperial enactment, in these words: 'Yes, at all events in the provinces where such schools exist according to law, at the time of their entry into the confederation.'

And this accords with the consecrated principle of the preservation of a right already acquired.

If we apply this general principle to the Territories that come into the confederation, without having had any prior provincial existence and without having had consequently any opportunity as provinces to legislate on educational matters, we are led infallibly to the same conclusion.

This is easy of demonstration.

The Territories are under the immediate control and government of the federal power.

The only laws that govern them are federal laws. The ordinances after all are merely regulations authorized by the federal law, repealable at will, annullable at any time.

Not being provinces, no provincial laws could they have, nor could the Territories acquire such rights as provinces create for themselves.

Yet those Territories are none the less subject to laws, and if those federal laws, the only laws possible in the case, give to a particular class of people, in these Territories, denominational schools, the same principle of the preservation of acquired rights which applies to provinces on their entry into the confederation, applies equally and with the same force to those same Territories when they, in turn, enter the confederation.

Now, as a matter of fact, the Northwest Territories are subject to that legislation of 1875, passed by this parliament and which, fully thirty years ago, accorded them separate and denominational schools.

That law has never been repealed.

It still exists, and in as far as concerns separate and denominational schools, it exists, just as it was passed in 1875, without ever having undergone any modification.

Therefore the Territories come into confederation with rights and privileges recognized and given by law.

The Catholics of the Northwest, therefore, as the Catholics in all provinces, wherein separate and denominational schools exist, have an inalienable right to their denominational and separate schools.

In no other sense can the British North America Act be interpreted.

It was so interpreted in 1875 by the late George Brown when he said (I quote from Sir Wilfrid Laurier's speech):

> I repeat again that Mr. Brown, on the floor of the Senate, did not want this clause providing for separate schools to be introduced in the Act. He stated that it would be a mistake to introduce separate schools, he said that he was opposed to separate schools, but he said that if at any time separate schools were introduced they came under the Act of Union, and they were there for all time.

In 1891 the same conclusion was arrived at by Colonel O'Brien and the late Dalton McCarthy during the discussion that then took place in the House of Commons on a proposition to amend the Northwest Territories Act.

Speaking of the separate schools, Colonel O'Brien said:

> The subject, of course, is one that is comparatively new, for all our dealings with the Northwest Territories have been so far tentative, and experimental rather than absolute. We are now, however, going a step further. We are now giving to this assembly powers which it has not hitherto possessed; and there is one thing which may be taken for granted, that with the acquisition of the new powers given under this Act, the people of these territories will inquire why they should be restricted in this great and important particular. It is because I think such is the case, and be-

cause I do not wish on a future occasion, when this subject comes again before the House for further legislation, that those who think as I do on this system of education should be met with the objection that so many years ago this system was established by law and that, therefore, a vested right is created which the legislature should not now interfere with. Why, Sir, it would be almost fair to argue that this would come within the provisions of the British North America Act. If not in reality it would by analogy, because the British North America Act secured to the provinces which came into confederation whatever rights were enjoyed by the supporters of separate schools at the time of confederation, and if we create new provinces out of these territories it may be fairly argued that the analogy of the British North America Act will apply, and that in creating new provinces and bringing them into confederation there will be something like the same rights guaranteed to the provinces having separate schools before coming in under the British North America Act.

And last but not least, the present Minister of Justice after a most careful study of the whole subject and with the full knowledge of the grave responsibility assumed by him in giving a legal opinion on that question of the rights of the minority, did affirm to the House of Commons, in the most solemn way, on the 10th of May last, that in the absence of any special enactment on matters educational, clause 93 of the British North America Act would certainly apply automatically, and such application would bring in and protect all the rights and privileges set forth by the Northwest Territories Act.

Here are the words spoken by the Minister of Justice :

Mr. FITZPATRICK. It will be my duty, when the amendment is moved, to explain the differences which exist between the amended clause and clause 16 in the original Bill. In the meantime I might point out my views of the constitutional question because in my judgment this is to a very large extent a constitutional question and has to be considered from that standpoint. Section 2 would bring into effect section 93 of the British North America Act. if section 16 were not in this Bill at all. If section 16 were omitted, section 93 of the British North America Act would be applicable; but then we would meet this difficulty, a doubt arises as to whether section 93 can be considered as applicable to the Northwest Territories in view of the fact that in the first provision of that section the words used are 'the rights and privileges in force in the province at the union.' Technically while these Territories may have practically all the legislative powers of a province, they are not a province; now within the meaning of section 93 of the British North America Act, and it was to avoid the difficulty that I substituted in section 16 in the first paragraph the word 'territory' for 'province.' Then the other difficulty that would have arisen is what is meant by the words 'at the date of the union.' In my opinion there can be no doubt that the date of the union is the date at which the Territories came into the Dominion as a province and not the date at which these Indian territories were brought into the Dominion as territories. It was to make that point clear also that I amended the first clause in the way I did.

Mr. R. L. BORDEN. Does my hon friend regard section 16 as exercising upon section 2 the restrictive effect which hon. gentlemen on the other side have contended it does ?

Mr. FITZPATRICK. My argument now is that section 16, read in the light of these words in section 2, 'except in so far as varied by this Act'—is to be substituted for section 93; and section 93 is not applicable to the new province at all, because that section is varied by section 16.

Mr. R. L. BORDEN. I understand that perfectly whether we agree with it or not. But assuming that there was no doubt about the effect of section 2, assuming that there was not that doubt which the hon. gentleman now explained, would it bring into effect the Act of 1875 ?

Mr. FITZPATRICK. It would bring into effect section 93 of the British North America Act which would include the Act of 1875.

Mr. R. L. BORDEN. That is just it, I was taking the short line. Section 93 would have the effect of perpetuating the Act of 1875, in so far as it embodies what we call the restrictive principle. Does the hon. minister regard section 16 (which is substituted for section 2), in its amended form or in its original form as having the same effect ?

Mr. FITZPATRICK. In my judgment section 93 as amended would bring in all the rights and privileges which exists in favour of denominational schools in the Territories at the present time or at the 1st of July coming. Those rights and privileges would include all those rights which are covered by section 11 of the Act of 1875 and any subsequent legislation up to the present time, and, in my opinion—and I must say I have given this matter most careful consideration, and it is my settled opinion —it would cover all the privileges conferred by the Act of 1875, notwithstanding the provision of any ordinances that may have been passed by virtue of that Act.

Mr. R. L. BORDEN. Exactly my own view.

Before the present Minister of Justice, whose legal authority nobody can dispute, had given his opinion which I have just cited, another Minister of Justice, who has left the widest reputation of a first class jurist, the late Sir John Thompson, reporting one day on the character of the school ordinances of the Northwest legislature, said :

The ordinance respecting schools does not contain the provisions that the statute requires it to contain, but merely contains the provision that the minority may establish a separate school in an organized public school district, thus placing the minority at the mercy of the majority, and only giving the minority the right to establish a separate school, if the majority think proper to organize a public

school. It is necessary to point out that the provisions of the Northwest Territories Act, before cited, cannot be abridged by the ordinance and must be considered as still in force, notwithstanding the restrictive terms of the ordinance. In so far as it is attempted by the ordinance to declare the meaning of the Northwest Territories Act, the ordinance fails of that purpose, and is objectionable as being an interpretation by an inferior legislative body of the Acts of its superior.

But this is not all.

There are sacred obligations that no country can ignore without compromising its honour.

We are to-day, face to face with one of those solemn engagements which, with a full comprehension of its circumstances, our country has contracted and which it cannot, without injury to its reputation, ignore.

After having purchased from the powerful Hudson's Bay Company the rights and privileges that the latter held in those vast regions known as Rupert's Land, and the Northwest Territories, when Canada wished to take possession of its new domain and exercise its authority over the same, an insurrection broke out and the people flew to arms.

But in this, let the one who was most intimately connected with those stirring events, and who was commissioned by the Crown to re-establish peace in that new land, speak.

An official document laid before the House of Commons on the 17th June, 1891 (No. 51 of the session of 1891), gives us the authentic story of the negotiations between the government of Canada and the delegates chosen by the people of the Northwest. In a letter written by Monseigneur Taché, and addressed to the Governor General, we read:

> Previous to the transfer of the Northwest Territories to the Dominion of Canada, there prevailed a great uneasiness amongst the inhabitants of the said Territories, with regard to the consequences of the transfer. The Catholic population especially, mostly of French origin, thought they had reason to foresee grievances on account of their language and their religion, if there were no special guarantee given as to what they considered their rights and privileges. Their apprehensions gave rise to such an excitement that they resorted to arms; not through a want of loyalty to the Crown, but only through mere distrust towards Canadian authorities, which were considered as trespassing in the country, previous to their acquisition of the same. Misguided men joined together to prevent the entry of the would-be Lieutenant Governor.

The news of such an outburst was received with surprise and regret both in England and Canada.

All this took place in the autumn of 1870.

I was in Rome at the time, and at the request of the Canadian authorities I left the Œcumenical Council to come and help in the pacification of the country. On my way home, I spent a few days in Ottawa. I had the honour of several interviews with Sir John Young, then Governor General, and with his ministers. I was repeatedly assured that the rights of the people of Red river would be fully guarded under the new regime; that both imperial and federal authorities would never permit the newcomers in the country to encroach on the liberties of the old settlers; that on the banks of the Red river, as well as on the banks of the St. Lawrence, the people would be at liberty to use their mother tongue to practice their religion and have their children brought up according to their views.

On the day of my departure from Ottawa His Excellency handed me a letter, a copy of which I attach to this, appendix A, and in which are repeated some of the assurances given verbally. 'The people,' says the letter, 'may rely that respect and attention will be extended to the different religious persuasions.'

The Governor General, after mentioning the desire of Lord Granville 'to avail of my assistance from the outset,' gave me a telegram he had received from the Most Honourable the Secretary of the Colonies, which I attach to this as Appendix B, and in which His Lordship expressed the desire that the Governor General would take 'every care to explain where there is a misunderstanding, and to ascertain the wants and conciliate the good-will of all the settlers of the Red river.'

I was, moreover, furnished with a copy of the proclamation issued by His Excellency on the 6th of December, 1869, which I attach to this as Appendix C. In this proclamation we read: 'Her Majesty commands me to state to you that she will be always ready, through me as her representative, to redress all well-founded grievances, and any complaints that may be made, or desires that may be expressed to me as Governor General.

'By Her Majesty's authority I do therefore assure you that on your union with Canada, all your civil and religious rights and privileges will be respected.'

A delegation from Red river had been proposed as a good means of giving and receiving explanations conducive to the pacification of the country. The desirablity of this step was urged upon me as of the greatest importance, and the premier of Canada, in a letter I attach to this as Appendix D, wrote to me: 'In case a delegation is appointed to proceed to Ottawa, you can assure them that they will be kindly received and their suggestions fully considered. Their expenses coming here and returning and while staying in Ottawa will be defrayed by us.'

I left after having received the above mentioned instructions, and reached St. Boniface on March 9, 1870.

I communicated to the dissatisfied the assurances I had received, showing them the documents above cited. This largely contributed to dispel fears and to restore confidence. The delegation which had been delayed was definitely decided upon. The delegates appointed several weeks before, received their commis-

sion afresh. They proceeded to Ottawa, opened negotiations with the federal authorities, and with such result that on May 3, 1870, Sir John Young telegraphed to Lord Granville : Negotiations with delegates closed satisfactorily.

The negotiations provided that the denominational or separate schools would be guaranteed to the minority of the new province of Manitoba. The French language received such recognition that it was decided it would be used officially both in Parliament and in the courts of Manitoba.

The Manitoba Act was then passed by the House of Commons and Senate of Canada, and sanctioned by the Governor General.

I may add that since these pages were written, the highest judicial tribunal of England, in a celebrated judgment, recognized in that legislation the character of a solemn pledge when it said :

There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read.

The interpretation given by the Privy Council to the Manitoba Act, does not merely apply to that province alone, for the good reason that the agreement (pacte) in question was not entered into with the inhabitants of Manitoba only—Manitoba did not exist when that agreement was made—but with all the inhabitants of Rupert's Land, and of the Northwest Territories. This is made clear and indisputable by the letters from the Governor General and the Prime Minister of Canada to Monsigneur Taché, of the 16th February, 1870, by the proclamation of the Governor General under date the 6th December previous, by the Bill of Rights and by the preamble of the Manitoba Act of 1870 (33 Vic., chap. 3.)

I feel that I have proven that in the Northwest, the minority has an undeniable right to separate schools, and that our co-religionists have a right to lay claim to the privilege of enjoying their denominational schools.

Does the measure now submitted to us recognize that right and respect those privileges ?

You have but to read the new educational clause, that which the government has substituted for the original one, and which imparts a totally different aspect to the present measure. It reads thus :

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

' (1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.'

(2.) In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(3.) Where the expression ' by law ' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression ' at the union,' is employed in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

The first clause 16, which is replaced by the present clause 17, reproduced the federal enactment of 1875, and took it as the basis of those rights and privileges that should be perpetuated for the benefit of the Catholics of the Northwest. The present clause breaks completely away from the federal law to cling to the school ordinances of 1901.

It is those ordinances that must determine the nature and the scope of the rights at present enjoyed by the Catholics in the Northwest Territories and the Bill which we are asked to pass preserves nothing more than what is accorded by the ordinances.

The question, therefore, to be solved, is this : What are the rights and privileges that the ordinances of 1901 recognize as belonging to our fellow-countrymen and co-religionists in the Northwest ?

Here is all they give the Catholics :

1st. Two out of the five members who constitute the Council of Public Instruction, which is a purely consulting board that can do absolutely nothing of itself and the sole functions of which are to advise the commissioner on certain subjects—an advice which the minister is in no way bound to follow (chap. 29, clause 8).

2nd. The right of the minority to apply to the system of so-called separate schools—which are not separate schools in reality—the school taxes imposed upon them and the exemption of the minority from taxation for the benefit of the schools of the majority (chap. 29, clause 41).

3rd. The right accorded the school commissioners to allow, if they think well, a primary instruction in French—after three o'clock in the afternoon, according to the regulations (chap. 29, clause 136).

4th. The right to impart religious instruction for half an hour, after class, from half-past three until four o'clock in the afternoon.

This is all that the ordinances of 1901 give. It is the crumbs that the stingy hand of an intolerant majority casts grudgingly to those whom it seeks to starve out, it is the miserable and humiliating pittance that the narrow-minded conquerors fling to an abandoned population. Once again force crushes right, and if we are the disgusted witnesses of the injustices that it engenders and the persecutions to which it gives birth, our sorrow and our shame are in no way lessened by the sad spectacle afforded us, in the very midst of people whom those incapable defenders of a cause they abuse, should protect, and in the midst of a parliament that should be the born guardian of the rights of minorities, by those scared and distracted men for whom the tranquil enjoyment of power constitutes their supreme rule of action.

On the one side they declare themselves satisfied with the present condition of affairs, and instead of raising indignant protests and proudly asserting their rights, they cringe in a criminal inactivity and, under I know not what false pretext, they refuse to defend the rights of their own people—national and religious rights—and to the astonishment of the true friends of liberty they ground arms and lay down their baggage in the enemy's camp. All of which is but black treason.

On the other hand, those whose mission it is and whose duty likewise to respect in parliament the solemn treaties entered into between the Dominion and the people of the Northwest, and to give the minority the full measure of its rights, having before their eyes the example of so cowardly a desertion, make answer to-day by pointing to those eleventh hour deserters who proclaim their inexplicable satisfaction and who now fight in the front ranks of their powerful phalanx.

And yet we all know that 'one swallow does not make a summer,' and that that lost and isolated voice which cries out to us in the desert, is not for us, French Canadians and Catholics, a voice calculated to rally the combatants of a noble cause. Satisfaction with humiliation is worth nothing to us, and we to-day raise our voices in protest both against the brigand law that is sought to be imposed on our brethren of that region and against those who are willing to accept a stone in place of the bread that is due them.

And truly it is only a stone that is offered our fellow-countrymen by the Bill that is now submitted for the approval of this House.

It is based on the ordinances of 1901.

We know what those ordinances give the minority, and under that heading the present Bill is one of spoliation, even as were the ordinances which it confirms.

The spoliation is still greater. The present Bill so amends the British North America Act as to restrict the rights, powers and privileges which that Act accords to a certain class of persons in all the other provinces of the Dominion.

That which is granted to that minority of all the provinces in general is refused in this case, to the minority of the two provinces which we are now organizing.

The demonstration of this will be brief but positive.

Clause 93 of the British North America Act reads thus :

> 93. In and for each province the legislature 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 province at the union.

In virture of this clause, a province which comes into the confederation with an established system of denominational schools, recognized by its own laws, has the undeniable right to preserve that system and any enactment that might subsequently prejudice in any way whatsoever that right must be unconstitutional and worthless.

So much for the general law affecting the provinces.

Why then did the leader of the government deem it well, in this instance, to depart therefrom by imposing a totally different law upon the new provinces ? That

exceptional enactment is by the new clause 17 proposed by Sir Wilfrid Laurier formally consecrated. Here is the first paragraph of that new clause :

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

'(1) Nothing in any such law shall prejudicially affect any right of privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.'

This amendment upsets the entire spirit of clause 93 of the British North America Act, when it substitutes in the first paragraph of the imperial enactment the words separate schools for the words denominational schools, restricting it thereby to those separate schools only that conform to the ordinances of 1901, a protection which heretofore guaranteed the existence of the denominational schools that the law recognized.

In order to understand the nature of this exceptional legislation which is sought to be imposed on the new provinces and to seize the full scope of the crying injustice which is to be perpetrated upon the Catholic and the French minority of the Northwest, we need but ask ourselves the meaning of a denominational school and that of a neutral school and they to make evident the vast difference that exists between the two.

In regard to the instruction given therein the denominational school exists when that instruction is impregnated with the religious spirit of the denominaton to which it belongs. Thus we have Catholic, Anglican, Methodist, Presbyterian, &c., schools, according as the teaching therein is impregnated with a Catholic, Anglican, Methodist or Presbyterian spirit. If the instruction given in a school is entirely divorced from all religious influence, if that instruction can be indiscriminately given to all the pupils frequenting the school, be their differences of religious belief what it may, if that instruction, from its very nature, cannot grate upon any religious belief, that school is a neutral one, in contradiction to the denominational school.

And again, a very different thing is the separate school.

Its name tells what it is: A school detached from an already existing school, a school separated from the ordinary school of the district in which it is established ; it is the school of a minority that will not or cannot accept the instruction given to the majority.

The separate school is that which faces the public school.

It need not necessarily be a denominational school.

For example, in a school district where the Catholic majority has a Catholic public school, consequently a denominational one, the school of the Protestant minority becomes a separate school which might perfectly well be, and very likely would be, a neutral school.

This is a fact that none will dispute and which the school system of the province of Quebec, moreover, most clearly illustrates. For its part, the law confirms the doctrine that I propound when, in clause 93 of the British North America Act, it mentions the powers, rights and privileges of the dissentient schools of the Queen's Protestant subjects in the province of Quebec (paragraph 2), and the rights and privileges of the Protestant minority in every province in which a separate school system obtains (paragraph 3).

In fine, the Northwest ordinances of 1901, upon which rests the present proposed enactment, ordain—(clause 14)—that the minority, Protestant or Catholic, of the ratepayers of every district (clause 45) may establish therein a separate school that will be subject to all the obligations imposed on public schools.

It is, therefore, more than abundantly proven that a separate is not necessarily a denominational school, and that, in the Northwest Territories, such a school cannot even be a denominational school.

The iniquity of the amendment, moved by Sir Wilfrid Laurier, to his own legislative drafting, is now apparent in all its ugliness to eyes that will not lose sight of the distinction which has just been established between the denominational and the separate school.

The constitution guarantees the preservation of denominational schools in all provinces wherein such schools have had al-

ready a legal existence at the time of the entry of any of them into the confederation.

In 1875, by a special enactment, the federal parliament granted denominational schools to the Northwest Territories.

In fact the law of 1875 gave to the majority in each school district the right to have whatever school it thought fit, consequently the right to denominational schools. Consequently this right given by law was safeguarded by paragraph 1 of clause 93 of the British North America Act, and the Catholic majority, wherever there was one in the school districts of the Northwest Territories, retained, guaranteed by the constitution itself, the privilege already obtained.

What does Sir Wilfrid Laurier do ?

With a stroke of his pen he blots out from the British North America Act the words denominational schools and substitutes therefor the words separate schools.

By that one stroke the Catholics of the Northwest Territories, in the districts in which they are the majority, lose their right to denominational schools.

The minority alone, and only in the districts in which such minority exists, can henceforth have separate schools, but separate schools such as they are constituted by the ordinances of 1901, that is to say, separate schools from which religious instruction is banished.

This is what the Laurier-Sifton amendment gives to the Catholics of the Northwest.

That which our constitution guarantees in general terms to all the other provinces of the Dominion, Sir Wilfrid Laurier after a month of study and reflection, snatches violently from our charter and deliberately refuses it to the Catholics of the new provinces.

And Catholics are found who proclaim themselves satisfied with this guilty deed of spoliation and who, in dust and humiliation, ask that we join freely in the sacrifice of their rights and in the ignominious perpetration of their dark treason.

We have no part in it. We wish to defend our rights, despite the unqualified blindness of those who have eyes and who will not see. Despoiled of their right to denominational schools by the culpable substitution of the words separate schools for the words denominational schools in the British North America Act, the Catholics are reduced to only what the ordinances of 1901 can give them. So ordains the Laurier-Sifton amendment. And what do those despoiling ordinances give them ? We will learn it from the very lips of those who claim to have made a serious study of the question.

Mr. Sifton referring to the enactment of 1875, the Northwest Territories Act, has already told us—and I cited his testimony in the first part of my speech—that the federal law had given a double system of education to the people of the Northwest and that the control of the Catholics over their schools had been freely exercised down to 1892.

Here is the declaration of the late Minister of the Interior :

> In the year 1892, what was known as the dual system was entirely swept away and that system which we have in the Northwest Territories, substantially as we have it at present, was established. I am not going to trouble the House with any lengthy quotations, but I desire to point out what was conceived by the people of the Northwest Territories connected with these schools, to be the effect of the legislation of 1892. . . . . .
> We have one normal school with uniform normal training for all teachers, and when I say all teachers, I mean teachers of all schools, separate and public ; uniform curricula and grade ; uniform text-books for all schools ; uniform qualification of teachers for all schools; complete and absolute control of all schools as to their government and conduct, by the central school authority set up by the legislature under the ordinances; complete secularization of all schools between 9 o'clock in the morning and 3.30 in the afternoon, except that any school, if the trustees so desire, may be opened with the Lord's prayer; distribution of the legislative grant to all schools according to educational efficiency on principles set out in chapter 29.
>
> Then, where there is a public school, the minority, Protestant or Roman Catholic, may organize a separate school; but every separate school is subject absolutely to all the foregoing provisions, and is in every sense of the term a public school.
>
> If this legislation is carried into effect it preserves just the two privileges which I spoke of, the privilege of the Roman Catholic or Protestant minority to have a separate schoolhouse, and the privilege of having religious instruction between half-past three and four o'clock in the afternoon. But there cannot be under this system any control of the school by any clerical or sectarian body. There cannot be any sectarian teaching between nine o'clock in the morning and half-past three in the afternoon. So that, so far as we have objections to separate schools based upon the idea of church control, clerical control, or ecclesiasticism in any form, this system of schools is certainly not open to that objection.

Another minister of the Crown, Mr. Pater-

son, expresses himself in the following way on this subject of separate schools :

It must be borne in mind that those separate schools are formed precisely as every school district is formed. Although the name separate school appears to convey to the minds of some people the impression that they are separate in the sense in which they are established in some other province, there is no distinction between these schools and the other public schools as regards organization, or the qualification of teachers, or the text-books, or the right of state inspection, or in the reports they have to make. In every respect they are under the commissioner of education in absolutely the same manner as is every other public school in the Territories.

Precisely the same course of study that is followed in the public schools is to be followed in these schools; but when the hour of 3.30 p.m. arrives, if the trustees of the separate school desire, religious instruction may then be given to the youth therein. Is that a concession made particularly to our Roman Catholic brethren ? Why, the same clauses apply to every school, Protestant, public and every other. No special right, no special permission is given the separate schools which is withheld from the other.

Mr. Crawford, the member for Portage la Prairie, belongs to the Orange order. He is at the same time one of Sir Wilfrid Laurier's most devoted followers.

Let us open our ears to what he uttered on the 14th of April last :

Hon. members opposite have taken the position that there is no difference between the original school clauses of the Bill and the clauses as they now stand amended. I think there is a good deal of difference. The original clauses of the Bill were very indefinite. Under those clauses it was open to the people to have such school laws as they had in Manitoba, or they could have the old school laws that were in existence in the Territories previous to 1890. There was just that doubt about it, but the amended clauses make it more definite, the law can now be clearly understood, and there can be no question as to what law the people in the Northwest Territories will have in the future.

Now these school laws as they are in the Northwest Territories and as they are intended to be continued by this legislation are not at all the kind of school laws that the people particularly of Ontario have in their minds.

. . . . . .

The idea which has taken hold of the minds of the people of Ontario is an exaggerated one. They have the idea that it is the intention of the government to establish in the Northwest Territories schools of the character that we had in the province of Manitoba before 1890; that is to say, schools entirely under the control of the church.

The idea that the people of Ontario have to-day is that it is the government's intention to establish Roman Catholic church-controlled schools entirely free and independent of the state. That is the idea that the people of Ontario have in their minds, but the fact is that the conditions which have been reported to them do not really exist. It is hardly necessary for me to repeat what this school law really is. If this Bill goes through it will establish not what I claim are separate schools. In fact, the name 'separate' should hardly have been used in connection with them. We propose to continue in the Northwest Territories what they have already got—Catholic public schools and Protestant public schools, no matter whether they are Catholic or Protestant, which are public schools and which are free to all classes of children, having the same text-books, the same qualified teachers, under the same control, and that control entirely in the hands of the government, and not in any way connected with the church. I feel as strongly on this question, I think, as any person in Canada at the present time. I think that possibly my Orange feelings or proclivities are just as strong as those of the hon. member for East Grey (Mr. Sproule). And if there was anything in the nature of a prejudice in connection with it, I should have it, being an Orangeman. If I thought there was being established in the Northwest Territories what the people of Ontario have in their minds to-day, that is Roman Catholic church controlled schools, I would oppose it as strenuously as any one. I would not stand it for a mintue. But we have nothing of that kind. The very opposite is the condition.

The Hon. Mr. Fielding is no less explicit, when he says :

What is this law which we are going to confirm and to continue in the new provinces of Alberta and Saskatchewan ? We are told that this provides for a system of separate schools. Well, a system of separate schools may mean one thing in one quarter and another thing in another quarter. Whatever may be said as respects other countries, or other provinces, it would be utterly mistaken to say that we are giving to the Northwest provinces separate schools in that sense of the word. I submit to this House that the system of schools which we have to-day in the Northwest Territories is a national school system, and if it has all the elements of a national school system then I say there is no principle involved in this discussion which would justify us in having a quarrel over it. What is this system ? The system of schools which prevails to-day in the Northwest Territories exists by virtue of chapters 29, 30 and 31 of the ordinances of the Northwest Territories. So far as the principle of separate schools is concerned, of course that principle was to be found in the Act of 1875 and the ordinances adapted themselves to it. But if you read these three ordinances of the Northwest Territories you will rise from the perusal of them with the conviction that in that country they have a system of national schools which may well challenge the admiration of the people in other portions of this country. What then are the essential elements of national schools ? I take it for granted that if you have a school which is established by the public authorities, if the management of the school derives all its authority and privileges from a regulation of the government of the state, if you have a system of schools under which the proper authorities of the state, or the province, or territory as the case may be, themselves specify the school books, establish the course of study, provide for the inspection of the schools and for the distribution of the money, if you have all those elements, then, I

say you have a system of state-created, state-managed and state-supported public schools. Every one of these conditions exists to-day in the public school system of the Northwest Territories.

From the hour at which these schools open in the morning up to half-past three in the afternoon they are absolutely alike; there is no difference; the teachers have the same duties, the same qualifications; the same examinations, the same course of study, the same books are prescribed by the government, the regulations are made by the government. I repeat that from the hour of opening in the morning up to half-past three in the afternoon there is no shade of difference in all these schools in the North-west Territories.

But why seek elsewhere, either amongst his ministers or amongst his partisans, that which Sir Wilfrid Laurier, himself, explained in such clear terms in the now historic letter which the leader of the government gave to the public and in which he said to one of his friends who had consulted him on the subject :—

The impression prevails that separate schools such as they are intended by the Bill will be ecclesiastical schools. This is quite an error. What you call separate schools in this instance is practically national schools. Here is the law of the Northwest Territories at the present moment: All the teachers have to pass an examination and be certified by the Board of Public Instruction; all the schools have to be examined by inspectors appointed by the Board of Public Instruction ; all books in use at the schools have to be approved by the Board of Public Instruction; all secular matters are under the control of the Board of Public Instruction, all tuition has to be given in the English language ; at 3.30 children can be given religious instructions according to rules made by the trustees of the schools, but attendance at this is not even compulsory.

Do you find fault with this last clause? Do you not believe that what you call 'separate schools' in this instance is really 'national schools'?

The great objection to separate schools is that it would divide our people, but if the same education is given in what is called 'separate schools,' as in all other schools, I fail to see what objection there is to such a system.

The Minister of Justice, two months after the creation of the famous Laurier-Sifton amendment, when requested by the House to make known its tenor and define its meaning, gave in writing, on the 15th May, last, in an official document which is destined to live, his opinion, as the legal adviser of the Crown, and as such settled the true interpretation of clause 16 as amended. He said :—

The effect of section 16 of the Autonomy Bill would be no greater than the effect of the introduction of section 93 of the British North America Act by section 2 of the Territorial Bill, and clause 16 was only deemed necessary to remove doubt which had been expressed as to the meaning of the words 'province' and 'at the union,' and to secure to the schools, whether public or separate, of the minority, the government aid which in practice they have always received, and which is necessary to place those schools 'in a position to play their necessary part in the scheme of national education.'

Section 16, as originally drafted, was intended to confirm the minority in the rights they now enjoy and makes:

First. Section 93 of the British North America Act applicable to the new province as if it were a regularly organized province coming into the union at the date of the passing of this Act;

Second. Re-enacts section 11 of the Northwest Territories Act of 1875;

Third. Makes provision for the continuation of the schools of the minority of the grant now made in aid of education by or through the territorial government.

The effect of the section which it is proposed to substitute for the original section 16 is to limit the rights and privileges of the minority to those secured to them by chapters 29 and 30 of the ordinances, to the exclusion of the rights and privileges guaranteed either by section 11 of the Northwest Territories Act, 1875, or any other legislation in force in the territories with regard to any class of schools.

The differences in the rights and privileges under section 11 of the Northwest Territories Act, 1875, and those under the ordinances, chapters 29 and 30, are as follows:

1. Section 11, Act 1875, empowering the 'majority of the ratepayers of any . . . . portion of the Northwest Territories . . . to establish such schools therein as they may think fit, and the minority of the ratepayers in any . . . portion of the Territories to establish 'Protestant or Roman Catholic separate schools.'

The meaning of this section was expressed in the earlier school ordinances.

Under the present ordinances, chapters 29 and 30, the public schools are the schools of all the ratepayers; so that under the present ordinances only three classes of schools are authorized, viz.:—

(a) Public (undenominational) schools ;

(b) Protestant separate;

(c) Roman Catholic separate;

And a separate school district can be established only in an existing public school district.

2. Under the ordinances no rights or privileges exist with respect to separate schools as contrasted with public schools, except the initial right of effecting the separation, which right carries with it resulting advantages hereinafter set out in detail.

Under the regulations there is one difference only:

'Authorized text-books, standards 1—iv, approved, August, 1903; the Dominion (Catholic) Readers, first (part 1, part 2) and second. These are optional for Roman Catholic separate schools.'

The rights and privileges which result from the right of effecting the separation, and which the proposed substituted clause 16 preserves to the minority, whether Protestant or Roman Catholic, in a public school district, appear to be these:—

(1) Right of separation—by the ordinance—common to Protestants and Roman Catholics alike;

(2) Half-hour religious instruction—by or-

dinance—to Protestants and Roman Catholics alike; common to public and separate schools;

(3) First and second Catholic readers—by regulation.

(4) Right to elect trustees, who choose the teacher—by ordinance; common to all schools.

The testimony given by all the ministers whose opinions I have just cited, the explanations furnished by the Minister of Justice, after his careful study of the question, are confirmed, beyond all possible dispute, by the decisive avowal of the premier himself, who, on the 8th June last, admitted that his legislation, that which is now before us, sacrifices the rights of the minority.

Here is this most important admission :

Now, we are asked, what is the difference between clause 16, No. 1, and clause 16, No. 2 ? The difference is simply this, that in clause 16, No. 1, the law of 1875 was enacted, giving to the minority—I suppose the Roman Catholic minority—the control over secular education as well as the control over religious education whereas the new clause brings into force the existing law of the territories, the ordinance of 1901, by which the state has absolute control over the secular part of education, and the people have control simply of the religious part of education from half-past three in the afternoon. This is the absolute difference which exists between the old clause and the new clause. I have for my part agreed to the new clause. 16, and in so doing I know that I have restricted my fellow-religionists in regard to some of the rights which they think they have at this moment. I shall explain in due time why I agreed to do so.

This strange declaration of the Prime Minister, this painful admission that he had to knowingly sacrifice a part of the rights of his co-religionists, naturally provoked a lively discussion and set forth the desire to know why it was he consented to thus coldly immolate, with such premeditation, those sacred rights which his position of Prime Minister, which his title of Catholic and French Canadian, made it his imperative duty to defend.

The reply was discouraging.

He gave it during that same sitting of the 8th June last. He repeated it a few days later, on the 28th of the same month.

On the 8th June, he said :

The position of the government is this: that the minority claim that under the Act of 1875 they had the right to select their own text-books. They claim also, as the correspondence of record will show, that they have a right to separate school boards. They have that or they have not, and in order to make it absolutely sure, we have abandoned that clause and taken the other.

That is to say, in order to dispel all doubt, the Prime Minister declares by enactment that the claims of the minority are henceforth things of the past

It is clear, but singularly cruel !

Instead of leaving to the judicial authorities the duty of interpreting the law, the Prime Minister, playing the part of an autocrat, decrees that to make things clear, the federal law must be set aside and be replaced by the ordinances of 1901, which make hash of the rights of his fellow-countrymen.

In fact it was the Prime Minister who used the following language :—

We should not legislate here in order to convey to men the impression that they are given bread when they are given a stone. If the minority for the last fourteen years have thought that they had been deprived of their right, but in order to have peace and harmony they abandoned that right and agreed to live under a system which has given satisfaction to everybody, it is, I think, a good reason why we should have no equivocation about it; why we should know where we are, and legislate accordingly.

Again, it was the Prime Minister, who, on the 28th June last, gave by way of explanation of his back-down, the following reasons which it is my duty to bring to your notice and that of the entire country.

Hon. Mr. KERR (Toronto)—I rise to a point of order. I think it is a well settled rule that no allusion can be made to the debates in the other House, and I am surprised to hear my hon. friend, who is such a stickler for the rules, reading page after page from the Commons 'Hansard.' Mr. Bourinot says :

It is a part of an unwritten law of parliament that no allusion should be made in one House to the debates of the other chamber, a rule always enforced by the Speaker with the utmost strictness.'

It seems to me the hon. gentleman is not in order. If no allusion can be made to the discussion in 'Hansard,' then the hon. gentleman cannot read these extracts.

Hon. Mr. LANDRY—The hon. gentleman took his objection too late. I have finished with the quotations.

Mr. SPEAKER—I would not be ready to give a decision at the present moment, because another part of the paragraph states that it is perfectly regular to refer to the printed records of the other chamber. It would seem to me that this means the

record and not the debate, but for the information of the House, I will look up the question. The hon. gentleman says he has finished with the extract and it will not be necessary for me to render a decision just now.

Hon. Mr. LANDRY—I have just one or two quotations to add and I suppose the hon. gentleman would allow me to read them, as they will not be long. My hon. friend Sir Wilfrid Laurier said on the 28th June last :

My hon. friend (Mr. R. L. Borden) a moment ago put to me one or two questions to which he wanted an immediate reply. I said at that moment I did not choose to reply. I am sure my hon. friend and the House generally will agree that when a question is put to an hon. member it is for him to select the manner in which he will answer.

Mr. R. L. BORDEN. Hear, hear.

Sir WILFRID LAURIER. I thought the moment was not convenient for me to give an answer because I could not give such an answer as my hon. friend wanted to have, simply yes or no. The question was asked: Why do you not apply the provisions of section 93 at once without anything more?

Mr. R. L. BORDEN. If you intend to adhere exactly to the constitution.

Sir WILFRID LAURIER. Very well; if you intend to adhere exactly to the constitution. I said we wanted to adhere exactly to the constitution, and the reason why I did not think it would be advisable at this moment to apply section 93, without any qualification, simply to vote for the amendment of my hon. friend which he has just put in the hands of the chairman, and which is as follows:

'The provisions of section 93 of the British North America Act, 1867, shall apply to the said provinces in so far as the same are applicable under the terms thereof.'

Was, Sir, because that is absolutely meaningless because you do not mean anything, that there is nothing certain as to what is really the law under such circumstances. You do not know what kind of school system you would have in the Territories if you were to apply that. I call the attention of my hon. friend and the House to this fact that the law of 1875 put in certain prescriptions which were binding on the legislative powers. These prescriptions were that the minority or the majority in any school district would have the power to establish such a school system as they thought fit. Now, Sir, let me call the attention of the House to this, that no less an authority than Sir John Thompson gave his opinion and put it on record that one part of the law passed by the Northwest Territories, the part regarding the organization of school districts, was ultra vires and had no existence in law. Let me again quote Sir John Thompson:

'The ordinance respecting schools does not contain the provisions that the statute requires it to contain, but merely contains the provision that the minority may establish a separate school in an organized public school district, thus placing the minority at the mercy of the majority, and only giving the minority the right to establish a separate school, if the majority think proper to organize a public school. It is necessary to point out that the provisions of the Northwest Territories Act, before cited, cannot be abridged by the ordinance and must be considered as still in force, notwithstanding the restrictive terms of the ordinance. In so far as it is attempted by the ordinance to declare the meaning of the Northwest Territories Act, the ordinance fails of that purpose, and is objectionable, as being an interpretation by an inferior legislative body of the Acts of its superior.

'The undersigned only refrains from recommending the disallowance of this ordinance, in consequence of its being merely a re-enactment of an earlier ordinance, which disallowance would not affect, and which was allowed to go into operation, probably because attention was not called to this provision. The undersigned has the honour to recommend that the ordinance bringing these revised ordinances into effect, be allowed to go into operation.'

Here you have the opinion of Sir John Thompson that a part of the law which was passed in 1888 with regard to the organization of school districts and which is still the law in force in the Territories was unconstitutional, was ultra vires, was null. He did not recommend the disallowance of it, and it was not disallowed; but it was null at that time, it remains null to this day. Therefore what would be the law to-day? If you say that section 93 of the British North America Act should apply, to what would it apply? To the law as it was in the Act of 1875? This is a serious question and it is a question we ought to settle. We do not want it left unsettled to be a bone of contention, with all that that implies. My hon. friend's amendment would settle nothing at all, but would simply throw a bone of contention into these new provinces. My hon. friend says, let the British North America Act apply, whatever it may be. When he is asked what that Act means, he says that it is for the courts to determine. Is that satisfactory ? Is that the manner in which we should legislate? Is that the way to build up this country? Sir, it is not the way. The only way is to find what the law is at the present time, and then apply it.

Mr. R. L. BORDEN. May I ask my hon. friend what tribunal will determine what his amendment means?

Sir WILFRID LAURIER. The courts must of course determine what our legislation means; but as was said by the hon. Minister of Justice, we want to do all we can to prevent litigation, not do all we can to facilitate litigation.

Just previous to this declaration of the Prime Minister, his Minister of Justice had made one of his own and a most important one indeed.

Here it stands :

Mr. FITZPATRICK. Mr. McCarthy and George Brown both contended that as a result of the passing of this legislation by this parliament, that is to say of the Act of 1875, with respect to schools, if that legislation was allowed to continue in force until the present moment had arrived, that is until the time came to give provincial autonomy, the result would be that we would be obliged to continue on that system that would create rights and privileges which might have to be accepted.

That was the opinion of Brown and McCarthy and of a greater lawyer than either, Sir John Thompson.

Mr. HAGGART. Is it your opinion?

Mr. FITZPATRICK. It is my opinion.

The conclusion arrived at by the Prime Minister consecrates the monstrous doctrine that to frustrate the hopes of our co-religionists of the Northwest and to raise against their legitimate aspirations the insurmountable barrier of a legislation without appeal, it becomes necessary to manipulate the British North America Act by introducing therein new clauses and special provisions that bring within the constitutional domain ordinances that were not constitutional and which close for a persecuted minority all access to the courts of the country.

Was there ever anything heard of more discouraging, more cynically unjust?

The Prime Minister with his minister of Justice admits that a part of the ordinances of 1901 is unconstitutional, ultra vires, and null.

He equally admits that the law of 1875 is still in force.

And in the fear that the automatic application of the British North America Act might give our co-religionists the schools assumed to them by the legislation of 1875, he so amends the British North America Act as to ignore completely both the law of the land and the rights of the minority, and substitutes for that law of 1875 the robber ordinances of 1901.

All this, he says—he has the sad courage to say so—to prevent all possible revendication on the part of the cheated minority.

Catholics and Frenchmen of the Northwest, you pay dearly for the honour of having a French-Canadian Premier. You pay dearly to furnish Sir Wilfrid Laurier with the simple pretext of keeping out of his cabinet that minister of ill-repute who cannot even return thereto, although his leader has ostensibly given way to Mr. Sifton on all points and that he has thus facilitated his return to the crib.

A majority of the House of Commons can cloak with his vote this scandalous immolation of the rights of a weak and abandoned minority, abandoned on all sides, and by those who have the holy mission of defending it against the encroachments of every error, and by those whose political positions oblige them to fight in front ranks; but when history will be written, it will denounce in bitter terms those guilty compromisers, those criminal deserters, that disastrous non-intervention which consecrated the robbery of most sacred rights and the violation of a sworn faith; to whatever party they may belong, and whatever social rank they may hold, they who shall have perpetrated or allowed to be perpetrated the iniquity will carry, in the eyes of their fellow-countrymen and before the entire country, the responsibility of a course that nothing can justify.

To us, hon. gentlemen, belong another mission and other duties.

Guardians of the constitution, protectors of the minority and of their most sacred rights, our mission is to respect the constitution and to protect the rights of the minority. In this House where the claims of political parties have no place, whence the cares of office are entirely banished, but where sentiments of impartial justice should hold sway, as well as respect for obligations and for good faith, faithful to the noble traditions that are the ornaments of this assembly, let us silence the discordant cries of the different races and creeds heard in the more noisy arena of active politics, and if this Bill is read for a second time and committed to a committee of the whole, let us calmly correct, as is our duty, the imperfections of the enactment now submitted to us, and let it come forth from our hands purified and improved to become a law of justice and peace restoring, giving to the Catholic or Protestant minority the fullness of its rights and to the country as a whole that peace and tranquillity so necessary to its progress and future greatness.

Hon. Mr. DAVID moved that the debate be adjourned until to-morrow.

The motion was agreed to.

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

SENATE.

Ottawa, Thursday, July 13, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

PROVINCE OF ALBERTA AUTONOMY BILL.

DEBATE CONTINUED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the second reading (Bill 69) an Act to establish and provide for the government of the province of Alberta—Hon. Mr. David.

Hon. Mr. DAVID—I think I must commence my speech by congratulating the hon. gentleman from Stadacona (Hon. Mr. Landry) on the well prepared speech which he delivered yesterday. I must especially congratulate him on the fine citations which he made. In view of the dryness of his speech at certain times the words of Sir Wilfrid Laurier which he cited so properly had the effect of a refreshing breeze, and I am sure that Sir Wilfrid Laurier was entitled to a good share of the applause with which the speech of the hon. gentleman was greeted. In the remarks which I had the honour to address to this House in the beginning of the session, I expressed the opinion that our constitution contained elements of friction and contradiction, and that our statesmen required a great deal of wisdom to avoid serious conflicts. I also expressed the opinion that the winds which came from the Northwest were violent, and that they were the messengers of dangerous storms at certain times, especially in view of the fact that they were obliged to pass through or over Ontario. They would be less dangerous if they were coming directly to the province of Quebec. On the introduction into parliament of the Bill creating the Territories of the Northwest into provinces, the country has been struck by a wave of national and religious excitement and the wonder is that there is any longer any inclination to deal temperately and wisely with any question of religious or national feeling. It seems that this measure is charged with dynamite, and threatens to explode. It is very easy to understand that, national feelings being the principal motive power of the world politically, men are sometimes inclined to make use of them through interest, partisanship, or excess of zeal.

I am glad to say there have always been, and I know there always will be, wise men who are able to reconcile their national and religious feelings and their peculiar views with the principles of justice, fair play and tolerance; and I am happy to say that such men are numerous. There are many of them in this House especially. Those men understand that in a country like ours they must take into consideration the views and feelings of other people, and respect their national and religious feelings. Such men recognize that if they had been born and brought up under the same circumstances and conditions, in the midst of the same surroundings, they would think and feel in the same way as their neighbours do. They are consequently prepared to allow their fellow-citizens to retain their religious and national traditions. In times of excitement like those through which we have been passing, the duty rests upon those men of speaking the language of reason, of quieting public opinion, of stilling the waves of the political sea. Their only aim and object in all the questions which arise under our system of government is to see where truth and justice are to be found, and then act in accordance with justice and fair play. I have no hesitation in saying that the Bill which is now before this House is based upon principles of justice, toleration, and fair play, and upon the general interests of the country. No doubt it is not perfect ; it cannot meet the views of everybody. There are in the Bill certain defects, but taken as a whole I think the Bill is a good one which renders justice to those to whom justice is due. I have no intention of going into all the details of the measure; it is sufficient to deal with its general provisions. From all the Acts which have been cited in the newspapers and in this House, from the Federal Act of 1867, from the Act of 1875, from the declarations which have been made at certain times, from the interpretations which have been given to these Acts by all our leading statesmen, whether Conservative or Liberal, I have come to the conclusion that the aim of those great statesmen was to give to all the provinces a system of schools, based on the acquired rights of the minority, whether Catholic or Protestant, with a patriotic wish to give satisfaction to all creeds and nationalities. I have no doubt that the provisions of section 93 of the Federal Act and the Act of 1875, apply to the schools of the Northwest, but even supposing that there was a doubt on that point, I think the majority of this country should be tolerant and generous and make what

concessions it can without going contrary to its conscience and principles. It is different with the Catholics; for them it is not only a question of principle but it is a question of duty towards God and towards their children. It is a question of conscience. Is there anything more sacred than the conscience of a man or a nation? You may remember the commotion which was produced in the old world when the great Newman in his discussion with Gladstone, and Cardinal Manning exclaimed, in connection with the relations of church and state: 'Conscience above all.' At first sight it seems that it should be possible to have our children, Catholic and Protestant, brought up in the same schools and receiving the same education. At one time I was pretty nearly of the opinion of many of our English countrymen, but I have modified my views. I thought it was possible to give all children an education which would put them on the same footing and prepare them to succeed in the different careers of this world. I was inclined to say that after all we worship the same God and the same Christ, that we cherish the same doctrines and the same Christian principles. But there are essential differences which you must take into consideration. If I speak frankly, I hope you will forgive me, but Catholics believe that the Catholic church alone has received the mission of interpreting the teachings of Christ; and one principle of the church is that Catholic children must be educated in schools where they receive a religious education in order to make them good Christians and good citizens. Naturally these are not the views of the majority of Protestants, but you must admit that they are none the less to be respected. There was a time when people who were divided in religion were necessarily bitter enemies. There was a time when Catholics and Protestants burned one another in the name of the religion of love and charity, but those dark days have passed away I hope for ever. The fires of the funeral pyre are extinguished for ever, I hope. Blood does not flow any more on the altars of the true God. Protestants and Catholics have learned to respect each other mutually, to love each other and to work together for the common interest of the country in which they are called to live.

Hon. Mr. DAVID.

We have a notable example every day of that religious fraternity. The president of our chamber each day addresses to God the prayer which was brought to us by Christ himself, and in which we ask Him to forgive our sins as we forgive those who sin against us. If we are to be good Christians and bound to forgive every insult and injury, I think the Catholics of this country have a right to be forgiven for holding a special religious and national feeling, for believing that they must follow the teachings of their churches, and for claiming the right which they possess in virtue of the constitution and in virtue of the laws of the country. I will not go over the whole Bill, but will consider two of the reasons which have been urged against the Bill. Firstly, the question of Autonomy. Having always been, as hon. gentlemen know, a very strong advocate of provincial rights, I admit that if it were shown that the Bill interferes with the rights of the provinces, I should be inclined to give a good deal of consideration to the arguments of the adversaries of the Bill on that question of autonomy. I am one of those who believe that we must protect provincial rights, and that those who represent the province of Quebec especially must take a very strong position on that question in favour of provincial rights. But in what way is provincial autonomy affected by this Bill? The only object of the Bill is to confirm to the new provinces exactly what has been done by the council of the Northwest and by the legislature in accordance with the laws and with the constitution. Let me frankly make an admission which perhaps will be turned against me, but which I am ready to make nevertheless. It is that if any persons have a right to complain of the Bill it is not the Protestants. It is the Catholics.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—I am ready to admit that they do not get the very thing which they would be entitled to get in virtue of the constitution and of the Act of 1875. But whose fault was it? There were ordinances passed by the council of the Northwest which were not disallowed as they should have been, because that was the only way to prevent the evil which they might produce and which they have produced. Those re-

solutions and ordinances, not having been abrogated, are still in force ; and the government was bound to consider them as forming part of the whole system of schools which existed at the time of the organization of the new provinces.

Hon. Mr. LANDRY—Were they constitutional ?

Hon. Mr. DAVID—That is another question. Perhaps they were not ; but they have been treated as if they were constitutional. The Conservative government, which the hon. gentleman supported for so many years, refused to disallow those ordinances. They have not been tested before the courts, and consequently they are in force and you could not now abolish those ordinances without interfering with the question of provincial rights.

Hon. Mr. LANDRY—If they were unconstitutional they do not require to be disallowed.

Hon. Mr. DAVID—It was the only means which was at the disposal of the government. The time has passed now, but it was the only means to do away with those ordinances. I will recall to the hon. gentleman who says they were unconstitutional——

Hon. Mr. LANDRY—They were unconstitutional.

Hon. Mr. DAVID—Sir John Thompson did not give that reason for refusing to disallow them. That was not the reason given by him at all.

Hon. Mr. LANDRY—He did not disallow them because they were not a provincial law.

Hon. Mr. DAVID—That is a fine distinction. I do not want to enter into all the details of the question and to take into consideration all the subtle distinctions which can be drawn. For the last six months those subtle distinctions have been made, and nobody knows where they are any more than they did before. Let us consider the question broadly and drop those subtleties. If I discussed the matter for six hours, I would not convince the hon. gentleman from Stadacona and the hon. gentleman would not know any more about those subtle distinctions.

Hon. Mr. LANDRY—I admit he would not know more.

Hon. Mr. DAVID—I did not catch the last remark made by the hon. gentleman, but it must be good, like everything else he has said. Take the question of general interests. It is said those Bills are against the general interests of the country. I will make another admission for the moment. If it were demonstrated that the education which has been given, and which is given now, in separate schools, in schools which are under the control of our bishops and priests ; if it were demonstrated that the education given there to our children is contrary to the laws and to the constitution, to the principles of religion and morals, and that the children are taught disloyal doctrines, that they are taught to be disloyal to the constitution and to the king, and to despise religion, I should be inclined to say : 'The argument is strong,' and I think I should be on the side of those who employed the argument ; but who is the man who is able to make that assertion ? I will say that the contrary is true, and that our bishops and priests have been blamed very often for being extreme in their teaching of loyalty, in their feelings of loyalty ; and I am ready to admit that I blamed them very strongly for having been, in 1837, on the side of the government, for having been extreme in arraying themselves against their countrymen fighting for political liberty. They have been blamed very often for having, in the first years of the last century in the great wars which took place between England and France, been too sympathetic towards England, for having sung Te Deums in the Catholic churches on the occasion of British victories, and for having contributed toward a monument to Lord Admiral Nelson to commemorate the great victory of Trafalgar. They were also blamed for having allowed themselves to be charmed by the Conservative party, and for having assisted our Orange fellow-countrymen to establish confederation. No ; the teaching of disloyal doctrine and pernicious theories will never come from those schools, and I think the time is near when all those who govern the different countries of this world will appreciate the teaching which is given in our religious schools. Socialists, anarchists and all those people, who threaten

to cover the world with blood and ruin, will not emanate from those schools. They will come from the clubs where the teachings of Christ are replaced by the doctrines of demagogues. Religion will become more and more necessary for the government of this world. Especially, I say, it is essential when men are young that the principles of religion, of morality, should be infused into their souls. I am inclined to believe in the teaching of Protestant religion in Protestant schools, and in the teaching of Catholicism in Catholic schools. I think that the teaching of Christian principles and doctrines will give to the children of this country the strength which they require to struggle against pernicious doctrines and against depressing influences, equally fatal to society as to man individually. The teaching in separate schools, instead of being detrimental, will be beneficial to the country, will give to our children principles of justice and fair-play, which are absolutely necessary for the government of this country and the working of confederation. But the situation of the government was very difficult. They were placed between two extremes ; on one side they were condemned and stigmatized, and the Prime Minister especially was referred to as a fanatic by the Conservative newspapers of the province of Ontario, and denounced in the province of Quebec as a traitor to his race and to his religion. But, fortunately, the Prime Minister of Canada is above all accusation, and nothing can prevent him from doing what he thinks is in the interest of his country. He did what he thought proper. He thought, in this matter, as in all the matters that have arisen since confederation has been established—all national and religious questions especially—that there is only one way to settle such questions, which was the means adopted by the Conservative party while they were in power. It was to come to some agreement, to have recourse to compromise and to mutual concession. But compromise, which was a virtue at the time of the splendour of the Conservative party, is now a crime. It does not become those who established confederation on the foundation of tolerance and compromise, those who have governed the country in the name of conciliation, and who, so many times, have put forward the plea of political necessity, saying that this country could not be governed otherwise than by mutual concessions—it does not become them to abolish the pedestal of their policy and to tear to pieces the flag of their party. I may be allowed to say that it does not become their friends of the province of Ontario, and especially those who belong to the Orange lodges, because I have a right to assert that all the agitation came from those quarters. I do not say so with any feeling of hatred ; I have a right to mention it as a fact. It does not become them to denounce the policy which has made them so strong for so many years, because there is no doubt that the Orange Order was the bone and sinew of the Conservative party and enjoyed a great deal of advantage on account of the Conservative party remaining in power. I say it does not become them now to be so violent against those bishops and priests with whom they were so happy to co-operate in former days in fighting the Liberal party.

Hon. Mr. PERLEY—Did not Laurier join the Orange party in 1896 in opposing the Remedial Bill?

Hon. Mr. DAVID—These are questions of fact which we cannot ignore. I know a little of the history of Canada and when occasion requires I have the right to state what I have learned in studying the history of our country. Speaking of the events of 1896, on what side were the Orangemen at that time?

Hon. Mr. PERLEY—They voted with Sir Wilfrid.

Hon. Mr. DAVID—On what side were they in the election of 1896, when Laurier was struggling for provincial autonomy and political liberty? They were not on the side of Laurier.

Hon. Mr. LANDRY—They were.

Hon. Mr. DAVID—They were co-operating at the time with the bishops and priests, whom they now denounce as dangerous. That is the fact.

Hon. Sir MACKENZIE BOWELL—I am sorry to say that is not the fact.

Hon. Mr. PERLEY—Mr. Sifton is not an Orangeman.

Hon. Mr. THIBAUDEAU (Rigaud)—The clergy were against Laurier.

Hon. Mr. DAVID—In 1896 the great majority of the Orangemen supported the Conservative candidates. There may have been some who took the other view, but that was what the majority did. We saw so many strange things at that time——

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. DAVID—That nothing can surprise us. I have a right to say that in 1896, as in all former times when the Conservative party were in power, the Orangemen were the bulwark of that party.

Hon. Mr. LANDRY—Who fought the Remedial Bill?

Hon. Sir MACKENZIE BOWELL—Who defeated it?

Hon. Mr. DAVID—That is another question. I have a right to say that the Orange order which was so fierce and violent against our Catholic priests and bishops did not denounce their Conservative chiefs in 1896 or at any time for thirty years before that for being the friends of those who fought for the success of the Conservative party in the province of Quebec. It was not a crime at that time to be allied with the Catholic priests and bishops. That is a new doctrine which has come into force since the Conservative party and the Orangemen have been in opposition. I mention these matters without passion and simply to bring to the remembrance of the opponents of the Bill and of the government what they have done themselves in the past, in order that they may be more charitable to their opponents. That is my only object; because the hon. member for Stadacona and his friends should remember the events of the past and take into consideration that if the premier, Sir Wilfrid Laurier, whom he attacked yesterday with so much energy, is placed in such a situation that he cannot do more than he has done for his countrymen and co-religionists, it is because of the Ordinances passed by the legislative council of the Northwest, and that to do entire and complete justice he would have been obliged to repeal those ordinances. Who is the man who will say in good faith that any government or any party would have been able at the present time to repeal the ordinances adopted by the Northwest council? Who is the statesman who would have taken such a position, which might have become so dangerous for the minority in this country, and especially in Quebec? Who is the statesman who would undertake to establish a precedent which might be so detrimental to the best interests of the country, and especially to Quebec?

Hon. Mr. LANDRY—Sir Wilfrid Laurier took that position himself on the 21st February last, and what changed his mind is not the conduct of the Conservatives, but the conduct of Mr. Sifton.

Hon. Mr. DAVID—Laurier did——

Hon. Mr. LANDRY—What Sifton wanted.

Hon. Mr. DAVID—Did what any statesman in this country would have been obliged to do. When Mr. McCarthy moved a resolution to abolish the use of the French language in the Northwest Territories, and Sir John Thompson moved to refer the question to the council of the Northwest after the elections which were to take place—when the resolution was voted upon authorizing the people of the Northwest, if they thought proper, to abolish the use of the French language in the Northwest, how is it the hon. gentleman from Stadacona voted for that resolution?

Hon. Mr. LANDRY—I defy the hon. gentleman to show that I voted for that resolution. I was not in the chamber at that time.

Hon. Mr. DAVID—Was there another Landry?

Hon. Mr. PERLEY—Yes, from New Brunswick.

Hon. Sir MACKENZIE BOWELL—That Landry is a judge in New Brunswick.

Hon. Mr. DAVID—I withdraw the statement. Seeing the name and knowing the hon. gentleman from Stadacona better than the other Landry—because he is better known, I thought it must be the hon. gentleman. It is said that it was the principle of Sir Wilfrid Laurier at the commencement to repeal the Northwest ordinance. No doubt it is the only chance that the hon. members have to attack the premier. Yes, it is true that he was obliged to modify his Bill; it is true that the present Bill is not in my opinion and in the opinion of many, as good as

the first one, but it is a large question. What were the hon. gentleman's friends the leaders of the Conservative party saying everywhere in the recent elections and in the House of Commons—I have myself heard Mr. Borden, Mr. Sproule, and other chiefs of the Conservative party taking the same position—how is it that everywhere and especially on the hustings of North Oxford and London, they have stated that the original clause was not more favourable to the Catholics than the amended clause? I must suppose when such men speak that they mean what they say and that what they think is worth something. I am of opinion consequently that it is open to doubt whether the amended clause is not as good as the original clause.

Hon. Mr. LANDRY—Not for us.

Hon. Mr. DAVID—Naturally not for you, never.

Hon. Mr. LANDRY—I am able to read the clauses.

Hon. Mr. DAVID—I am ready to admit that there are exaggerations everywhere and repeat the words of the Holy Scripture, 'Let him that is without sin cast the first stone.' But there are times when such exaggerations and appeals to religious and national prejudices are especially dangerous. It is particularly so in circumstances like the present, when the object is to prevent justice being done to a certain class of the population who are entitled to certain rights under the constitution and laws, because, then unfortunately one has the right to think that the apparent motives of public interest which are alleged are connected with other motives, dangerous motives which generally are not avowed. In this case I have a right to say what I think since it was proclaimed on the hustings, in the papers and especially in certain papers, that the object of the violent opposition to the Bill was because they wanted to have a Protestant and English Northwest. I do not consider it a crime for a nationality to endeavour to secure its predominance, provided it is done without violating the constitution and the laws of justice. It is a natural feeling. I am not surprised that after the cession of the country to England, there were a certain number of English people in the province who endeavoured to unite Canada and make it an English and even a Protestant country. That is natural. It is natural for people having strong convictions and strong feelings of patriotism to wish the prosperity of their nationality. Patriotism is as much to be respected in the heart of an Englishman as in the heart of a Frenchman. The older I grow the more I come to the conclusion that it is dangerous to despise a man on account of his religion, or nationality because I say if I had been born under the same circumstances, of the same origin, of the same father and mother and brought up under the same circumstances, I would think the same way as does my fellow-countryman of another race. Unification is not immoral, but as I have said those who want to unify a people must do so by just and proper means. Look at what unification accomplished under other circumstances has produced in the world. At a certain time in the history of France one of the best and most industrious portions of the French nation was obliged to leave the country and go elsewhere, taking with them to the country of their adoption all the advantages of their industry, talent and ability, and thus France lost for ever the high position which she had occupied in this world, in material progress especially. That was because some of the kings of France wanted to unify the population and thought any means were permissible to attain their object. It was to unify the population in the different parts of Spain that Philip II, burned thousands of people and thus destroyed, as had been done in France, the prosperity of his empire. I have no hesitation in saying of Philip II that he was a tyrant, and that he forced a great many of his subjects to leave the kingdom in order to avoid his cruelty and escape the scaffold and the funeral pyre. It is to unify the Northwest—because they know now very well that it is impossible to unify the province of Quebec—to make the Northwest a Protestant and English country, that this agitation has been fomented.

In conclusion, let me say it must have been a disappointment to those who brought about confederation and their successors who have endeavoured to complete their work of pacification to find this outburst of fanaticism. If such a thing is possible, when there was so little reason for agitation, what would happen if there was serious

ground for excitement. Really, it is calculated to frighten those who are interested in the future of this country, and naturally it has frightened those who fear it will have the effect of checking the tide of immigration which is pouring into our country and enriching the Northwest. I hope I shall say nothing to offend any one, because that is not my intention, but if those who have fostered this agitation and have expressed their intentions, had the right to do what they say they intend to do, what would be the effect of their policy? It would be to close the Northwest to Catholic and French immigration. There is no doubt if they could do what they wished they would cover the whole Northwest with inscriptions upon which you read those fatal words, 'Abandon hope all ye who enter here.' It would close the Northwest to the descendants of those immortal pioneers, adventurers and warriors who discovered that vast region and shed their blood to conquer it, and gave their names to its rivers, its mountains, and to places where to-day there are thriving towns and cities. As reasonable men you must understand that the French Canadians have listened to what has been said and done in the last six months, and they would be less than human if they had not felt and resented it; but you must admit that the province of Quebec has shown a patience which must be acknowledged and admired by all citizens of this country and especially by our Protestant fellow-countrymen. Like all other people, they are sensitive especially on questions of nationality and religion, and you must be surprised that they have shown so much patience throughout this agitation. They have given an example to all other parts of the country and to all other nationalities. As a matter of fact, the people of Canada generally, whether of Ontario or Quebec, have been wiser and more prudent than those who pretended to be their leaders.

The electors of Levis, of North Oxford and of London have shown that it is useless to make appeals to their national and religious prejudices, and that they wanted fair-play and justice. One of the questions which embarrassed the most of our French and Catholic population is that they cannot reconcile the words and doings of their English fellow-countrymen with the words and doings of those great English statesmen who do so much honour to England. They cannot help remembering what has been said in the country by those who are sent from England to preside over the destinies of Canada. How many times have those great men admitted that the diversity of nationalities in this country was an element of progress, an element of welfare, of happiness and of prosperity—the great element of civilization—and how many times have the newspapers in England said that there is only one country in the world, where so many nations speaking different languages, having different beliefs, are living under the same flag. At the time of the glorious jubilee of Queen Victoria, the great satisfaction of Englishmen was expressed in the newspapers, and by the mouth of their public men, to see marching through the streets of London men of all nationalities, all origins, all creeds, and even all colours. There was no discrimination in the sympathy of the people for the visitors—yes there was a discrimination. Who was the most honoured man in that great galaxy of national celebrities that appeared before the Throne of England? It was a French Canadian, the Prime Minister of Canada, and I have no hesitation in saying that if those great statesmen of England were consulted they would repeat what they have said so many times, that it is an advantage that there are so many nationalities working together for the welfare and prosperity of that country, and if they were consulted on this question of the schools I am sure, in view of what they declared not long ago, that the Catholics have the right to give their children religious education in the English schools, that they would say the present Bill is founded on principles of justice and fair-play, and that all Canadians should support that Bill. In conclusion I would say without hesitation that the agitators in this country, whether they are French, Irish or English are not acting——

Hon. Mr. McMILLAN—Don't leave out the Scotch.

Hon. Mr. DAVID—And Scotch. They are not acting in accordance with the true principles of religion and patriotism when they

arouse the national and religious prejudices of their fellow-countrymen, because it may be disastrous for the future and prosperity of this country, and it is not true religion. It is not true Christianity, because Christianity is based upon charity. It is not true patriotism, because true patriotism does not arouse prejudices which may endanger the future welfare of the country. I will go further and say that they are not truly loyal because they shake the confidence of the people in the working of the constitution. The French Canadians are proud of the English constitution. They consider that it is one of the most admirable masterpieces of wisdom that the world has ever produced. They consider that it is the compass which guides the ship of the nation towards the shores of liberty. The French Canadians know that that constitution deserves their gratitude, because it has been constructed for them, and it has protected their rights and their national religious feelings. The hon. gentleman concluded his energetic speech by speaking of what would be said to Sir Wilfrid Laurier who has deserted the cause of the Catholics and the French people in this country. He did not finish. He omitted certain things in that part of his speech. I will put in what he has omitted. I will continue as if it were his speech, and I say that history will show that of all the statesmen who have governed the country, none has done more for the welfare, for the happiness and prosperity and the honour of his country than Sir Wilfrid Laurier.

Hon. Mr. LANDRY—I do not assent to that.

Hon. Mr. DAVID—History will show that his wisdom and his spirit of conciliation saved the country from troubles which threatened to destroy its foundation and precipitate it into the horrors of racial and religious war. History will show that he sought to reconcile his duty towards England with his duty toward Canada and towards his native province and that he sought to convince his countrymen of the province of Quebec that the best means of protecting minorities in this country is not to be aggressive but to be fair and just, just as he treats all creeds and nationalities, that the province of Quebec ought to be prudent in its demands, and stand always upon the constitution and the law. History will add that the province of Quebec remained faithful to her chief up to the end of his career, which I hope will last for some years yet ; that she has been deaf to the appeals made to her feelings and to her sentiments by people who tried to lead her astray ; that she has been deaf to the seducing voice of the sirens, and has placed implicit confidence and implicit faith in the great pilot who is guiding so surely and so patriotically the bark which carries the destinies of Canada and of the province of Quebec.

Hon. Mr. McMILLAN—I must congratulate my hon. friend who has taken his seat upon his very great and (to his own opinion) good oration on everything but that which is before the House. I have come to the conclusion from the tenor and trend of the speeches which have been delivered on the government side that they want to talk on everything but the question before the House, and I must say that they do it most successfully. They are successful as far as entertaining the House is concerned. They are doing it well so far as delivery is concerned, and demonstrate their knowledge of history and of the circumstances connected with everything, as I said before, but the question of separate schools. I am more convinced than ever that it is necessary for those who take the stand which I am obliged to take on this question to put themselves on record and give good, sound and logical reasons for the faith that is in them. My hon. friend talked about the ordinances of the Northwest Territories, and then attempted to lay the blame upon the late lamented Sir John Thompson for not providing for the relief or the protection of the minority in the Northwest, because Sir John Thompson had not disallowed the ordinances passed in 1892. I am sure my hon. friend knows better than that. He knows that Sir John Thompson had said that the ordinances of the Territories were entirely different from an Act of a provincial parliament, that there was a limitation to the powers of the provincial parliament, while the ordinances of the Territories could be changed and could be repudiated or disallowed at any time, the Territories being immediately under the federal authorities. I go further

than that. As a proof of this fact and as a proof of what I have stated, it was not necessary for Sir Wilfrid Laurier to base his Act upon the ordinances of 1901 or upon any other ordinance in the Northwest. His Bill as introduced the first time goes beyond the ordinances and repudiates them entirely, he bases his action upon the British North America Act of 1867. What does Sir John Thompson say ? I wish to place his remarks on record, because my hon. friend referred to that. He said :

> Let me call attention especially to the differences which exist, as to the disallowance, between an ordinance of the Northwest Territories and the statute of a province. If a year is allowed to elapse without the disallowance of the statute of a province, that statute being within the provincial powers—and that is practically admitted here, except for the statement of Mr. Justice Rouleau, which I shall not discuss —that statute becomes law and is beyond the reach of any power but the legislature which enacted it. But, as regards an ordinance of the Northwest Territories, it must be remembered that this parliament has control of the Territories in a fuller and more absolute sense than it has control of the provinces.

It is a great fallacy—the word is none too strong, I can use stronger words than that—it is drawing a red herring across the trail to try to excuse Sir Wilfrid Laurier for not being able, by reason of these ordinances, to bring in any other Bill than the Bill which is before us now.

Hon. Mr. DAVID—Does the hon. member think that he is justified in saying that clause 16, No. 1, had the effect of abrogating and abolishing the ordinances ?

Hon. Mr. McMILLAN—I do most distinctly. It paid no attention to the ordinances.

Hon. Mr. LANDRY—And the Minister of Justice said so also.

Hon. Mr. McMILLAN—That disposes of that point. Now, my hon. friend, with all his liberality, and with all the toleration that characterized his speech, was a little bitter on some things. He wanted to associate the Orange party, whom he does not like, with the Conservative party, and he claimed that everything wrong that had been done by the Conservative party was done through the influence of Orangeism. I remember the day, in the united parliament of Canada, when the French Canadians, led by Sir George Cartier, brought up the separate school question, that out of fifteen Orange members thirteen or fourteen supported the schools.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. McMILLAN—And that his friends, Hon. George Brown, Oliver Mowat and their followers, were the opponents of the separate schools. I will go further than that, and perhaps show my hon. friend a little more. When Dalton McCarthy joined the Reform party, the Radical party, the Laurier party, the first thing he set about doing was to destroy the French language and separate schools in the Northwest.

Hon. Mr. POWER—How many Liberals voted with him ?

Hon. Mr. McMILLAN—I will tell you how many Liberals and how many Orangemen voted with him. The Orangemen who were the helpers of Dalton McCarthy in the endeavour to destroy the French language, are the ones he accuses of being in our ranks now, Mr. Sproule and Mr. Maclean. What did Sir John Macdonald do when Mr. McCarthy brought up the question ?

Hon. Mr. DAVID—Dalton McCarthy was not a Liberal.

Hon. Mr. McMILLAN—To all intents and purposes he was a Liberal. He left us and supported Sir Wilfrid Laurier. The hon. gentleman's party got the benefit of all he did for them. Sir John Macdonald came to the rescue of the French Canadians and the people of the Northwest on that occasion. And what did he say ?

> I have no accord with the desire expressed in some quarters that by any mode whatever there should be an attempt made to oppress the one language or to render it inferior to the other. I believe that would be impossible if it were tried, and it would be foolish and wicked if it were possible. The statement that has been made so often that this is a conquered country is 'à propos de rien.' Whether it was conquered or ceded, we have a constitution now under which all British subjects are in a position of absolute equality, having equal rights of every kind—of language, of religion, of property and of person. There is no paramount race in this country ; there is no conquered race in this country.

He went further in another extract which I could quote, and said nothing was more dear to a French Canadian—and I can well understand that—' nothing was more dear

to a French Canadian than to be able to speak the language he learned at his mother's knee,' and to know that it would be respected and given a place. My hon. friend has stated that he is not satisfied with the present Bill. He spoke in the same way as my hon. friend the Secretary of State did. Both made what I would call first-class separate school speeches, yet they are willing to accept this Bill, this gold brick, instead of separate schools. It does not provide for separate schools any more than they have separate schools in Russia. There is perhaps no man in this chamber who is a greater supporter of separate schools than myself. We have, since 1865, in our town and in our county separate schools that are second to none in the province of Ontario. I state that publicly. My children were educated there, and I know whereof I speak; and I am so much impressed with the idea of teaching religion in schools, that if there were two schools by my door, one of them a public school and the other a Protestant school, I would prefer to send my children to a Protestant school.

Hon. Mr. DAVID—We are of the same opinion.

Hon. Mr. McMILLAN—But I am not willing to take from Sir Wilfrid Laurier's government what my hon. friend is willing to take. Sir Wilfrid Laurier in the first Bill he introduced in the House of Commons, inserted clause 16 which gave to the people of the Northwest separate schools. He knows best the reason why he expunged that clause granting separate schools. I understand that Hon. Mr. Sifton withdrew from the cabinet because he could not get clause 16 altered, and Mr. Fielding threatened to withdraw from the cabinet because clause 16 was not according to his ideas. Both of these gentlemen were absent at the time clause 16 was framed. The clause was, however, changed to the present one, and the only thing I regret is that my hon. friend the Secretary of State did not threaten to withdraw if it were amended as it has been amended. But he did not, and that is a question he has to settle with his own conscience. As I read both clauses, clause 17 in the measure before us gives us nothing in the way of separate schools—gives us nothing, I repeat; and if there is any hon. gentleman in this House who can show me that we have the first iota of what can be considered separate schools under the control of the Catholic board or any other governing board of that description I am willing to concede that I am wrong. I have looked over the Bill carefully, and have compared it with clause 16 in the Bill as originally introduced, and while clause 16 as introduced in the first place by Sir Wilfrid Laurier gave us separate schools, clause 17 in the present Bill gives us nothing. Perhaps it would be well to go into the history of these things to a certain extent. What prompted the proclamation and every letter which was sent to the people of the Northwest during the troubles there in 1869. What was the great inducement which was inserted in all the proclamations? It was that their religious rights and religious practices would not be interfered with in any respect. When the troubles arose in 1869, on the authority of a telegram received from Her Majesty the Queen by Sir John Young, who was then Governor General of Canada, a proclamation was issued by him to the people of the Northwest which reads as follows:

By His Excellency the Right Hon. Sir John Young, Baronet, a member of Her Majesty's most honourable Privy Council, Knight Grand Cross, of the most honourable Order of the Bath, Knight Grand Cross of the most distinguished Order of St. Michael and St. George, Governor General of Canada.

To all and every the loyal subjects of Her Majesty the Queen, and to all whom these presents may come, greeting:

The Queen has charged me as her representative to inform you that certain misguided persons in her settlement on the Red river have banded themselves together to oppose by force the entry into her Northwest Territories of the officers selected to administer in her name the government when the Territories are united to the Dominion of Canada under the authority of the late Act of parliament of the United Kingdom, that those persons have also forcibly and with violence prevented other of her loyal subjects from ingress into the country.

Her Majesty feels assured that she may rely upon the loyalty of her subjects in the Northwest and believes those men who have illegally joined together have done so from some misrepresentation.

Her Majesty is convinced that in sanctioning the union of the Northwest Territories with Canada she is promoting the best interests of the residents, and at the same time strengthening and consolidating her North American possessions as part of the British empire. You may judge then, of the sorrow and displeasure with which the Queen views the unreasonable and lawless proceedings which have occurred.

Her Majesty commands me to state to you that she will always be ready through me as

her representative, to redress all well founded grievances, and that she has instructed me to hear and consider any complaints that may be made or desires that may be expressed to me as Governor General.

At the same time she has charged me to exercise all the power and authority with which she has entrusted me in the support of order and the suppression of unlawful disturbance.

By Her Majesty's authority, I do therefore assure you that on the union with Canada all your civil and religious rights and privileges will be respected, your property secured to you, and that your country will be governed as in the past under British laws and in the spirit of British justice.

I do further under her authority entreat and command those of you who are still assembled and banded together in defiance of law, peacefully to disperse and return to your homes under the penalties of the law in case of disobedience.

I do lastly inform you that in case of your immediate and peaceable obedience and dispersion I shall order that no legal proceedings be taken against any parties implicated in those unfortunate breaches of the law.

Given under my hand and seal at arms at Ottawa this sixth day of November in the year of our Lord, 1869, and in the thirty-third year of Her Majesty's reign.

(Sgd.) JOHN YOUNG.

A similar letter was addressed by Sir John Young to Governor McTavish at the same time, in which he says :

Government House, Ottawa.

W. McTavish, Esq., Governor of Assiniboia.

Sir,—I have the honour to address you in my capacity as representative of the Queen and Governor General of Her Majesty's British North America possessions, and inclose for your information a copy of a message received from Earl Grenville in respect to the account I sent officially of the events occurring in Red River settlement. The message conveys the mature opinion of the imperial cabinet, the proclamation I have issued is based upon it, and you will observe that it requests all who have desires to express or complaints to make to refer to me as invested with authority on behalf of the British government and the inhabitants of Rupert's Land and all classes and persuasions may rest assured that Her Majesty's government has no intention of interfering with or setting aside, or allowing others to interfere with the religion, the rights or the franchises hitherto enjoyed or to which they may prove themselves equal. Make what use you think best of this communication and of the inclosed.

A letter, dated the 6th December, was sent to Donald A. Smith, now Lord Strathcona, which was as follows :

You may state with the utmost confidence that the Imperial government has no intention of acting otherwise or permitting others to act otherwise than in perfect good faith towards the inhabitants of the Red river district of the Northwest.

The letter to Mr. Smith further says :

'The people may rely upon it that respect and protection will be extended to the different religious persuasions.'

All the correspondence that was sent to leading persons in that district at that time contained the promise that the religious convictions of the people, including their schools, would not be interfered with. Now what class of schools had they ? In Ruperts Land and the Northwest Territories the schools were denominational and had been such for I might almost say centuries. The Roman Catholics, the Anglicans and I believe the Presbyterians and Methodists had denominational schools, supported by the people, prior to the union, and were always liberally aided, I believe, by the Hudson Bay Company. This is the meaning of the expression used in all the letters to these important men stating that they need not fear that their religious rights and convictions and all the liberties that they had enjoyed with their denominational schools would be interfered with. To carry out that promise, when Manitoba became a part of the union, Sir John Macdonald at once looked after the fulfilment of the promises made by His Excellency the Governor General, Sir John Young, and gave them separate schools. To carry out that promise, when the Hon. Alexander Mackenzie introduced the Northwest Territories Act in 1875, he amended the Bill after it had been before the House some time, in order to give separate schools to the people of the Northwest Territories. This he did when reminded of it by Sir John Macdonald. The clause which was then added to the Bill was as follows :

When and so soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the Lieutenant Governor, by and with the consent of the council or assembly, as the case may be, shall pass all necessary ordinances in respect to education ; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor, and further that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

Hon. Mr. POWER—Did I understand the hon. gentleman to say that that clause was inserted in the Bill of 1875 on motion of Sir John Macdonald ?

Hon. Mr. McMILLAN—No, I did not say that. I said it was done at the suggestion of Sir John Macdonald, who reminded Mr. Mackenzie that he had omitted the provision. The Hon. Alexander Mackenzie gave Sir John Macdonald credit for it, and said he was reminded by his right hon. friend that he had omitted it. The law was so amended as to give Roman Catholic or Protestant separate schools to the people of the Northwest Territories. We had the opinion of Hon. Mr. Miller, of the hon. Secretary of State, of Sir Alexander Campbell and a number of hon. gentlemen who occupy seats in this House, that the intention was to give the people of the Northwest separate schools in order that those who might be going to that land would know exactly the conditions existing there with respect to education. I have here a pamphlet containing extracts from the speeches on that occasion. Sir Alexander Campbell, a most eminent man and leader of this House for many years, said :

> The object of the Bill was to establish and perpetuate in the Northwest Territories the same system as prevailed in Ontario and Quebec, and which had worked so well in the interest of peace and harmony with the different populations of those provinces. He thought the fairer course, and the better one, for all races and creeds, was to adopt the suggestion of the government, and enable people to establish separate schools in that Territory and thus prevent the introduction of the evils from which Ontario and Quebec had suffered, but had judiciously rid themselves.

Mr. Ryan of Montreal, and Hon. Letellier St. Just and Hon. Mr. Miller all spoke in the same line. Now it is said that it would not be necessary, if they adhered strictly to provincial rights to perpetuate the existence of the schools that were granted in those days. I believe it would not. I believe that the federal government would have a perfect right to ignore everything of that kind, and were entitled to credit for trying to carry out the promises and establish separate schools in the Northwest. When the present government introduced the Bill in the first place they showed the same disposition ; they showed a disposition to try to carry out these promises, but I am sorry to say by the amended clause they have not done so. The present ordinances give you nothing. Clause 8, on page 6 of the ordinances of the Northwest Territories, is as follows.

> There shall be an educational council consisting of five persons, at least two of whom shall be Roman Catholics, to be appointed by the Lieutenant Governor in Council who shall receive such remuneration as the Lieutenant Governor in Council shall determine.

These are a mere advisory board. They have not even a vote ; they have no control over anything. Then it goes on in clause 10 to provide :

> All regulations respecting the inspection of schools, the examination, training, licensing and grading of teachers, courses of study, teachers' institutes and text and reference books shall before being adopted or amended be referred to the council for its discussion and report.

Under the separate school system in Quebec there are two boards, a Protestant board which has control of the Protestant or dissentient schools, and a Roman Catholic board which has control of what they call public schools in that province. In Ontario we have it in a little different form ; we have a Minister of Education, but under him there is an inspector who has control over and inspects all separate schools in the province, so that there is direct control over the separate schools of Ontario, over the selection of books, the curriculum generally, the teachers, their qualifications, and everything else. In the province of Alberta, under this much-vaunted Bill, they have control of nothing. They cannot even select the books for the separate schools, and to demonstrate that, let me go to clause 137. That clause provides :

> No religious instruction except as hereinafter provided shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon after which time any such instruction permitted or desired by the board may be given.
>
> 2. It shall, however, be permissible for the board of any district to direct that the school be opened by the recitation of the Lord's prayer.

Then it goes on in another clause to provide that they shall have permission from half-past three to four, if the parents desire, to teach religion in the schools. Those who wish can go home, and leave the boys and girls who remain to receive their religious education. From whom will the Catholics receive their religious education ? From a Protestant teacher? From whom will the Protestants receive their religious education? From a Catholic teacher?

Hon. Mr. FROST—My hon. friend is mistaken. I think the child will receive re-

ligious instruction from the clergyman of his church.

Hon. Mr. McMILLAN—Permission no doubt will be given to the clergyman to visit the school at half-past three, dismiss those children who do not wish to remain, and impart religious instruction, but that clergyman might live fifteen, twenty or twenty-five miles away and I should like to know how often he could visit those schools.

Hon. Mr. LANDRY—Is that a privilege ?

Hon. Mr. McMILLAN—I do not consider it much of a privilege.

Hon. Mr. DAVID—Have you anything better to offer from your friends?

Hon. Mr. McMILLAN—If you go through the history of the country you will find that our friends never gave you a stone when you asked for bread. They gave you separate schools when you wanted them, and always protected the minority.

Hon. Mr. POWER—They have changed their base lately.

Hon. Mr. McMILLAN—They have not changed their base. Since my hon. friend provokes discussion on that point, I will give him some ancient history on the separate school question.

Hon. Mr. POWER—We have had enough of that.

Hon. Mr. McMILLAN—We will get a little more of it. In the confederation debates, Sir John Macdonald said :

> We will enjoy here that which is the great test of constitutional freedom, we will have the rights of the minority respected ; in all countries the rights of majorities take care of themselves.

Sir George Cartier said :

> Of course the difficulty it would be said, would be to deal fairly by the minority. In Upper Canada the Roman Catholics would find themselves in the minority—in Lower Canada the Protestants would be in a minority, while the lower provinces were divided. Under such circumstances would any one pretend that either local or general government would sanction any injustice ? What would be the consequence . . . it would be censured everywhere . . . any attempt to deprive the minority of their rights would at once be thwarted.

D'Arcy McGee said:

> All that the Protestant minority in Lower Canada can require by way of security to their educational system will be cheerfully granted by this House. I, for one, as a Roman Catholic, will second and support such amendments.

Now that is the history of the Conservative party. And I should like my hon. friend to point out in the history of this country where any attempt was made to interfere with the rights of the minority by that party. It is true that a few scattering supporters of the Conservative party in the past, as now, may have gone over to the Liberals to oppose us when we were trying to do justice to the minority. A few have perhaps supported those who are in opposition to Sir Wilfrid Laurier in this supposed grant of separate schools to the Catholics, but their action does not bind the Conservative party. The party has never gone back on the rights of the minority. They have carried out their promises in every instance. At the time of confederation the Protestants of Lower Canada felt that they were not protected, and as the schools in that province were more of a religious than of a public character, they wanted to be protected, and I think they were right. Who came to their rescue ? Sir George Cartier resigned his seat and went into the local legislature in order to see a Bill passed giving them their rights in Lower Canada. Sir John Macdonald stood by them in that instance; D'Arcy McGee stood by them, every Conservative leader stood by them and saw that their rights were protected. Go with me to Manitoba and you will find their history is equally good there. The minority were protected until they were deprived of their rights by my hon. friend's friends in the province of Manitoba, who were then on the treasury benches—I have reference to the Greenway government, in which Mr. Sifton occupied a prominent position, who was one of the first men from the Northwest that Sir Wilfrid Laurier took into his cabinet when he came into power. The same history and the same record holds good in the Territories. Alexander Mackenzie had forgotten to provide protection for the minority until reminded of it by Sir John Macdonald. The Conservative party have carried out in every instance the promise made in 1763 of toleration towards the Roman Catholic religion in Canada. Lord North, one of the greatest Tories of his day, supported the Quebec Act, and therefore it ill becomes my hon. friend to charge the Conservative party

with intolerance and opposition to the Roman Catholic religion, or the establishment of separate schools. Those who are in glass houses should not throw stones, because they will find their house broken over their heads. It ill becomes the hon. gentleman to talk about the Conservative party being intolerant. What has his leader done on this occasion? I am not going to beat around the bush and go to France, Spain and other countries; I will stay at home. The 16th clause of the first Bill provides:

16. The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force the territory comprised therein were already a province, the expression 'the union' in the said section being taken to mean the said date.

2. Subject to the provisions of the said section 93, and in continuance of the principle heretofore sanctioned under the Northwest Territories Act, it is enacted that the legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein always be provided (a) that a majority of the ratepayers of any district or portion of the said province, or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (b) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and make the necessary assessment and collection of rates therefor, and (c) that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.

3. In the appropriation of public moneys by the legislature in aid of education, and in the distribution of any moneys paid to the government of the said province arising from the school fund established by the Dominion Lands Act, there shall be no discrimination between the public schools and the separate schools, and such moneys shall be applied to the support of public and separate schools in equitable shares or proportions.

That gives separate schools. Mackenzie's law gave us separate schools, but the ordinances passed from time to time obstructed the carrying out of that law. In fact the aim was evidently, especially from 1885 onward, to cripple the separate schools. Under the ordinance of 1885 there was to be a board composed of 5 members, two Catholics and three Protestants, and each of those bodies had control over its own schools. From that day forward the Separate School Act given by Mr. Mackenzie was crippled, until 1901, when the whole thing was taken away. It is on the Ordinances of 1901 that this Bill is based; and to-day we have not a shadow of separate schools in the Northwest The clause in this Bill as amended reads:

17. Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:

(1.) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.

These are the Ordinances No. 29 and 30, of 1901, of which I have spoken. If my hon. friend can extract separate schools out of that clause, he can extract sunbeams from cucumbers.

Hon. Mr. DAVID—I am not an extractor.

Hon. Mr. McMILLAN—No, but my hon. friend is very good at delivering orations which have nothing to do with the subject—interesting orations—but he was quite right in saying that he did not offend anybody. Such orations could not give offence to any one.

What stand do I take on this question? My hon. friend the leader of the opposition, has moved the six months' hoist, and I have no hesitation in defining my position, that I shall support that motion.

Hon. Mr. BAKER—Why?

Hon. Mr. McMILLAN—Because we are not getting separate schools. For bread we are given a stone; we are getting a gold brick for the genuine article. We are not beggars; we are entitled to our rights. We are a respectable minority in that country to-day; those rights were promised us, but since the hon. gentleman's friends have got into power, the minority in the Northwest have been robbed as the people of Manitoba were robbed of their separate schools. They have robbed us in the Northwest though they have done it in a different way. I for one would not accept such a law. I want reasonable separate schools, separate schools under which the children either Roman Catholic or Protestant of that district can be educated in a respectable manner by teachers holding certificates that will be inferior to no other class of schools in that district.

That is the kind of school I desire. If I do not get that I am not going to accept anything else. We are getting nothing; the hon. gentlemen talk about getting a little concession, a compromise forsooth. We cannot have compromises on a matter of that kind. Religion is too important. It is a right that we hold too dear to have any compromise upon it. For that reason I will vote heartily and cordially for the motion to give the six months' hoist to this Bill. Perhaps at the end of six months, if we are successful in defeating it in this House, as I hope we will be, my hon. friend's leaders will come to understand that the people of this country want no such compliment, no such stone for bread. We want bread where we are entitled to it.

Hon. Mr. COX—I should like to say that if the hon. gentleman who has just spoken had been leader of the opposition in the House of Commons and had delivered that speech there and had assisted in the carrying through of the Bill as it was originally submitted to the House, the chances are that the Bill would have been law two months ago.

Hon. Mr. McMULLEN—I have no intention at this stage of the debate of taking up the time of the House on this important question, but I think it is my duty to express my views with regard to the Bill now before the House. We all have a pretty fair recollection of the history of separate schools in this Dominion. We have had them in Ontario for a great many years, and we have not suffered any serious interference. In some places in the rural districts perhaps our people thought it would be better if we had not had them. But after all our Roman Catholic and Protestant friends have got along nicely together and we have a separate school system and an educational system which are a credit to Ontario. That educational system with separate schools intermixed, took the first prize at the Worlds Exposition in Chicago, as the best educational system in the world. Now with regard to this exceedingly important question—because it is an important question—I desire to point out a few facts. While hon. gentlemen opposite can all get under the shadow of a resolution for a six months' hoist, we know perfectly that a great many of them, as well as their friends in the House of Commons, entertain the view that these new provinces should be clothed with full powers of self-government as provided by the 93rd section of the British North America Act, that they should receive full power to deal with every question within the range of property and civil rights as laid down in the constitution, and that they should get the right to deal with matters of education just the same as they did in Manitoba. When we erected Manitoba into a province we gave them full powers of autonomy, we reserved nothing. We gave everything that the constitution provided for, and what is the result in Manitoba? The people of Manitoba were quite aware that this Dominion had entered into a covenant with the Canadian Pacific Railway that no charters would be granted for twenty years for lines of railway running southward from the main line. That contract was in existence when Manitoba was erected into a province. After they got their full powers of self-government, in open violation of the covenant with the Canadian Pacific Railway they granted charters for roads running south-west of the main line. At that time the government of Sir John Macdonald controlled the affairs of this Dominion, and that government disallowed the Act. It was re-enacted and disallowed several times. At last they came to a decision that they would submit to the Privy Council the question of the powers granted to Manitoba under the Provincial Autonomy Act as to how far she had a right to grant those charters. The question was submitted and the answer of the Privy Council was that Manitoba had the right and had the power to grant those charters if she chose. We then paid the Canadian Pacific Railway ten millions in cash to abrogate that clause in the covenant with them in order to allow Manitoba to do as she pleased. The next thing Manitoba did was to establish separate schools. The attention of the House has been drawn to the fact that it was under Messrs. Greenway and Sifton that that Act was passed. After the Act was passed advantage was immediately taken of a provision in the constitution regarding remedial legislation. The government was appealed to, whether under my esteemed friend opposite or not I do not very well remember, but it makes no

difference. They were appealed to under the provisions of the constitution to introduce a remedial Bill and to reinstate the people of the province of Manitoba in the rights of which they had been deprived under the law that had been passed. That Bill was introduced in the closing hours or days of parliament. The opposition took objection to the utilization of that particular provision, or its application to the case of Manitoba, fearing the result of a measure passed to reinstate in the province of Manitoba a matter which the province had themselves done away with under the powers vested in them. The opposition, led by Sir Wilfrid Laurier, kept the question before the House until parliament expired. I think it was a most fortunate thing that parliament was as near the closing hours of its existence as it was when that measure was brought in. Had parliament been in such a position that the consideration of that question could have been forced upon the House and had it become law, I do not know where the trouble might have ended, and no man can point out what the result might have been. The hon. Minister of Trade and Commerce stated last night that we had two wars in the Northwest at a cost of some $12,000,000. If the government had succeeded in passing the Remedial Bill we might have had another war. We cannot tell what it might have caused. While provision is made in the constitution for remedial legislation, it is a remarkable thing that there is no indication in that provision of how it is to be carried out or enforced. It simply says that the central authority at Ottawa shall have the right to introduce remedial legislation in the interests of the minority deprived of their right. But how are you going to carry it out? In what way is the remedial legislation to be enforced? How are you going to re-establish the separate schools and restore to the minority their rights? I contend it is an utter and absolute impossibility.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. McMULLEN—If the provincial government set their neck determinedly to resist the re-establishment of separate schools on an equitable financial basis, it is an impossibility by a statute of this Dominion to fetter the province so that she cannot after all frustrate the object parliament may have had in view. For my part I earnestly hope that where there is a Protestant majority in any province in this Dominion, they will so exercise themselves regarding the rights of Catholics as to concede every reasonable request that they can ask. Catholics do hold it as a conscientious conviction that it is their duty to teach their religion to their children together with secular education. My hon. friend declares that it is one of the fixed principles of Catholicism to do that. As a Protestant I am not going to stand in the way of the Catholic when he declares that that is a part of his religion, I am not going by act or otherwise to interfere with the exercise of this right. No man should do that. I hold that we should exercise that spirit of toleration, forbearance and respect one towards the other, that we should concede to them the right to enjoy those privileges where they are in the minority, and that the same should be done where the Protestants are in the minority. Suppose that we give the Territories which we are now erecting into provinces the same power we conferred on Manitoba, supposing we give them full powers, give them a full right to legislate with regard to education and with regard to everything else. Start them out on the road with full autonomy. What is to be the result?

Hon. Mr. LANDRY—But under the British North America Act.

Hon. Mr. McMULLEN—Under the British North America Act, certainly. Give them the full powers there provided. We know perfectly well that the Conservative party made a covenant with the Canadian Pacific Railway that for all time to come their track, rolling stock and machinery was to be free from taxation. I do not find fault with them for it, but is not that the condition of affairs to-day? When you give these provinces full powers of autonomy they will have the right in violation of that law to impose taxation on the Canadian Pacific Railway. But you say, 'Don't curtail them, give them full powers of autonomy. Let them legislate for themselves as they please. You have no right to withhold any power from them.' In that case the first thing they may do—and they will

have the right and power to do it—is to tax the Canadian Pacific Railway for its rolling stock, for its machinery, for its roadbed, for its track, and for everything else and then you will have the Canadian Pacific Railway coming to us again. We had to settle with them before and give them ten millions to dispose of their claims with regard to Manitoba, and now we will have them coming back to us again with regard to these two provinces and they will say 'The province is violating the law; they are imposing taxes upon us. You covenanted with us that we would not be subjected to taxation. Now we want you to do the same as you did in Manitoba and recoup us for the injustice to which we are now subjected under the full powers of autonomy which you have given to the provinces.' Is it in the interests of the Dominion that we should be placed in that position by the powers conferred upon the new provinces, if no restraint is to be imposed. Now this Act provides for that. No doubt the government were actuated by a desire to avoid the difficulties which were met with in the case of Manitoba. The payment of $10,000,000 taught them a lesson and is teaching us a lesson for I observe that there is a clause in the Act which restricts their power of taxation, a clause which covers this particular point. Let us now take the other case. Supposing we give them full power to legislate as they please and that ten or fifteen years from now some government comes into power in the province which thinks it would be a popular thing to abolish separate schools, and they do it as they did in Manitoba, what is to be the result of that? Back comes the minority to Ottawa, and they say, 'We want you now to bring into play the provisions of the constitution and grant us remedial legislation to reinstate us in our rights.' I should like to see the government backed by the full force of the province of Quebec—and I do not blame them—advocating the rights of the minority, with also the support of the scattered population of Catholics throughout other provinces that would naturally and justly demand that under the provisions of the constitution the minority shall get relief. There you are; remedial legislation again. Another Remedial Bill—it may not come in at the close of parliament. It may come in at a time when the House has to face it. They have to pass the law. Now, how are you going to enforce it? Where are the provisions by which you will reinstate that minority in the rights of which they have been deprived as they have been in the case of Manitoba.

Hon. Mr. MACDONALD (B.C.)—All that is coming.

Hon. Mr. McMULLEN—You have no provision whatever, it is not outlined how or by what method or means you are to reinstate the separate schools. The result would be you would be likely to have another clash with the two provinces. There are a great many people in the country who are saying that we are getting a great many United States people in the Territories, a mixed population from all parts of creation into that country, and some of our friends have gone so far as to say that if it gets largely filled up with a United States population there might be an agitation for annexation after a while. It is becoming a danger of late, so many people are flowing in there from the United States. I would ask this House, what is more likely to cause an excitement for annexation,—an insurrection in those provinces—than attempting to reimpose upon them something that they themselves had abandoned and resented by their law. If they had the power to abolish separate schools and they abolished them and the central authority endeavoured under the constitution to reimpose them, what would be more likely to create dissension and a feeling for annexation to the United States than an act of that kind. I know of nothing. The government have looked over the whole ground seriously and have come to the conclusion that the best time to settle that question is the present. They have given a very mild type of separate school, but the people are satisfied with it. Notwithstanding the fact that the measure has been before parliament for several months there has not been any large volume of petitions presented against it. There has been no appeal. As the Minister of Trade and Commerce pointed out last night the Minister of the Interior went up there and appealed to the people and was returned by acclamation. There is no feeling there against the system of schools which they have at present. They are perfectly satis-

fied with it, and in view of the experiences we have had with Manitoba and in view of the experiences all over the Dominion, in view of the provision in the constitution providing for remedial legislation, in view of the fact that there is no provision by which the relief can be provided, the government have come to the conclusion that it is best here and now to settle this question for ever, and have peace for all time to come. No more prudent or statesmanlike conclusion can be imagined than that which has been arrived at on this question. It is the best settlement that could be made of the whole matter, and I contend that Sir Wilfrid Laurier and his associates deserve credit not merely from their followers, but from every sober sensible individual in this Dominion in placing the charter of the new provinces upon a firm ground that will secure peace and harmony and will for ever set at rest the question that caused so much trouble and so much excitement in Manitoba and in other provinces. Under all the circumstances we are glad to be able to say that the government has acted prudently, and I do not think that the government could have acted more wisely than they have done in this case.

Hon. Sir W. HINGSTON—I was about to ask the hon. gentleman, if he considers it a settlement made for the people when 40 per cent of the people cannot avail themselves of its provisions, when their consciences prevent them from availing themselves of that settlement.

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

The motion was agreed to.

The Senate adjourned until eight o'clock this evening.

Second Sitting.

The SPEAKER took the chair at 8 p.m.

Routine proceedings.

THIRD READING.

Bill (No. 151) an Act respecting L'Union Saint-Joseph de la cité d'Ottawa, and to change its name to L'Union Saint-Joseph du Canada.—(Hon. Mr. Edwards.)

Hon. Mr. McMULLEN.

BILL INTRODUCED.

Bill (No. 192) An Act respecting the powers of the Harbour Commissioners of Montreal—(Hon. Mr. Templeman.)

PROVINCE OF ALBERTA AUTONOMY BILL.

The Order of the Day being called—

Resuming the adjourned Debate on the motion for the second reading Bill (69) An Act to establish and provide for the Government of the Province of Alberta.—(Hon. Mr. David.)

Hon. Mr. LOUGHEED said: I would claim your indulgence while I make a few observations on the Bill before us and perhaps enter upon a short discussion of two or three of its features which up to the present time have not received attention from hon. gentlemen who have discussed it. I might say that the educational clause has very largely overshadowed every other question which has arisen, and owing to that fact very little attention has been given to many questions which certainly are of great importance, if not of vital importance, to those new provinces. It would be somewhat interesting probably if one had time, and the thermometer were not at 80 degrees, to review historically the evolution of those territories from the time of their acquisition by the federal government through the various stages of government that have been granted to them by the central power up to the present time; but that is largely a matter of record and it is therefore unnecessary for me to direct attention to those facts. Permit me, however, to say this, on the threshold of the observations I have to make, that for some years the people of those territories have been very properly looking forward to the time when provincial autonomy would be given them. For some years they have memorialized the federal authorities through the territorial government for that measure of self-government, viz., provincial autonomy, which their position and their interests demanded. They had a right to expect that when the time arrived for the Dominion government to give consideration to this question—a question which in my judgment transcends every other question which has been before this parliament for many years—the fullest consideration would be given to this measure and that they would

be placed upon an equality with the other provinces of our confederation. For various reasons they had a right to expect that this position of advantage would be accorded them as a matter of right by the federal power. It is almost unnecessary for me to point out that when the Act of Confederation was passed, the framers of that Act certainly had in view a uniform system of provincial government so far as it would be possible to adopt uniformity with reference to the different provinces of the Dominion. It was never contemplated for a moment, I venture to say, that there should be imperfect or incomplete provinces or forms of government not provided for in the Confederation Act. I venture further to say that there has not been placed on the statute-books of the Dominion or even Great Britain a measure which was more fully considered, more carefully prepared, or so far reaching in its results as the British North America Act. It possessed practically all the elasticity necessary to include within the confederation not only the then existing colonies which had not entered into the union, but those territories known as Rupert's Land and the Northwest Territories and which the federal government anticipated acquiring through treaty with the Hudson Bay Company and the imperial government; it cannot be said that at the time, not only of the passage of the Confederation Act, but at the time it was discussed, these territories were not fully in contemplation of the framers of the British North America Act. Any hon. gentleman who has studied the confederation debates cannot fail to come to the conclusion that the fathers of confederation fully foresaw the day on which these Bills would be introduced in the parliament of Canada, and the discussion that must necessarily take place thereon, and every provision was made in that Act for the entry of those territories into confederation. Prefatory to what I have to say with reference to other features of the Bill, permit me to direct the attention of hon. gentlemen to the fact that section 146 of the British North America Act provided for the entry of those territories into the union. That section provided the manner in which they would be admitted, namely, upon an address by the Houses of parliament to the Queen. The section is as follows:—

> It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on addresses from the Houses of parliament in Canada, and from the Houses of the respective legislatures of the colonies or provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those colonies or provinces or any of them into the union, and on address from the Houses of parliament of Canada to admit Rupert's Land, and the Northwest Territories, or either of them, into the union on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the parliament of the United Kingdom of Great Britain and Ireland.

The Dominion parliament prepared an address with reference to the entry into the union of those territories, and I will take the liberty of reading a clause of the address in question to show what was in contemplation at that time. This is an address to Her Majesty the Queen from the Senate and House of Commons of the Dominion of Canada, passed by this body on December 17th, 1867, and the clause to which I refer and which is peculiarly applicable to this discussion reads as follows:—

> That the welfare of a sparse and widely scattered population of British subjects of European origin, already inhabiting these remote and unorganized Territoiries would be materially enhanced by the formation therein of political institutions.

I call attention particularly to these words:—

> Bearing analogy, as far as circumstances will admit, to those which exist in the several provinces of this Dominion.

In view of this fact will any hon. gentleman say that the language embodied in that address and presented to the Queen in Council could bear two meanings, when the Senate and House of Commons in 1867 prayed the imperial parliament to grant them power over these Territories so that they might establish institutions analogous to those which existed in the several provinces of this Dominion. What other conclusion can we possibly arrive at, than that those institutions were to be the same as those provided for in the British North America Act?

Hon. Mr. POWER—Did that address refer to what are now Manitoba and the Northwest Territories?

Hon. Mr. LOUGHEED—This address had reference to the Northwest Territories, not Manitoba.

Hon. Mr. POWER—At the time those Territories were not part of Canada.

Hon. Mr. LOUGHEED—Manitoba was carved out of Rupert's Land, and there was an address for that which my hon. friend will find in the statutes.

Hon. Mr. POWER—I am simply asking for information. It was only in 1869 that we got possession of those Territories.

Hon. Mr. LOUGHEED—The address I am speaking of had particular reference to the Northwest Territories. There was an address also presented practically at the same time having relation to the province of Manitoba which was about entering the union.

Hon. Mr. POWER—In 1867 ?

Hon. Mr. LOUGHEED—This was passed on the 17th December, 1867, by the Senate and House of Commons, and is signed by Joseph Cauchon, Speaker of the Senate and James Cockburn, Speaker of the House of Commons.

Hon. Mr. McMILLAN—That address was sent to the Queen in Council in order to supply defects supposed to exist as to the power of Canada to take in the territories.

Hon. Mr. LOUGHEED—Probably what the hon. gentleman has reference to is the Act of 1871, which dealt with an infirmity which was thought to exist as to the creation of provinces out of those territories.

Hon. Mr. McMILLAN—Perhaps it was.

Hon. Mr. BEIQUE—I should like to call my hon. friend's attention and ask his opinion with reference to section 146 of the British North America Act, as to whether under the last part of it provision was made merely for taking into the union the Northwest Territories and Rupert's Land, or whether it empowered the parliament, by address as mentioned there, to erect them into provinces.

Hon. Mr. LOUGHEED—I am of opinion that when section 146 was passed by the imperial parliament, it was thought sufficiently broad to give authority for the admission of those Territories as provinces into the Dominion; but afterwards it was thought better to specifically declare the fact, and consequently the passage of the Act of 1871.

Hon. Mr. BEIQUE—Which superseded the Act of 1867 ?

Hon. Mr. LOUGHEED—I will come to that presently. In pursuance of the address to which I have directed the attention of hon. gentlemen, those Territories became part of the Dominion, and the admission into the union will be found in an imperial Order in Council dated 23rd June, 1870, the part of which relating to the admission of those Territories into the union being as follows:—

> It is hereby ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the power vested in Her Majesty by the said Acts of parliament, that from and after the 15th day of July, 1870, the said Northwestern Territory shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first hereinbefore recited address, and that the parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said territory.

I have cited this authority simply for the purpose of pointing out to the House what the territorial government had a right to expect at the time they memorialized this government to have a province or provinces established in that Northwest country. Therefore, I say that in view not only of the legislation which had been passed by this parliament, but in view of imperial legislation, they had a right to anticipate that the fullest measure of responsible government would be given them, and that they would be placed on a parity with the other provinces of this Dominion. That leads me to point out to hon. gentlemen some of the advantages of which we have been deprived, and which are enjoyed by the other provinces. The leader of the government in this House, when introducing this Bill the other evening, pointed out with considerable force and great eloquence the probable future of those provinces and the very important part they are calculated to play within this confederation, and I think I may safely say that my hon. friend in no way portrayed beyond the actualities of the situation the possibilities of those two provinces. I have no hesitation in saying from my place here this evening that the time will

come within the observation of many hon. gentlemen present, when those provinces will occupy a more important position numerically, commercially, and in many other respects than any other of the provinces of Canada. Their natural resources and the various possibilities which are to be found within the boundaries of those provinces are calculated to make them more important in the various respects which I have pointed out than any of the older provinces. Consequently, my hon. friends would not have been mistaken in at the same time pointing out that they were entitled to as full a measure of government as the other provinces which now constitute the federation. In the first place, we have been deprived of our land, and I have yet heard no good reason advanced by the government why those lands should not have been given to those provinces. I might say that the Conservative party through its leader declared, previous to last election, that if that party came into power they would be prepared to hand the public domain over to the new governments. There is no reason to suppose that those local governments would not be able to administer those lands to very much greater advantage than the representatives of the Dominion government. When you take into consideration that the area of those two provinces will represent over 300,000,000 acres of land, and that those lands are to be administered from two to three thousand miles distant from where they lie, one can easily appreciate the almost impossible task which the federal government has taken upon itself. Now I venture to make the statement that not only the fathers of confederation, but the early leaders in the Dominion parliament immediately after confederation contemplated that when the time would arrive for the erection of those territories into provinces, the administration of their lands would be handed over to them, and I take the liberty of citing to hon. gentlemen opinions which were expressed upon that point, not only at the time of confederation but after confederation became a fact, and when the giants, I might say, amongst the Liberal leaders expressed themselves along the lines which I have indicated. Permit me to direct your attention to a statement made by Sir John Macdonald in the confederation debates as to what was contemplated to be given over to the provinces :—

> It will be seen that the local legislature have the control of all the local works; and it is a matter of great importance, and one of the chief advantages of the federal union and of local legislatures, that each province will have the power and means of developing its own resources and aiding its own progress after its own fashion and in its own way.

I need scarcely state to hon. gentlemen that it would be utterly impossible for a province to develop its resources except it were vested with the control of the lands. If anything is calculated to make those western provinces great, it must necessarily be the power to develop the natural resources lying within their boundaries. But coming down later, when the Newfoundland question was being discussed in the House of Commons in 1869, the late Alexander Mackenzie gave expression to what was in the minds of the framers of confederation when they drafted the powers relating to the local legislatures as to the lands, not only within their boundaries but as to the lands within the boundaries of that North-west Territory. Mr. Blake, in discussing the question of paying $150,000 for the Crown lands in Newfoundland, said :

> He was very strongly opposed to the Dominion acquiring the Crown lands of Newfoundland, and he has as strongly objected to Newfoundland being deprived of its Crown lands ; he commended the policy of the framers of the constitution in leaving to each of the provinces the control of their own public lands. This was from the Canadian point of view, then as to Newfoundland the arrangement was equally objectionable : (1) Its distance from the seat of government (2) and its small representation in parliament would lead to an unsatisfactory management.
>
> The local government would be deprived of the control of these lands, which might by it be rendered valuable for the future development of the colony.
>
> The development of mineral wealth could not be effected by raising a revenue, but by encouraging local enterprise. If the proposition was between giving Newfoundland $150,000 a year and taking her lands, and giving $150,000 a year and leaving her her lands, he would willingly vote for the latter (hear, hear). These lands under the local management of the government would contribute much more largely to the prosperity of Newfoundland than if they were in the hands of the government of Canada.

And he closed with an amendment to the resolution to this effect :

> That the public lands can be managed more efficiently, economically and satisfactorily by the provinces in which these lands are situated than by Canada, and that there is no good rea-

son for a departure from the principle of the Union Act.

The Minister of Public Works having spoken on the subject, Mr. Mackenzie, in reply to what Mr. Blake had stated, said :

The Minister of Public Works, and the premier said they were surprised that the member for West Durham should object to our acquiring the public lands of Newfoundland after voting for the acquisition of lands in the Northwest Territories.

There was a difference between the two cases, in the Northwest Territories there were at present no constituted authorities as there were in Newfoundland, and it would not be pretended that after a government was established in the Northwest Territories we would administer its lands from Ottawa.

I ask hon. gentlemen if any better authority can be cited for the intention which was in the minds of the framers of confederation than the remark which was made by Hon. Alexander Mackenzie as long ago as 1869 ?

Hon. Mr. POWER—Your friends did not adopt that system.

Hon. Mr. LOUGHEED—Two wrongs do not make a right. Why do your friends not adopt it ? This brings me down to another feature of the case. This Bill provides for compensation for the lands. I apprehend that when the present government concluded to give compensation to the two new provinces for the lands of which they have been deprived, it was tantamount to the admission that those provinces are entitled to their lands. Why talk of compensation ? Why talk of deprivation of lands ? Why fix a sum running into the millions, and designate the payment of that sum as compensation for those lands, if those provinces are not entitled to their lands ? I desire further to say that this is not really a compensation for their lands not being handed over. I should like to direct the attention of hon. gentlemen to the financial terms which largely have to do with this question of the lands. I know that on a hot evening like this a financial criticism is anything but entertaining, but we have this duty before us and consequently have to discharge it. It has been said in many quarters, not only by the government but by many who are opposed to this Bill, that the financial terms seem fairly generous. I venture to say that no one making a close analysis of those terms would conclude, in view of the surrounding circumstances, that they can be said to be generous. In round terms each province starts out with a money grant of one million dollars, made up as follows :

For civil government..	$ 50,000
For capitation allowance... ..	200,000
Debt allowance..	405,375
Land compensation..	375,000

This would amount to $1,030,000. For the purpose of keeping the figures in our minds with greater facility, let us say that the two provinces are each receiving one million dollars a year, or two million dollars for the two. As has been pointed out by the leader of the government, when introducing this Bill, the estimates for last year in connection with those Territories as stated by the Prime Minister, exceeded the sum of $1,600,000. It was pointed out by the Prime Minister, when introducing his Bill, that this sum would have to be considerably augmented during the present year if provincial autonomy were not adopted; or to speak perhaps more correctly, he said the increasing expenses of the Territories were of such a character as to not only warrant, but to necessitate, the government increasing the estimates of $1,600,000 for last year. At the same time he very properly pointed out that the establishment of two provinces meant a duplication of administrative machinery which must necessarily add to the expenditure. I would point out to hon. gentlemen that the additional expense consequent upon the duplication of governmental machinery would possibly approximate $400,000, which, if provincial autonomy were not adopted and if two territorial governments were administering the affairs of the Territories, would necessitate an appropriation being made by the government of at least $2,000,000 for the purposes of those Territories during the present year. I will point out some of the items which will be duplicated or partly duplicated, and hon. gentlemen will see that they are very large items. For instance, last session $101,540 was granted for civil government, $21,375 for legislation, $29,000 for administration of justice, and $345,125 for education.

Now, the first three items must necessarily be duplicated on account of the creation

of two governments. The item of $345,125 for education to a substantial extent must be increased, inasmuch as the educational machinery for these vast provinces will require to be duplicated hereafter. Then there were items such as agriculture and statistics, hospitals, charities and public health, miscellaneous, public works, justice and so on. Many of those items will have to be increased, so that the terms granted and which by the government have been claimed to be more than generous, are not so liberal as have been represented. Those claims of generous treatment are simply a phantasm placed before us to reconcile us to the deprivation of our lands. The grant for compensation for lands for the first year for each province will amount to $375,000. Now it would seem from what was said when this Bill was introduced by the Prime Minister, that this amount of $750,000 which is being paid over by the Dominion government to the new provinces, would be an entirely new item being peculiarly stated to be in the nature of compensation for lands. and that we would be that much ahead. Hon. gentlemen will appreciate the statement that subtracting this item of compensation for hands, $750,000, from the sum which was voted last year. namely, $1,600,000, would leave the Territories in debt to the extent of several hundred thousand dollars, so that it would be utterly impossible on the basis of last year's estimates to run the civil government of the provinces. I say therefore that the so-called financial terms are entirely inadequate to the requirements of the new provinces. Many hon. gentlemen have pointed out that they far exceed the terms given to the other provinces at confederation. Many hon. gentlemen, and particularly those in the other House, who advocated the Bill, seemed to think that if those new provinces received the same terms from the federal government that the old Canadas and the maritime provinces received, they would be getting all they were entitled to. Perhaps we are not always in sympathy with the demands which have been made by the older provinces for better terms, but when we take into consideration the fact that thirty odd years have passed since confederation, that the public expenditures have increased enormously from that time, that the demands made upon the provinces from time to time have been equally large in proportion with the demands which are made upon the central government, we must come to the conclusion that the standard of terms adopted at that time is entirely inadequate at the present day. Hon. gentlemen can appreciate that fact when they recall that the revenue of this country in 1868 was only about $12,000,000 and the expenditure about the same. To-day we have reached a revenue of about $80,000,000, and the expenditure considerably exceeds that, and yet we find the same terms given to the provinces on the statute-book at that day in the law of to-day. Therefore I say to have adopted those terms as the terms the new provinces should receive would be entirely inadequate to the requirements of the situation, and would not have permitted the machinery of government to be carried on in an efficient way. I further desire to point out to the House that these terms are not terms given in compensation for our lands, that they are entirely misleading, that those terms have been simply estimated on the basis of the appropriations made last year by the House of Commons, and which were not more than sufficient to carry on the ordinary services of the government in the Territories for last year. I would point out the disadvantages at which those provinces are placed owing to what will be our insufficient revenue. I am not familiar with the revenues enjoyed by many of the provinces from their lands but it is a well known fact that all the other provinces excepting Manitoba have the control of their lands. During the last 20 years the province of Ontario has collected through the Crown Lands Department on account of lands and timber sales the enormous sum of $28,500,000. Consider that for a moment ; and how much of the public domain is exhausted by reason of that ? Only 20 per cent.

Hon. Mr. SCOTT—Those were timber lands.

Hon. Mr. LOUGHEED—They are Crown lands, and mines, and only 20 per cent of that domain has been exhausted. It means that Ontario is now in receipt of a revenue of at least $2,000,000 a year from its Crown lands.

Hon. Mr. SCOTT—From its timber, not its Crown lands.

Hon. Mr. LOUGHEED—My hon. friend should know that the timber would go with the land.

Hon. Mr. SCOTT—Unfortunately you have not the timber in the Northwest.

Hon. Mr. LOUGHEED—But the lands without the timber are more valuable. I therefore say by way of illustration that in Ontario where the taxes are high, where the expenditure is up to the revenue, the province has no more than it can get along with under the terms which it receives by the Act of Union, in addition to the $2,000,000 which it derives from its public lands. It might be said, and has been said, whenever this question has been discussed that Manitoba did not receive its public lands. I would point out to hon. gentlemen that when Manitoba entered the union somewhere like 1,500,000 acres of land was given within the narrow confines at that time of the province to its half-breed population. A very large grant of lands was given for university purposes, and in addition shortly after the Act of Union, under the 'Better Terms' Act, the province was given its swamp lands, a magnificent and valuable asset to-day. So that Manitoba, although it was not given all its lands, was at the time and has been since given such a quantity of lands as to establish a revenue which helps to augment to a surprising degree the other terms to which she is entitled. Under these circumstances you must agree with me that these new provinces should have been given their lands. Now, why were those lands not given? As pointed out by Mr. Mackenzie, Mr. Blake and Sir John Macdonald at the time and after confederation, and as must appeal to the mind of every hon. gentlemen to-day, those new provinces could administer their lands to infinitely greater advantage than they could be administered from the city of Ottawa. What would you hon. gentlemen who come from the maritime provinces think if you had to approach the authorities in Ottawa with reference to every transaction incident to your public lands—if you required a hay permit, or to cut a cord of wood—no matter how insignificant the service you wished to perform upon those lands—if you had to approach an officer of the federal government before being able to secure the right to do so? Would not the intelligence of the people of those provinces be equal to the administration of their lands? In the public interest, as well as in the interest of those provinces, I cannot conceive any reason why those lands should not have been handed over to the provinces, except it be to give that advantage to the central government which it is bound to enjoy, consisting chiefly of party patronage and all the prestige which accompanies that from being able to administer a public domain, approaching an area 320,000,000 acres. When hon. gentlemen consider this, that the school lands which have been sold since 1872 down to the present time have averaged no less than $10 an acre—and hon. gentlemen can verify this by the return which was yesterday laid on the table at my instance—one can readily perceive the injury which will accrue to this Dominion from the haphazard and reckless administration of public lands which for years has been going on and is being continued at the present time. When you consider that an average of $10 an acre has been realized for these school lands, and place that fact in contrast with the disclosures which have been made from time to time within the last couple of years that public lands have been alienated in those Territories for $1 an acre, that railway corporations, syndicates and aggregations of individuals are acquiring those lands for a song, one cannot fail to be alarmed at this reckless administration of the most magnificient public domain with which a people have ever been endowed.

Before touching upon some of the more important features of the Bill I should like to direct attention to the distribution of the electoral seats within the new provinces. While this possibly may not apply to the entire principle of the Bill, yet I must point out to the hon. gentleman that the grossest injustice has been done to the southern part of the Territories which is by very considerably the most populous part in the distribution of the electoral boundaries which has been embodied in this Bill. Now representation by population had long been the battle cry of the old Liberal party, and up to the time of their accession to power in 1896 the Liberal party had regarded

representation by population as almost sacred. But when this Bill was being framed, when it was being passed in the House of Commons, there was stamped upon it the most infamous gerrymander that has ever been put upon a statute-book in Canada or anywhere else. When Manitoba was taken into confederation the Manitoba Act provided that the Lieutenant Governor shall . . . by proclamation under the Great Seal, divide the said province into twenty-four electoral divisions, due regard being had to existing local divisions and population. Had this been done in the present Bill it would have met the requirements of public opinion in those Territories. It was represented not only by those opposed to the Bill, but it was represented in the most vehement terms by the Liberal party, Liberal associations, the Liberal press and Liberal leaders, by the most influential parties in the southerly part of the Territories that the grossest and most serious injustice was being done to the most populous parts of the Territories at the instance of those who conceived and carried out this gerrymander. It was proposed to the government that this very serious question should be referred to a judicial commission; but the government turned it down. It was proposed that an equitable distribution should take place in each of the federal electoral districts, but that was turned down, although the Minister of Justice made no concealment of his view as to the injustice of the distribution; yet notwithstanding all that was done even by representative Liberals from that western country, this still remains in the Bill and apparently will become law. In the Territories a distribution of electoral seats for the territorial government took place as late as 1902. Fifteen seats were given to the proposed province of Alberta. I might point out to hon. gentlemen who are not acquainted with the geography of that country that half way between Edmonton and Calgary is the populous town of Red Deer. It is the dividing line practically between the north and the south. Under that distribution six members were given to the northerly part of Alberta and nine to the southerly part. That is two-fifths to the north and three-fifths to the south; and that represented, I might say, the difference in population between the north and the south—as six was to nine.

Hon. Mr. KERR (Toronto)—Did the nine include Red Deer?

Hon. Mr. LOUGHEED—Red Deer was partly in each of those two divisions. That was satisfactory to all parties; but what do we find in this case. I say without fear of contradiction—I may be contradicted as far as the statement is concerned, but I say without fear of successful contradiction—that the southerly part of the Territories has been growing faster than the north, as the returns to the government will show; when this matter is up in committee, when time will not hang perhaps so heavily on our hands as at present, my hon. friend from Wolseley (Mr. Perley) and myself will be able, if desired to establish this to the satisfaction of this body. Twenty-five members have been given to the province of Alberta, a majority of whom are to represent the northerly half, and why is that? Because the unpardonable crime was committed at the general election in November last, by the southerly half of Alberta, of electing two Conservative members, while the northerly part of the province elected two Liberal members. The public in that free country thought that no very serious results would befall them in sending to Ottawa a couple of representatives of the Conservative party. They were scarcely able to penetrate the designs of the Liberal party in the event of their being retained in power. But be that as it may, we find that by reason of a free people exercising their franchise in the very intelligent way that they did, they have been penalized to the extent of practically being deprived of the franchise, the administration, or absolute control as I might put it, of provincial affairs being placed in the hands of a majority of the representatives in the northern part of the country. I might say the same thing of Saskatchewan. It was not confined to the province of Alberta. The public of the province of Saskatchewan, a free and enlightened public, thought in exercising their franchise that they had the right to elect a Conservative. In the southerly part of Saskatchewan, a Conservative was elected and the consequence is, that the penalty is now being paid by a practi-

cal deprivation of representation in the new province of Saskatchewan. I would point out that in Saskatchewan, where a representation of 25 members is given, drawing a line betwen north and south, taking as the pivotal point the electoral district of Yorkton, ten members have been given north of that and 15 south. According to the voters on the list at the last general election, that gives an average of 1,617 votes in each southern constituency to an average of 733 votes in each constituency in the northern part of the district. I ask hon. gentlemen who belong to the party which, for so many years have been preaching representation by population, if that is fair-play, if that is their idea of justice ?,

In view of the figures which can be established beyond all peradventure to support the facts which I have stated I trust that they will not, when this Bill comes before the Committee of the Whole, permit gross injustice of that kind to be done to the people of those two new provinces, particularly when, in addition to that, you consider that a very large proportion of that northern country is composed of a foreign population, not able to speak the English language, not familiar with our institutions, a population that will not assimilate with our own people for many years to come. I ask you if your patriotism should not rise beyond your partyism and impel you to undo the injustice which is being done to those two new provinces. When this matter comes before committee I hope to be in a position to establish by figures and other data the facts to which I have already directed your attention. There is another feature of the Bill which I would take the liberty of discussing notwithstanding the hour being somewhat late, and that is the educational clause. I said a few moments ago that when the Territorial government memorialized this government for provincial powers, they had a right to expect that consideration which was due to them at the hands of the federal government. The expectations of the territorial government, particularly upon this question, were of such a character as to lead them with, I might say, the greatest confidence, to rely upon securing all the advantages which the British North America Act would give them with reference to the question of education. They could not overlook the fact that so recently as 1895 and 1896 the present leader of the Liberal party had conducted a campaign throughout the length and breadth of Canada, denouncing the government which had been led by my hon. friend to my left, who was succeeded by Sir Charles Tupper, with reference to the Manitoba Remedial Bill. There was scarcely a part of this Dominion where the denunciations not only of that right hon. gentleman but of the Liberal party generally were not heard with reference to the question of coercion of the provinces. Going back to the confederation debates, I need not direct the attention of hon. gentlemen to the fact that from that time down to the present around the educational question the battle of provincial rights has ever been fought. There is no question contained within the 91st, 92nd and 93rd sections over which there has been greater controversy, and over which provincial rights have been more bitterly fought and firmly established, than the educational question; and up to the time of the Manitoba school question I think I might say the Liberal party had been fairly consistent in according to each province the rights of the union upon the question of education. In fact, I think a perusal of the confederation debates would almost lead one to the conclusion that what led to the federal union which we enjoy to-day was the apprehension which existed in the minds of the public men of Quebec at that time that if they were to enjoy the privileges which had been accorded to them by treaty in view of the rapid growth which was being made by the province of Upper Canada, and by the other English-speaking provinces they must have a federal union by which those rights would be observed in all their integrity. We know that the representatives of the English-speaking provinces were more in favour of legislative union than of a federal union, that the Quebec leaders, Sir George Cartier and others, were in favour of federal union, because they concluded that it was only by a federal union that their rights could be best protected, and the rights which they had in view particularly were the rights of education. From that day down to the present, the people of Quebec have been extremely jealous as to provincial rights, and more particularly as to the right of education.

Now, I venture to say that it was a mistake to so accentuate education at the time of union, although I may stand unsupported. I think Sir Alexander Galt showed undue apprehension when he insisted upon special provisions being made for the recognition of the rights of the minority in Quebec as well as in Ontario. I think if the framers of confederation had relied upon the tolerance and the generosity of the majority in both those provinces, that the rights of the minority would have been enjoyed very much more quietly, comfortably and securely than under the statute which has been passed to protect them. I notice in looking over the confederation debates that John Sandfield Macdonald, a Roman Catholic himself, was in favour of relying in both Canadas upon the majority without the intervention of statutory safeguards.

Hon. Mr. SCOTT—He always opposed separate schools, just as George Brown did. He allowed my Bill to pass by a special agreement.

Hon. Mr. LOUGHEED—He was not apparently opposed to separate schools.

Hon. Mr. SCOTT—I say Sandfield Macdonald was just as much opposed to separate schools as George Brown. That Bill was passed under his regime by a special agreement with myself.

Hon. Mr. LOUGHEED—I take no exception to the minority having their separate schools in the Northwest Territories, if the right be given them by the constitution. This right if given by the Confederation Act, which I dispute, should be given them in the fullest integrity, but nothing more nor less than the law provides in the constitution.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. LOUGHEED—If the British North America Act is interpreted by the Privy Council in their favour, they are entitled to separate schools of the fullest and widest character consistent with an efficient system of education. If they are entitled to separate schools by the constitution, then they are entitled to something more than a skeleton. They are entitled to something more than what my hon. friend described last night, as a mere symbol, or skeleton or the shadow of a substance.

Hon. Mr. BAKER—A sham.

Hon. Mr. KERR (Toronto)—Is the hon. gentleman in favour of separate schools being granted to them in their entirety ?

Hon. Mr. LOUGHEED—I am not in favour of separate schools. But I say that all the hon. gentlemen who have spoken in support of the Bill have not touched the question at issue at all, but they have dealt with a question entirely foreign to this Bill. The question of separate schools is not at issue in this discussion. The question at issue in this measure, and the question which the people of the Northwest Territories protest against, is that notwithstanding the provisions of the constitution, this government has invaded the rights of the province, has encroached upon the rights under the constitution to which we are entitled, and by a specific provision has said that notwithstanding the constitution we must recognize separate schools in all their entirety.

Hon. Mr. SCOTT—No.

Hon. Mr. CLORAN—Will the hon. gentleman state where the protest came from in the Northwest Territory ?

Hon. Mr. DAVIS—That is the occasion when his partner, Mr. Bennet, came up to Ontario and raised a rebellion at the elections.

Hon. Mr. LOUGHEED—The people of the Northwest Territories are sufficiently well aware that notwithstanding all they might have done after the introduction of this Bill, no matter what injustice might be contained within it, no remedy would be accorded them in response to their protests. But I will say to my hon. friend that this question immediately upon the organization of the Territories will become a burning question, that while my hon. friend opposite and his government fancy that this question is settled, it has only begun to receive attention in the Territories. For many years to come it will be a bone of contention between the different religions in those new provinces, and the strife engendered will be entirely due to

the despotic and unwarranted manner in which it has ben introduced by the present government.

Hon. Mr. KERR (Toronto)—I wanted to know whether we are to understand that the hon. gentleman was advocating that separate schools should be granted in their entirety ?

Hon. Mr. LOUGHEED—As I said before, I say again that the question has nothing to do with separate schools. The question to be determined and which we are asked to determine now is whether the constitution permits those new provinces to deal exclusively—to use the terms of the British North America Act—to deal exclusively with education, or whether this government, notwithstanding the constitutional rights to which they are entitled have the power to impose upon those new provinces a restrictive provision, and obligation, which we say is unconstitutional.

Hon. Mr. SCOTT—The hon. gentleman is not quoting the constitution properly.

Hon. Mr. LOUGHEED—I would say to my hon. friend when he tells me that I am not quoting the constitution properly, that I certainly will not take from him any view which he may entertain upon the question of the constitution because if I know of any hon. gentleman who is not capable of expressing a disinterested view upon a subject of this kind it is my hon. friend. I say there was never a more monstrous proposition placed upon the 'Hansard' than the statement made by my hon. friend on the introduction of this Bill, as to the constitutional authority exercised by this government with reference to it.

Hon. Mr. SCOTT—I made no reference to it at all. I did not discuss it. I merely answered a number of questions with regard to it, and went on with the general Bill.

Hon. Mr. LOUGHEED—My hon. friend seemingly does not know what he has done.

Hon. Mr. SCOTT—I will take an opportunity later on to discuss the matter.

Hon. Mr. LOUGHEED—My hon. friend does not seem to be responsible or aware of what he said. If my hon. friend says that he did not make any reference to the constitutional authorities upon which the introduction of this Bill was based, I certainly must differ with him. My hon. friend in introducing this Bill said that it was based upon the provisions contained in the Northwest Territories Act passed by the government in 1875, and my hon. friend went on to lay down the proposition that authority was given to this parliament in 1875 by the imperial government to pass the Northwest Territories Act.

Hon. Mr. SCOTT—Yes, I said that.

Hon. Mr. LOUGHEED—And that that Act had all the authority of an imperial statute.

Hon. Mr. SCOTT—Yes.

Hon. Mr. YOUNG—The hon. gentleman made use of an expression that I scarcely think he would characterize as parliamentary when he said the hon. gentleman was not responsible for what he said.

Hon. Mr. LOUGHEED—I certainly will retract anything of that kind because I know the hon. gentleman is responsible for what he said, but if I understood him rightly to say he quoted no constitutional authority on the introduction of the Bill, I must certainly differ with him. My hon. friend went into a lengthy discussion upon the effect of the Act of 1875. If my hon. friend says he did not, I shall very gladly withdraw the statement.

Hon. Mr. SCOTT—I said briefly that the Act of 1875 was under the authority of the Imperial Act of 1871. I said that, and I say it now, the federal parliament had just the same power as the imperial parliament had when it passed the British North America Act.

Hon. Mr. LOUGHEED—I say to my hon. friend with all due deference that the Imperial Act of 1871 had nothing to do with the Act of 1875. The Act of 1871 was passed for the purpose of removing a doubt which existed in the minds of the government of Canada as to its rights to create provinces out of these territories, and had in view the exercise of the very power which we are exercising on this occasion in the passage of these Bills. If my hon. friend will look at the Act of 1871 he will see it was also passed to remove certain doubts which had arisen with reference to the Manitoba Act.

In creating the province of Manitoba out of Rupert's Land the educational rights to which the province of Manitoba was entitled were invaded to the extent of placing a qualification in the Manitoba Act of union, and the question arose as every hon. gentleman should know, and I presume does know, as to whether the parliament of Canada had a right to impose that restriction upon the province of Manitoba with reference to education. So serious was the doubt as to their exercising that authority that they obtained the Act of 1871 to validate the Manitoba Act.

Hon. Mr. POWER—If the hon. gentleman looks at the English Act he will see it goes a great deal further than what he says.

Hon. Mr. LOUGHEED—It of course deals with other subjects. While they were about it they removed a doubt which they thought existed in regard to section 146 of the British North America Act and at the same time granted power to erect provinces out of those Territories. That was the Act of 1871. So that I will say to my hon. friend that it was not in pursuance of that Imperial Act that the Northwest Territories Act was passed. The Northwest Territories Act was passed in pursuance of the authority given to the Canadian parliament under the Imperial Order in Council to which I directed the attention of the House before my hon. friend came in, by which was delegated the power to pass laws for the peace, order and good government of those Territories. Consequently this Act was passed in 1875, for the purpose of giving to the territorial council authority to govern those Territories in a limited way. But that in no way changed the right which those Territories had when they should become established as provinces to an exclusive right to legislate as to education. I would direct the hon. gentleman's attention to one of the drafts of the British North America Act. My hon. friend yesterday, in introducing the Bill referred, I think, to the original draft of the British North America Act. which can be found by any hon. gentleman in Mr. Pope's confederation papers. But one of the last drafts of the Act in providing that to each province a number of powers should be given, and among them education, omitted the word 'exclusive.' Now when the Act was submitted to the imperial authorities for the purpose of accentuating the right of the provinces to legislate upon the question of education, we find the word 'exclusive' introduced into it. It was introduced, I think, in the last draft which was passed by the fathers of confederation, but in the earlier draft of the British North America Act the word 'exclusive' was not inserted. If any hon. gentleman desires to look into this matter, he will find that in the earlier draft it was thought, in delegating to the local legislature the right to legislate on education, that the word 'exclusive' was not necessary but afterwards the exclusive right to legislate was given.

Hon. Mr. BEIQUE—Subject to certain exceptions.

Hon. Mr. LOUGHEED—Yes.

Hon. Mr. BEIQUE—Do I understand the hon. gentleman to express the opinion that subsections 1, 3 and 4 were not intended to apply to all provinces, not only the four provinces which formed confederation but to all future provinces which might join the union ?

Hon. Mr. LOUGHEED—For the purpose of discussing it a little more intelligently I will read the clause. It is as follows :—

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 province at the union.

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions.

I say that that applied to all the provinces.

Hon. Mr. BEIQUE—And to these new provinces ?

Hon. Mr. LOUGHEED—If there were conditions in that country answering to the case provided for I would for the purposes of this argument say yes. Then the second subsection reads as follows :—

2. All the powers, privileges and duties at the union by law conferred and imposed in 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.

I say clause 2 only applied to old Canada. Then subsection 3 would of course apply to any province. It reads as follows:—

3. Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council from any Act or decision 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.

That of course would apply to any province where a system of denominational or separate school education was adopted after the union.

Hon. Mr. BEIQUE—Or that existed at the time of the union?

Hon. Mr. LOUGHEEED—Yes, I think as far as the application of those sections are concerned, we are not very much apart, provided the conditions existed. What are the facts? We are asked to legislate here with reference to a fact which does not exist. The British North America Act provides in subsection 1 that 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 province at the time of the union. The territories became part of the union on July 15, 1870. I read to hon. gentlemen a moment ago the Imperial Order in Council introducing those Territories into the union, and that Order in Council was to take effect on and after July 15, 1870.

Hon. Mr. CLORAN—Will the hon. gentleman state that the union was complete at that time?

Hon. Mr. LOUGHEED—I will approach that in a moment. On July 15, 1870, the Territories became part of the union, part of the confederation of Canada expressly under the Imperial Order in Council. It was not until 1875 that any system of education was introduced into these Territories, consequently there was at the time of the union no system of denominational schools within the boundaries of those Territories. Consequently subsection 1 could not possibly have any application to the peculiar conditions which then existed.

Hon. Mr. CLORAN—The hon. gentleman might answer the question.

Hon. Mr. LOUGHEED—I am going to answer it. The government was fully convinced of the fact that the union referred to in subsection 1 of section 93 was the union of July 15, 1870, otherwise they would not have introduced into this Bill subclause 3 of clause 17. Hon. gentlemen will see that this is a most remarkable statement to introduce into the statute. Is the British North America Act not sufficiently clear? Is it not for the courts of the realm to determine the meaning of those Acts without the parliament of Canada undertaking to interpret the meaning of a constitutional enactment. Hon. gentlemen will see that under subclause 3 of clause 17 we are asked to make a declaration as to what the meaning of that clause is. It is this arbitrary interference to which the people of those new provinces take exception, and demand that the proper courts interpret what their rights shall be.

Where the expression 'by law' is employed in paragraph 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30.

Those chapters are the ordinances passed by the Northwest Territories in 1901; and will any hon. gentleman here say that when the British North America Act was passed, when the framers of confederation between 1860-67, gave their best thought and attention to the drafting of this clause, they had in view an ordinance to be passed by an assembly which then had not an existence, and an ordinance which was not passed for 30 years afterwards. We are asked to say that the law which was passed in 1867 looked ahead for 30 odd years, and contemplated as I say the existence of an assembly which then was unknown and the passage of the two ordinances which then could not possibly have been in anticipation. The imperial parliament, in passing section 93, had in view the law as it then stood within the boundaries of any part of the union of Canada. The Bill goes on:—

Where the expression 'at the union' is employed in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

Why, the Northwest Territories have been in the union for 30 odd years, since the 15th July, 1870, and yet we are asked coolly and deliberately by this parliament to enact a wilful misstatement, that what the law meant at that time was the legislation about to be passed at this time. What union?

There is no union to be consummated at this time. These territories are simply being erected into provinces. The territories at the present time are as much part of confederation as the old provinces of Canada, as the maritime provinces of the Dominion. as Manitoba or British Columbia ; and will any hon. gentleman on the opposite side of the House, will my hon. friend who leads the government point out one jot or tittle of any constitutional authority or of any statutory enactment showing that these territories are not as much a part of the union as any of the provinces of Canada.

Hon. Mr. CLORAN—Not yet.

Hon. Mr. LOUGHEED—Then hon. gentlemen we are asked for the purpose of this legislation and for the purposes of changing the constitution and for the purposes of coercing the territories and for the purpose of imposing upon them an obligation which the constitution never contemplated, to enact what is absolutely a wilful misstatement, clothing those territories retroactively with all the attributes of a province and setting forward the hands of time from the 15th July, 1870, to the 1st July, 1905. I ask my hon. friend from de Salaberry, who is a very keen lawyer, if he for a moment thinks that if the constitutional rights for which the government contend, are to be found within the four corners of the British North America Act, they require legislation of this kind to bolster up a so-called constitutional case which they are endeavouring to make for the purpose of shackling and throttling those territories for all time to come. I do not wish to misconstrue what my hon. friend the Secretary of State said, but I did understand him to say that when the statute of 1875 was passed, giving separate schools to those territories with all the force and effect of an imperial statute, no attempt was ever made to repeal it, that no exception was ever taken to it, and that it remained there like the laws of the Medes and Persians, fixed and unalterable for all time to come. If my hon. friend had perused the parliamentary journals upon this question he could not fail to have acquainted himself with the fact that time and again the territorial government demanded the repeal of that statute, and that time and again members in the House of Commons directed the attention of the government to the fact that public opinion in the territories demanded its repeal, and that time and again it was represented to parliament by the leader of the government that the Act was but temporary, pending the erection of those territories into provinces. Sir John Thompson, in 1894, said :—

> What the constitution of the future provinces shall be, in view of the pledges which have been referred to, or in view of any other set of circumstances, will be for parliament to decide when it decides to create those provinces.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. LOUGHEED—If my hon. friend can get any comfort out of that he is entitled to it. I think I shall be able to point out to my hon. friend as I proceed, that the opinion of Sir John Thompson was that the legislation was but temporary and was simply placed upon the statute-book pending the erection of those Territories into provinces.

Hon. Mr. POWER—I understood the hon. gentleman to read a statement by Sir John Thompson that parliament could give any sort of constitution it pleased to a province when erected into a province.

Hon. Mr. LOUGHEED—Sir John Thompson was catechised by Mr. McCarthy at the time.

Hon. Mr. POWER—Then he would be careful as to what he said.

Hon. Mr. LOUGHEED—Mr. McCarthy asked this question and Sir John Thompson gave the answer as follows :—

> As I understood the First Minister in his answer to the hon. member for West Assiniboia—perhaps I was wrong, but I would like to be corrected if I was wrong—rather insisted upon the view I am putting which is that if separate schools are continued until the Northwest Territories are given provincial autonomy they will have the right of insisting upon that being continued when provincial autonomy is conferred upon them.
>
> Sir JOHN THOMPSON. I did not say that.
>
> Mr. McCARTHY. Then I fail to understand the views which the First Minister holds. He seems to be on both sides of the question.
>
> Sir JOHN THOMPSON. Not at all. If I spoke ambiguously before, I was not at all conscious of it ; but I cannot be said to be ambiguous after the explanation I made to the hon. member for Assiniboia. I appealed to the House to continue the present system while the territorial system continued, and I declared that in my opinion the whole subject would be open and free to parliament as to what constitution we would give to the provinces when provinces were created.

Hon. Mr. POWER—Hear, hear.

Hon. Mr. LOUGHEED—In view of what my hon. friend the leader of the House has said, that that statute was fixed and unalterable as the laws of the Medes and Persians, I find it difficult to reconcile that statement with the statement of so great a constitutional lawyer as Sir John Thompson, so that, I hope, may confirm my hon. friend from Halifax in the faith which I hold. Let me cite a few authorities from the Liberal ranks, whose views upon this question were looked upon as oracular and worthy of the very best attention. Sir Wilfrid Laurier in discussing this question in 1896, said:—

It is impossible to admit for instance that the institutions of the Northwest are permanent. On the contrary they are exceptionally temporary; they deal with a state of things which is exceptional in itself; they were devised at a time when there was no population and they must be modified from time to time as the necessities of the case require. But at this moment to say they are permanent is a thing in which I cannot agree except so far as they must be permanent in every particular, so long as we are not ready to give these people a more extended form of authority.

The late Hon. David Mills, than whom in the composition of the Liberal party there was no greater constitutional authority in Canada, speaking in parliament in 1894, said:—

When you look at the subject of education prior to the union you will find not that any system was expressly imposed upon the province, not that the principle of separate schools was virtually established, but the rule was established that where separate schools were established and had been established before the union, they should remain, and where they were not established, the province should retain control over the subject to introduce them or prevent their introduction as seemed proper to the people. We have a practical illustration of this fact in the position of things in the maritime provinces and the provinces of Ontario and Quebec. So far as the Territories were concerned—I do not at all admit that the introduction of separate schools there stands upon the same footing as the introduction of separate schools in the province of Ontario, or of dissentient schools in the province of Quebec. In these provinces they are protected under the constitution; they cannot be interfered with by the local legislature. But in the Northwest Territories, as the hon. minister has said, it has been a matter not of right, not of guarantee to any particular class of the population, but a matter of policy. They were introduced with the view of preventing conflict in this House upon the subject of separate schools and for the reason that they were introduced there they should be maintained as long as these Territories are under the control of this parliament. When this parliament has discharged its duties and the people of the Territories have received the population to entitle them to enter the union they must assume the responsibility for deciding for themselves under the British North America Act how far they should maintain the principle of separate schools or maintain the non-denominational system. Any attempt on our part, whatever our inclinations or feelings may be, to anticipate what ought to be done in that particular, by the province after its autonomy is established, instead of being a source of security to its institutions would be a source of great danger.

Hon. Mr. BEIQUE—Does the hon. gentleman agree with his view?

Hon. Mr. LOUGHEED—That is a view expressed by the Hon. Mr. Mills, and that is the only constitutional interpretation which I think can be placed upon the statutory enactment which we have before us.

Hon. Mr. BEIQUE—It is to this effect: that so long as the Northwest Territories are in the union as territories, but not as provinces, that section 93 of the constitutional Act does not apply I understand that the hon. gentleman concurs in this view?

Hon. Mr. LOUGHEED—My view is that this parliament should not interfere in the question of education; that the passage of an Act erecting those territories into provinces would have brought section 93 into play automatically, and whatever rights were included in section 93, the supporters of separate schools would have all the advantage thereof, or in other words, when this constitution was passed, provision was made in anticipation of those territories being created into provinces; and whatever the rights of the minority are under the Confederation Act, they are entitled to nothing more nor less.

Hon. Mr. BEIQUE—The hon. gentleman very frankly answered the previous question. He stated in answer to a question I took the liberty of putting that section 93, subsections 1, 3 and 4 was intended to apply to all the provinces joining the confederation as provinces.

Hon. Mr. LOUGHEED—Yes, if the conditions existed.

Hon. Mr. BEIQUE—And now I should like to ask the hon. gentleman if he does not admit that this subsection of section 93 did not apply to the Northwest Territories

so long as they remained territories instead of being provinces.

Hon. Mr. LOUGHEED—Certainly.

Hon. Mr. BEIQUE—That is what Mr. Mills contended.

Hon. Mr. LOUGHEED—Section 93 did not apply while the Territories were in a state of tutelage, so to speak. But immediately those territories become erected into provinces section 93 comes into operation.

Hon. Mr. BEIQUE—Then the hon. gentleman should admit that the words 'at the union' cannot be taken to mean at the time of the purchasing of those territories as territories, but it must necessarily mean at the union of the provinces.

Hon. Mr. LOUGHEED—May I answer that question by asking one, what does section 93 mean by 'the union'?

Hon. Mr. BEIQUE—It means the provinces or territories coming into confederation as a union.

Hon. Mr. LOUGHEED—What date does the hon. gentleman fix for this Act coming into force? 1st September, 1905?

Hon. Mr. BEIQUE—Yes.

Hon. Mr. LOUGHEED—Then my answer to my hon. friend is that if this section 93 means what he says, why legislate in this way as we are now being asked to do? Is it not already a fundamental law of the Dominion; and if that be the case, and there is no doubt about it, why are we performing this work of supererogation, solemnly declaring what the law is to be?

Hon. Mr. BEIQUE—It is to avoid contention on this point, as to whether it shall apply the law as it stood in virtue of the Act of 1875, or as to whether it shall apply the law as embodied in the ordinances, and it is moreover for the purpose of removing questions of doubt, as the hon. gentleman has expressed it, and as was expressed by the hon. leader of the opposition in the House of Commons.

Hon. Mr. LANDRY—Removing a doubt in favour of the Catholics or against them?

Hon. Mr. BEIQUE—If the hon. gentleman takes his law from the hon. gentleman from Calgary or the hon. leader of the opposition, he will admit that there is a great deal in this Bill in favour of the minority and much more than we would be entitled to.

Hon. Mr. LOUGHEED—The very best answer I can give to my hon. friend is this: if he and his friends are so confident of the rights of the minority having been already provided for under the British North America Act and of their wide and comprehensive character, then I think he is doing a very great injustice, not only to himself, but to his co-religionists, if he votes for the Bill and reduces the rights of the minority to the skeleton described by the hon. Secretary of State.

Hon. Mr. SCOTT—Would the hon. gentleman have supported the Bill if we had relied on the British North America Act?

Hon. Mr. LOUGHEED—Certainly.

Hon. Mr. SCOTT—A good many of the hon. gentleman's friends did not.

Hon. Mr. LOUGHEED—If the hon. gentleman will withdraw clause 17 and rely on the educational clauses in the British North America Act. I will support the educational feature most heartily. Another hon. gentleman who stood high in the councils of the Liberal party, regarded as a constitutional authority, was Sir Louis Davies, and in 1891, in expressing an opinion on this point, he spoke as follows:—

> My opinion is now and has been for years that when that time comes you cannot withhold from the provinces so erected the right to determine for themselves the question of education in one way or the other. I would be the last to favour this parliament imposing upon the people there any system of education, either free or separate. I only claim that when a Bill is introduced to erect those territories into provinces that Bill should contain a provision enabling the people of the different provinces so created to decide what system of education they shall have. I do not discuss that question now. I only express this view lest I might be supposed by my silence to give assent to some extreme doctrines which hon. gentlemen have propounded. In view of the remarks which have been made, I thought it necessary to disclaim that, in assenting to the passing of this Bill, I bound myself for all time on this question of education. I do not. Although we are giving powers almost equal to those conferred upon local legislatures, we are not erecting the territories into separate provinces. When that is done I suppose it will be done by the Queen in Council under the 146th section of the British North America Act, and I simply claim the right when that time comes to determine for myself. In accordance with the view I have always held and hold now, I have no hesitation in expressing, respectfully, that

the people of those new provinces should have the right to determine what system of education they shall have.

Then at that time my hon. friend formed an alliance with the late Dalton McCarthy. They were very glad to accept the support of that hon. gentleman at that time. And what was his view? He was regarded as no mean authority upon a constitutional question. In 1890 Mr. McCarthy, in the Dominion parliament, contended that the Northwest assembly should have power to deal with this question of education in an unrestricted manner. In 1894 he said that he had tried for many years to have this change made. He referred to the assembly resolution, and said that since that time from session to session, whenever the Bill has been brought up petition after petition has been presented to this House. So far as I know, no petition has been presented against that power to deal with education being conferred.

Mr. McCarthy moved an amendment in these terms, and a long and important debate ensued. The ground taken against Mr. McCarthy was that the arrangement was only temporary, to last only until provincial rights were conferred. 'It is perfectly plain,' said Mr. Mills, 'that if we are not to make this House and this parliament the arena of religious contention, if we are not to raise religion against religion, and race against race in this parliament of Canada, we must abstain from undertaking to make this a battle ground for a decision of the question as to whether in the territories there shall be a question of wholly secular education or not. We leave that question under the restrictions imposed by the Act of 1875 to the territories; and when they have obtained the maturity entitling them to representation as a province, then the legislature of that province, subject to the provisions of section 93 of the British North America Act, must decide for themselves what system of education shall be established there,' and again, 'when the territories have a sufficient population to entitle them to become a province, they must decide for themselves whether they must have separate schools or not.' And I may quote to hon. gentlemen the opinion of Mr. Christopher Robinson, than whom there is not a more careful and weighty lawyer in the Dominion upon this question. Mr. Robinson stated emphatically that there was no obligation cast upon this government to legislate as to education.

Hon. Mr. BEIQUE—I will not pretend for my part that there is any obligation except the spirit of the constitution.

Hon. Mr. FERGUSON—Then my hon. friend does not agree with Sir Wilfrid Laurier who contended strongly that there was an obligation.

Hon. Mr. BEIQUE—He did not contend that.

Hon. Mr. LOUGHEED—So much for what I might term the constitutional opinion of constitutional lawyers upon the question. As to the spirit of the enactment which has been referred to by my hon. friend, let me say—and I think every hon. gentleman must necessarily agree with me—that the only way in which the constitution can be interpreted must be according to the letter of the law. If we are to take into consideration my hon. friend's version of what the spirit of the constitution is—and we must set against that what the hon. leader of the opposition may regard as the spirit of the constitution—could we ever get an interpretation of the constitution? When hon. gentlemen talk about interpreting the constitution according to the rights and liberties and consciences of the people, they talk about an impossibility, and no man of common sense, once he gives deliberate consideration to that question, can come to any other conclusion than that it would be impossible to deal with such question other than according to the strict letter of the law. I ask if it will be possible in view of the different races, religions, and sentiments of the people of this Dominion, province against province, one section of the Dominion against another, if we are to consider the constitution as having to be interpreted according to its spirit, if a conclusion could ever be arrived at. All I have to do is to mention the fact to my hon. friend opposite, and I feel thoroughly satisfied he will agree with me. I listened to my hon. friend from Wellington with a considerable degree of pleasure this afternoon because I thought he was going to arrive at a different conclusion. It struck me that he presented one of the strongest arguments that could possibly be presented why the six

months hoist should be carried, and the Bill should not become law. He went on to describe the various enactments passed by the federal authorities and imposed upon the provinces which had been against the sentiment and the local rights of the provinces, and he pointed out that every enactment which he referred to as having been imposed against the constitutional rights of the provinces had resulted disastrously for the Dominion.

I say to hon. gentlemen that you cannot, by passing a law of this kind, throttle and choke the people of any particular province with reference to a question upon which they have a strong feeling of resentment. You cannot say unto the people of those new provinces: 'We are interpreting for you the constitution according to its spirit, and we are going to force upon you educational restrictions and qualifications which are not warranted by the constitution.' You have to rely upon the moderation and toleration of the different peoples of this Dominion and their readiness to accord to the minority, those rights to which they are entitled. I was about to read to you a few moments ago a passage from the speech of the Hon. John Sandfield Macdonald towards the close of the confederation debates on this question, and so well has he expressed the sentiment which I would like to express, that it seems to me I cannot do better than read the remarks he made on that subject. He said:—

I rise, Sir, to propose another amendment. I assure the House that I never knew a measure of anything like this importance go through with so few attempts to amend it. Nor do I rise for the mere purpose of putting my amendment on record, for I do feel that the views I am about to express, and which I have ever held since I have been a member of this House, may not commend themselves to any considerable number of hon. members. I have no desire that the rights of the Roman Catholic minority of Upper Canada shall be abridged, nor that the rights and privileges of any other denomination shall be interfered with in any respect. But I wish hon. members to bear in mind that the experience we have had in this country—not to allude to that of the neighbouring states, proves that a denial of the right of the majority to legislate on any given matter has always led to grave consequences. I need only mention the clergy reserve question. That it must be recollected, was forbidden to be legislated upon by the Union Act; yet it was the cause of fierce strife, and legislation for many years. The original constitution of the United States prohibited the question of slavery from being interfered with by Congress; yet an agitation for its suppression was early commenced, and at last terminated in civil war. (Hear). The agitation of the clergy reserve question produced a rebellion in Upper Canada. I say, Sir, that by making a constitutional restriction in respect to the schools of the minority, we are sowing the seeds from which will in the end arise a serious conflict, unless the constitution be amended. The minority will be quite safe on a question relating to their faith and their education in a colony under the sway of the British Crown; but if you expressly withdraw that question from the control of the majority, the rights of the minority will not be safe in either section of the province, if you distrust the action of the majority. It is our duty, Sir, to see that a question which affects us so dearly as the education of our children—a question which has before now created no little excitement in Upper Canada—shall not be withdrawn from the management of the local legislature. We ought not to deprive them of a power which they will want to exercise, just because they are deprived of it, and provoke a desire on their part to alter the system. You may rely upon it, other religious bodies will be sure to protest against any particular creed having special rights, or an exclusive monopoly of certain privileges, whatever they may be. I should be astonished if any one in this House would say, either to the Protestant minority in Lower Canada or to the Roman Catholic minority in Upper Canada 'You are not to trust to the justice of the majority.'' Have they ever known a country where the majority did not control affairs and where the minority had not to submit? Does not the majority rule and the minority submit in England and in France? I have never heard of any state where this was not the case. The minority is safe against undue encroachment on its rights, and I am willing to trust to the sense of justice of the majority in Upper Canada to preserve the religious and educational liberties of the Roman Catholics of Upper Canada. I am now getting somewhat advanced in years, and I am the more anxious to put my opinions on record, because before long I shall have the satisfaction of saying, though perhaps not on the floor of this House, that I protested against resolutions intended to prevent the free expression of opinion by the majority of the people of Upper Canada, and the exercise of a power which ought to be intrusted to them.

Now permit me to say that I regret very much indeed the observations which have been made by some hon. gentlemen opposite with reference to the alleged prejudices and passions and fanaticism of certain sections of this Dominion, more particularly in the province of Ontario and especially the city of Toronto. I say to the hon. gentlemen opposite who are supporting this Bill that they cannot find in any of the observations which have been made by the opponents of the Bill any reflection upon the religious prejudices of the people of Quebec or of any minority.

Hon. Mr. DAVID—I did not apply that to the members of this House. I took all the precautions necessary to enable hon. gentle-

men to understand me. I did not apply any remarks to hon gentlemen in this House.

Hon. Mr. LOUGHEED—Many hon. gentlemen take the liberty of making remarks of a very general character, which while made in a very general way are extremely inflammatory. My hon. friend is sufficiently intelligent to know that the remarks which he made with regard to the large and influential Orange order would be scattered broadcast throughout the Dominion, and the minds of these men must necessarily from what he has said be inflamed to a very great degree. I see nothing in the attitude of that order upon this question which warranted the reflection which he passed upon it. I cannot refrain from also pointing out that the right hon. Minister of Trade and Commerce, as well as the hon. Secretary of State in introducing this Bill, could not make their remarks upon a question which was purely constitutional, which had in view the adjustment of differences between the religious bodies in the new provinces without casting the most serious reflections upon the people of Ontario. I cannot understand the spirit which actuates many hon. gentlemen who come from Ontario and express themselves in the most derogatory language with reference to the so-called religious bigotry and fanaticism of the people of their own province. Yet we find those hon. gentlemen participating in the extreme and inflammatory remarks which are often made in this House and elsewhere as to the people of their own province. I am bound to say, although I am not a resident of the province of Ontario, that there is no part of this great Dominion where there is more toleration, more generosity to the minority and a higher standard of morality, intelligence and culture than the province of Ontario. I know they give to the minority as broad and as generous treatment as that minority can receive in any part of Canada or in any part of the broad continent of America. To say that the seeds of dissension are being scattered broadcast in the city of Toronto and throughout the province, to say that the great press of the province of Ontario has ever sought to produce antagonism between the people of the different provinces is, I say, to cast an unwarranted aspersion on the people of Ontario and on a press which is a credit in every respect to the Dominion.

Hon. Mr. POWER—The hon. gentleman cannot be reading the Toronto 'News,' or cannot have seen its cartoons.

Hon. Mr. SCOTT—Or 'Saturday Night.'

Hon. Mr. LOUGHEED—Who are the principal leaders with reference to the agitation which has been stirred up by reason of the many iniquitous features of this Bill ? They have been the very bulwarks of the Liberal party. Who was the pioneer in this agitation but the 'Globe' newspaper, as I shall show presently. Who is the editor of the Toronto 'News' upon which my hon. friend from Halifax casts an aspersion? Why the gentleman who presided over the editorial department of the 'Globe' for years, is the biographer of Sir Wilfrid Laurier, the gentleman who deified him far beyond the glowing language of my hon. friend from Mille Iles (Hon. Mr. David). This is the gentleman on whom the hon. member from Halifax (Hon. Mr. Power) casts aspersions, a gentleman who has ever been high in the councils of the party, and who for years had been looked upon as the Delphic oracle of the party in Ontario. Another journalist prominent in this agitation is Mr. Sheppard, of 'Saturday Night,' who has been writing some of the most trenchant articles that have appeared in the press on this subject. Who is Mr. Sheppard ? He was one of the Liberal fold from 1896 until the introduction of this Bill. This government was only too pleased to secure the robust services of Mr. Sheppard in 1896, and by seductive ways to establish him within the Liberal party. For many years he could not write too glowing panegyrics of that party and particularly its leader, the Right Hon. Sir Wilfrid Laurier, and in recognition of his services they invested him with the authority of a commercial mission to one of the South American republics.

Hon. Mr. SCOTT—All governments make mistakes.

Hon. Mr. KERR (Toronto)—Does the hon. gentleman say that Mr. Sheppard was purchased by a thing of that kind ?

Hon. Mr. LOUGHEED—I did not say he was purchased. I made no such aspersion. I know him to be above approaches of such

a character. I say as a small appreciation of his services to the Liberal party in helping to place them in power in 1896 practically on this very question the very first thing they did was to make him a kind of plenipotentiary and send him on a commercial mission to a South American republic.

Hon. Mr. KERR (Toronto)—Mexico ?

Hon. Mr. SCOTT—The West Indies.

Hon. Mr. LOUGHEED—My hon. friend's forgot to consider who the gentlemen are that have been conducting this agitation and those who have been the pioneers in this agitation in Toronto. Why they are some of the strongest Liberals we have in the ranks of the party in Ontario.

Hon. Mr. DAVID—What of that ? It makes no difference.

Hon. Mr. LOUGHEED—It makes this difference: My hon friend must not overlook the fact that the agitation was started by friends of his own household. It was they who began to analyse, to criticise and to denounce this Bill, and I am satisfied that my hon. friend will be sufficiently candid—because I know his sense of honour will dictate that he do so—to accord to the Conservative party a consistent record upon the question of separate schools in seeking to secure to the minority the fullest possible rights to which they are entitled under the constitution. I am satisfied no hon. gentleman can say that I have cast the slightest aspersion upon the convictions or even the prejudices which any minority may entertain upon this subject. In this Canada of ours, made up of different races and religions, we must exercise toleration and respect for the opinions of all and agree to live together in unity and in a brotherly spirit. Nothing can possibly be gained in the discussion of this Bill by appealing to the religious passions, and hon. gentlemen must assuredly see that it is purely a question of constitutional law as to what those provinces are entitled to, and I am satisfied those gentlemen even who have made inflammatory remarks must come to the conclusion that if those provinces are entitled to legislate with reference to education to the same degree as the other provinces of the Dominion, that right should be accorded to them by their constitution, which constitution must be sacred in the minds of the public men of this Dominion. I do not know that I can do better than conclude my remarks by subscribing myself as a supporter of the position taken by the Toronto 'Globe,' on this ubject. On March 21, the 'Globe' made its confession of faith upon this subject, nailed its colours to the mast.

Hon. Sir MACKENZIE BOWELL—It did not keep them there.

Hon. Mr. LOUGHEED—For the time being it made a declaration on this question, and from a constitutional standpoint, seeing it has ever been accepted as the oracle of the Liberal party, I think it should be accepted by the government as having greater weight than any of the other authorities I have cited. On March 21 last the 'Globe' valiantly declared as follows:—

1. The 'Globe' stands for the provincial rights of Saskatchewan and Alberta. Those rights are created and secured by and under the British North America Act. The 'terms and conditions' of their provincial autonomy must be 'subject to the provisions of this Act.' They can have no rights as provinces that are not expressed or implied in the British North America Acts, 1867 to 1886. They can be deprived of no rights to which they are entitled under that constitution.

2. The 'Globe' holds as has been argued in these columns again and again, that the new provinces now to be created do not come under the separate school obligation of section 93, clause 1, of the British North America Act, and therefore they are free under the constitution exclusively to make laws in relation to education, to continue their present system, to modify it, or to substitute another for it, as their legislatures shall decide.

3. The 'Globe' is persuaded by its first hand knowledge of western conditions and by assurances of representative western men, that had the education question been left without direction or trammel to the legislatures, the present system would have been enacted and all privileges possible under any obligatory federal clause would have been secured to Catholic minorities without dispute or acrimonious debate.

CLAUSES ARE ULTRA VIRES.

4. The 'Globe' holds that the educational clauses in the first draft of the Autonomy Bills are ultra vires of the federal parliament, especially the third clause, which is held to contravene the Dominion Lands Act and to interfere with provincial control of details of school administration.

5. The 'Globe' as a logical consequence of the foregoing, holds to be ultra vires of parliament and an infringement, in theory, if not in practice, of the rights of provinces under the constitution and legislation based on the assumption that in the meaning of the British North America Act there is no

difference between the creation of a province out of a territory, for thirty-five years part of Canada under federal supervision, and the union to the Canadian confederation of an independent self-governing autonomous province or colony such as British Columbia, was prior to 1871, or such as Newfoundland is to-day. A territory is not a province, and the constitutional obligations of a province cannot rest upon a territory until it becomes a province.

Now this statement of the 'Globe's' position is made without reservation. Obviously it is opposed, point for point, to the position of the government, and its principle is opposed to the principle of any suggested amendment. The only reason for any abandonment of this position would be the proof that it is constitutionally untenable. Such indubitable proof would be a judgment of the Privy Council. Party politics, anti-French demonstrations, and the irrelevance of sectarian clamour have nothing to do with it.

These sentiments and this constitutional opinion expressed by the 'Globe' represent, I think, the best constitutional thought that can be given to this subject, and I heartily urge its consideration upon my hon. friends on the opposite side of the House who for so many years have been loyal and faithful followers of that organ.

Hon. Mr. SCOTT—The 'Globe' recanted afterwards.

Hon. Mr. LOUGHEED—It did not do more than the Liberal party is always doing. If I were to take up the work of reviewing the recantations of the Liberal party on all great questions, not excluding this educational question, it certainly would require considerable time to review the whole of them. If there is any characteristic of the Liberal party it is their habit of recanting. Their consistency in their inconsistencies only accentuates that strange and perverse inconsistency which ever has characterized them in the past. In 1896 they were against coercion; in 1905 they are preaching coercion throughout the length and breadth of this Dominion, and probably in another decade or less we will find them where they were in 1896.

In conclusion, allow me to express the hope that notwithstanding the very many differences of opinion which are entertained upon this question, the good sense of the people of Canada may come to a happy conclusion, so that in these new provinces no clamour or discord may arise to disturb the good feelings of a portion of this Dominion which in the near future will be populated by the millions of a free and prosperous community.

Hon. Mr. KERR (Cobourg)—I understood the hon. gentleman who has just resumed his seat to argue that there is no constitutional obligation on the parliament of Canada to pass his Bill.

Hon. Mr. LOUGHEED—I say the parliament of Canada has a constitutional right to erect provinces out of those territories, but that it has no right to impose educational restrictions on the people of those provinces.

Hon. Mr. KERR (Cobourg)—Does the hon. gentleman risk his reputation as a constitutional lawyer in saying that the parliament of Canada has not the right to pass this Bill ?

Hon. Mr. LOUGHEED—To what part of this Bill does my hon. friend refer ?

Hon. Mr. KERR (Cobourg)—I am willing to limit it to the educational clauses.

Hon. Mr. LOUGHEED—In my judgment this parliament has not that right.

Hon. Mr. KERR (Cobourg)—I take issue with the hon. gentleman, and if he will take the question to the Supreme Court and it is decided in his favour, I will pay the costs.

Hon. Mr. LOUGHEED—I am afraid the hon. gentleman would lose his money.

Hon. Mr. DAVIS—At this time of night I do not purpose following my hon. friend in all his wanderings during the two hours he has held the attention of the Senate. He has been through the whole Northwest and part of the old country. I rather liked his peroration, when he made the statement that he hoped no matter what difference of opinion there might be in this House and country upon this question that good feeling would prevail in the Northwest Territories. But in another part of his speech half an hour before that, he told us and made the threat to this House and country that this would be a bone of contention for all time in the territories, and we would soon find out that it would become a source of trouble. I commenced to think there was not much reliance to be placed on the peroration when he appealed to the good feeling of the Dominion. He closed his

speech by reading an article from the 'Globe' which he said conveyed his views with reference to the whole question, but I noticed that he did not take the trouble to quote from the Montreal 'Star.' One would expect that when he gave us the views of Liberal newspapers on this question he would also have given us the opinions of some of the Conservative papers. The Montreal 'Star' told these gentlemen that they had better close up and go home, that they were practically ruining the Conservative party, and the 'Gazette' has done practically the same thing. My hon. friend made a good speech, but it contained a great many 'ifs.' I am not a lawyer, and I do not intend to try to put up a legal argument. I do not take much stock in legal arguments. I fancy if my hon. friend were on the other side of the House, he would make just as strong and logical an argument on the other side of the question, because lawyers differ. I remember reading a speech made by Mr. Borden, the leader of the opposition in the other House, in which he said he stood on the constitution. The right hon. the Prime Minister in his speech also said he stood on the constitution. When gentlemen like these two leaders cannot agree, I am sure one of them must have been off the constitution. It put me in mind of the battle of Langside, when the King led on one side and the Queen on the other. The Queen's forces were calling out 'God and the Queen,' while the other side called, 'God and the King.' It appeared to me that the Lord could not very well be on both sides at once, and in the same way I do not think both these gentlemen can stand on the constitution. My hon. friend has dodged all around this question, but has not left it clear whether he is in favour of separate schools, or not. He skated all around the hole but he never went near the water. He was asked the question by some hon. members on the other side of the House, but dodged it very artfully, and has left the impression on my mind that he has not committed himself one way or the other upon that subject. I am not a lawyer, and I have judged this matter from my own common sense as a farmer and a man of business. This school question that my hon. friend has dealt with at such length is one that does not stir the people of the Northwest to any great extent. My hon. friend said there was going to be a protest from the west against this educational clause. He had an opportunity to protest in the west when the Minister of the Interior went back to his constituency for re-election. Why did not my hon. friend and those who share his views protest then?

When the legislature of the Northwest Territories was discussing this question, and when it was being discussed in the press and amongst the people for the last four years, when the Northwest assembly on different occasions presented memorials to the federal government asking for autonomy, there was no reference to the separate school question at all. They were quite willing to accept the provisions of the British North America Act at that time. Mr. Haultain and his colleagues, the Northwest government, drafted a Bill which was presented to the government of the day here with reference to this very question. They embodied in that exactly what they expected to get from the federal government. When these two Bills were brought down in the House of Commons and the Prime Minister explained them, if they were not satisfactory to the Northwest assembly, what was Mr. Haultain's duty? There were, I think, 5 vacant seats in the Northwest Territories at that time, caused by gentlemen resigning to run for the Dominion parliament. Some of the candidates were returned, others were defeated, but those vacancies existed. If these Bills were not satisfactory to Mr. Haultain, then it was his duty to go back to the Northwest Territories and hold elections in each of these 5 constituencies and test the feelings of the people with reference to this question. Did he do it? No, Mr. Haultain stayed down here in Ottawa talking very loudly. Then he went home to the Northwest Territories, and held interviews with representatives of the press. He came back again to the elections in London and North Oxford and made speeches there, but he never tried to test the feeling of the people of the Northwest Territories on these measures. I submit that the people of the territories that are to be formed into two provinces are the people most interested in this subject. They are more interested than the people of Toronto, of London, of North Oxford, or of any other part of this country,

because under the provisions of these Bills they and their descendants will have to live for all time to come. These provisions have been published in the press of the Northwest Territories and the people are intelligent enough to know what they want. We do not have to ask for the opinion of the people of Ontario or any other part of the Dominion. If the provisions of the Bills were not satisfactory to the people of the Northwest Territories you would have heard such a roar from them that there would be no mistake about it; but when you find the members from the Northwest Territories with the exception of three, supporting the clauses of this Bill, I think it may be taken for granted that the people of the Northwest Territories are pretty well satisfied with this legislation as it has been submitted to us. I do not know that I am very enthusiastic over separate schools, not the class that we had at one time in the Northwest Territories; but I do believe that when this parliament dealt with the subject in 1875, when the subject was discussed in both Houses at Ottawa, and it was stated then by the leading statesmen of this country that it was only right that a settlement should be made and the people given to understand what privileges they would have in going into that country, and when an Act went through both Houses granting certain privileges to the Roman Catholics of the Northwest Territories, and people have been going into that country for the last 15 or 20 years and settling there on the strength of that legislation, it would be nothing short of highway robbery to take away those privileges from the minority in that country, even if we had the power to do so. We must live up to our contract. I know some hon. gentlemen on the other side of the other House take a different view on this subject, and talk about provincial rights. Mr. Borden, the leader of the opposition, spoke strongly about provincial rights. As the hon. Minister of Trade and Commerce said the other night, there is no question of provincial rights in this matter because these territories are coming in as territories, not as provinces, at the present time. Mr. Borden, discussing the land question, said what he was willing to do for provincial rights. He said it would be a good thing to hand over the homestead land to the local government, but that a clause might be inserted requiring the provincial authorities to give free homesteads to settlers. Was not that an infringement of provincial rights? What is far more important to the people of that country is the exemption of the Canadian Pacific Railway from taxation. That affects the people more than the educational question, and if Mr. Haultain were to test the feelings of the people of the Northwest Territories he would find there are twenty-five men interested in removing the Canadian Pacific Railway exemption to every one that is interested in the school question. I consider that an infraction of provincial rights. As to legal arguments, as I said before, I take no stock in them. I heard what my hon. friend said about the Territories coming into the union in 1870. After telling the House practically that he was willing to give the Roman Catholics all they were entitled to under the constitution, he then went on to tell us that the territories came into the confederation in 1870. It occurred to me on reading section 93 of the British North America Act that if these territories came into the union in 1870, since there were no separate schools by law or by practice in that region previous to that time, the Roman Catholics would be entitled to nothing at all, according to his argument. I was going to ask him, if they came into confederation in 1870, did section 93 of the British North America Act apply to them at that time, and if not why not. It is all nonsense to say that the territories affected by this Bill were brought into the confederation as provinces in 1870.

Hon. Mr. MACDONALD (B.C.)—Not as provinces. As territories.

Hon. Mr. DAVIS—But they are coming in now as provinces. When they come in as provinces they come under the provisions of the British North America Act, if not what is the meaning of the preamble to the Act of 1871?

Hon. Mr. MACDONALD (B.C.)—The Dominion was given authority to erect them into provinces.

Hon. Mr. DAVIS—If they existed by law at the union, then practically they cannot be interfered with. If those territories came into the union in 1870 there being at

that time no separate schools either by law or practice, I assume the Roman Catholics in that part of the country would have no rights at all. The preamble is as follows:

> Whereas doubts have been entertained respecting the powers of the parliament of Canada to establish provinces in territories admitted, or which may hereafter be admitted into the Dominion of Canada, &c.

So I fancy there is just as good legal authority for saying these provinces did not come in in 1870, but are coming in now, as for taking the opposite view, and that they are entitled to the law which has been in force for years and of which the people have had advantage, up to the present time.

Hon. Mr. FERGUSON—Why not leave it that way?

Hon. Mr. DAVIS—I do not believe in leaving it that way for the reason that Mr. Haultain and some of his friends have led the country to believe that if that were done there would be no separate schools at all. That is what they said in the late by-elections in Ontario, that if Mr. Borden's policy were carried out and the British North America Act left to work automatically, there would be no separate schools at all.

Hon. Mr. FERGUSON—But you do not believe that.

Hon. Mr. DAVIS—I do not, but they tried to create that impression. If you left it that way, it would be open to every demagogue in the Northwest to stir up strife among the people. We have had an illustration of that to-night. My hon. friend from Calgary said this was going to be a bone of contention. Does my hon. friend think if it was to be left open as Mr. Borden desires to leave it, they would not attempt to stir up religious strife for the purpose of making political capital? We had a demonstration of it in London and North Oxford. One man speaking in North Oxford asked, how the people liked Sir Wilfrid Laurier's proposition to hand over 15,000,000 acres of school land to the Roman Catholic Hierarchy. Hon. gentlemen who have read the Bill know what foundation there was for such a statement, yet it was made by a leading politician who desired to make capital against the government. If such people had an opening they would stir up strife on this question in the Northwest Territories and we would never have it settled.

I shall discuss some questions which I consider, and the people of the Northwest consider more important than clause 17 of the Bill before us. I cannot understand the position that the hon. gentleman from Belleville (Hon. Sir Mackenzie Bowell) has taken with reference to this question in moving the six months' hoist. Mr. Haultain has been agitating for provincial autonomy for the last five or six years. The main thing the Liberal party in the Northwest has had to fight in the recent election is this question of provincial autonomy. They said, we must have autonomy. We cannot build bridges and carry on other works without money; and the Conservative party have condemned the government because they have not granted provincial autonomy sooner. A year ago the leader of the opposition in the other House moved a resolution about the end of the session, condemning the government in unmeasured terms for failing to grant autonomy, claiming that the people of the Northwest Territories were as capable of managing their own affairs as any other men under the British flag, and we had to fight it out in the last campaign in the Northwest Territories, because the whole campaign was conducted on this question of provincial autonomy. We took the ground that there was no haste, that the country was in a state of transition, and it would be better to let matters stand as they were for a few years until there was more population and the people were more settled, and we knew where we were; but our opponents would not hear of that. They pointed to the fact that Manitoba had entered the confederation with 12,000 people and had prospered. We had to contend against this thing in the elections and now what do we find?

After going all over the length and breadth of the country, making provincial autonomy an issue, we have the spectacle, when the government bring down a measure of autonomy which cannot be proved to be unsuitable to the Northwest or unacceptable to its people, of the leader of the opposition in this House moving the six months' hoist, which means, if carried, killing the Bill, and

preventing the legislation for which Mr. Haultain has been fighting. But, hon. gentlemen, it is politics. I did think that politics was confined to the other side of this building. I did not know that it had entered the Senate, but I had my eyes opened this evening while listening to the speech of my hon. friend from Calgary (Hon. Mr. Lougheed.) He made a long argument on the land question. He tried to show that the lands in the Northwest were being given away. I assume when he advanced that argument he was satisfied in his own mind that those lands were the property of the people of the Northwest Territories and did not belong to the whole people of the Dominion. It occurred to me while he was speaking that the older provinces when they were under separate governments had made a bargain, had gone into partnership, each of them retaining its own lands, which was a proper thing to do. Afterwards the united provinces acquired another large tract of country for which they paid a certain amount of money and thus acquired the ownership of these rich lands. The hon. gentleman from Calgary told us to-night that they are worth many millions—hundreds of millions. If so how many millions of dollars did the Conservative party give away in the eighteen years they were in power, from 1878 to 1896, when the people turned them out? How many millions of dollars in value did the Conservative government give away to railway companies for which they receive no returns whatever? But if all those lands belonged to the people of the Northwest Territories, and if my hon. friend knows the law, he must know what he is speaking about, how much does the Dominion of Canada owe us for the lands exploited by the Conservative party from 1878 to 1896? Millions and millions of the broad acres of the Northwest Territories were given away to companies and to their political friends. Millions of acres were given away to colonization companies for which the country did not receive more than 25 to 50 cents an acre, tracts of land on which those companies never placed a settler. Speaking on this question the hon. gentleman alluded to the Saskatchewan Valley Land Company. That company was given a tract of land which was a wilderness, for which nobody would have paid anything. The arrangement made by the government with the company was that they should receive a certain amount of land on settlement conditions on paying $1 per acre. The government said, if you put so many people in each township we will give you this land at $1 per acre, but you will get no land until our homestead inspector has seen that the people are there. Carrying that out, the inspection was made and the people were found on the land, but before the company got a deed for an acre of land they had to put the settlers there. They have colonized a tract of country where the gophers had been hopping around for the 18 years the Conservatives were in power. There are prosperous settlements now, mills, churches and schools where nobody lived before, and still the hon. gentleman who has lived for 25 years in that Northwest country, and knows something about the country, speaks about the value of the lands. They had not value before settlement. If they are as valuable as he says, it does not lie in the mouth of the Conservative party to speak about it, because they have given away enough lands, valued at $10 per acre, to build three transcontinental railways through the Northwest Territory.

Hon. Mr. LANDRY—Have you the railways now?

Hon. Mr. DAVIS—We will have the railways at the proper time, and there will be something for the railways to do. It will not be like the time when the Conservatives were in power, when the gophers had possession of the Northwest Territories with an occasional stray skunk hopping around, but there is settlement in the country now, wheat is grown there and thanks to the policy of the Liberal party the country is now being settled up, and my hon. friend will be able in a few days to get his indemnity raised from $1,500 to $2,500. I think he is entitled to the increase, and the country is able to pay it. When his party was in power the country was so poor that it could not afford to grant such an indemnity. In the interest of the people of this country the lands of the Northwest Territories should be left in the hands of the federal government; they have all the machinery to colonize them. They have advertised that country from one end of the globe to another. They have their im-

migration machinery all over the world, and we have a stream of people flowing into that country who do not come in empty-handed. They are coming in at the rate of 150,000 a year. Does any one want to stop that progress. To promote such immigration you must have free lands. If the policy of my hon. friend was carried out and these lands were handed over to the provinces would they be able to give free homesteads ? It is a well known fact to any one living in the Northwest Territories that all the odd-numbered sections in any district near a railroad or in any place that is easily reached, have been given away by our friends, the Conservatives, to railway corporations years and years ago.

Now you cannot run a province without money any more than you can run a car without putting grease on the wheels. If we were to hand over to the provinces the lands that we have at the present time, where are they going to get the money to run the affairs of the provinces ? They are getting the money from the lands at the present time. If they took the lands in lieu of the money what would they do. They have scarcely any odd-numbered sections that are available for sale, for which any one would give much. They have nothing but the even-numbered sections. It strikes any person that the first thing the local government would do if they got these sections would be to withdraw them from the market and rightfully so. That is all the revenue they have got. My hon. friend talks about twenty-eight millions made by Ontario out of their land. I suppose people think we should make money out of our land. If we made any money out of our land we would have to make it out of even-numbered sections, and we could not give them away if we did that. We have to give free homesteads to induce people to come into the country and we do not want to put the brake on the wheel at the present time. Now supposing Mr. Borden's ideas were adopted, if we placed a clause in the Bill which would be an infringement of provincial rights and compelled the provinces to give free homesteads to these people you would then have a Commissioner of Crown Lands in Saskatchewan, Alberta and Manitoba, because you would have to treat Manitoba the same as the other two provinces. If you gave these lands to these two provinces you would have to do the same with Manitoba. If the immigration department desired to take some action with regard to settlement they would have to deal with three different Crown Land Commissioners. who would have three different policies. The House can see it would be an impossibility, that you could not carry on an immigration policy like that, and that if you handed over the lands to a local government it would mean that you would stop immigration into that country. and you would have the old state of affairs coming back to us. I do not think anybody in the country wants that ; and my hon. friend from Calgary is the only one in this House who holds the view that these lands are so valuable. I think the government have treated the new provinces very decently as far as the financial terms go. I do not know under what principle the public lands in this country have been dealt with since confederation. When the province my hon. friend (Mr. MacDonald, B.C.) comes from came into confederation, it came with its own lands. We had to build the Canadian Pacific Railway through that province to reach the Pacific coast, which will be admitted to be a great benefit to the people of British Columbia. For that purpose the Dominion bought a narrow strip of property through British Columbia, and now British Columbia receives one hundred thousand dollars a year for that property for all time to come, and they have the benefit of the railway running through the province as well. If the land belongs to us in the Northwest, how were we treated with reference to that question ? The government obtained a right of way in our country but we got no $100,000 for it. Instead of that they gave away 25,000,000 acres of our land for a railway through that country. There is one policy for British Columbia and another for the Territories. I am not claiming that we own the land, but my hon. friend says that we do, and if his argument is sound they gave to the Canadian Pacific Railway a right of way through the Territories for nothing, and they gave 25,000,000 acres of our land to them for building the railway. While in the case of British Columbia the province received $100,000 a year for granting a strip of rocks

for a right of way for a railway which was a benefit to the province.

Hon. Mr. MACDONALD (B.C.)—What does that land yield every year?

Hon. Mr. DAVIS—I am not talking about that.

Hon. Mr. MACDONALD (B.C.)—I will tell you about that later.

Hon. Mr. DAVIS—Prince Edward Island is given a large sum of money in payment every year because she has no lands at all. So that I have made up my mind that this question is one which has been arranged from time to time to meet the cases as they arise. There is no use of a province going into housekeeping without sufficient money to carry on its affairs. And I venture to say if our people did not get what they considered sufficient money to run the province, people would never go in for autonomy. We do not want to come in on any starvation arrangement like Manitoba. Since Manitoba was admitted they have been hammering on the federal door for better terms, and I venture to say they will have to come again. What did they do with Manitoba? They gave Manitoba $100,000 a year for all time to come in lieu of her lands and then they gave her the swamp lands. In selecting these lands I do not think it was all swamp lands that were given to the province of Manitoba; so that from start to finish there has been no principle laid down with reference to the lands, and I assume that in fixing the financial terms the government has taken into consideration the needs and requirements of that country, the vast amount of arable land in that territory, the possibilities of the country, and the population that will be found in those two provinces in the course of a few years. I assume that is what has been done. I am not altogether satisfied with some of the features of the measure. I do not always agree with my own leaders with reference to some of these matters. We were told last night by the Minister of Trade and Commerce that the east had made great sacrifices for the people of the west. I am willing to admit that the east have paid out a good deal of money for the people of the west, but I assume it was not paid out of current revenue or consolidated fund. A great deal of it was borrowed. Let us deal with this question shortly. Where did the money that went to build the Intercolonial Railway come from? It was borrowed, I suppose, and the people of Canada are paying the interest on it, and when the bonds mature they will have to be renewed or other bonds will be issued, and we will continue paying the interest for many years to come. I venture to say that the principal money which was paid for the building of the Intercolonial Railway will not be paid until there are three or four million people in these two new provinces which we are erecting now.

Hon. Mr. DOMVILLE—The Intercolonial Railway is quite a different subject, because it was built when we entered confederation.

Hon. Mr. DAVIS—I understand that. I was trying to show that if the east has been making sacrifices for the west in years gone by, the time is soon coming when the people of the west will have to be making sacrifices for the people of the east, and I think I will be able to show that. The money that built the Intercolonial Railway has been borrowed, and we are paying the interest on it. The people of the west are helping to pay that interest, and per capita we pay more into the Dominion than any other province, because we consume more goods per capita than any other portion of the Dominion. We are not grumbling, but we will have to pay the interest on that. The government has built eighty million dollars worth of canals. Who is paying the interest on that? Are we not paying our share of that? And when we get a million people in these provinces in the course of a few years I assume we will be paying a large proportion of the canal expenditure. There have been railway subsidies granted in Ontario and Quebec and every other portion of older Canada. How did you get them? In hard cash, dollars and cents—borrowed money. The people of the west in common with the people of the east have to help pay the interest, and as the population increases we will be paying the bulk of that interest. In dealing with our railway question, the government took a different policy. The Conservative party inaugurated the policy of giving away the lands. My hon. friend from Calgary says the lands belong to us, and the government has given to railways 6,400 acres of land per mile worth $15 an acre.

Let my hon. friend figure out how much Brother Osler and the Canadian Pacific Railway got out of the Calgary and Edmonton road at the valuation he has placed on the lands given away by the Conservative party to Brother Osler and his friends when they built that little tramway into Edmonton. If those lands are so valuable, it would be well for my hon. friend to go to work and show how much the railways cost. You have given our lands away to build railways in the west, and you have borrowed money to subsidize the railways in the east, and we not only paid for our railways in the west out of our lands, but we are helping to pay the interest on the money borrowed to subsidize your systems in the east, and I venture to say, in the course of events, taking into consideration the amount of arable lands we have in the west, that in years to come we will pay the larger portion of this money borrowed for the purpose of subsidizing railways, building bridges and canals and constructing the Intercolonial Railway. I claim we will have to make great sacrifice in the years to come for the people of older Canada. We are making great sacrifices now, paying a big tariff for the benefit of the people of the east. Until this year we have been choked off and allowed to build no railways to the other side of the boundary line. We were not allowed to have freedom of transportation until this year, and everything had to be kept for the people of the east. We are not grumbling, but I want to say that the 150,000 people who come into that country every year bring money into that country, and every dollar of that money finds its way to the east. You have your banks in the east, but we have not a single bank out west. However, charters have gone through and we will soon have banks of our own. The banks of the east have branches covering the whole country from the lakes westward, and what are they doing ? I venture to say—and some hon. gentlemen know something about banking business—that they are doing business principally on the deposits of the people of the country and those coming into that country. They are taking our money (and we do not grumble) because it gives us banking facilities, but the result is that loans are made to us out of our own money and the banks are making a profit out of it. And still we are told the east is making sacrifices for the west.

Hon. Mr. LANDRY—Is the Northwest not receiving annually a certain amount for an imaginary debt ?

Hon. Mr. DAVIS. I am coming to that. I am glad the hon. gentleman touched on that, because if there is anything I feel a little aggrieved about in this legislation, it is the question of the imaginary debt. Let us consider this imaginary debt. When the old provinces were formed into confederation what do we find ? We find the beautiful old province of Quebec, where I was born—and I love it—owed how much ? If my hon. friend figures out the readjustment he will find it was about eighty millions. It was taken over as a debt—forty millions from Quebec and forty millions from Ontario. That is a debt to-day. It is not paid. Who is paying the interest on that debt ? The people of the Northwest Territories are helping to pay that interest, just the same as Quebec and Ontario. Are we supposed to pay interest on the debt that was incurred for the benefit of Quebec, Nova Scotia and Ontario, and that was spent for public improvements in those provinces before we came into existence ? Are we to pay that interest and receive nothing in return ? Is that the argument my hon. friend would advance ?

Hon. Mr. LANDRY—No.

Hon. Mr. DAVIS—What is the argument ?

Hon. Mr. LANDRY—Are the Territories paying interest on only seventy-five million or eighty million ?

Hon. Mr. DAVIS—I do not understand.

Hon. Mr. LANDRY—Are they paying interest on the whole debt ?

Hon. Mr. DAVIS—Yes, our share, and I wish to point out further that to-day when we come into confederation, because we have no debt and because we are paying interest on the debt of Ontario, Quebec, Nova Scotia, and the other provinces which had a debt, the government has placed to our credit $8,000,000 in round numbers for each province. That is what is usually done. When the provinces at the union took the

census they figured up the debt and they calculated that every man, woman and child owed $32.46. When we came in we had to assume that debt and pay our share of the interest of it, and there is placed to our credit a like amount, I admit we have $32.46 on our 250,000 population in each of those provinces and we are going to draw interest on that. But I say this is an injustice. The province of Ontario has $40,000,000 of a debt, and the province of Quebec $40,000,000 and we are paying interest on that. We have $8,000,000 to our credit. When we have 2,000,000 people the same as Ontario and Quebec, what will we have? We will have 2,000,000 people in Saskatchewan and 2,000,000 in Alberta helping to pay the interest on $40,000,000 from Ontario and $40,000,000 for Quebec and the 2,000,000 people of Ontario and the 2,000,000 people of Quebec will only help to pay the interest on $8,000,000 for Saskatchewan and $8,000,000 for Alberta. I claim that that should be placed on a sliding scale, and that the census should be taken every ten years and a readjustment made ; and as our population goes up it should reach a maximum of $40,000,000, the same as in Quebec, and I think we are entitled to that.

Hon. Mr. LANDRY—The hon. gentleman is going to vote against the Bill?

Hon. Mr. DAVIS—No. I understand my hon. friend is going to vote for the six months' hoist. I think there are many good features in this Bill which the Conservative party has been crying after for four years, and I would hate to see them lose any more sleep over it, and I should hate to see Mr. Borden appealing to the sentiment of Canada for the 500,000 subjects in the Northwest that were not allowed to govern themselves. For that reason I will vote for the Bill, and if my hon. friend thinks it over he will vote for the Bill and not go back on his leader here and his leader in the Northwest Territories. Now with reference to capitation grant, that is a grant that we receive of 80 cents per head. It has been arranged by this government—and I am not complaining about it—that that shall go on until our population reaches 800,000 souls. Ontario receives that grant on something over a million and Quebec receives it on something over a million.

Hon. Mr. LANDRY—Not a capitation grant.

Hon. Mr. MACDONALD, (B.C.)—They get paid until it reaches 1,200,000 population.

Hon. Mr. DAVIS—No, we get paid until it reaches 800,000, and then it ceases. I claim that the restriction should not be imposed on the people of the west or any other portion of the country. I say that this matter of 80 cents a head should be left an open question and rearranged every ten years. Supposing we take one province—I am not saying this is something which is likely to happen, but it may occur—take one province drawing 80 cents a head for 700,000 people, and something happened and half of them left, the remaining population would be drawing $1.60 a head while in other provinces you would have them drawing only 25 cents a head on the population. I claim it is not a fair proposition at all. I am speaking now about the 80 cents a head in lieu of the customs duty and I do not think my hon. friend from British Columbia has grasped what I was talking about. Quebec receives a certain amount paid on the population until it reaches the point of over a million and Ontario in the same way up to over a million ; but we are confined to 800,000. We start at 250,000, and we go up to 800,000, and that is as far as we can go.

Hon. Mr. MACDONALD, (B.C.)—If the hon. gentleman reads the clause he will see that it is quite clear.

Hon. Mr. DAVIS—The clause the hon. gentleman is referring to is dealing with the land. That is not the question.

Hon. Mr. MACDONALD, (B.C.)—No, that is population.

Hon. Mr. DAVIS—I claim it should be left open and every ten years there should be a rearrangement. When the census is taken the noses should be counted, and if we are going to adopt this principle of giving 80 cents a head, it should be carried out in its entirety in a logical way, and the provinces should be paid according to their population. That is my idea, and that is what I think should be done. Now I come to another question in which I am inter-

ested, which was mentioned by the Hon. Minister of Trade and Commerce. That is the question of representation in this House. The Hon. Minister of Trade and Commerce told us last night that the representation in this House had been arranged in years gone by without reference to population. As I understood him, the country was divided into three divisions; that the maritime provinces were to have a representation of 24 members in this chamber, Ontario 24, Quebec 24, and that the west should have 24 members. I submit with regard to the representation in this House that the correct principle is that each of the smaller provinces in the Dominion should have as much representation as the larger ones. The leader of the opposition (Sir Mackenzie Bowell) maintained that we should have had only one province. I am not a prophet nor the son of a prophet, but I venture to say that in 50 years from now there will be more representatives coming from those two provinces, Saskatchewan and Alberta, than from all the rest of the Dominion put together, and if you were now to include it all in one province you would have a representation in the other chamber that would actually control the whole Dominion and the other provinces would have no show. Then the safeguard would be the Senate. Therefore in the Senate it is a good thing that a small community should have the same representation as a larger community. That is the principle in the United States. The great state of New York with a population of 7,500,000 has the same representation as Rhode Island with 350,000 souls. I am satisfied that the proper arrangement of representation would be to give Prince Edward Island with a population of 100,000 just as much representation as Ontario or Quebec or Saskatchewan, which is destined to be the banner province of this country. I would give them the same representation, but I strongly object to the province of Saskatchewan being tied down to six members while Ontario has 24, Quebec 24, and the smaller provinces combined 24. We should make a basis, take all the provinces which have been brought into confederation, and all the provinces which may hereafter come into confederation—because I believe we will have another province erected in that northern country which many people imagine is of no use. I know something of that country and I think it will be found that there will be large mining districts in the northern part of the Territories. Start in with Prince Edward Island and give them a representation of 5, New Brunswick, 5; Nova Scotia, 5 ; Ontario, 5 ; Quebec, 5 ; Manitoba, 5 ; Saskatchewan, 5 ; Alberta, 5, and deal in the same way with the rest of the provinces and there will be no complaint about it. Nobody knows the prospects we have in the Northwest. We have more good arable land in the province of Saskatchewan than you have in Ontario, Quebec and the maritime provinces combined; what does that mean ? It means that the people are going to come there. There is very little free land in any other part of the world. We are going to get the people, and this country will be built up. History is going to repeat itself. What took place in the United States will take place here. The old New England states along the sea coast have spread out to the Pacific ocean and where is the wealth of the United States at the present time ? In the middle and western states. Where will the wealth in this country be in 50 years ? There is no doubt that it will be in the west, and we are going to have the population up there and if you are going to treat the question in a fair way it should be put upon this basis. The hon. gentleman from Calgary (Hon. Mr. Lougheed) spoke about the division of the Territories into electoral districts. He spoke of the gerrymander attempted on the people of the west. We have had a local government in the Northwest Territories for fifteen or twenty years. The main line of the Canadian Pacific Railway was built through the southern portion of the Territories, and that part of the country has had an opportunity of developing for twenty years. They had a transcontinental line of railway through that district and it did develop in spite of the lands being held by the railway company there. In the north the people, not having a railway, were not able to develop the country. The majority of the local assembly were from the southern part of the Territories. Big sums of money were voted, as the hon. Minister of Trade and Commerce stated last night, for public works and so on. How much did the north

receive of it? We scarcely got any and we never got cabinet representation. Sometimes they would spend a few dollars but it was the crumbs that fell from the table. When there was talk about forming a province, we said: 'We in the north have not been treated fairly and we do not want to go in with the south. We want a province of our own. We want to draw a line east and west and make a northern and southern province. We held out and fought for it, but it was pointed out that it would be unfair to do anything of the kind because the country was so deep that the division should be made the other way. We wanted a fair representation or we did not want to go into the province at all. With reference to the voters' lists, what does it amount to? When the voters' lists were made I do not suppose there were 100 people in Humboldt who were qualified to vote, while to-day I venture to say there are seven or eight hundred people. The settlers may not all be able to vote. Some of them are aliens and must reside there three years before they can take part in our affairs, but the moment they settle in the district are they not entitled to consideration ? It is absurd to talk about foreigners coming into the Territories and to cast reflections on them. The great bulk of the people coming from the United States are the finest settlers that could be found anywhere. They have come into the country and made it blossom like the rose. With the money they have brought with them they have established themselves in our country, and are they to be called foreigners? We want those settlers because they will become the backbone of the country. What built the United States? Was it not the foreign element? What built Minnesota? Was it not the Scandinavians? These foreigners have come in here and cast their lot with us and it is our duty to treat them fairly. They have a right to representation in the councils of the province so that they can obtain a measure of justice.

Again, with reference to this educational question, which my hon. friend says is the great question, but which I say is not the great question, we have brought people into that country for twenty years under a promise, because there are the speeches made by the leaders on both sides of the House when this question was brought up in 1875. It was then said that the people coming into this country should know what they had to expect. It was scattered broadcast. It was a contract entered into between the people of the Dominion and the people of that new country. It is true it might not be written down, but what are written contracts for? They are not for honest men. They are intended for dishonest men —to keep them honest. Surely the word of the leading men of both political parties is worth something and should be taken into consideration. It is understood the settlers were to have these rights and privileges and whatever the hon. gentleman from Calgary may think about it I think they have a right to them whether the constitution gives it or not. We promised it years ago, and they have enjoyed it for twenty years, and I say it would be nothing short of highway robbery to take it away from them at the present time. I am not enthusiastic over separate schools, but there is nobody in the country objects to the system of schools we have at the present time. I have been all through the country and I know whereof I speak. The leading men in the country take part in the school affairs of their district. Every five miles is divided into a school district. We have some 1,000 schools. The leading men are the trustees in these schools and they are intelligent men, and generally take the trouble to read up the school ordinance, and I have spoken to some of them that belong to the society of which Dr. Sproule is a member, and they say they were perfectly satisfied. They had no objection to the school system in existence at present. If we are going to have separate schools, I say let us have good schools. Under the present ordinances which are going to become the constitution, we have a first class system of schools. Whether separate or public, it makes no difference; they cannot employ a teacher unless he or she is qualified. I have the regulations here but will not take up time to read them. A teacher must have certain qualifications before he can teach. I have never heard them use the word Roman Catholic or Protestant in the Northwest Territories. They say 'we want a teacher with a first or second class certificate to teach in such a school.

If you read the papers you will see it there, and I venture to say that the people of my country are so broadminded that in many school districts if a man asked for employment the trustees would never question him about his religion. In one place they employed a coloured man to teach school, and he taught for years. Now if a certain number of our fellow-citizens think that for half an hour in the day they would like to have the benefit of that clause in the ordinance of the Northwest Territories which gives them the right to have a little religious instruction, who should say that they have not the right to do it? It is not the Roman Catholics alone that are getting it. The Protestants enjoy it the same as the Roman Catholics. If in any rural district Roman Catholics start a school and the trustees are Roman Catholics no doubt the official instruction will be given by the Catholics. That is all right, but if there is a section of Protestants where they think they have a grievance that they would rather have some one give their own religious instruction—mark you, the children need not remain when the religious instruction is being given—if they say 'the Roman Catholics are enjoying the right of religious instruction, and we would like our children to be brought up in the same way, and we will form another school district here which is practically another public school, because the same subjects are taught, the same inspection provided for, the same qualifications required of the teacher, they can form their district and have their school. It is not a separate school but is practically a public school, and they can have the right to teach religion in that school for the half hour a day according to their views. The government of the Northwest Territories pay by results. If at the end of the year, when the inspection has taken place whether the school be Catholic or controlled by the Protestant element, if the subjects have been taught, if the children have been advanced as well in that as in the other schools, they receive just as much per capita as in the other schools. Why should they not do so? A few persons may for conscience sake go and form a separate school of that kind. Their taxes are naturally a little higher than they would be in the public schools, but if they are carrying on good schools they will receive the government grant the same as the others. We must have a grant to make them efficient. There are parts of the Northwest where Protestant and Catholic sit on the same school board and there is never any dispute. They get along nicely and will continue in that way until some one like my hon. friend from Calgary comes along and stirs up religious strife. My hon. friend tells us he intends to do that. We know that a few short weeks ago his partner in the law business came to the county of Oxford and to the city of London and told the people that if this Bill went through he could assure them that there was going to be a rebellion in the west, and they were going to shoulder their rifles. But after the election was over my friend from Calgary took to the west like a lonely coyote. We heard no more of his rebellion or his musket. The newspapers—even Conservative newspapers in the west—were making game of him, and he has been the laughing stock of the whole Northwest Territories since he came down here and talked about rebellion in the Northwest. My hon. friend from Calgary (Hon. Mr. Lougheed) is going to the Northwest to raise the standard of revolt. I imagine I see him straying through the Territories with his pockets full of pamphlets trying to stir up the people. I think I may tell him that that as far as stirring up a rebellion is concerned his partner, who is a member of the Northwest assembly, is a greater success at it, and if Mr. Bennett fails to stir up strife in the Territories there is extremely little chance of the hon. gentleman succeeding. As far as the bluffing goes, we do not care one iota for it. When the election in these new provinces take place the hon. gentleman will be out in the cold—the handwriting is on the wall—they will not be so ready to go up there and talk about the foreign element. then. They know it is a foregone conclusion. A couple of years ago they held a convention in Moosejaw and Mr. Bennett and the hon. gentleman from Calgary were there, I think. However, if he was not there he had something to do with getting it up, and they brought in Mr. Haultain, who was running the coalition government, and they told him that he had to drop into line. They passed a resolution in favour of introducing

party politics at the next election. Mr. Haultain was supported by the votes of the Liberals in the assembly and he practically said: 'Gentlemen, support me for the next three years and at the end of that time I will kick you all out and put in Conservatives.' Now he finds out that things have not gone to suit him; that he could not stir up strife over the autonomy matter, the rebellion has not come; the revolt has not materialized, and when he sees the handwriting on the wall he says: 'I do not think it is a good thing to have politics introduced into the province. We will run it on non-political lines.' I say there will be no non-political lines about it. They have thrown down the gauntlet and we will take it up. In the last election in the northern country what happened? I think six or seven Conservative candidates bit the dust, and I think there was something like twelve hundred dollars of their money went to fatten up the federal treasury in lost deposits. They were wiped out of existence. No wonder my hon. friend will howl about gerrymander and this outrageous thing that was going to be perpetrated in Calgary because they elected two Conservatives. We do not bother about their electing two Conservatives. They had a right to do so. They can elect whom they please. When the whole northern country went against them—they knew that in the distribution of seats this government would give the north the justice which they did not get from Mr. Haultain. But they know that the handwriting is on the wall and they say: 'Let us have a non-political government.' He wants to get in some place; he is like a gopher, when you stir him out of one hole he will make a dive for another. He is running around and diving about to see where he can get in. But he will have to take to the timbers, and the coon will have to come down. It is all very well for the hon. gentleman from Calgary to tell about this outrageous gerrymander that is being perpetrated upon the people of the southern part of the country. There is no gerrymander about it. In the district of Saskatchewan there is as little disturbance as possible. We adopted the principles of giving the cities—and there are four of them there—a representative each, and when it was shown that Moosejaw had not representation the people of the north very gladly gave up a seat and said let Moosejaw take it.

We do not want anything but what was right, but we do want what is right and fair and just, and that is all we have got. Everybody else agreed to it—everybody but people like the hon. gentleman from Calgary and the hon. gentleman from Wolseley; and nothing can satisfy them. Anything that will have a tendency to keep their political friends out of power in the Territories will not satisfy my hon. friend from Wolseley. But this was not made with anything of the kind in view. If we had started in the gerrymander, we could have distributed the seats in such a way that they could not have won six constituencies in each province in the elections that are to come on. There was no gerrymander. The only representative of the Conservative party who discussed this question of Saskatchewan representation was Mr. Lake, who came down with the most outrageous gerrymander that I ever saw. I am sorry that I have not his distribution of seats for Saskatchewan just to show what he proposed to do. Here are the cities of Moosejaw, Regina and Prince Albert, all prosperous and increasing in population, with 5,000 or 6,000 people in each, and they want representation in the assembly; but Mr. Lake would do away with that. He wants to give the people of the north hardly any representation at all, I suppose on the same ground that my hon. friend alleges, because they are foreigners and scalawags. But this proportion before the House is absolutely fair. It is giving to the north what the north is entitled to, and to the south all that they are entitled to, because the population is going more rapidly into the north than into the south and they should have more representation. My hon. friend from Calgary says he can prove that there are more going into the south than into the north. I do not know where he is going to get his figures. I suppose he has not been up there counting noses this summer. And I suppose Mr. Bennett, who is going to start a rebellion, was not up there counting noses. I venture to say that this year over 100,000 people have come in already. No doubt some have settled in the

south, but I venture to say that the opening of the Canadian Northern Railway and all these other branch lines in the north have attracted the great bulk of the people entering that country to the north, and will continue to do so for years to come. All the homestead lands along the Canadian Pacific Railway have been taken up and people naturally go where they can get homesteads for themselves and children. In order to do that they have to go to the northern belt. Land around Indian Head and along the main line is worth from forty to fifty dollars an acre. That is not a place where settlers will go. The poor settler has to go to the northern belt where he can get a free homestead for himself and buy land for his son at $5 to $6 an acre. That is where the stream of immigration is going, and before another redistribution takes place the north will have more population than the south. Taking everything into consideration, I think the distribution of seats is fair. My hon. friend says this outrageous proposition was made for the purpose of taking the capital from Calgary. What right has Calgary to be the capital? I say Regina has some shadow of a right to be the capital of Saskatchewan. It has been the capital for a long time, and the public buildings are there, but why should Calgary have more claim than Edmonton to be the capital of Alberta? Is it because they are better looking in Calgary or because Mr. Lougheed lives there, or because the fire-eater Bennett lives there? I say we must take into consideration the position of the different towns.

Hon. Mr. MACDONALD (B.C.)—They have a right to make a claim.

Hon. Mr. DAVIS—They have a right to make a claim, but they have no right to say, because they do not get what they want, that they have been cheated.

Hon. Mr. LOUGHEED—Does my hon. friend say that I made any reference to Calgary?

Hon. Mr. DAVIS—My hon. friend made a reference to Edmonton and if I understood him aright he claimed that the capital should have been at Calgary.

Hon. Mr. LOUGHEED—Then the hon. gentleman was not listening to what I said.

Hon. Mr. DAVIS—It was very hard to understand what he was driving at because he was roving from Dan to Beersheba.

Hon. Mr. LOUGHEED—I rise to a point of order. The hon. gentleman must withdraw his statement that I made any statement with reference to Calgary or Edmonton either.

Hon. Mr. DAVIS—I will withdraw it if the hon. gentleman says he did not.

Hon. Mr. LOUGHEED—I did not, and the hon. gentlemen must know I did not.

Hon. Mr. DAVIS—I am taking my hon. friend's word for it that he did not say it, but I do not know why he was creating so much excitement about the outrageous gerrymander perpetrated on the south. Everyone who lives within sound of the cannon on this hill knows that it has been discussed in the other House, and the whole fight is put up simply because Mr. McCarthy and others from the south claimed that it was to pass over Calgary and give the capital to Edmonton. It does not make any difference what my hon. friend may have said. He may have beaten about the bush on that subject as he did on the educational question, because when he sat down nobody knew whether he favoured separate schools or not, or what he thinks about this question. If he did not try to convey the impression that an outrage has been perpetrated on Calgary, that reason has been advanced in another place, because the people of Calgary have not been able to secure the capital. Why should it not go to Edmonton? Any one who will look at the map will see that Edmonton is in a better position and more centrally located than Calgary. The hon. gentleman tries to make out that it is a question of politics because the two constituencies in the south have elected Conservatives. He has told me, and I accept his statement, that he did not say anything about Calgary or Edmonton, but I venture to say that a little while ago he made a statement that something was done to the people of Calgary because they had exercised their rights as a free people to elect a Conservative member. He has no right to say that the government did not give the capital to Calgary because they had elected a Conservative. They gave the capital to Edmonton, because it is the best

place for it, because it is more centrally located than Calgary is. Everybody knows that Edmonton has a magnificent river, that it possesses immense coal deposits and I understand natural gas; that there is petroleum close to the town and everything there to build up a great city. It has the Canadian Northern. It will soon have the Grand Trunk Pacific, and will have other railroads and become a railway centre. Why should not the capital of Alberta be Edmonton? I venture to say there are nearly as many people in Edmonton now as there is in the district of Calgary. They have all the facilities there which I have mentioned, and seeing it is in a better location that it will be on the Grand Trunk Pacific and other railways and that there are millions of acres of good land to the north of it, magnincent farming lands for three or four hundred miles north, why should it not have been selected as the capital? If Calgary had been chosen it is nearer the international boundary and if any trouble should arise between this country and the United States our neighbours would take possession of it in twenty-four hours. Let us go back to the hinterland for our capital. As I said before, Regina had some claim to be the capital, but Calgary has no earthly claim that I know of. The government did not take into consideration the fact that two Conservatives had been elected from there, but they knew that Edmonton was a better place for the capital and it was selected. The next assembly will have a right to change it if they think proper to do so. It is suggested to me by an hon. gentleman that the reason why Calgary was not selected as the capital is because the government were afraid that Mr. Bennett would start a revolution and hoist the banner of revolt.

I am glad the government have taken a stand on the educational clauses in the Bill. The people are entitled to what they have got, and I am very glad they are getting it. I think in saying so I am expressing the sentiments of two-thirds or more of the people of the Northwest Territories, not the Catholic population at all, but those of other creeds. They are generally satisfied with this legislation. It is all very well for my hon. friend from Calgary to put up a legal argument on this question. He could be employed to put up an argument on the other side which would be just as logical. If I had a case in court and employed him he would put up a magnificent argument for me, but if my opponent in the case had succeeded in employing him first he would have done equally well for him. It all depends on whose ox is gored. My hon. friend is a member of the Conservative party and knows that his party has got into trouble. If he does not know it, his attention has been called to the Montreal 'Gazette' and Montreal 'Star.' He knows that they cast their die on this thing and made the greatest mistake of their lives. They should have satisfied themselves as to the feeling in the Northwest Territories before playing this card. If they had any political astuteness they would have ascertained the feeling of the people of the Territories and avoided the greatest mistake they have ever made. They know it now and feel angry, and even my hon. friend the leader of the opposition is aware that they have made a mistake. We have been told the Liberal party have gone back on their principles. I sat one night in the gallery of the other House and heard Mr. Foster speaking. I could not believe that the gentleman who was making the speech on the question was the Foster whose speeches I had read in 1896, and I had to ask somebody, is this Hon. George E. Foster that made these other speeches. I was told that he was the same gentleman. Talk about transformation, that gentleman is a quick change artist. He can change his coat quicker than anybody I know of. The government by the introduction of these Bills will settle this question for all time to come. We want no more remedial orders; we want no drag on the wheel. We got rid of that some years ago when the old Manitoba trouble was settled, thanks to Sir Wilfrid Laurier. We have started out on the race of progress. The country is filling up and getting wealthy. Hundreds of thousands of people are coming in there, all consumers and making a market for the manufactured products of eastern Canada. We are doing well and we want no school question. We do not want to have gentlemen coming to the assembly with a bone of contention to start racial strife among the people. We want the matter to be put in such a shape that these gentlemen will not be able to start up strife of that kind. Knowing what some of the people did in London and North Oxford in the recent by-election,

when they were asked whether they would vote for the Pope or the King, we want to avoid such trouble in the west. These gentlemen say that they would not think for one moment of raising racial or religious strife in the country. Why they have the whole of this session been scattering the seeds. Look at the efforts they made to stir up the people of the west. The whole country was covered with petitions, and brother this and brother that was running about trying to get people to sign them. We know that many people will sign petitions without much thought, but a great many did not sign these petitions and the agitators failed to create trouble. The government has done perfectly right in bringing down these Bills in this way. We are going to get rid of this trouble, settle it for all time, and put it beyond the power of demagogues to stir up strife.

I wish to refer for a moment to the question of Canadian Pacific Railway exemption. I am going to put myself on record in favour of the people of the west being released from that Canadian Pacific Railway exemption. Every one will admit that the Canadian Pacific Railway was built for the benefit of Canada, and it has been a benefit to the whole Dominion. It was built to keep British Columbia in the confederation, not for the people of the Northwest Territories, although 25,000,000 acres of land in the Territories were given in aid of its construction. It was built by the whole of Canada. We cannot fill up that country without benefiting the old provinces. We are paying our share of interest on the money borrowed to build the Intercolonial Railway, to construct the canals, and to pay railway subsidies; and against that you have spent some money on the mounted police and Indians and have given $25,000,000 of borrowed money to aid the construction of the Canadian Pacific Railway, and what did you do further ? You gave the Canadian Pacific Railway exemption from taxation on its road-bed and branches for all time to come. I venture to say that when the population of that country will have increased many times over in the next 50 years that the exemption from taxes, if it is allowed to continue will amount to more than the whole subsidy those provinces get from the Dominion government. That road was built for the whole country, and the whole country should assume the responsibility of paying its cost. I am not going to say a word about the foolish bargain that was made at that time. It has been alluded to already. We made an agreement with the Canadian Pacific Railway, and I am not one to say that we should break it. Let us stick to our agreements whether written or not, as we are doing in this education matter, but this Canadian Pacific Railway question affects the whole Dominion, and I ask why should the people of those two provinces be saddled with an exemption for all time to come. when it was granted for the benefit of the whole Dominion. All Canada should release us from the exemption, and assume the liability. I intend to move an amendment on the subject when the Bill is referred to committee. I know that when these Bills become law and go into force on the 1st September and those two provinecs are launched out as members of this confederation, that you will see great development in the course of a very few years. It is taking place at the present time. If we get rid of this racial and religious strife. this bone of contention that is talked of and allow the people to work out their own salvation in that country, we will have populous and wealthy provinces in the Northwest. It is not the people of the Northwest Territories alone that own the land. The people of Canada own it and we are all one and the same. There is too much of this sectional feeling in Canada. We should try to work together for the purpose of building up a great nation, and any public man who endeavours to stir up strife, either in Ontario or Quebec, and put man against man, and province against province is no friend of the Dominion. Let us have peace, let us work out our destiny and in the course of a few years, you will find we will build up a great nation in Canada under the British flag which will be a great source of strength to the empire.

Sir WILLIAM HINGSTON—I should not like to give a silent vote on this question, I am compelled by conscience to say a few words in support of the position I intend to take. There is an adage, old as the time of Horace : 'Nil admirari'—be surprised at nothing, for what is least expected is sure to happen, and thus we find it to-day. A

few years ago a party, in the enjoyment of power and privilege imperilled its life to carry a measure of simple justice and lost it. The personnel of the party has changed, and now it would appear almost, to take the words of Mon. Fleury : 'Puis faisant volte face assez loin de ce lieu., D'un grand air de chapeau je fais mon adieu,' so that we do not know where or how to find them. Questions should not be approached in a party spirit, and I am very sorry to have heard from two or three of the gentlemen the introduction of the religious question. The time is passed for divisions between Catholic and Protestant. It should be no longer a struggle between them. The Catholic has his position to find and so has the Protestant, but there must be a combined effort upon the part of both, for the struggle is not of one against the other, but of both against agnosticism and atheism. I have visited a good deal the other side of the Atlantic. On my first visit I saw, wherever I went, a religious people. I went back 15 years afterwards and many of my old friends were no longer staunch Presbyterians or Episcopalians. Many of those with whom I came into contact had lost all faith in religion and were agnostics, if not atheists. To me it was a matter of exquisite pain. I intend to confine myself to the educational part of this measure, because it is the only part I think myself competent to speak upon. I shall not allude to the financial question, and I am perfectly indifferent as to the boundaries to be given to Alberta and Saskatchewan, or whether we take a few thousand acres more on this side or on that; whether we come down broadly with either to the boundary line, or whether we encroach upon Hudson bay. The Territories are ours, and if one gets a little less the other will get a little more, and it is impossible to please both parties where a dividing line between neighbours is to be established. I am prepared to accept all that ; but there is one question upon which I feel strongly, that we are apt to commit an act of injustice, and that is not the function of this honourable House. Justice comes from Heaven, says Bossuet, who styles it the queen of all the moral virtues.

Now where does the injustice come in here ? A parent has a right, given him by God, to educate his child in his own way. The State has nothing to do with it. If the State steps in to take possession of the child's mind, the State usurps the authority which belongs to the parent, and does a damnable act. I do not want to mince matters ; the parent is responsible and the child is obliged to listen to the parent first and not to the State so long as its first laws and regulations are respected. The State is there to see that the parent does his duty, but if he does his duty the State has no right to interfere. It has no more right to say what education the parent shall give his child than it has a right to go into his house and say what food shall be given it, or how it shall be clothed and so forth. These belong to the parent, who is responsible to God for the bringing up of the child. In the service of the State are found some of the brightest intellects, but after some of those speeches I have heard on the question, I should be sorry indeed to entrust my children to the management of some of them. The State sometimes does strange things in moments of excitement. The proposed measure is ultra vires. It is ultra vires because there can be no proper legislation which is not the embodiment of justice. I speak not as a lawyer. I am not a lawyer, thank God. To me it is a question as clearly to be defined as if it were one of tumour or no tumour, cancer or no cancer, dislocation or no dislocation ; the matter is evident and plain as day. The common school as it exists in some parts of the world is based upon the principle of state education. When did the state step in and say what the education of a child should be ? It is almost within my recollection when the thing was unknown, and it is still unknown in the best governed and freest countries in the world as I shall shortly prove.

Hon. Mr. KERR (Toronto)—I think the leader of the opposition pointed out that it was the Conservative party which introduced that Public School Act.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman is speaking of the other kind of schools.

Sir WILLIAM HINGSTON—The state has its duties, and very important ones; but the

education of a child, or rather the starving of its soul during six hours and a half a a day and giving it a little condiment at the end of the day, when the child's mind is fatigued, seems farcical, were it not so serious, and a matter of cruelty. One might as well serve to him at meals, eggs without salt—meat and other kinds of food without salt—salt with nothing—and after he got through a meal, dose him with salt. Speaking of religious education, first of all let me ask, what is education? There are two aspects from which we may regard education. The true way of educating, says an eminent writer, is first to correct the beast that is within us. We were born with these tendencies, and the first effort is to correct them, in order that conscience may emerge; then to educate conscience that intellect may emerge. But what do we propose to do ? We begin, first of all, with the intellect, sharpen the intellect and load the memory, and allow the conscience to take care of itself. A godless school is a source of evil beyond all calculation. There are countries in the world where they have no religious education and where they have common schools which are striking at liberty of conscience, as in France. Who is it that implants within us that liberty of conscience ? We were born with it. It is our birthright. From whom does it come ? It comes not from the State—the State cannot give liberty of conscience. You cannot take it away. You cannot step between man and his Maker. It is our Maker that implants in our breast that liberty of conscience—although not always, unhappily, liberty of action. Men are not always permitted to act according to the dictates of their consciences, but when they can they must, and they are not at liberty to do the opposite. One must bear in mind that from conscientious motives a large number of people cannot avail themselves of state education. In this country forty per cent cannot in conscience avail themselves of it. I will not say that they are always right. I have gone, myself, to Catholic schools for a short period of my life, and to the Protestant schools for a longer period, by far the longer. But the man who has a conscientious desire to have his child brought up in the fear and love of God in his own way, has an inalienable right to do so; and woe to the person who steps between that man and his conscience. Then we are accustomed to speak of the common school. What right has it to be called the common school, when it represents the views of only 60 per cent of the community ? Are we to ignore the other 40 per cent ? They are weak already, numerically inferior to the others, and have we a right to ignore them ? Had the government brought in a measure to favour the minority and deal less generously with the majority, there would be less to complain of, but I contend that the state has no right to legislate in a particular direction and call that a common school which can only be used by a section of the population. It is to be regretted that in all these discussions opponents cannot enter into their opponents' mind and see things from their standpoint. Two of the speeches to-night came from entirely different quarters. They seemed to have nothing in common in their arguments, and arrived at opposite conclusions from an examination of the legal bearings of the same Bill, and yet they both possessed bright intelligence. Well, perhaps if we were to try to get out of ourselves a little more than we do, exercise a little more imagination than we do—because most of the injustices done in life arise from a want of imagination—and have more to do with justice and less with law, things would be different. If we have no imagination then follows injustice, but if a man can step out of himself and place himself in the position of one opposed to him, injustice will not usually follow. When one sees with the eye of the other, he sees with him, and justice cannot but be done. But it is unhappily the condition that there are a great number of men with little or no imagination. They see things microscopically and they attach enormous importance to trifles while matters of greater moment pass by them unheeded. Then there is a difference in the way one looks at a thing. We are all at one as to the need of religion, yet how men differ in the very concept of what religion is. One man lives an honest life, is kind to others, is honest in his dealings and practices some form of religion—to him the particular form is of no moment. On the other hand, there are those Christians who believe that every tenet of revealed religion is essential, that nothing in belief is a matter of option, and consequently nothing can be a matter for compromise. How differently men of such

opposite views of religious duty will consider the present educational question. How ready the former will be to adjust or compound what he deems to be unessential, how prone to accuse those unwilling to imitate him of narrow-mindedness and bigotry; and yet how impossible for the latter to do so without forfeiting for his children that which he professes to hold dearer than life. This educational question is not a new one. It has been discussed again in England, that England to which we look for guidance and example, and whose constitution has served as the model of our own. How has England solved this question? England has never stepped between the parent and the child and nas hever attempted to give state education. I hope the time will never come when we will cease to look to Great Britain for example and to follow it as far as we can. The educational question has been a burning question with them for many years, but they have dealt with it in a fair and generous manner. They have made changes in the government of the school. At one time it was by the school trustees, at another time by inspectors, and later it was municipal. One system was found to be expensive and they changed for a cheaper system, but while they changed the form of government they never attempted to do what has been done in this case. The children were educated by their parents, or rather in the schools of their choice. Anglican, Protestant, Dissenters or Catholics, mentioning them according to their numerical strength. And how are the expenses of education paid ? In the fairest manner possible, according to results. At first they had Catholic inspectors of Catholic schools and Protestant for Protestant schools; but both sides agreed that the inspectors they had were fair and impartial. The question of religion never came up as regards the inspectors, and that is the condition of things which exists to-day. Is it not better to have something of that kind for ourselves than to go to our neighbours, in the United States, for an example. What must be the result of irreligious education, where, until half-past three in the afternoon, God is excluded from the school,—the God who made us, who permeates everything, who should be always present with us, is permitted to knock at the door and come in for half an hour in the afternoon ? We have in this country evidence of two kinds of schools, and let me here say how admirably we manage those things in the province of Quebec. I am not so familiar with the conditions of things in Ontario, but I am told they are equally happy. In Quebec, there are the Protestant school commissioners and the Catholic school commissioners, each all powerful quoad education, and the Protestant commissioners have told me that they never ask anything from the Catholic commissioners which is not at once granted. There is a superior authority superior to both to see that no injustice is done, so that if those who are numerically stronger were to attempt to do injustice to the numerically inferior the superior body immediately checks it. As an evidence of the harmony which exists, that superior body has not been called upon to act for the last 25 years. That is the happiest condition of things which could possibly exist, and why ? Because perhaps the minority had in the French Canadians to deal with an amiable godfearing people. To go, however, into matters of education in the United States, where religion is not taught and not supposed to be taught, and not permitted to be taught, what is the result ? Living here in Canada, and attached to Canadian institutions as I am, I should not like to see in this country what is described by writers in the United States to exist there. I could quote a thousand observers if time allowed; I shall take only two or three. I shall first take Bishop Spalding, of Peoria, Ill,, who, as you know, has written some admirable works, especially one entitled 'Thoughts on Education,' a book which one can afford to read with profit a dozen times. What does he say ? In the United States, millions of money are expended on education, and children get not individual teaching, but machine teaching in large buildings, with highly paid officers ; and here is the result :

> The dwellers in our fine houses are ordinary people, and show no tendency to become equal to the splendour of their habitations. The travellers in our luxurious cars and steamships have vulgar thoughts and aims, and long not for anything higher.

Our education, says Emerson, speaking of the United States, is a system of despair. It is a device to help us to gain a livelihood, to prepare the young to be-

come clerks, or merchants or mechanics, or lawyers or preachers—a key which unlocks the world of story books, novels and newspapers ; but in education as a divine force, whereby a nobler race may be formed, we have no faith. We see to it that our machinery shall be made more and more perfect, but we have no hope that it shall be put into the hands of more godlike men and women.

Now that is the statement of one of the most thoughtful men in the United States. Emerson, whom we all know, continues : Our education is a device to help us to get a a livelihood.' And he adds it is not a Divine force. Now what is the result of this condition of things ? I take up an official document which is authority for the statement that in volume of business and number of convictions the criminal court of Cook county (Chicago),—and I take it because it is at hand and for no other reason—is the greatest criminal tribunal in the world. More prisoners are arraigned at its bar than in any similar court in the world, including London with a population of over four million ! In two months less than four years the grand juries passed upon 16,518 cases, an average of over four thousand cases each year. Yet Cook county luxuriates in the enjoyement of godless education. But the western Gotham has its 'juvenile court,' and its John Worthy school, and, its other reform methods—and will, no doubt, do something to diminish the plethora of vice with which it has to deal. Its anthropometric system, and its bureau of identification is said to be second only to that of Paris in perfection of detail. Perhaps a little religious education might have given it less to do. Yet, notwithstanding these artificial aids to detection and repression and correction of crime, statistics show an 'increased proportion of criminals, in every social system, as compared with that of past years—and shows at the same time its penal system, however perfect, to be a colossal failure.'

In many parts of the United States, and in too many parts of Canada the purpose of education would seem to be to encourage youth to seek a career which promises wealth—the possession of which being the 'ultima thule' the limit—and too often the only limit of their desires. I am not competent to speak of Ontario, nor yet of other parts of the west, but knowing well my own province, I can say, 'Youth there is led rather to aspire after excellence in some loftier plane, and often in some avocation of an intellectual character.'

In the modern Gotham matters are not more cheerful. Statisticians show an increased population of 33⅓ per cent, or one-third in ten years. That is something to rejoice at. But during the same period crime has increased not one-third or 33⅓ per cent, but one-half or fifty per cent. New York, like Chicago, is reaping some of the advantages of a godless education. In ten years the felonies have increased ninety per cent, in one year suicide two hundred and fifty per cent.

The United States of America are at the present moment at the most critical period of their existence. And the note of alarm has been more than once sounded by the most thoughtful of their citizens, even by a vigilant and able chief magistrate. That note of alarm has swelled with each returning year till what was first a timid whisper of dissent has become a loud continued roar of distress rather than of exultation.

When, in 1855, the state of Massachusetts decided that no state money shall be appropriated to any religious sect for the maintenance exclusively of its own schools, 'and made the reading of the Bible compulsory, but allowed neither written nor oral comment, and forbade the use of any school books,' calculated to favour the tenets of any particular sect of Christians, its acts were considered wise—but time has not established their wisdom. Religious training was banished from the school and soon fell into desuetude. But something had to take its place, and instead of wholesome Christian principles—Agnosticism, or that too popular phase of geology and zoology which goes by the name of Evolutionism.

Honourable gentlemen, it has been left to our day and generation to divorce religion and education. Our Saviour acted not in this wise : His first lesson was with the doctors in the schools. The Israelites to whom so much has been promised, had their children taught at home, later in the synogogue where the Rabbi taught the usual elements of education—but always, and fore-

most, the bible, which formed the very keystone of all their schooling. And they were not content to delve into a translation—but the Hebrew language was taught to the children in order that they might have the priceless advantage of reading, and their children are taught the bible in the original Hebrew to this day.

It is, I believe, due to this circumstance, that the Israelites—notwithstanding the persecutions to which they have been subjected—have preserved their religious distinction, in every clime, and in every form of existence.

Before I leave the United States, I will allude to a cancer that is eating more deeply into the body politic than the tuberculosis in which my hon. friend Senator Edwards takes so much intelligent interest—more than tuberculosis and cancer combined. What is that disease ? In some states the birth-rate is far below the death rate, so that if it were not for English, Scotch and Irish men and women, the red men would come back and take possession. Why is this ? Unfortunately a few years ago, the doctrine of evolution cropped up. It was seemingly harmless, I thought it charming, and I was disposed to embrace it until I began to reflect what would be the result. Are we merely links in an endless chain, with God, if there is a God, at one end, and the little zoophyte at the other? If so, where is the harm of lifting out of that endless chain a life ab initio, or at least an anticipated life ? Unless religious education is present to say that life comes from Almighty Power, and He alone can take it away, there is no safety for the unborn. At the present time it is not by thousands, but by hundreds of thousands that life is steadily sacrificed, by a nameless and shameless method, to which I dare not allude even in the presence of elderly gentlemen as most of us are. But there is not only disturbed gestation. Ladies will not be debarred from society. They must join in the whirlwind. Maternity is not agreeable and—well—they do not like children and will not be bothered with them. There are a thousand devices. Hon. gentlemen, I formerly saw something of this kind every day in my office, and when I was a much younger man than I am now, and supposed to be impecunious, I was inundated with such cases, but I may add the same person never came back to me a second time on a like errand. This is a frightful crime ; it is decimating and more than decimating the American people. Women are becoming hopelessly barren because of the expedients to which they resort, and which they think can be dropped at pleasure, but I have seen some of them when they were old—perhaps one child arriving at maturity, and I have seen them with faces in which unutterable woe was painted. The child they had permitted to live had been taken away by death and there the old father and mother would sit opposite to each other and either of them would have given all they possessed to have a child to cheer them. How is this ? It is as I say, the legitimate outcome of evolution, a theory that has taken possession of the world. Some of the most brilliant men have adopted it, and yet it was exploded nearly a hundred years ago. Shortly after I read the views of evolutionists, I read the antidote prepared nearly a century ago ; but for one copy of the antidote that is read, ten thousand copies of the works which are doing the mischief are read, yet the evolutionists are good men who do not see the direction in which evolution is leading them. Huxley was one of the best and most amiable of men, but he did not surely realize where his teachings were leading. We are slow to suppose that in the United States the feeling of maternity is dead. Writers speak of the cold reception that fashionable women give to the child. It is different with the poor. I have never heard the first cry of a child that did not seem to give intense pleasure to the mother, however poor. There is another class free from that vice—I allude to the Jews. Persons are astonished, not I, to find the Jews, wherever they settle, increasing rapidly. When they take possession of a quarter of a city the houses are soon filled with children, each woman endeavours to realize the promise made in an especial manner to that interesting and moral people : to multiply and replenish the earth. But to come to a section of our own population ; the growth of the French Canadian people, is remarkable, without assistance from immigration. It is admitted that 146 years ago

there were 70,000 men, women and children of French origin in Canada when it passed under British regime. It is supposed that 10,000 went back to France rather than live under the British flag. The 60,000 that remained have increased, how many fold, in that period of time ? It is almost fabulous. They have increased 50 times. Every man, woman and child at that period is represented to-day, notwithstanding the large mortality, by fifty persons.

Now why is this ? Why is it that, while the indigenous population of the Northern United States has been on the decrease, we in Canada, and especially in the province of Quebec, rejoice in the growth of a healthy and vigorous population ? I answer unhesitatingly: it is due exclusively to the absence in the one case, and to the presence in the other of religious education. Whereas in one case children are permitted to grow up with insufficient views of life, and in the midst of false theories of evolution, in the other they are taught that, while they have obligations towards their fellow-men and towards their country, they have stricter obligations towards Him who created them ; that God is the author of life and that He alone can take it away.

I have spoken of the United States advisedly, as the climatic conditions which there exists are pretty much what they are with us. But France also furnishes a most painful illustration of the results of godless education. Together with the successive encroachments of the State in matters of education, and the gradual banishment of the religious element from the school, France has had to deplore a corresponding decrease in her birthrate, till now, she whose people are of the same stock as our own prolific inhabitants of Quebec, has the lowest birthrate in Europe.

I have touched upon, and with great reluctance, one of the evils everywhere attendant upon education from which religion has been eliminated; and have not mentioned the alarming growth of divorce ; of juvenile criminality, &c., &c., but have confined myself to the evil which has been most brought to my notice by my professional duties. And I would say that apart from any question of justice; apart from any question as to sacred guarantees to a minority, but simply as Canadians loving Canada and wishing her growth and prosperity, we should give to those Territories which are to form part of our Dominion, a constitution which will ensure, to all who desire it, the religious training of the young.

We have a people who have hitherto been let alone and have worked out their own salvation wonderfully well. If, therefore, it is our policy to attract to the new provinces, immigrants of all kinds even at the risk of having undesirable ones among them, let us beware of so framing our legislation as to exclude these of our own soil, the oldest settlers and the most attached to Canadian soil.

Hon. Mr. MACDONALD (B.C.), moved the adjournment of the debate.

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

SENATE.

Ottawa, Friday, July 14, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

THE FORM OF PRAYER.

Hon. Mr. GIBSON, from the committee appointed to consider and revise the form of prayer used at the opening of the Senate, presented their report and moved its adoption. He said: The committee decided that the prayers in use in the House of Commons, and which are identical with the prayers we have been using here, were satisfactory, and we have so reported.

Hon. Mr. DOMVILLE—Is the prayer shorter?

Hon. Mr. GIBSON—It is.

Hon. Mr. MACDONALD (P.E.I.)—I understand from the remark which has just been made that the prayers which have been in use so many years have been changed. Is that really the case?

Hon. Mr. GIBSON—No, there is no change in the prayers, but the Psalms were dispensed with. The form of prayer is identically the same as the prayer used in the House of Commons.

Hon. Mr. MACDONALD (P.E.I.)—Is there no change at all?

Hon. Mr. GIBSON—The form of prayer is not changed, but as I have explained the Psalms are omitted; the prayer is shorter.

Hon. Mr. MACDONALD (P.E.I.)—Is there any good reason why they are omitted?

Hon. Mr. BERNIER—Why is not that form of prayer printed and left on the table until to-morrow so that every member can see it before voting for its adoption?

Hon. Mr. GIBSON—There can be no objecton to postponing the matter until to-morrow if it is the pleasure of the House.

The report was allowed to stand until to-morrow.

MUTUAL RESERVE FUND COMMITTEE ACCOUNTS.

MOTION.

Hon. Mr. DOMVILLE moved :

That the account of C. J. Coster, K.C., for legal services as counsel, as passed by the select committee on the Mutual Reserve Fund Life Association of New York, be referred back to the Department of Justice for further consideration.

Hon. Mr. FERGUSON—I did not happen to be in the House when the vote was taken on this question the other day. If I had been I would have felt like moving an amendment to the motion. My own feeling has been, since looking into it, that possibly an error has been made on the side of economy in the amount allowed to Mr. Coster who acted as counsel before this investigation committee. I was strongly of the opinion that the amount allowed to the expert witness was quite ample, and it was optional for him to come or otherwise. I doubt very much if he was much of an expert. My own opinion was that he was here animated very much by a strong feeling against the company owing to the quarrels which had existed between himself and the company, and I did not feel like disturbing in any way the action which had been taken as to remuneration, which I thought was right and just, but there was a doubt in my mind whether the legal gentleman who conducted the case before the committee was allowed sufficient. Thirty dollars per day for 20 days was all that was allowed him. It is highly probable that any gentleman managing such an investigation as that would have to do a vast amount of work outside the time the committee was sitting, and although to laymen $30 a day may seem high, when you take a man away from his business it is not a large amount to allow. The Department of Justice has already dealt with it, and I do not know that the proper way is to refer it back to the department. It would be better to appoint a committee of this House to examine into the matter and make a finding as to what they consider the proper amount to be paid to Mr. Coster. I therefore move in amendment:

That all after the word 'that' be struck out, and the following substituted : the claim of C. J. Coster, K.C., regarding legal services to the select committee appointed last session to investigate the affairs of the Mutual Reserve Fund Life Association of New York, be referred to a select committee consisting of Sir Mackenzie Bowell and Hon. Messrs. Lougheed, Béique, Kerr (Cobourg), and the mover, to examine the same and report to the Senate.

The SPEAKER—Does the hon. gentleman accept the amendment?

Hon. Mr. DOMVILLE—I do.

Hon. Mr. POWER—It is taking the House to a certain extent by surprise to move this amendment at this particular time. The Department of Justice has already been seized with this matter and considered it. If the motion of which the hon. gentleman from Rothesay gave notice were passed, the Department of Justice would know that the House thought Mr. Coster's services were entitled to greater remuneration than had been awarded to him at the previous taxation, and I think that was just what we wished. It would not have involved the loss of any time on the part of this House. The course which is proposed now involves the appointment of a special committee, the meeting of the committee, the consideration of the subject and the presentation of a report to the House. I have no doubt, from our previous experience in dealing with this matter, that there would probably be considerable difference of opinion in the House as to the report of the committee, and at this stage of the session I do not think the House can afford to spend time in that sort of occupation. I regret that this amendment has been moved; the original motion I think was the right and proper one.

Hon. Mr. DAVID—I am disposed to vote for the motion to refer this matter to the sub-committee.

The House divided on the amendment, which was carried on the following division.

Yeas, 28 ; nays, 21.

SATURDAY SITTINGS.

MOTION.

Hon. Mr. SCOTT moved :

That there be two distinct sittings of the Senate on Saturday the 15th instant, the first sitting to be from eleven a.m. to one p.m., and the second from three p.m. to six p.m.

PRINTING OF DEBATES.

Hon. Sir RICHARD CARTWRIGHT—Before the Orders of the Day are called, I should like to direct attention to a matter which appears to me to reflect a little upon the mode in which our proceedings are conducted. I have applied sundry times within the last 24 hours to obtain a copy of the debates of Wednesday last, and although two days have elapsed I have not been able to secure a copy yet. In the House of Commons, when the debates lasted fourteen or fifteen hours there was never any trouble in supplying members with the unrevised 'Hansard' within twelve hours after the House adjourned: and it is my opinion that unless some very good reason be shown to the contrary, the Senate is entitled to equal consideration with the lower branch of parliament, inasmuch as the Senate sets the Commons a very good example by not talking too much. I should like to draw the attention of those in charge to the matter, because 48 hours is too long a time to elapse before forwarding the unrevised edition.

Hon. Mr. FERGUSON—Hon. gentlemen will be delighted to hear my hon. friend make this complaint. We have been presenting it for years and years to this House, and we have probed the matter pretty well to the bottom. We found that the trouble was that the government did not supply the King's Printer with the facilities to do the work for this House. He had not the facilities at his disposal, nor the space in the Printing Bureau to enable him to do this work and keep abreast with what is being done for the House of Commons. I am delighted that my hon. friend takes an interest in it, and as he is a member of the government we will probably have it remedied.

Hon. Mr. SCOTT—I brought this matter before council every year for about five years, and there was always an objection to the extension of the Printing Bureau by the government. They thought it was badly placed, an eyesore, and they wanted it removed. As that was the feeling, they declined to make the necessary additions to it. That difficulty has now been overcome and additions are now being made in the height of the building and by the addition of a wing, which will give ample opportunity to complete the work promptly ; but in reference to this particular subject I should like hon. gentlemen who are on the committee to say whether I am right. I do not think there is a distribution of the unrevised edition.

Hon. Mr. BEIQUE—Oh, yes.

Hon. Mr. SCOTT—I have not seen it. When this subject was up before and we were investigating, it was usually found that the fault lay with the gentlemen who detained the reports for the purpose of making proper corrections, and I think we then made a rule that unless the corrections were made within a given time, the printing should be allowed to proceed. When I have investigated it, I have always found that it was due to the detention of the proofs in the hands of the gentlemen who had delivered the speeches.

Hon. Sir RICHARD CARTWRIGHT—I am speaking of the possibility of getting any proof at all.

Hon. Mr. SCOTT—The proof of course is not distributed. I understand the first process is to send a proof to the senator who made the speech.

Hon. Mr. TEMPLEMAN—No, the unrevised edition is sent.

Hon. Mr. SCOTT—Then I do not know anything about it.

Hon. Mr. McMILLAN—The last we have on file is the 7th July—this day week.

Hon. Mr. TEMPLEMAN—That is the revised edition.

Hon. Mr. BEIQUE—As the Chairman of the Debates Committee, I shall give a word of explanation. The rule that was adopted last session was that an unrevised edition

should be distributed to the members, the next day or as soon as possible after the sitting, and of course no detention of the copy is required for the purpose of making corrections. It is only for the revised edition that the members are supposed to have 24 hours to make their corrections But as far as the unrevised edition is concerned, we must bear in mind that we can hardly expect to have it as soon as they receive it in the Commons, for this reason ; in the Commons they have a staff of seven shorthand writers who assist one another. They each take notes for ten minutes, and then transcribe their notes, and therefore as the sitting progresses the matter may be sent to the printing office. Here we have only two reporters, and if the House sits until twelve o'clock, as has been the case during the last couple of days, it is hardly fair to expect that these two reporters would do the work as seven would do it in the House of Commons. It is hardly fair to expect that the contractors would keep a staff of four or five or six or seven men when it is not required, as our session is full of adjournments. It would be very expensive and they would be unable to do it with the remuneration they are getting ; in fact the contractors have been complaining that the adjournments are so frequent that they desire to have other conditions for the reporting of the debates. But I may say that I have had occasion to inquire repeatedly during last session, and I learned that a great deal of the delay was not from the reporters but from the Printing Bureau—where they have not the proper facilities and where they give the preference entirely to the Commons.

Hon. Mr. LANDRY—I might state to this honourable House that I delivered my speech the same day as the hon. Minister of Trade and Commerce. I was the last speaker that evening and my speech was sent to the bureau yesterday morning and they have had it there since that time.

Hon. Mr. ELLIS—The fact might be mentioned that the reporting staff is a little weak at this moment. During the ordinary run of work hon. gentlemen must have observed that they received their unrevised edition in the box in the post office, but, as the hon. gentlemen probably know, Mr. Andrew Holland, one of the reporters, met with a severe accident and he has not been able to attend to his duty and there is difficulty in keeping up the staff, and such a mass of work has been pouring in during the last few days that it is impossible for the two men to sit here day and night and have their report ready for the printing bureau for the next day.

Hon. Sir MACKENZIE BOWELL—I was not in the House when the hon. Minister of Trade and Commerce called attention to this matter, but I am very glad he has done so. I have been complaining of this for the last year or two, and now that it has affected one of the ministers, the probabilities are we will have some relief. But I am quite sure that if hon. gentlemen make inquiries they will find the trouble is not with the official reporters, but that it is at the Printing Bureau. That is my information, and during this whole session, with one or two exceptions, our sittings have not been over an hour or two or three hours a day, and there is no reason in the world to prevent the reports of those short sittings being in the senators' boxes the next morning. I hold in my hand the debates of the House of Commons delivered last night, comprising 70 or 80 pages. Perhaps the last speech would be delivered after twelve o'clock, but when you come to the Senate and get your mail in the morning at 10 o'clock you never find your unrevised edition of what took place the day before. You are very lucky if you get it two or three days after. I know in some cases I wanted to look at what I said. The adjournment took place in the meantime and I never saw it. It may be correct and it may not. As a rule I would say that the reports made by our reporters are very correctly made, but I do not see any reason at all why 19 times out of 20 we should not have the unrevised edition next morning at an early hour, say 11 o'clock. We have had late sittings on only two or three days, but there has been a somewhat lengthy debate since the Autonomy Bill has been introduced.

Hon. Mr. POWER—Referring to what the hon. gentleman from St. John (Hon. Mr. Ellis) says with regard to the difficulty of our present staff of reporters having the unrevised reports ready next morning after a debate, I have nothing to say in that matter,

but whatever position the members of the committee may be in, I do not think the members of the House generally are in a position to apportion the blame for the delay. I mention this because it happened the other day there was a little discussion about the same matter, and it was affirmed that the blame lay altogether with the Printing Bureau, and the next day I received a letter from the King's Printer giving certain hours and minutes and so on as to when the copy had been received by the bureau and when returned here, which seemed to indicate that the blame was not all on the shoulders of the bureau. I do not know where the blame is, but I do not think it is altogether fair to undertake to apportion the blame when we do not know the facts.

Hon. Mr. COFFEY—As a member of the Debates Committee, I think it would be advisable if our chairman would at the next meeting fully discuss this matter and devise a means of remedying the complaint. I can see myself very clearly how everything can be satisfactorily carried on so far as the reporting of our 'Hansard' is concerned. It simply means want of facilities. We must all remember that if you throw an immense amount of work from the Commons and the Senate into the hands of the reporters and on the linotype machines and the printers in 24 hours, it would be impossible to meet the demand upon them. My own idea is that towards the close of the session it would be proper to get a couple of extra linotype machines and a couple of extra reporters and we could get our debates printed in the proper time. I should like to see the speeches made in the Senate put into the hands of the senators as expeditiously as is done in the Commons. There is no reason why it should not be done. We have only to deal with the matter in a business-like method and have the work done expeditiously and there will be no cause for complaint.

PROVINCE OF ALBERTA AUTONOMY BILL.

DEBATE RESUMED.

The Order of the Day being called

Resuming the further adjourned debate on the motion of the Hon. Mr. Scott for the second reading (Bill 69) an Act to establish and provide for the government of the province of Alberta, and the motion of the Hon. Sir Mackenzie Bowell in amendment thereto: That the said Bill be not now read a second time, but that it be read this day six months.

Mr. MACDONALD (B.C.)—We have before us a subject on which we should be able to felicitate each other and congratulate each other on the progress of the country in population, and wealth which leads to the necessity for the creation, or formation of two new provinces in the great Northwest. Instead of such felicitations we have war, discord and ill-feeling. Who is to blame for all this? Those who departed from the letter of the law under the conditions of which the rights of religious minorities are safeguarded. The provisions of the British North America Act should have been adhered to. I am in favour of national schools for all and let those who wish for separate schools have them and pay for them. This separation should not be perpetuated. When children grow up what do we find? Intercourse in every phase of life—in the most sacred, such as marriage—as well as commercial and social intercourse. Not only that but we find the religious side of this question thrown to the wind as against party. The Bill as first introduced embodied the wishes of Catholics and I suppose the Catholic clergy. Are we never in this country to have a homogeneous people or are we to be for ever divided into the lambs and the goats? It is an evil state of things—and who will say: 'I am holier than thou art—stand back.' If Catholic children are holier and better than Protestant children that is the very reason they should mix and associate and so leaven, improve, and reform by their good example. Carry this separation to its logical conclusion—in all stages of life keep the Catholics separate. It cannot be done; Catholics of full age and of common sense would not tolerate such restrictions. In my dealings with men, and from my observations and experience, I find no difference between Catholic and Protestant. We have an example of that in this House. The feeling is as friendly and cordial as if our tenets were the same. We find Catholics individually, men of culture and refinement, and of broad liberal views. We have such in this House—who will, I know, pardon me for making a comparison of nations in a public way. Take Italy, a strongly Catholic nation, is it progressive, stable and

to be envied and copied ? A country where you have a stiletto for breakfast or supper as it may happen. Take Spain, a strongly Catholic country ; the same remarks will apply, substituting machete for stiletto. Take France—once strongly Catholic—now more infidel than anything else. Take the 13 Latin-American States in South America with the Catholic religion prevailing over all. Are they progressive and stable, and is life safe ? Certainly not. My reference is to the countries from Mexico to Chili, including Venezuela, Brazil, and the Argentine. Take Germany, largely Protestant. It is stable, full of progress and prosperity. Take Great Britain, largely Protestant, and we find it stable, powerful, and prosperous with freedom for all to worship as they like. Take the different divisions of Ireland —Catholic and Protestant—let some one draw the comparison, I will not, out of respect to my friends of Irish origin. Take Scotland, largely Protestant; where does she stand ? At the head of all countries, in stability, progress and wealth, contributes to the imperial revenue $4 per head more than England does, and double the contribution of Ireland. If therefore religion influences nations, and we believe it does, with which countries lies the preponderance in stability, progress, civilization and wealth, Catholic or Protestant nations ? I need not answer, it is too well known. The United States, great in every way, is largely Protestant.

The hon. Minister of Trade and Commerce referred to the placid way in which the country has taken this separate school question, and intimates that those most interested in the subject have not remonstrated. He asks what is the inference to be drawn? I say the inference is want of knowledge of the provisions of the Bill, on the one hand, and indifference on the other. Of the five and a half million people in Canada how many know anything of this Bill ? Are there a million who know? I think not, and the majority of those who know do not care one way or the other. I don't know if any senator will say that the recent elections in Ontario turned on the school question. I think not ; they rather turned on the general national policy of the government and the personal popularity of the elected members. The hon. Minister of Trade and Commerce alluded to another subject not germane to that under discussion. It was an entirely uncalled for and cold-blooded stab at a political party. Not only that, but the statement regarding stagnation in the country from 1878 to 1896 is not according to facts, totally unwarranted, totally unsubstantiated. I challenge the hon. gentleman to prove his words. Any one who will take the trouble to look at the revenue as a criterion of the condition of the country will find that the revenue rose steadily from $24,000,000 in 1879 to $36,000,000 in 1896. With that revenue the Conservative government carried on, in face of the most strenuous opposition ever seen, the most gigantic public works ever carried on in Canada, and such as the hon. gentleman would not have had nor ever will have the courage to carry out, viz.: the Canadian Pacific Railway, the Sault Ste. Marie canal and the Esquimalt and Nanaimo Railway. These are some of the works carried out in those days of stagnation, as the hon. gentleman called them. Every stage in our progress was opposed by the hon. gentleman and his friends. We have now before us Bills to create two new provinces in the Northwest. If the Canadian Pacific Railway had not been carried into that country would it to-day be ripe for the creation of new provinces? The answer must be that it would not. The Canadian Pacific Railway was constructed and has opened up that country. Who did this? The Conservative party. Would that road have ever been built if the hon. gentleman and his party could have prevented it? No, never. And if the Canadian Pacific Railway had not been constructed the Northwest to-day would be the wilderness it was 100 years ago. These facts cannot be controverted. The hon. gentleman knows better than I do how the whole Liberal party fought against the building of that road.

Does the hon. gentleman remember the soup kitchens and the thousands of idle men from 1874 up to 1878? Does he not know of the closed factories? Does he not remember preaching unrestricted reciprocity, which meant handing over control of our affairs to the United States? Does he not know that under the Liberal policy this country was made the dumping ground for the United States surplus of inferior products? Does he not know that with the

National Policy under Conservative rule the country rose with a bound from depression and despondency to full confidence, resulting in the reopening of factories and the building of new ones and in maufacturing being undertaken on a larger scale than previously? Does he not remember that capitalists, full of confidence, invested their capital? Does he not know that the revenue increased during the period he calls stagnation from $24,000,000 to $36,000,000? Does he not know that if the Liberal policy of low tariff and no protection had been put into force the country would have been bankrupt before now, factories would be closed, no Pacific Railway built, no Northwest opened, no line of steamers or trade with Japan, China, Australia and the South Sea Islands? Does he not know and see how that under such a policy as he advocated there would have been no progress, but decay? Does he not know perfectly well that the policy under which the country carries on its commerce and under which the country is so prosperous is the Conservative policy of moderate protection?

The hon. gentleman knowing all this why does he cast stones? No matter what party is in power we are delighted to see the country prosperous and this government has been most fortunate in the condition of the country for the last eight years under the Conservative protective policy—and I hope it will go on prospering.

Hon. Mr. MILLER—I feel reluctant to take any part in this or any other debate in the Senate just now, being advised to avoid any kind of work for some time to come on account of my health; but I feel the vote I intend to give in favour of the amendment of the hon. leader of the opposition in this House, chiefly on account of my hostility to the educational clause of the Bill under discussion, may subject me to a charge of inconsistency, in view of my antecedents as an advocate of separate schools, unless fully and frankly explained. Not that I attach much importance to charges of that character, as no sensible man refuses to change his opinion under altered circumstances or on the acquisition of new light or information; otherwise his consistency, if a merit at all, belongs, as has been tritely said, to the virtues of a class not reckoned among the wisest of men.

It is not always necessary, however, to make a speech here or elsewhere in justification of one's change of mind in relation to public affairs, when that change, as in my case, only involves a legal opinion; but I do not see how I can avoid doing so on this occasion, as I have on many occasions in the past, during the early years of my political career, been known as a warm friend of separate schools.

Let me say at the outset, that I am to-day as strong an advocate of the wisdom and justice of giving separate or voluntary schools to all that claim them on the ground of conscientious scruples or convictions as I ever was, and if any issue involving such a claim as I have just stated were now properly before me, I would not hesitate how to act. But according to my present reading of the imperial Acts under which we are now legislating—I mean the British North America Act, 1867, and the Acts in amendment thereof—I consider that no such issue is properly before us to-day; but other issues of paramount importance to the peace, welfare and good government of the country demand our consideration at the present time.

But I must also say, at the outset of these remarks, that while I still entertain the views just expressed relative to separate schools, I have changed my opinion since 1875-6 with regard to the power of this parliament to enact the educational provisions contained in this Bill, as I now consider the subject one exclusively assigned by our Constitutional Act to the provincial legislatures, and with regard to which parliament has no right to interfere.

I entered public life in 1863 as an independent member of the Legislative Assembly of the province of Nova Scotia. In the following year, the Hon. Charles Tupper introduced in that body the measure that was afterwards known as the Common Schools Act. In fact, the leader of the opposition, the Hon. Adams Archibald, united his forces with him to carry the Bill through the assembly. The measure was compulsory in all its provisions, and ignored separate or voluntary schools. I opposed it from start to finish, and frequently got into bitter

altercation with some of the able men who supported it, and as may well be imagined, was often pretty roughly handled in some of these encounters. Yet I did not hesitate to give fight to the unequal forces arrayed against me. I always considered that the ground on which I stood was firm and unassailable, and that some at least of the arguments I could advance were irresistible and unanswerable, and made even so feeble a champion as myself an opponent not to be despised. I have always looked upon the right of the parent to control the education of his child as a natural, inalienable right, (unless forfeited by parental misconduct) with which the state cannot justly interfere. I have always held that the state has no right to ask or compel a parent to pay for a school, or to send his child to a school, in regard to whose teaching, or want of teaching, he entertained conscientious objections. I have always considered that the state has no right to intrude on the domain of conscience in matters of education any more than it has in matters of religion. I do not care whether a man's conscientious convictions are right or wrong or even absurd, while he sincerely holds them—doing no wrong to society and giving no offence to his neighbour—he is entitled to have them respected by the laws of the land. Wherever any other rule exists, liberty of conscience cannot exist, and if we ignore liberty of conscience, then the boasted freedom of our laws and institutions is nothing better than a mockery, a delusion and a farce. What, I ask, is to-day the secret of Britain's amazing success as a ruler of alien races of every clime, colour and description throughout her world-wide possessions ? It is, in the first place, that wise laws and just treatment everywhere follow the flag of the empire ; but it is equally true and equally important that respect for the religious rites, beliefs and superstitions of conquered races, no matter how absurd or fantastic in our eyes, is a well recognized principle of her imperial policy, and largely the foundation of its success. It is the key note to-day of Protestant England's policy both at home and abroad, and especially at home, in relation to her laws respecting education, which are framed, as far as possible, to meet the religious views of all classes, thus making liberty of conscience also a recognized principle of her educational system ; but Protestant Canada has not followed that noble example, alike generous and just, except where the terms of the hard and fast contract of the British North America Act oblige her to do so. But it must be admitted by all who heard the interesting historical statement of the hon. member from Belleville in his masterly speech the day before yesterday, that the record of the opposition in Canada for nearly a century far outshines in liberality that of the Liberal party on this question. I say, where liberty of conscience is not respected, there can be no real freedom; there can be no real happiness or contentment among the oppressed ; and there can be no guarantee for the safety, the permanency or the greatness of the state.

These, hon. gentlemen, were the views I entertained on the question of common school education in 1867, when I became a member of this Senate, and so far as the right of the people to separate schools, if they desire them, is concerned, my views, I repeat, are unchanged.

The first occasion on which I was called upon to act in an educational controversy in this body was when the Hon. Alexander Mackenzie's government, in 1875, submitted to this House a Bill for consolidating the laws for the government of the Northwest Territories. That Bill contained a clause—clause 11—which was forced on the government by the Hon. Edward Blake while the Bill was passing through the House of Commons, and which produced no small excitement at the time in parliamentary circles. That clause reads as follows :

11. When, and as soon as any system of taxation shall be adopted in any district or portion of the Northwest Territories, the Lieutenant Governor, by and with the consent of the council or assembly, as the case may be, shall pass all necessary ordinances in respect to education; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they deem fit, and make the necessary assessment and collection of rates therefor ; and further that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they may impose upon themselves in respect thereof.

Many of the supporters of the government of that day in the other chamber, who felt compelled to vote for the clause for one reason or another, to my knowledge, hoped, schemed and plotted to secure its defeat in the Senate. I knew all that was going on when the Bill came before our House, and made up my mind to do all in my power to defeat the plotters. I consulted with the leader of the opposition, Senator Campbell (afterwards Sir Alexander), who assured me he was in favour of the clause, and that I could tell all his friends so. I used his name with great advantage in my canvass of the Conservative Senators, many of whom, however, only agreed to abstain from voting, rather than vote against their respected leader. On the third reading of the Bill in the Senate, the combination to defeat the provision for separate schools in the 11th clause developed itself on the motion in amendment of the Hon. Mr. Aikins, who had been Sir Alexander Campbell's colleague in the last Conservative government, to strike out all the words in the 11th clause relating to separate schools, warmly supported by the Hon. George Brown, the great Liberal statesman of that day. There was a warm and prolonged debate in this House on the motion of Senator Aikins, very imperfectly reported in the Senate 'Hansard' of those days, with much excitement in the Senate, and up to the last moment before the division the result was doubtful. When Mr. Aikins' motion was put from the Chair it was declared lost on the following division: Contents, 22; non-contents, 24—only a majority of 2. The names were as follows:

Contents—Aikins, Alexander, Benson, Botsford, Brown, Christie (Speaker), Dickey, Dickson, Flint, Haythorne, Kaulbach, Leonard, McClelan, Macfarlane, Macpherson, Montgomery, Muirhead, Seymour, Simpson, Sutherland, Vidal, Wark.—22.

Non-contents—Allan, Armand, Baillargeon, Bellerose, Bureau, Campbell, Carroll, Chaffers, Cormier, Dumouchel, Guevrement, Hamilton (Inkerman), Letellier de St. Just, McMaster, McDonald (Toronto), Miller, Paquette, Penny, Price, Ryan, Scott, Shaw, Skead, Trudel—24.

When the result was announced the Conservative leader, Sir Alexander Campbell, close to whom I sat, turned to me and said, 'Miller, they may thank you for saving that clause.'

I certainly spoke more than any one else to save it, as the imperfect 'Hansard' reports of that period will show, and I know I worked more to save it than anybody else, not excepting the two ministers, and it may not be unworthy noting that I enjoyed the distinction on the occasion of the division of being the sole and solitary senator from the three maritime provinces of Nova Scotia, New Brunswick and Prince Edward Island whose name is recorded in the list of non-contents, who saved the clause by the majority of 2.

The Act of 1875 was to be put into operation by proclamation, but when parliament met in 1876 no proclamation had been issued by the government. This gave an opportunity to the opponents of clause 11 to get up petitions against it, and the table of the Senate was loaded with a very large number from the maritime provinces, asking for the amendment of the Act in regard to separate schools. On that occasion I spoke at considerable length against the petitions, and in favour of the clause, concluding my speech with the following words: 'He (Mr. Miller) thanked the government again for their determination to adhere to the law of last session, which secured freedom of education for ever to the Territories of the Northwest. When the Act will have been proclaimed, which he supposed would shortly be done, it can never be repealed, and the privileges it guarantees will then become the birthright of the generations that are to people that great and promising country, so long at least as British institutions and British justice shall prevail there.'

That was the opinion I held thirty years ago, when the Act of 1875 was passed, with regard to the legal effect and operation of clause 11, and it was, I think, the opinion generally held at that time by lawyers and leading public men like the Hon. George Brown, due largely I believe to the fact that the clause had the approval of so eminent a lawyer as Mr. Blake. The paragraph just quoted is my only recorded utterance during the last thirty years on the school question, in parliament or elsewhere, although since 1890 the question has engaged the attention of all our courts from the lowest to the highest, and has been the subject of prolonged discussions in parliament and in the press, as well as on many public platforms. Up to 1890, I rested under the belief that in giv-

ing my humble assistance to secure the passage of clause 11, of the Act of 1875, I had done my share to settle the vexed question of education for ever in the Northwest Territories, and as I thought very satisfactorily. I looked upon the Act of 1875 as a permanent settlement beyond disturbance or evasion. But, first, in 1890, by the abolition of separate schools in Manitoba by the Greenway government, and shortly afterwards by the ordinances of the Northwest council abolishing Protestant and Roman Catholic separate schools in the Territories, I had a rude awakening to the incorrectness of my conclusions. It will be admitted the investigation in the courts, and the agitation outside, threw a flood of light on the legal and constitutional points involved that parliament had not to guide it in 1875. I did not fail to keep myself as well informed as I could on the various developments of the subject in controversy, between the friends and opponents of separate schools, with all my sympathies in favour of the former.

In 1890, I took occasion to discuss the school question with the late Sir John Thompson. My intimacy with Sir John and my connection with his public career, are well known in Nova Scotia, and perhaps in all the old provinces, as the Toronto 'Globe' published verbatim a pamphlet written by me in relation to Mr. Castell Hopkin's biography of that distinguished lawyer and statesman some years ago. We discussed clause 11 of the Act of 1875, and clause 93 of the British North America Act, 1867, several times. Sir John differed from my view of the legal effect and operation of the Act of 1875 as a permanent settlement of the school question in the northwest. He expressed himself in his usual modest way of only throwing out doubts, which he would like me to take further time and opportunity to consider and investigate. He regarded clause 11, as merely tentative, provisional and temporary, and as creating no vested rights whatever, and his recorded utterances are to that effect. I clearly inferred from the general trend of his conversation that his views leaned distinctly to non-interference with the local authorities in educational matters, even in the Territories, in conformity with the spirit of clause 93 of the British North America Act, 1867, although the letter of the clause might not strictly apply to the Territories. We talked the subject over frequently in the early nineties, and while I still held to my views of 1875-6, he seemed to me to show a stronger leaning to the doctrine of provincial rights. When he was required in 1894 to report on the virtual abolition, as I thought, of separate schools in the Territories, as contemplated by the Act of 1875, by the Haultain ordinances, on the petition of Father Leduc and others, some people attributed his report against the petitioners to timidity or cowardice, or a desire to evade the issues raised. Nothing could be more erroneous or unjust. In my opinion, he would have advised the disallowance of the obnoxious ordinances if he thought in doing so he stood on safe constitutional ground; but he feared a conflict with the Northwest council in which he might be worsted in the courts, thus showing how strong a hold the idea of provincial rights had on his mind. When Thompson had passed off the stage in 1894, and after further study and research on my own part, I came reluctantly to the conclusion, that my opinion as to the legal effect and operation of clause 11 of the Act of 1875 was untenable and unsound, and that the subject of education belonged exclusively to the provinces, whether already in existence, or afterwards created; and this is the opinion I hold at the present time.

It is I admit a change of the legal view I took of the subject in 1875-6—a change largely due to intervening events and circumstances, and to the exhaustive discussions and investigations in the courts, in parliament, and in the public press during the last thirty years. But how often in a less period of time than thirty years are even the ablest lawyers compelled to change or modify their opinions on legal questions in consequence of new light from further study and investigation? I am not at all embarrassed by the change I have to admit, when I see the great changes so many eminent men have felt themselves at liberty to make on this vexed question. For instance, how different is the position the Prime Minister occupied not ten years ago, when he denounced as coercion, remedial legislation authorized by the highest court

in the empire, and cried 'hands off Manitoba,' from what he does to-day when attempting by his Autonomy Bills to override provincial rights, and the difference is one both of principle and policy? The course of the late Premier Mackenzie was equally inconsistent, or even more so. In 1867, Mr. Mackenzie reprobated separate schools in the Canadian legislature with all the strength of his robust vocabulary, and commended the non-sectarian system of education prevailing in the United States as one of the wisest emanations of the mind of man. Yet in 1875, only eight or nine years afterwards, while he was Prime Minister of Canada, he approved the insertion of a clause in the Provisional Constitution of the Northwest Territories, creating Protestant and Roman Catholic separate schools.

Let me here say, that I do not consider the educational provisions of the Bill before the Senate secure separate schools to the minority of the new province, or in fact any educational privileges whatever, and this the Right Hon. Minister of Trade and Commerce virtually admitted yesterday. I believe they will prove absolutely worthless towards any such end or purpose. I will not call them a 'gold brick,' but they are most certainly a deception, so far as they hold out any hope in that direction. I take the ground that you cannot compel the new province to establish separate schools within its borders or give any school privileges whatever, without its consent, no matter what laws this parliament may pass to attain that object. Such laws will become perfectly futile and inoperative against the will of the people. When Alberta becomes a province it will have just such schools as suit it, despite our wishes or legislation. Need I do more than point to the province of Manitoba as proof of what I assert? We all thought when Manitoba entered the union its educational status was irrevocably settled, and that it guaranteed for ever separate schools to religious minorities. What are all those guarantees worth to-day? Absolutely nothing.

We will experience the same result with this new province of Alberta, when its legislative machinery is in working order. I repeat, when Alberta becomes a province it will establish just such schools as will suit its people, despite our coercion or legislation. And what will the oppressed minority be able to do about it? Seek remedial legislation? Surely the Liberal party will never attempt to coerce the new province by remedial legislation. Rather would we expect to hear from that quarter the cry 'Hands off Alberta'; 'no coercion.' And just as surely it would not be expected from the Conservative party, after its experience of injustice and ingratitude, and the lesson of three general elections, that it would ever again rush to its doom on another Remedial Bill. There will never again be any remedial legislation attempted by either political party in this Dominion, no matter how unjustly the majority may treat the minority in any of the provinces. And this is the mess that Papal ablegates and delegates have made of the school question in Canada.

The only result of the obnoxious legislation now before the Senate will be to create in the new provinces a never-ending cause of irritation and strife—accompanied with creed animosities—and the general disturbance of that harmony and peace so necessary to the progress and development of a new country with a great future before it.

So strongly was I animated by these sentiments that, although prostrated by sickness when this Bill was introduced in the other branch of parliament by the right hon. the Prime Minister in a very extraordinary speech—a speech that did more than anything else to inflame passion; to arouse religious and national prejudice, and prolong the session—I felt it my duty to address the following letter to the hon. leader of the opposition two or three days before the resignation of the Hon. Mr. Sifton:

(Private and confidential.)

181 Lisgar street, Ottawa,
February 27th, 1905.

Dear Mr. Borden,—I have been confined to my rooms, in fact to my bed, for the last ten days, threatened with appendicitis.

As one who has given the school question in Canada some study since the beginning of my public life in 1863, I think my knowledge of every phase of the subject equal to that of most public men. I think I know as much of the blunders of both parties in regard to it, as well as my own, as most onlookers.

I consider the speech of Sir Wilfrid Laurier on the Autonomy Bill in parliament a few days ago a marvel of political indiscretion. Can he recede? If not, the disruption of the Liberal party cannot be delayed six months.

What should be the attitude of the opposition on this question at the present time? To me nothing is clearer than our duty to stand by the

constitution—fearlessly and firmly; and the control of education belongs to the new provinces constitutionally.

I have neither inclination nor strength to give the reasons for the opinion I hold, but they exist abundantly in my mind.

I do not know when my physician will allow me out of bed.

Yours truly,

WM. MILLER.

R. L. Borden, Esq., M.P.,
House of Commons.

But the Prime Minister did recede under the dictation of that practical statesman the Hon. Clifford Sifton, and readily cast to the winds the high, moral and religious ideas so offensively expressed in his indiscreet speech on the first reading of the Bill, sacrificing his convictions to retain place and power. Would any of our great Conservative leaders in the past—Sir John Macdonald, Sir George Cartier or Sir Charles Tupper—have played so ignoble a role? They would have stepped proudly out of office sooner than do anything of the kind. And yet no later than yesterday we heard Sir Wilfrid Laurier lauded as the greatest statesman Canada has ever produced, by an hon. gentleman whose admiration for his friend seems to amount to personal idolatry.

The legal and constitutional features of the Bill have been so ably, fully and clearly placed before the country in the other branch of parliament, as well as in the public press of the Dominion, that I will not by repetition of the arguments of others, or by any new argument of my own, pay so poor a compliment to the intelligence of the Senate as to appear to suppose that hon. senators are not as well informed on the vital legal points at issue as I am myself, and some even more so. Besides, this general expression of my views is just as much as I care to attempt at present. The able legal statement of the leader of the opposition in another place remains unanswered and unanswerable, and had I been a member of the House of Commons on the occasion of the second reading of this Bill in that House I could not have avoided voting with him on his constitutional amendment; and I believe had the late Sir John Thompson been present on that occasion he would have recorded his vote with the minority in defence of provincial rights.

But I also consider the Bill does not fairly settle the land question. The province of

Alberta should have all the provincial resources for revenue and development that the old provinces secured as the terms of confederation when the union was created in 1867. It is true that Alberta is treated no worse than was Manitoba when it became one of the provinces of the Dominion, but it does not follow that that treatment was either wise or just. At any rate the circumstances and conditions, both as regard the Dominion and the Territories, are entirely different from those which existed in the early seventies when Manitoba was admitted, and any comparison of its case with the new province would be very absurd, or at least very inapplicable. Moreover, from all I can learn from the best authority the distribution of the constituencies in the Bill is grossly partisan and unjust, and has been openly denounced in the House of Commons as nothing less than indecent, and I therefore have no hesitation in consequence of my hostility to the Bill on the three important subjects I have referred to in voting against the motion of the hon. Secretary of State, and in favour of the six months' hoist.

Hon. Mr. COFFEY—I was surprised to hear the views on education expressed by my hon. friend the member for Victoria (Hon. Mr. Macdonald, B.C.). Surely he does not seriously entertain the idea that Protestants and Catholics can obtain religious instruction in the same school from the same teachers. That would be impossible. I think that all who have spoken on this subject both inside and outside of the two Houses of parliament will agree for the sake of argument that our population is divided between two great sects or religions, the Catholic and Protestant. As far as I am concerned, I will not hold second place to any one in insisting upon a thoroughly Catholic education in our Catholic schools, and let me say that I would look with pride on the bringing back of the old days and the old schools that were in the shadow of the Protestant churches. In those times schools turned out men which gave Canada a name and a fame, men of rectitude, men of honour, men who did not go crazy on financial matters, men who were not of that class described by Lawson, of Boston, who make the dollar their God and care not for the free-

dom or happiness of their fellow men. My hon. friend the leader of the opposition yesterday read a very interesting document prepared and circulated a few months ago for the members of this House. I must confess that I was pleased at its contents. In that document he made reference to the school agitation of the old days. My hon. friend seemed to convey the impression that in the old days when the Conservative party was in all its glory the Liberal politicians were upon record as the opponents of Catholic education and separate schools. Among the other men mentioned was the late Hon. Sir Oliver Mowat, and as a tribute to his memory I feel that I should say something in his defence on account of what was stated in that document yesterday. It is quite true indeed that Sir Oliver Mowat in his earlier years was an opponent of separate schools, but Sir Oliver Mowat lived to do better. The hon leader of the opposition also made reference to the present hon. leader of the government in this House having been a Conservative in those days. We all learn as we grow older, our minds become matured and broadened; and in finding a place in the Liberal ranks I am [illegible] leader was not out of place. If he has left the Conservative party he is in good company, for we must remember that men like Gladstone did the same thing. I have often with pleasure referred to the leader of the opposition as being the youngest man in the Senate. I sincerely hope that as he grows older his mind will also be broadened, and he may yet, as our Secretary of State, be found on this side of the House.

Hon. Sir MACKENZIE BOWELL—There is no hope for me.

Hon. Mr. COFFEY—Let me say this in regard to Sir Oliver Mowat and as a tribute to his memory. Nineteen years ago the elections in the province of Ontario were fought by the Conservative party with the express purpose of abolishing separate schools. I say this advisedly and thoughtfully. There were two elections in Mr. Meredith's time. We all know that Sir William Meredith at that time was the leader of the Conservative party, and we know that the Toronto 'Mail' and Sir William Meredith deliberately went to the country with the avowed purpose of abolishing separate schools. Finding that this could not be done they promised on their return to power to make our separate schools in Ontario unworkable. As friends of separate schools we had Sir Oliver Mowat, and his party. He went to the country as the champion of separate schools and carried the country, and I was proud of my fellow-citizens of Ontario for decrying the agitation which was got up in those days.

Hon. Mr. McMILLAN—I am only taking in the situation now; I should like to know where those statements which the hon. gentleman mentioned were made. I took part in that contest and we never had such a platform. It is true that Sir William Meredith and His Grace the Archbishop of Kingston had a squabble over it in the press, but so far as the electorate are concerned they took no part in it.

Hon. Mr. COFFEY—I was myself present in the London Opera House when Sir William Meredith described the Catholics of Ontario as the common enemy.

Hon. Mr. McMILLAN—That may have been his opinion, but I am asking you what the contest was.

Hon. Mr. COFFEY—I am giving you the opinion of the leader of the Conservative party in that election.

Hon. Mr. McMILLAN—The party were not bound by that opinion.

Hon. Mr. COFFEY—The compromise agreed to by the representatives from the Northwest Territories, and which appears to be the full extent of what they were pleased to call their concession, leaves but little ground upon which they may base a claim for fair dealing, not to speak of generosity, towards the minority. It becomes a majority to be generous; but they should at the very least be just.

Let me draw attention for a moment to this view of the matter: The Catholic people of the Northwest Territories desire, as do the Catholic people of the Dominion, that their children should receive a religious training in their schools, and that this religious training should be imparted during every school day. Be it remembered that the entire expense of supporting these schools is borne by the Catholic ratepayers. I might say here that in the election in London several respectable Protestant gentle-

men were found to be fully persuaded, that the Protestant people of the Northwest Territories would be compelled to support Catholic schools. Our Protestant neighbours are not called upon nor are they expected by Roman Catholics to contribute the smallest amount directly or indirectly towards the maintenance of separate schools. It is a mistake to suppose that any sum of money granted by the government towards the separate schools is a contribution coming out of the pockets of non-Catholics. The separate schools receive only that percentage from the public exchequer to which they are entitled, because the supporters of these separate schools contribute their share to make up this common fund.

When we take into account, then, the fact that separate schools are maintained entirely by the Catholic people, is it not something which deserves a harsher term than presumption for any portion of the community to dictate to the supporters of separate schools what amount of time should be devoted to religious instruction? An Ontario politician has placed himself upon record as favouring the study of blue-books in the public schools, but that study of all studies—that study which fits the soul for eternity, that study which enrolls soldiers of the cross, that study which trains the heart and the mind, and ever holds before us the beauty and the grandeur of following in the footsteps of Him whom we all adore; that study, hon. gentlemen, is barely tolerated. It must not interfere with the regular curriculum, but is given half an hour at the closing time, when the children's faculties are tired from the day's work. Twenty-seven hours of the week are devoted to the things of this world—the things of time—and three hours a week to the things of eternity; and all this in a country where the great mass of the people make boast of their Christianity; all this in a land, which, while it has sent millions to China and Japan and Africa for the conversion of the heathen, will barely tolerate the teaching of Christianity to its own children as part of the daily school work.

While I think it is advisable, under the circumstances, to accept the school clause as a compromise, I cannot, and I regret to say it, compliment the majority upon their sense of fair-play. It has been truly said that in our dealings one with the other there should be a policy of toleration, a policy of give and take; but in the case before us as much as possible has been taken and as little as possible given to the minority.

Hon. Mr. LANDRY—Hear, hear. That is the compromise.

Hon. Mr. COFFEY—I am not in sympathy with the amendment moved by my hon. friend from Belleville, because I believe, were it to receive a majority of the votes of this honourable House, it would in all likelihood result in placing the minority still further at the mercy of a majority which is not friendly disposed. Some who favour this amendment are, it seems to me, gentlemen of very opposite aims. It is a sword which may cut both ways. While some sincerely hope that its effect would be to bring to the minority its full rights in regard to religious education in the schools, others there are, I believe, who anticipate that it would have the effect of destroying altogether the separate school system. Concede to the new provinces the right to legislate in the matter of education, and the future may bring us face to face with a condition akin to that which is now the shame of Manitoba.

It may be advanced that there is no such scheme in the minds of the majority of the people of the Northwest Territories, and that if left to themselves they would deal justly with those who desire the establishment of a separate school system. I wish I could look at the case in this light, but experience teaches me that it is well to have guarantees protecting the rights of the minority. In the years to come we may have a population hostile to religious teaching in any of the schools, and the Catholic minority, as in Manitoba and the United States would be forced to support two sets of schools, the public schools and the separate schools.

Many of my non-Catholic friends advocate the national or public school system, which they believe would result in a greater degree of harmony amongst the entire population. This has been proved over and over again to be but a very attractive theory which has not in practice met the anticipations of its promoters. Catholics will at all times and in all countries make sacrifices for the

training of their children in that faith which they hold dear as life and which they wish to transmit to their descendants. If I am asked for proof of this assertion I may point to the states of the American union, where it is computed they pay a sum amounting to $25,000,000 yearly for the support of their parochial schools, and they are also burdened with their share of the tax required to meet the necessities of the public schools. The charge is commonly made that the separate are not equal to the public schools in respect of efficiency. Let me take the separate schools of London as an example, and I firmly believe the same conditions are found elsewhere in the province of Ontario. The best test as to efficiency may be found in the number of children passing the entrance examinations for the high school. It will be found that there is a slightly larger percentage sent from the separate schools than from the public schools. Let me not be understood as casting any reflection upon the secular training imparted in these schools. They do excellent work in the different studies which form the curriculum. But why should there be any objection to teaching religion in the schools when we have here such satisfactory results? And be it remembered that in these Ontario schools, Catholics are given a free hand in the matters of religious teaching. No one ventures to dictate to the school management how little or how much religious instruction may be given.

But even in Ontario, where the rights of the minority are fully guaranteed by the constitution, they do not in practice receive fair play. They do not receive any share of the money derived from the tax on stock companies. Furthermore, if a Catholic sends his child to a public school in cases where the separate school is somewhat distant he must transfer his taxes. On the other hand, if a Protestant sends his child to a separate school for the same reason he cannot, under the law, pay his taxes to the separate school. In other words, a Catholic may support the public school, but a Protestant cannot give his taxes to the separate school.

When the fathers of confederation had finished their noble task—when a splendid whole was created by a combination of the scattered dependencies forming the northern half of the North American continent—it was hoped that all cause of friction on the lines of race and creed prejudices had been for ever allayed and that Canadians would evermore be found united as one family, each vieing with his neighbour in the promotion of a patriotism having the golden ring, but we are confronted with the aftermath of the heartburnings of the old days, and it becomes true patriots to stem the tide which is bearing us on to disaster. Combinations of disturbing elements form a menace to the grand future before us—the building up of creed and racial barriers is an unholy task—the implanting in the minds of one section of our people a distrust of another portion of the community (as causeless as it is criminal) by men whose patriotism comes from the lips only—is a crime to which all Canadians proud of this country should treat as a treason punishable by consigning to obscurity the guilty ones. We have entered upon an area of prosperity. Let us also enter upon an era of good will. We have in the years before us a prospect golden with promise. Let us not mar it by fostering hatred in place of love, distrust where there should be confidence, commotion where should reign peace and concord. There is room for us all and let each do his share to make fair Canada what nature intended it should be, a land of freedom, a land of contentment, a land of happiness, a land of promise for the generations to come.

Hon. Sir MACKENZIE BOWELL — In fairness to the present chief justice of Ontario, I must be permitted to say that while I am not prepared to doubt the veracity of the hon. gentleman who has just spoken nor to contradict the language which he says he heard Mr. Meredith utter, I have had a hand in every contest that has taken place in Ontario, and I deny most emphatically that since confederation there has ever been to my knowledge in any contest in which I have been engaged, the question of the abolition of separate schools in Ontario. I know that that was the case in contests before confederation, because I have had some experience in it, having been defeated myself in refusing to pledge myself to do that which the hon. gentleman says the Conservative party went to the country upon. Mr. Mere-

dith, before he was appointed chief justice, had a controversy with His Grace Archbishop Cleary, and a very bitter one, but they never went so far as has been indicated by my hon. friend. I regret to hear him make that statement, because it is so at variance with my knowledge of the political character of Chief Justice Meredith, and I know so far as the Conservative party is concerned, in any contest which I have entered, and with which I have been connected, that was never a question at issue. It is true that Mr. Meredith, when leader of the Conservative party in Ontario, took a position against the extension of separate schools and declared his adherence to the system which prevailed when the province entered confederation and the maintenance entirely of the provisions of section 93 of the British North America Act. But he never went beyond that so far as my knowledge goes.

Hon. Mr. COFFEY—I should be sorry now to do Sir William Meredith any injustice, but I have a distinct recollection of the discussion in those days in regard to separate schools. Sir W. Meredith placed himself on record as an opponent of separate schools. I will not go so far as to say that he promised to abolish separate schools, because as a good lawyer he knew he could not do it; but he promised to do the best thing he could, just as my hon. friend said—to let the schools go back to the condition they were in at the beginning, when separate schools were first established in Ontario.

Hon. Sir MACKENZIE BOWELL — He could not do that. He was not foolish enough to think so. He knew he had to adhere to the provisions of the Confederation Act.

Hon. Mr. COFFEY—When we first had separate schools in the province of Ontario we were saddled with a great many things. We were saddled with the ill-will of our neighbours, who did not want separate schools, and the assessors did us great injustice——

Hon. Sir MACKENZIE BOWELL—But that was cured afterwards by the Act.

Hon. Mr. COFFEY—Allow me to finish. In many respects we were subject to great annoyances, one of which was that we were compelled to collect our own taxes, and in many other ways we suffered a great deal of injustice. Sir W. Meredith promised to go back to that condition of things if he was elected.

Hon. Mr. BEIQUE—I have prepared no speech on the question but I think it is incumbent upon me as a member of this honourable House to express my opinion, in as calm a manner as I am able to do, first on the question as to whether this parliament has a right to deal with the educational clause as is attempted to be done by the Bill now before us; second, as to whether clause 17 of the Bill is within the letter and spirit of the constitution; third, as to whether the Bill with that amended clause is giving the minority its full share of right, or if not in what respect it falls short of doing so; and, fourth, as to whether the Bill as it is—and I refer specially to clause 17 of the Bill—deserves the approbation of this honourable House and of the country at large. However before taking up these questions, I feel a desire to congratulate the last speaker upon the tone and the manner in which he has approached the school question. I desire to extend my congratulations to the hon. member from Richmond (Hon. Mr. Miller) for the noble words and the noble sentiments which were expressed in the first portion of the speech which he delivered a few minutes ago. I cannot fail to remark as I am sure a number of hon. gentlemen in this House have done, that these noble sentiments have been unfortunately marred by the last portion of the speech. I say unfortunately marred not only by the tone, but by the way in which the hon. gentleman has deemed it proper to refer to the leader of the government, to the Prime Minister, being to my mind an invitation, so to speak, to the people of this country to disregard the law, whatever it may be, that parliament may place on the statute-book of the country on this question. The hon. gentleman has stated and given the best reasons why he has been in favour of separate schools. The hon. gentleman has stated that in 1875 he was of opinion that the letter and spirit of the constitution demanded the insertion of clause 11 in the Act of 1875. He went further and

stated that he was then of opinion that that statute of 1875 was to be binding for all time to come, but that he had since changed his opinion. I must say that I agree with him that it is the worst of pride in any man not to have the courage to change his opinion when in conscience he is inclined to do so, on any political or other question. But I have not understood the hon. gentleman to give us any reason why he changed his opinion, and I have not understood him to say that clause 93 of the Constitutional Act is not applicable to all the provinces of the Dominion, including any new provinces which may be created. I have rather understood the hon. gentleman as saying that whatever may be the law of the land in the Northwest, the people in these two provinces would rise against and above the law of the land and strike out, so to speak, by a stroke of the pen, whatever law we choose to place upon the statute-book. For my part with all the respect and I may say the admiration which I entertain for the talent of the hon. gentleman who is very far my senior and my superior in this honourable House, I regret that he has deemed it advisable to take a position of that kind. These remarks of the hon. member from Richmond, and especially the remarks which were directed against the acts of the Liberal party or of the Prime Minister in the House of Commons, have suggested to my mind that we might very well compare at this hour the position which the two parties occupy on this question. Let us examine the position of the Conservative party first. It is well known that the Conservative party, represented by its leader, the Hon. Mr. Borden, in the House of Commons, deemed it advisable to first stand on the letter of the constitution, as he stated he was taking his position when the Bill came into committee, to meet the motion for the second reading of the Bill by the following motion :

> That upon the establishment of a province in the Northwest Territories of Canada as proposed by Bill No. 70, the legislature of such province, subject to and in accordance with the provisions of the British North America Act, 1867 to 1886, is entitled to and should enjoy the full powers of provincial self-government, including power to exclusively make laws in relation to education.

The hon. gentleman did not at the time consider that it would be safe to rest on the Imperial Acts of 1867 to 1886, but he added in his resolution to make it explicit, and beyond any question 'including power to exclusively make laws in relation to education.'

Hon. Mr. LANDRY—But always subject to the provisions of the British North America Act.

Hon. Mr. BEIQUE—Always otherwise subject to the provisions of the British North America Act.

Hon. Mr. LANDRY—Not otherwise.

Hon. Mr. BEIQUE—When he took the precaution, instead of stopping with the words 'full powers of self-government,' of adding these words :

> including power to exclusively make laws in relation to education,

it was because he wanted to remove any doubts and therefore to affirm that the new provinces should be vested with the exclusive right of dealing with education. Now what was the next position taken by the hon. leader of the opposition ?

Hon. Mr. de BOUCHERVILLE—Has it not been decided and is not even our rule that we are not to speak of what has passed in the other House. That objection was made in the Senate some time ago, and I should be sorry if my hon. friend, whose reasoning I am sure would be very strong, should expose himself to being called to order. I submit he ought not to speak of what is passing in the other House.

Hon. Mr. BEIQUE—The hon. gentleman I understand does not raise the point of order.

Hon. Mr. de BOUCHERVILLE—I beg the hon. gentleman's pardon; I do raise the point of order.

Hon. Mr. BEIQUE—The hon. member from Stadacona (Hon. Mr. Landry) was allowed for over two hours to quote speeches made in the other House, and we have just allowed the hon. member for Richmond (Hon. Mr. Miller) to read his speech in which references of the same kind were made, many of them in not the most appropriate terms; now that it is our turn to speak, the hon. gentleman would deprive us of the right in reply to those remarks to make references to matters in the other

House. If the hon. gentleman insists on his point of order, I would say this that in the other House, where they are pretty jealous of their rules, during the present session a member placed on 'Hansard,' the speech made by the hon. leader of the opposition (Sir Mackenzie Bowell), and I know that no point of order was raised. I am not aware that it has even been ruled in the House of Commons that references of that kind cannot be made. I am not quoting from speeches, I am speaking of resolutions merely giving the text of resolutions bearing on this question.

Mr. SPEAKER. The hon. gentleman cited the resolution proposed in the other House. Bourinot lays down the rule that debates in the other House cannot be quoted, but documents of record of the other House may be cited. I declare the point of order not well taken.

Hon. Mr. BEIQUE—I gave the text of the resolution offered by the hon. leader of the opposition in the House of Commons. How was that resolution treated by that body ?

Hon. Mr. FERGUSON—Does my hon. friend think that this last clause of Mr. Borden's resolution changes the legal import of it in any respect whatever ? Does not the language 'subject to the provisions of the British North America Act' govern the last clause of it as well as all the rest ?

Hon. Mr. BEIQUE—I have already expressed my opinion in that respect, and have no desire to repeat myself. I said that it was an indication that he felt the necessity of over-riding, so to speak, any doubt which might arise in regard to the imperial Act, by incorporating these words. 'including power to exclusively make laws relating to education.'

Hon. Mr. FERGUSON—Does the adding of these words change the import of the resolution in any degree ? I am asking for the hon. gentleman's opinion.

Hon. Mr. BEIQUE—I will have occasion to deal with that question later, and I will not shirk the inquiry of the hon. gentleman ; but for the purpose of saving time, and being consecutive in my remarks, I would rather not deal with the matter at the present moment. I was going to call attention to the fact that on this motion of the hon. leader of the opposition in the House of Commons the Liberal party was united, with the exception of two, and that the Conservative party were disunited. Some fifteen or twenty of their number, amongst whom were leaders like Mr. Monk, Mr. Bergeron, Mr. Pringle and others whom I could name, voted against their leader's motion. Then the next step taken by the Conservative leader was to move the following resolution :

That the provisions of section 93 of the British North America Act, 1867, shall apply to the said provinces in so far as the same are applicable under the terms thereof.

Hon. Mr. LANDRY—That was on the third reading ?

Hon. Mr. BEIQUE—On the third reading ; it was proposed in committee also. The hon. leader of the opposition prefaced that motion by expressing his opinion——

Hon. Mr. de BOUCHERVILLE—I rise to a point of order. The Speaker has decided that documents may be cited, but that you cannot state what has happened in the other House. I ask if that is not according to the rules and according to authorities on the subject ?

Hon. Mr. FERGUSON—I would appeal to my hon. friend not to press this point. No doubt both sides have transgressed the rule in this debate, and at this late stage of the debate it would be unfair to press the point against the hon. gentleman when others have set him the example.

Hon. Mr. de BOUCHERVILLE—I am willing if the Senate is of that opinion ; but I am afraid if this is allowed to go, a precedent will be established and followed for ever.

Hon. Mr. FERGUSON—Oh, no.

Hon. Mr. de BOUCHERVILLE—When I made my objection I said then, and I must repeat, it is because I know that the hon. gentleman will not merely repeat the opinions of others, but will give us good reasons of his own, and I should be sorry if we were to get into the habit and even claim the right to discuss the conduct of the Prime Minister or the leader of the opposition or any other member of the House of Commons. If we follow that course we cannot avoid saying, perhaps uninten-

tionally and in the excitement of the moment, things which will bring us into collision with the House of Commons, and I think it would be better to stop it. The hon member from Marshfield has said that we have already departed from that rule. That is not my fault. For example, the hon. member from Stadacona (Hon. Mr. Landry) was called to order by the hon member from Toronto (Hon. Mr. Kerr) after he had been reading extracts and was nearing the end. My hon. friend replied that he had only one more citation and asked to be allowed to read it, and the hon. gentleman from Toronto consented. It was not my business to interfere. But in this case I know the hon. gentleman who is speaking and have the greatest regard for his talent I consider him the ablest man on the other side of these questions, and I think he should keep to the rule more strictly than others. That was the question which I put just now, and which I still put, that the hon. gentleman ought not to violate the rule, and I am sorry that I cannot accede to the request of my hon. friend from Marshfield.

Hon. Mr. SULLIVAN—The admonition given by the hon. member is opportune and the manner in which he endeavours to keep to the rules of the House is to be commended. If I wanted to be a little captious I might say, but I will not say it, that the hon. gentleman from Marshfield is himself out of order for leaving his seat.

Hon. Mr. BEIQUE—I am of opinion that I am in order. I am dealing with the Bill, and I have the right to quote the legal opinion expressed by anybody on the question, whether it be Mr. Borden, in the House of Commons, or Mr. Christopher Robinson, in Toronto. I have a right to show the construction which others place upon that clause, and it is for that purpose that I am referring to the opinion expressed by the Hon. Mr. Borden. I am not quoting his language or any part of his speech. I am merely drawing attention to the fact of common repute that the Hon. Mr. Borden has expressed certain opinions on the question. However, I invite the decision of the Speaker.

The SPEAKER—The point is of too considerable moment to consider at the time, and inasmuch as the House last evening allowed an hon. gentleman to cite the opinions of members of the other House on this question, I will allow the debate to proceed and decide the point at a later sitting.

Hon. Mr. BEIQUE—The position taken by the Conservative party on this second resolution of Mr. Borden's was very much the same as that taken on the first resolution. There was a division in the party and a large number of prominent members of the party refused to follow their leader, and even moved resolutions of their own, going much further than the Bill which is now before us in favour of the minority. In other words they tried to reinstate clause 16 as it was originally in the Bill. The hon. leader of the opposition, in making that second motion, expressed the opinion that if clause 93 of the British North America Act was automatically imported into this Bill, it would not have the effect of securing any rights in favour of the minority, and the position which he took was the position taken last night by the hon. member for Calgary (Hon. Mr. Lougheed), to wit, that the words in subsection 1, of section 93, 'at the union,' would refer not to the day when these two new provinces would enter into the confederation as provinces, but to the day when the Northwest Territories were purchased by the Dominion of Canada, and the territories came under the jurisdiction of this parliament. With that view I cannot agree, and I submit that the answer given very frankly by the hon. member from Calgary last night shows that this view is unfounded. The hon. gentleman admitted, first that subsections 1, 3 and 4, of section 93 are applicable to all the provinces, these new provinces as well as all the others, excepting Ontario and Quebec, which are governed by subsection 2. The hon. member admitted that up to this time, and up to the day when these two provinces shall be admitted as provinces into the confederation, section 93 does not apply to those territories. But nevertheless his reasoning or his conclusion would be that notwithstanding that, the section mentioned would apply, the words 'at the union' referring not to their entry into confederation as provinces, but to their admission merely as territories when purchased by the confederation. That I cannot agree with for

this reason, because it is against the text of the constitution, and because also it would be against common reason. What is the text of the constitution ? The text of the constitution speaks of union in different parts of the Act. It uses the word 'union' in the preamble :

And whereas it is expedient that provision be made for the eventual admission into the union of other parts of British North America.

It refers there, I submit, clearly to the admission as provinces. Then in the heading of subsection 3, we find 'union' relates to the compact made between the different provinces. Then we take section 93 and find that the words are used :

In and for each province the legislature may exclusively make laws in relation to education, subject and according to the following provisions:

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 province at the union.

If it had been intended to cover not only provinces, but territories it would have been necessary to make the last words of the clause read, 'have by law in the province or in the territory at the time of the union.' But there was nothing of the kind. The word 'union' was used throughout the Act in connection, and close connection, with, not the territories, but with the provinces, dealing with the question of the congregation of several provinces together and the admission of other provinces which might take place thereafter. We have the same thing in section 146 where the machinery is provided for the bringing in of new provinces, not only such provinces as Prince Edward Island and Newfoundland, but also the bringing in of new provinces which might be created in the Northwest Territories. Therefore, I express for my part the opinion, and it seems to me that it is beyond contradiction, that if we were to apply the Constitutional Act automatically as has been suggested, the words 'at the union' would necessarily refer, not to 1870, but to the first of September next when this Bill becomes law and goes into operation.

Hon. Mr. LANDRY—I think that is also the opinion of the Minister of Justice.

Hon. Mr. BEIQUE—It is the opinion of the Minister of Justice and the opinion of the Prime Minister, and I have no doubt the hon. member from Calgary, with the ability and the judicial mind which he possesses to such a high degree, on considering the point further will come to the same conclusion. It being six o'clock, I move that the debate be adjourned until the next sitting of the House.

The motion was agreed to.

The Senate adjourned until this evening at eight o'clock.

Second Sitting.

The SPEAKER took the Chair at Eight o'clock.

Routine proceedings.

THIRD READING.

Bill (87) 'An Act to incorporate the International Bridge and Terminal Company.'—(Hon. Mr. Kerr, Cobourg.)

PROVINCE OF ALBERTA AUTONOMY BILL.

DEBATE RESUMED.

The Order of the Day being called :

Resuming the adjourned debate on the motion for the second reading (Bill 69) an Act to establish and provide for the government of the province of Alberta.—Hon. Mr. Beique.

Hon. Mr. BEIQUE—When the debate was adjourned I was dealing with the contention of the hon. gentleman from Calgary (Hon. Mr. Lougheed), that according to his reading of the constitutional Act the words 'At the union,' in clause 93, referred, not to the time when the new provinces shall be created, but to the time when the Northwest Territories were placed under the jurisdiction of this parliament. I draw the attention of hon. members of this House to the consequences to which this would lead. We have on our statute-book the Act of 1875, which was the law dealing with the organization of the Northwest Territories. Section 11 of that law did not give a full measure of autonomy to the Northwest Territories, as far as the educational question was concerned. If the Northwest Territories in the full enjoyment of their provincial autonomy in that respect had established separate schools as we had them in the province of Quebec or

as you have them in Ontario, and these schools would have been by virtue of the law, and unanimous consent of the people in operation for 20, 25, 50 or 100 years, according to the contention of my hon. friend, whenever this parliament deemed it advisable to organize the territory into a province, it would not have been in the power of this parliament, in applying section 93 of the imperial Act, to have made provision for the maintenance of that system of separate schools. In that connection the hon. gentleman asks the question as to whether the framers of confederation had in mind the 1st of September, 1905, for the application of the Imperial Act to the new provinces. I might return the question and ask why they would have had in mind the 15th July, 1870, rather than the time when the territory would be created as a province, and would enter the confederation as a province? I have stated that an interpretation of that kind would not be in harmony with the whole of clause 93 of the Imperial Act. What was the system that was inaugurated under clause 93? What had the fathers of confederation, to use the expression, of my hon friends, in mind? They had in mind that this Dominion was inhabited by two different nationalities, divided into two different religions, Protestant and Catholic, that the rights were to be equal as between Protestants and Catholics, and they had in view the protecting of the one denomination and the other, and as the schools were intimately connected with the two religions, which were the dominating religions in the country- they deemed it advisable to make provision not only for the two provinces of Ontario and Quebec, but for all the provinces which were to enter confederation in 1867 as well as all provinces which might enter thereafter.

They were so jealous of protecting the rights of those minorities for all time to come that they not only provided by subsection 1 that the rights or privileges existing in regard to denominational schools at the time any provinces would enter the union should be protected for all time to come, and that it would not be in the power of the legislature to enact any law infringing in any way upon such rights or privileges, but they went further, and by subsection 3 of the same section, declared that even in provinces where there were no separate schools at the time of the union or at the creation of the province, if at any time thereafter they should establish a system of separate schools, that system should be maintained for ever and could not be encroached upon by future legislation of the province. Is it not clear that the determination was that this system of protection to minorities, whether Protestants in one province or Catholic in another province, was to be continued by the federal parliament of Canada. The interpretation of my hon. friend would lead us to this consequence, that whereas this system would apply to the four original provinces, New Brunswick, Nova Scotia, Ontario and Quebec, and equally to British Columbia and Prince Edward Island, it would not apply to the two provinces which we are now about to create. That because some of the provinces would have been created by carving them out of the Northwest Territories, the general law could not be applied and that in those provinces there would be no protection to the minorities, either the protection afforded by the first subsection or by the third subsection of section 93. It seems to me that one has only to call attention to these consequences and to the clear intention of the framers of confederation, to dispose of my hon. friend's contention. If the interpretation of the hon. gentleman were correct, it would follow that in applying the Imperial Act automatically as he says to the new provinces, the minority would have no guarantee, because the application of the law would go back to the 15th July, 1870, when there were no schools established in the Northwest Territories; and it is very likely for this reason that the hon. gentleman added that as far as he was concerned he was disposed to give in the new provinces all the privileges to which the minority are entitled under the constitution. On the one hand he has shown generosity——

Hon. Mr. LOUGHEED—I do not think I put it that way. I said the minority would be absolutely entitled to whatever rights and privileges they had under the constitution. It is not a matter of giving it to them at all; it is a matter of right.

Hon. Mr .BEIQUE—I do not take exception to that part of the able address of

the hon. gentleman. I know it was uttered in a good spirit, that he has no doubt expressed his sincere opinion, and that he would not be one who would grudge protection to the minority in the province in which he happens to live. Under the Bill as framed we have section 17, and the hon. gentleman takes exception to subsection 3 of that clause because he claims that it is an abuse of the power of this parliament in so far as it purports to declare that the rights which are intended to be protected are the rights which exist under chapters 29 and 30 of the ordinances at the time the Bill goes into force. On my part I am of opinion that it was not necessary. Section 3 of the Bill provides.

3. The provisions of the British North America Acts, 1867 to 1886, shall apply to the province of Alberta in the same way and to the like extent as they apply to the provinces heretofore comprised in the Dominion, as if the said province of Alberta had been one of the provinces originally united, except in so far as varied by this Act and except such provisions as are in terms made, or by reasonable intendment may be held to be, specially applicable to or only to affect one or more and not the whole of the said provinces.

For my part I am of opinion that that section would have been sufficient to incorporate section 93 with the construction that I place upon it, but from the mere fact that a doubt has been suggested that another construction might be placed upon the statute, the duty of this parliament is to remove any doubt and to adopt a clear text in that respect, not only for the purpose of removing any doubts if there were any reason for doubt, but for the purpose of preventing this pretended doubt being made use of to continue the agitation which we have witnessed in this country for the last three or four months. If the Bill contained only this third clause, then we would have seen people in Ontario and the west, and possibly in other provinces, continuing the discussion and trying to create an agitation in the new provinces for the purpose of inducing the legislature at its next session or at some future session to attempt to legislate in contravention of the Bill which we have before us. We would have had under this Bill what we have had in the province of Manitoba, case after case carried from court to court until finally disposed of by the Privy Council. Therefore I say that it was incumbent on the government to adopt a clear text in order to prevent such a state of things. And in doing so they follow the example of the Conservative government in 1870, when this parliament was creating the province of Manitoba and doing it avowedly under section 146 of the British North America Act stating that the new province would be created :

On such terms and conditions in each case as are in the addresses expressed, and as the Queen thinks fit to approve, subject to the provisions of this Act.

Nothwithstanding the terms of section 146 and nothwithstanding the fact that this Imperial Act of 1870 was passed avowedly in virtue of that section, the fathers of confederation, the Conservative government, with the approval of both sides of the House, enacted section 22 of the Manitoba Act which imported the word 'practice' which was not to be found in section 93 of the British North America Act.

Hon. Sir MACKENZIE BOWELL—That motion was not concurred in by both sides of the House. The majority, led by Mr. Mackenzie, voted against it.

Hon. Mr. BEIQUE—I am very much obliged to the hon. gentleman for correcting me if I should be corrected, but what I mean is that as far as that is concerned no exception was taken by either side of the House as to the power of parliament to enact the section in the words which were adopted.

Hon. Sir MACKENZIE BOWELL—That is quite right.

Hon. Mr. BEIQUE—That is, in using not merely 'by law,' as appears in subsection 1 of section 93 of the Imperial Act, but adding to these words the expression 'or practice' in the province at the union. Therefore, I say that this parliament has a very good precedent and has only followed an example to which nobody has taken any exception.

Hon. Mr. LANDRY—They do take exception now.

Hon. Mr. BEIQUE—To which nobody took any exception in 1870.

Hon. Mr. LANDRY—Would that law not have been as clear if the government in place of quoting the ordinance of 1901, had

stated that the rights that were given to the minority would be according to the law of 1875 ?

Hon. Mr. BEIQUE—I will deal with that when I am discussing another point, when comparing the Bill as it now stands with the Bill as it was originally introduced. I believe that I have established that this parliament has the right to legislate upon the matter; that the Bill which is now before us falls within the province of this parliament. It falls within the powers of this parliament; and it is in accordance, not only with the letter, but also with the spirit of the constitution.

I do not contend for my part that the Act of 1875 is absolutely binding upon this parliament.

Hon. Mr. LANDRY—The federal law.

Hon. Mr. BEIQUE—Yes. The Northwest Territories remain until the new provinces are created, under the jurisdiction of this parliament and it is perfectly clear to my mind that this parliament could now repeal the provisions contained in the Act of 1875 in regard to education as it could have been repealed in any of the past sessions of this parliament. If those provisions were repealed, chapters 29 and 30 of the ordinances would unquestionably be the law of the Territories. And the Bill now before us in perpetuating the provisions of the ordinances in regard to separate schools and to religious instruction, has the effect of repealing any provision of the Act of 1875 which may conflict with that part of the ordinances. The hon. member for Calgary referred to the opinion given by Mr. Christopher Robinson. Mr. Robinson in his opinion says :

> The right of the Dominion to impose restriction upon the provinces about to be formed, in dealing with the subject of education and separate schools, is, I think, not beyond question. This would require more consideration than I have yet been able to give, and must ultimately be settled by judicial decision. I am asked, however, whether parliament is constitutionally bound to impose any such restriction or whether it exists otherwise, and I am of opinion in the negative.
>
> It must be borne in mind that I am concerned only with the question of legal obligation. What the parliament ought to do or should do in the exercise of any power which they may possess, is not within the province of counsel.

Mr. Robinson simply answers the question, as to whether this parliament is legally bound to maintain the provisions of the organic Act of 1875, and to crystallize those provisions into the constitution of the new provinces, and I am perfectly in accord with him, because so long as these territories remain under the jurisdiction of this parliament, this parliament has the power to repeal any law it has passed for the territories. But a point that I would like to make which was made elsewhere and which commends itself to my mind is this; although this parliament would have the right to do it, it would not be in accordance with the spirit of the constitution and it would not be dealing fairly with the minority in the new provinces. It would not be dealing fairly with these provinces, because as I have said, it would not be in accord with the spirit of the constitution, which demands that the rights of the minorities be guaranteed, and it also would not be in accord with the promises which have been made. It is perfectly well known that when this organic law was enacted for the Northwest Territories it was enacted with the avowed intention, as expressed by the men who took part in the debate, that it would be of a permanent character. The compromise, so to speak, was made that it would not be repealed, and that it would stand as a guarantee in the future for all newcomers into the Northwest Territories. I say therefore that when framing the constitution of the new provinces it is incumbent upon this parliament to perpetuate these provisions and keep faith with the minority in the new provinces.

I desire to say a few words on the question as to whether Bill 69 gives to the minority the full share of protection to which the minority is entitled, and this raises the question as to how far clause 16, No. 2, now clause 17, has departed from the original clause 16. The hon. gentleman from Alexandria (Hon. Mr. McMillan) in the very able speech which he delivered last night in this chamber, made a comparison between the school laws as they exist in Quebec and in the province of Ontario, and the Bill as it is presented to us. I would draw his attention to the fact that it is hardly fair. The law as it exists in Quebec or the law as it exists in Ontario, but especially in Quebec, is not the measure of

right which the majority is bound to give to the minority, it goes far beyond especially in Quebec, what was guaranteed by the constitution. And one has moreover to bear in mind that these laws have been enacted under section 2 of section 93 which are applicable only to the two provinces of Ontario and Quebec, and that the measure of guarantee which was provided for in subsection 3 of section 93 for the other provinces does not go as far as that. Therefore a comparison should not be made with what the law may be, as it exists to-day, but with the law as it should be under subsection 3 of section 93, which is the section applicable to the new provinces. I desire to correct, I think, the hon. gentleman from Alexandria when he stated that in the province of Ontario the Catholic schools have their own inspectors. If I can read properly the Revised Statutes of Ontario, I should not put that construction on the law in Ontario.

Hon. Mr. McMILLAN—I know that is a fact. The inspector visits the schools in our town twice a year.

Hon. Mr. CASGRAIN (Windsor)—Yes, that is the case.

Hon. Mr. BEIQUE—In the Revised Statutes of Ontario, chapter 65, I find the following:

65. The Minister of Education, all judges, members of the legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of Separate Schools. R.S.O., 1887, c. 227, s. 62.

But I find the following section 66:

66. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. R.S.O, 1887, c. 227, s. 64.

Hon. Mr. McMILLAN—That is exactly what I quoted last night. I drew the distinction that in Quebec they had a board of education, composed, I think, of twelve members, and that they controlled all the schools in that province, while in Ontario there was no provision of that kind, that it was under the Department of Education, and that the Department of Education had the power, under the law, to appoint a Roman Catholic separate school inspector.

Hon. Mr. BEIQUE—I take exception merely to the last statement. I do not question that in practice they may appoint Roman Catholic inspectors, but I contend that under section 66 they are not bound to do so and to-morrow they might refuse; they would be entitled in Ontario to refuse to appoint Roman Catholic inspectors, and they might compel the inspection of all schools, separate and public, by inspectors of the Protestant faith.

Hon. Mr. McMILLAN—No; they would not do that.

Hon. Mr. BEIQUE—The hon. gentleman referred last night to the law as it stands in Quebec, but in Quebec it is because the majority of the legislature desires to treat the minority liberally, but they are not bound to give them a board of education of their own faith. In 1868, after the confederation, just the year following confederation, and in face of the imperial Act, what was the statute enacted by the province of Quebec? They provided for the appointment of a Minister of Education. That Minister of Education happened to be Catholic, and might have been Protestant, but he was very naturally Catholic, because the majority were Catholics; and he had the whole control of the schools, separate as well as common schools, and it was only in 1869 that the two boards of education—one Catholic and one Protestant—were organized. It was not by virtue of the imperial Act, it was not because the legislature was compelled to do so, but it was because it was deemed proper under the circumstances to afford that remedy to the Protestant minority. I am very glad that we have that spirit of conciliation in both provinces, and I hope that the example of these provinces will be followed in the new provinces, and that the idea that in these new provinces the people are going to rise against the enforcing of the law which we propose to place on the statute-book will not be realized at all. But with the organic law of 1875 and the old section 16 of this Bill, which was practically a copy of that organic law, or with section 17 as it is now before us, I defy any legal gentleman to determine the division line where the legislature would have to stop in the enactment of regulations with regard to separate as well as public schools. I defy

any legal gentleman to prepare a text, a safe text, which would draw the division line, leaving to the state the control to which the state is entitled under the letter and spirit of section 93 of the imperial Act, and giving to separate schools the protection or guarantee to which they are entitled. The only thing which can be done in matters of this kind is to adopt a clause embodying the principle in such general and clear terms as will enable the court to apply the letter and spirit of the law as circumstances may arise. I say that even in Quebec, or in Ontario, I think no legal gentleman would be able to draw the line where the legislature should stop in dealing with educational laws. It may take all kinds of forms, and I know that the constitution protects the control of the state in all matters which pertain to education, except religious education.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. BEIQUE—Under the imperial Act, in the province of Quebec, in the province of Ontario, and in all the other provinces, the legislature has the power of determining the books which shall be used in the school, but they have not the power, without abusing their authority, of imposing books doing violence to the faith of the minority in separate schools, imposing books in which there would be anything contrary to the teachings of the religious faith of the pupils.

Hon. Mr. LANDRY—What is a denominational school ?

Hon. Mr. BEIQUE—A denominational school is a school where religion is taught but it does not mean a school where only religion is taught, and because it is a denominational school it does not remove the power of the state, the control of the state as far as the selection of the text books and as far as general education is concerned, but it prevents the state from prohibiting the use of proper books for the purpose of teaching the religious faith to which the pupil belongs.

Hon. Mr. LANDRY—Will the hon. gentleman give to a school which is denominational the right to choose the books ?

Hon. Mr. BEIQUE—I would not necessarily go as far as that.

Hon. Mr. LANDRY—Say in history ?

Hon. Mr. BEIQUE—But we are dealing with the constitutional law, with the legal question, and that is the main question before us, as to what are the rights that are guaranteed under the constitution ; I am dealing with the full rights which are guaranteed under the constitution and I say that in denominational schools, even in the province of Quebec, or in the province of Ontario, the power of the school boards to choose their own books even as far as religion goes, provided the state choose books to which no objection can be taken, is not beyond question or doubt.

Hon. Mr. LANDRY—Who would be the judge ?

Hon. Mr. BEIQUE—It would be the courts who would have to decide. The hon. gentleman shakes his head. Can he suggest anybody else ? Supposing a law is passed in the province of Quebec appointing a minister of education instead of the Catholic and Protestant boards and that he orders the use in both public and separate schools of such and such books. If there is anything in those books which is contrary to the faith of the Catholic or to the faith of the Protestant, then the question will arise as to their right to disobey the regulation and the judge would have to decide; if the minister of education maintains his decision, the matter would have to come before the court and the judge would have to decide according to the circumstances.

Hon. Mr. McMILLAN—Does the hon. gentleman think the law clothes the Minister of Education with the right to choose the school books that are to be used in the schools—the original organic law as the hon. gentleman calls it.

Hon. Mr. BEIQUE—Yes, the law authorizes him to choose the books which shall be used in the schools, but he cannot choose books for use in separate schools containing anything contrary to the religious faith or teachings of the pupils. That is my opinion on the Constitutional Act. It is very difficult to draw the line, and this brings me to deal with the Bill before us. I would have preferred the old clause 16 because it was

wider in its terms. I do not agree with the hon. leader of the opposition in the Commons when he contended that the organic Act of 1875 did not guarantee separate or denominational schools. I think that the wording of the original clause 16 would have gone further for the protection of the minority, but I must admit that although it may be contended that the law of 1875 remained in force—because the law could not be repealed by any of the ordinances—one must admit that from the fact that these ordinances had been passed not by a legislature in full control of its legislative powers, but by a council which remained all the time under the jurisdiction of this parliament; when the Northwest Council had to submit to this parliament all its ordinances, and when parliament was challenged so to speak to disavow any ordinances infringing upon the organic law, and when parliament from 1892 to this day not only allowed these ordinances to remain on the statute-book but allowed a whole machinery to be put in operation, allowed the system of schools to be organized and carried on under these ordinances, allowed a new state of things to be created, I say that there is a great deal to be said in favour of the contention that it would not be expedient now, for this parliament, to go back to the state of things which existed in 1875. For this reason I say that it was the duty of the parliament, and it is our duty to take into serious consideration the reasons which are offered in that direction, not by parties who are animated by bad motives, but by parties who possessed of a proper spirit of conciliation, claim, not without reason, that this new state of things which has obtained for such a great number of years should be respected and that we should not now go back to 1875.

Turning to clause 17, to my mind it affords two guarantees. First it guarantees separate schools.

> Nothing in any such law shall in any way affect any right or privilege which any persons have at the time of the passing of this Act under the terms of chapters 29-30 of the ordinances of the Northwest Territories.

There was no complaint made as far as the separate schools were concerned, except—and very properly—that this would not allow full protection to the majority wherever in any school district the majority would be Catholics. I must confess that this is rather a remote danger, where the majority is Catholic they have their own school board. That school board is elected by the ratepayers and it has the right to choose teachers, and in practice I cannot reasonably anticipate that this condition of things will be changed. But the objection was that with people who would be evilly disposed, with a legislature which might desire to reduce to the smallest limit possible the protection accorded to the minority, that they could devise means whereby they would curtail the rights of the majority in the school districts. That I admit is the case. But to my mind the point was satisfactorily covered by the last part of the section, when these words were added: 'Or with respect to religious instruction in any public or separate school as provided for in the said ordinances.' This last part of the section has the effect of crystallizing into the constitution section 137 of chapter 29 of the ordinances, and that section, to my mind, goes beyond section 41, providing for separate schools. If the minority had been left under section 41 for its protection, inasmuch as that section provided only for separate schools, the matter would have been left to all kinds of doubt. But by crystallizing section 137 into the constitution, I claim that the teaching of the Catholic religion——

Hon. Mr. LANDRY—In half an hour.

Hon, Mr. BEIQUE—The teaching of the Catholic religion for half an hour, as the hon. gentleman says, is guaranteed in all schools whenever the parents desire that it should be done, in all schools, whether public or Protestant, whether of the majority or of the minority. I claim that it is a most valuable guarantee. The objection is as to the half hour. Would the hon. gentleman who makes the objection be ready to assert that the state is obliged by law to allow religious teaching for an hour or two hours every day? The state has the control of education and in Quebec as well as in Ontario would the hon. gentleman be prepared to say that it would not be open to the legislature to limit the teaching of religion to half an hour each day? Is he under the impression that a court of justice would

curtail that right and declare that an Act of that kind would be unconstitutional ?

Hon. Mr. LANDRY—No, I do not contend that, but I do contend that the court would give separate schools to the Catholics, while this clause does not. It gives half an hour for religious education in the public schools.

Hon. Mr. BEIQUE—We must not play on words; we want separate schools. Under the section in question they can establish separate schools, for what ? For the purpose, as far as Catholics and Protestants are concerned, of giving a teaching in harmony with their respective faith ; therefore, for the purpose of protecting the religion of the minority—whatever it may be.

Hon. Mr. McMILLAN—Is not the object of the clause to give separate schools where it says they can establish separate schools? Are they going to have any right to separate schools beyond the half hour?

Hon. Mr. BEIQUE—They have the choice of the teachers.

Hon. Mr. McMILLAN—I want to know if they have any more than half an hour for religious education?

Hon. Mr. BEIQUE—They are not entitled to more than half an hour for the purpose of teaching religion, but they are guaranteed that half hour. The point I make is that under the constitution, even in Ontario, you would not be entitled to more than half an hour if the legislature should choose to limit it to that extent, and therefore you cannot take exception to that clause as curtailing the guarantee given to the minority. I admit that it would have been fairer if the agitation had not taken place and if this parliament has considered itself free to deal with the matter in a broader spirit. I think that is what should have taken place, but on the other hand, I must confess, anticipating history as my hon. friend from Stadacona did the other day, that the Prime Minister would not have shown himself worthy of the position he occupies if he had not taken the course he has pursued. If he had resigned on the question he would only have increased the agitation in the country and he would not have protected the very people whose interest he would have been defending. I am ready to admit with the hon. member from Stadacona that it would have been unworthy on the part of the Prime Minister to make a concession for the purpose of retaining in his cabinet the late Minister of the Interior, because then it would have been a question between one of his ministers and the public interest. But I am satisfied that the reason which prompted the Prime Minister and government in adopting another clause was nothing of the kind, and as a matter of fact the Minister of the Interior did not resume his portfolio in the cabinet. What prompted the Prime Minister was the agitation in the country and in which a large number of Liberals and Conservatives well disposed and in good faith had taken part, and it was the duty of parliament to give due consideration to all opinions in that connection and try and adopt a measure which would put an end to the agitation and receive the approval not only of Liberals, but of Liberals and Conservatives alike. I am satisfied these are the considerations which prompted the Prime Minister to adopt the wording of the clause we are discussing.

I cannot close my remarks without expressing my disappointment at seeing in a century when immense progress has been made in the whole field of the human mind, such an agitation as we have been witnessing for the last few months in the Dominion. The hon. gentleman from Calgary took exception to some remarks of my hon. friend from Mille Iles. I cannot agree with him; I think the remarks were appropriate. They were not directed against any Conservative or Liberal who in good faith took as we contend a wrong view of the question. Everybody is master of his own opinions, and so far as they are respectable they should be respected. My hon. friend's remarks were directed against those who from political or other like considerations tried to create strife between races and religions in Canada. I say it is to be regretted by Conservatives as well as by Liberals and that we should all bear in mind that we are two races in this Dominion destined to live together, not one to be absorbed by the other, but to work in complete harmony in building a Canadian nation. I ask hon. gentlemen would it make for the better progress of British institutions and for the welfare of this Dominion if by a stroke of

the pen the French element could to-morrow be transformed into an English element ? I say no. The two nationalities have the genius proper to each. The English have the commercial and practical genius. These are dominating qualities in them which I admire. I try to borrow, as far as I am concerned, as much as possible of these qualities. We Canadians of French descent have the characteristics and qualities of our race, and I claim that they are not inferior to that of the English race, and I claim that it is for the welfare of this Dominion that the qualities of the two races be perpetuated and harmonized as much as possible.

Hon. Mr. de BOUCHERVILLE—I shall, in the first place, refer to the remarks of the hon. Secretary of State when introducing this Bill. He said what I think I have read before, uttered by a prominent gentleman in another place, that the education of children belongs to the parents, that religion is necessary in education, that this Bill would ensure religious education to the children, that the schools in the neighbouring country are neutral schools, that the results of such education have been divorce, lynch law, and many other crimes, which fortunately are not very numerous in this country ; and he added that morality was not on the same footing now as it was forty or fifty years ago. After hearing those sentiments expressed by the hon. Secretary of State, I did not expect that he would introduce a Bill which overthrows all those great sentiments which he seemed at least to wish that we should agree to. This brings me to the question of separate schools and I wish to refer to a question raised by the hon. gentleman from de Salaberry (Hon. Mr. Béique) that the government had full power to change the educational law. I will only say for the present that I admit the power, but I do not admit the moral right, and there is a great difference between the two. We have seen countries doing such things in the past. It was done in England when Henry VIII. violated every law in separating himself from the Church of Rome; and to-day we find France repealing laws which were designed to promote Christianity.

But I wish to speak first of separate schools. Different systems are to be found in the different provinces. In Nova Scotia, though they had some trouble years ago on the subject of education, we are told by distinguished politicians that at present the Catholics of that province have de facto separate schools. I admire the liberality of that province. Another eminent gentleman from the adjoining province of New Brunswick says the same thing has taken place there. What a difference between those provinces and the provinces in the west. When the question of separate schools was agitated in the old province of Canada, when the hon. Secretary of State, then Mr. Scott, the father of separate schools, brought the matter up, what was the state of feeling in the country? Nobody thought of having neutral schools. There were in those days two parties, the Protestant and the Catholic party. While they differed on some points, they agreed that religion must be taught in the schools. It was so all over Canada. It has been said that the Protestants could not agree with the Catholics, but there is one thing on which they do agree and that is the Ten Commandments. Where do you find morality if you do not accept the Ten Commandments. We have the history of other nations in ancient days, and what was their morality? Look at the lives of even the best philosophers of Greece and Rome. Look at Lacedemonia, where thieving was encouraged; look at Greece, where they had the Eleusinian mysteries. But in old Canada we were all Christians, and all agreed that it was necessary to teach the Ten Commandments. Now, you cannot inculcate the Ten Commandments in the minds of children from six to fourteen years of age by a mere lesson as to their importance. Everything you do must come under the rule of the Ten Commandments. A little boy may tell a lie and the schoolmaster will have to correct him. In doing so, he must tell the child, you are sinning, you are going against the command of God. Does a child use bad words, the same course must be pursued. That is the opinion of Catholics and I think of many Protestants. We want religion taught during the whole day. We do not want to be always praying or studying the catechism or the Bible. but we want the religious education to be continuous. According to the school laws in Manitoba and the Territories, the school

hours are from nine to twelve and half-past one to four, five and one half hours altogether. We contend that religion must be taught in the schools during the whole of that time. They say no, we will give you half an hour out of the eleven half hours of the day, and there are some people who say in half an hour you can teach the catechism. I am addressing myself to Catholics. Is it not astonishing to hear Catholics say that that is the proper way to instil religion into the minds of children, and to bring them up. Are we not Catholics and have we not chiefs to direct us—our bishops? What do those bishops tell us to do?

Are we to be led by politicians in such matters. I have seen the effect of it in the United States and I do not understand how a Catholic can have such ideas. I was remarking just now that in old Canada there were but two parties in the country, Catholic and Protestant. There are three parties now. Forty or fifty years ago—and there are several hon. gentlemen here who can remember those times—we did not know what an atheist or agnostic was. There were some who called themselves deists. That is to say, they believed in God, but not in certain other doctrines. But if a man said he was an atheist he was not believed. Now, however, how many proclaim that they are atheists and agnostics? Some have gone so far now that they believe they are descended from monkeys, and so on. This party is not yet the most numerous, but it is active and working in the dark in advocating neutral schools. What does a neutral school mean? It means that you can speak of religion only during half an hour during each school day. They do not forbid the teaching of any other subject. It is only religion which is prohibited during ten of the eleven half hours. In some places, what sort of books are used ? There is a history which is approved of by some hon. gentlemen present, which eulogizes Oliver Cromwell. If Oliver Cromwell is admired, surely it cannot be by gentlemen of the Irish nationality. It was Cromwell who said when he was asked to be more lenient to the Irish, 'let them go to hell, or Connaught.' Yet in the schools of Manitoba there is a history used in which I can show you a eulogium of Cromwell. The fact that Protestants in old Canada were all in favour of religion being taught in the schools is confirmed by a passage I am about to read in Ryerson's 'Story of My Life.' Mr. Ryerson concludes a letter with these emphatic words:

> Be sure that no system of popular education will flourish in a country which does violence to the religious sentiments and feelings of the churches of that country. Be assured that every such system will droop and wither which does not take root in the Christian and patriotic sympathies of the people—which does not command the respect and confidence of the several religious persuasions, both ministers and laity —for these in fact make up the aggregate of the Christianity of the country. The cold calculations of unchristianized selfishness will never sustain a school system. And if you do not embrace Christianity in your school system, you will soon find that Christian persuasions will soon commence establishing schools of their own.

Ryerson, as probably every one knows, was superintendent of education for nearly thirty years. I do not like to name anybody, but I do not like to think that one who has fought so nobly and gloriously for the right of people to give religious education to their children should vote the other way now. This Dominion contains, according to the last census, about 5,000,000 of people. Of this population nearly four-fifths are in Ontario and Quebec, where the separate school system exists, and in the maritime provinces where it exists de facto. That is, separate schools are to be found everywhere throughout the Dominion east of Manitoba and to some extent they exist in Manitoba; therefore for a few hundred thousand who are agitating the country, and will agitate it still, you pass this law. Where is there a country happier than Canada ? Are we not fully satisfied? Apart from some excited minds who are always looking for a chance, we do not quarrel among ourselves. Protestants and Catholics do their best to educate their children, and our education is certainly as good as any to be found in other countries. Our superior education is as good as any in the United States and our common schools are as good as the best they have, and we are improving our system every day. We can continue to improve if we have peace ; but we cannot if we quarrel ; that is the position of the country. I objected this evening to an hon. gentleman speaking of what occurred in the House

of Commons and therefore I will not say what comes to my mind, which comes to my lips naturally, and which I have some difficulty in repressing. I shall now endeavour to answer as well as I can my hon. friend from de Salaberry (Hon. Mr. Beique). He said in reply to the hon. gentleman from Calgary (Hon. Mr. Lougheed), that we had full power to change the law. I reply we have the power, but I do not think we have the right. If a law passed in 1875 and confirmed in 1886, giving full liberty for separate schools in the Northwest Territories, does not apply for the future, there is this to be said—it is the opinion of my hon. friend that it does not apply ?

Hon. Mr. BEIQUE—I said it would not be fair to the minority, but it is within the power of this parliament at this day to change the law of 1875.

Hon. Mr. de BOUCHERVILLE—I admit we have the power to do many things, but it is another question whether we have a moral right to do them. That law will stand, if the opinion of such men as Hon. Messrs. Scott, Blake, Brown and Mills count for anything. According to those gentlemen this law is permanent. If it is permanent, there is no necessity of confirming ordinances which amount to nothing. By the very act of confirmation you show that you do not believe they are legal in themselves. I am not a lawyer but I think I know enough of equity and good sense to know that an inferior legislature could not pass a law changing the legislation of the federal government. The opinion of the gentlemen I have named was of sufficient importance to bring the matter to the attention of the government. In 1891 a statute was passed, intituled 'An Act to amend chapter 135 of the Revised Statutes of Canada, intituled An Act respecting the Supreme and Exchequer Courts. Section 4 of that Act is as follows :

4. Section thirty-seven of the said Act is hereby repealed, and the following is substituted therefor:

37. Important questions of law or fact touching provincial legislation, or the appellate jurisdiction as to educational matters vested in the Governor in Council by the British North America Act, 1867, or by any other Act or law or touching the constitutionality of any legislation of the Parliament of Canada, or touching any other matter with reference to which he sees fit to exercise this power, may be referred, by the Governor in Council, to the Supreme Court for hearing or consideration; and the Court thereupon shall hear and consider the same.

2. The court shall certify to the Governor in Council, for his information, its opinion on questions so referred, with the reasons therefor, which shall be given in like manner as in the case of a judgment upon an appeal to the said court and any judge who differs from the opinion of the majority shall, in like manner, certify his opinion and his reasons:

3. In case any such question relates to the constitutional validity of any Act which has heretofore been or shall hereafter be passed by the legislature of any province, or of any provision in any such Act, or in case for any reason, the government of any province has any special interest in any such question, the attorney general of any such province, or in the case of the Northwest Territories, the Lieutenant Governor thereof, shall be notified of the hearing, in order that he may be heard if he thinks fit :

4. The court shall have power to direct that any person interested, or, where there is a class of persons interested, any one or more persons as representatives of such class, shall be notified of the hearing upon any reference under this section, and such persons shall be entitled to be heard thereon.

5. The court may, in its discretion request any counsel to argue the case as to any interest which is affected and as to which counsel does not appear, and the reasonable expenses thereby occasioned may be paid by the Minister of Finance and Receiver General out of any moneys appropriated by parliament for expenses of litigation.

6. The opinion of the Court on any such reference although advisory only, shall, for all purposes of appeal to Her Majesty in Council, be treated as a final judgment of the said court between parties.

7. General rules and orders with respect to matters coming within the jurisdiction of the court under this section may be made in the same manner and to the same extent as is provided by this Act, with respect to other matters within its jurisdiction, and, in particular, such rules and orders as to the judges making them seem best for the investigation of questions of fact involved in any reference thereunder.

Now, it is said here the word 'may' is used. In the Senate Debates of 1875 the speaker 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 jurisdiction.

Therefore this clause when it says 'may,' implies also a compulsion. Those gentlemen having before them the opinion of such men as I have mentioned, and some others, should have taken the opinion of the Supreme Court.

Hon. Mr. BEIQUE—On what question?

Hon. Mr. de BOUCHERVILLE—To ascertain whether it is constitutional to change the promise made by the Crown in 1875 and 1886, assuring the people of the Northwest Territories that they would always have the right to separate schools. When they first introduced this Bill there was no necessity of asking such a question because it was then the opinion of the government that the promise should be adhered to—that it was according to law. They had to ask the permission of the Governor before imposing certain taxes in aid of education. But the Bill has been changed. When they were changing what had been promised by the Crown, what men of eminent ability like those I have mentioned said could not be changed—the law relating to separate schools—the government ought at least to have sought the opinion of the Supreme Court, but they did not do so. If they had done it they would have told us; they have not told us, therefore they have not done it.

I go further, and I say the minister is obliged to ask the permission of the Sovereign, represented by the Governor General, to impose taxes to give aid to certain institutions. They must have permission from the Governor, because all the public moneys belong to the Sovereign. He is the guardian of the treasury, and we must ask his approval before we can deal with them in any way. Now, if he is the guardian of the treasury, there is another thing he guards with much more care, and that is his own honour. If without having his permission you bring in a measure changing the law of the Territories, guaranteeing separate schools to the minority, there should be some authority for doing so. The government should ask the permission of the Sovereign himself through his representative; and it is because they have not done so that I have great pleasure in seconding the motion of my hon. friend from Belleville (Hon. Sir Mackenzie Bowell).

Hon. Mr. McDONALD (C.B.)—I am as strongly in favour of separate schools as any member of the Senate. I endorse every word that has been uttered by my hon. friend from London (Hon. Mr. Coffey) in favour of separate schools; but at the same time I consider that we are not getting separate schools, and therefore I shall not vote for this Bill. I have studied this question a little during the session, and I wish to ask the hon. Secretary of State now whether this Bill gives anything in addition to what we get from the statutes of the territories now in existence. I wish to know if it contains anything or gives any rights or privileges to the minority in the territories that are not given to them by the statutes of the territories to-day.

Hon. Mr. SCOTT—It practically enacts the law of the territories. It was all we could obtain—all we could get. It was that or nothing.

Hon. Mr. McDONALD (C.B.)—That is the conclusion I have come to. Therefore this government has no right to create the contrary impression in the minds of those who advocate separate schools in this Dominion, particularly those who want separate schools in the new provinces created by this Act. The Catholic minority in the province of Alberta have nothing given to them by this Bill but what they have already, and the government of Sir Wilfrid Laurier has no right to claim any credit for giving to those people what they now possess. I think it is not at all fair to the people of this Dominion that that impression is sought to be created among——

Hon. Mr. POWER—Does not my hon. friend see that if there is no Dominion statute, the new provinces can change the law at once? If we pass the law they cannot. The privileges remain.

Hon. Mr. McDONALD (C.B.)—I will come to that in a moment, if the hon. gentleman from Halifax will be patient. I consider that it is not at all complimentary to the intelligence of those who favour separate schools in this Dominion to be told that this Bill introduced by the Sir Wilfrid Laurier government is giving them what they already possess. My hon. friend from Halifax says that if this Bill was not introduced and carried by this parliament the rights of the minority in those Territories would be swept away. Our experience of affairs in Manitoba, I think, sweeps the argument of the hon. gentleman from Halifax completely away. The people of the

Territories can do what the people of Manitoba have done, and they can do it with much greater justice than the people of Manitoba. The cause of the minority in Manitoba was a just cause, a right cause ; it was a cause that was decided by the highest court in the empire in their favour, and it was ordered that they should have a remedy. They applied to parliament for that remedy, and parliament, led by the right hon. gentleman who is at the head of the government to-day, blocked that remedy and for ever prevented the minorities in the new provinces of this Dominion from applying to parliament for a remedy in regard to school matters. If the people of the province of Alberta should be ungracious enough to repeal the Act which they now have in the statute-book, there would be no remedy, no appeal. If there were an appeal, it would never be listened to. That matter has been for ever killed in this Dominion. I think it would be much better policy if the government had not interfered in this matter at all. It would have created a friendship with the people of the province of Alberta on this question that I am afraid will not exist now, and my experience of parliament for thirty years justifies me in coming to the conclusion that it is better for this Dominion, even if it has the jurisdiction, to abstain from legislating in educational matters for any of the new provinces coming into the Dominion. My experience of the Manitoba school question, my experience of the New Brunswick school question, and my experience in all the agitations on school questions since I came to parliament in 1873, justifies me in that conclusion. I have come to the conclusion that the principle adopted by the leader of the opposition in the other House is the correct one, and that we should abstain altogether from interfering in educational matters in the province. What will be the result in the province of Alberta when it becomes a province of 500,000 or 600,000 inhabitants ? Are they going to be content with the legislation they have on the statute-book now for their schools in that province ? They will not. The laws with regard to education will be constantly advancing in that province, and if this legislation which is proposed to be passed is to be stationary for ever, the consequences will be that the minorities in those provinces will suffer. The new provinces cannot be less just to the minorities than they are now. I am therefore against this Bill, because it does not grant us anything that we have not now under the ordinances of the Northwest Territories, as contained in chapters 29 and 30, mentioned in the Bill. I believe that the jurisdiction in this matter rests entirely with the provinces, and therefore I intend to vote for the six months' hoist.

Hon. Mr. BERNIER—For five months parliament has been engaged in framing a constitution for two new provinces wishing to become full partners in the confederation. These new provinces are to be carved out of the Territories lying west of Manitoba. Surely this is one of the most important functions of this parliament, and no wonder that the measure now before us has caused here and outside, all through the land, considerable attention and discussion.

Numerous and far-reaching are the problems involved in this proposed action. These new provinces, before very long, will have much to say in the public affairs of the Dominion. Everybody is alive to the rapid settlement of those countries. They will be in the near future, potent factors in politics as well as in the building up of the national wealth. With such a project before our minds our aim must be to give them such a standing in this aggregation of provinces that they be impressed with our wisdom and with our consideration for their present and future wants, so that they may also be desirous of maintaining their partnership with us and their loyalty to the flag which overshadows our destinies.

The prime aspect which confronts us in connection with this measure is the opportunity of creating these new provinces at the present moment. For my part I have no hesitation in saying that their welfare would not have been endangered by postponing this measure for some years. Proper arrangements could have been made by which their present condition could have been improved so as to tide them over without this machinery of provincial life. As a matter of fact, they have at present a political organization which is equivalent to provincial unity. But, at the same time, it cannot be denied that public opinion in

the Territories is in favour of this movement. The Territories feel that it is time for them to take their place around the federal board, and have, not only the institutions of a self-governing body, but also the name of provinces in this large Dominion. And under a popular regime such as we have, governments are bound to take notice of public opinion. No fault then, according to my idea, is to be found with the cabinet for bringing in such a measure. This feeling seems to be pretty general. Where differences of opinions come in is when the various provisions of the Bill are under consideration.

I am not concerned with the financial allowances made to each of the new provinces, except in this particular, that it appears to me to be the acknowledgment of the principle that the public lands, although their administration is to remain in the federal authority, still are an asset of the provinces.

Indeed, the financial allowances made to these provinces exceed the allowances made to the other provinces, and the g und upon which these provisions are justified is the fact that which the old provinces are in possession of the public lands, and enjoy thereby a large revenue, the new provinces are deprived of such possession and revenue. It is according to my humble views, a sound policy. In the confederation Act the principle is laid down of the ownership of the public lands by the provinces. If, in certain cases, circumstances were such that this principle could not be carried on to its full extent, we must, however, adhere to the principle and dispose of those lands for the benefit of the provinces where they are situated. It is simply a trust that we must administer in all good faith and in the spirit of the constitution.

This brings me to the question whether the Dominion should in the present case, turn over or not the public lands to the new provinces created by these Bills. In my opinion, the government has taken the proper course in retaining the administration of these lands.

The title of the Dominion in those lands is a combination of two elements. First, of ownership, and second, of a trust. For, if the government of Canada can claim that they have bought these lands, and, consequently are the owners of the same, still they cannot assimilate such an ownership to that of the rancher on his cattle. The government owns for the benefit of the nation or for a section of the people. In this instance, the government owns the lands for the benefit of the provinces where such lands are situated. That is the way that these lands form, as I have stated a moment ago, a trust in the hands of the federal government. On the other hand, it is said with truthfulness that the whole Dominion has contributed to the indemnity that was paid for the acquisition of those Territories, and consequently that trust is so held by the government not only for the provinces, but for the whole Dominion. Then, the primary object which the federal government must have in view in the disposition of those lands must be, no doubt, the advantage of the province, but it is easy to conceive that in many instances the welfare of the whole Dominion may be involved in the administration of that trust. Then again it follows that the central power has a pre-eminent interest in keeping the trust in its original form. Apart from that, it is in the nature of a trust that it be maintained in the form it was originally created until it is determined. True it might be said that the power that creates the trust could have it determined or could alter its conditions. But then it becomes a matter of policy. It seems to me that the policy adopted by Sir John A. Macdonald still holds good. Sir John A. Macdonald justified his policy by the following statement. It will be found in an Order in Council of the 30th May, 1884 :

> The success of the undertakings by the Dominion government in and for the Northwest, depends largely upon the settlement of the lands. Combined with a great expenditure in organizing and maintaining an immigration service abroad and at home, parliament pledged its faith to the world that a large portion of those lands should be set apart for free homesteads to all coming settlers, and another portion to be held in trust for the education of their children. No transfer, could, therefore, be made, without exacting from the province the most ample securities that this pledged policy shall be maintained ; hence in so far as the free lands extend there would be no monetary advantage to the province, whilst a transfer would most assuredly seriously embarrass all the costly immigration operations which the Dominion government is making mainly in behalf of Manitoba and the Territories.

The great attraction which the Canadian government now offers, the impressive fact to the mind of the men contemplating immigration is that a well known and recognized government holds unfettered in its own hand the lands which it offers free, and that that government has its agencies and organizations for directing receiving, transporting and placing the immigrant upon the homestead which he may select. And if the immigration operations of the Dominion, which involve so large a cost, are to have continued success and to be of advantage to Manitoba and the Northwest Territories, your sub-committee deem it to be of the utmost importance that the Dominion government shall retain and control the lands which it has proclaimed free to all comers. Were there other considerations of sufficient force to induce them to recommend their transfer to Manitoba, and as a consequence and by precedent the surrender to the provinces to be created from the Northwest Territory, all the lands within their boundaries, then they would advise that the provinces holding the lands should conduct their own immigration operations at their own expense.

There is a question which I cannot let pass without referring to it; it is the question of how the territories should have been divided and the new provinces mapped out. As to the division and number of provinces, I do not think the present proposition is the best that could be put before us. I think it would have been much better to have removed the present western boundary of Manitoba to a point somewhere near Moosejaw, and then organize the rest, from this point to the Rockies, in one province, thus forming only two provinces, the northern limit of which might have corresponded with the 63rd or 64th degree of latitude north. Manitoba was entitled to that extension of its area. A mere look at the map shows the absurdity, at the present time, of leaving it with its present boundaries, when they are compared with the size of the other provinces. Besides, Manitoba has been the pioneer province of the west; it has opened the way for the creation of other provinces in that far distance; its people have been instrumental in bringing prosperity not only within its limited area, but to the whole western prairies. All this should have inclined the government to satisfy our claims in that respect. And then, as I said, it would have been possible to form only one province with the balance of those territories west of Manitoba as far as the Rockies. The advantage of such an arrangement would have been to reduce considerably the expenses and to simplify the machinery of government. We are too much governed in this country. No doubt, a federal government is the only one possible in Canada, if we want to maintain the unity of British North America. There are in Canada differences of origin, of opinions and of feelings which would not be satisfied otherwise. There must be different provinces. But at the same time we should try, when circumstances and conditions permit it, to lessen that provincialism, so as to leave the people somewhat free from excessive expenses and complicated government machinery. Again, I say, we are too much governed. We have a federal government, we have provincial governments, county councils, local municipal councils, school trustees, and what others; so much so that the people of Canada are continually thrown into spasms on account of elections taking place somewhere. That is not good for the peace and harmony that should prevail amongst us nor for the quietness of mind, necessary to the proper working up of the prosperity and the building up of the nation. And although the subject is not one to be discussed along with the measure that is now before us, I would like to be permitted to respectfully submit to our friends of the maritime provinces whether it should not be better for them and for Canada, to unite and organize their respective territory into one larger province, so as to save a portion of the turmoil of elections, and of expense to themselves and to the central government. Be that as it may, it seems to me the claims of Manitoba should have been satisfied, and those claims having been so satisfied, it would have been to the interest both of the people west of Manitoba and the people of Canada at large to have but one other province east of the Rocky mountains.

Before leaving that subject let me express the hope that if this Bill passes as it is, the government of Canada will at a near date recognize our claims to the territory east and north of Manitoba, up to Hudson bay, and annex that portion of Canada to our province. The other provinces which have been mentioned, Quebec and Ontario can have no claims upon that domain, which almost as a matter of right belongs to Manitoba. It would also be in the interest of all parties concerned if an amicable arrangement could be entered into

by the province of Ontario and Manitoba, by which the former would abandon to our province the districts of Lake of the Woods and of Rainy Lake to be compensated by the addition to the Ontario territory of all that part of Keewatin extending northward to Hudson bay and lying east of the Severn river, this last river to form a natural boundary line between the two provinces from its mouth up to a point where it intersects the 92° of longitude, and then the boundary to be a line projected duly south to the American boundary. If hon. gentlemen will be kind enough to consider the matter a little, they will see that these territories belong to the western system rather than to the eastern system. They are only 130 miles from Winnipeg, whilst the distance from Toronto to reach them is 1,200 miles. It seems that they should more naturally fall under the jurisdiction of Manitoba than under the jurisdiction of Ontario. While dealing with that subject of frontier, I suggest to our government the idea of approaching the government of the United States in an amicable and dignified way, for the acquisition, for consideration, of a few acres of land belonging at present to that government, and lying west of the Lake of the Woods. If hon. gentlemen will look at the map, they will see a mere spot, on the west shore of the Lake of the Woods bearing the colours of the United States. This piece of land does not seem to be of much importance to our friends in the south, while it should naturally form part of Canada. Such anomaly in the possession of the territory around Lake of the Woods has already been the cause of some friction and is liable to create at any time uneasiness between the two governments. Hence perhaps the desirability of restoring this piece of land to the country to which it seems more properly to belong, by prudent and proper negotiations with our neighbours. I throw out this suggestion for what it is worth, not wishing to unduly insist upon it.

Now, I come to the question which has caused so much agitation to arise in certain parts of the country. It is a very delicate question to deal with. One is never sure in speaking on such topics that he may not hurt the feelings of others. I will try to keep within the bounds of propriety and moderation while affirming the principles of justice and equal rights. My intention is to give to my remarks on this subject the character of an explanation rather than of a discussion. Much of the feeling exhibited in connection with these matters is generally the result of some misapprehension. It is with the view of clearing up such misunderstandings, in so far as my ability may go, that I venture to address this House on the measure now before us.

In the first place, is the clause 17, formerly 16, within the jurisdiction of parliament? I have no hesitation in saying that it is. The constitution gives this parliament the full power to make laws for the good government of the country when creating new provinces out of the Northwest Territories. Let me here refer to the British North America Act, 1867, as foreshadowing the union of the territories to Canada. For, as it has been said elsewhere during the last five months, we must, every class and every one of us, rest upon the constitution for every safeguard to our liberties. It is not only the solid rock upon which stands our political fabric, but it is moreover the bridge which permits us to meet, whatever may be the distance which separates us in certain matters. Let us adhere firmly to our constitution, and confederation will be maintained and will work smoothly. Clause 146 of the British North America Act, 1867, expresses itself as follows:

> It shall be lawful for the Queen, by and with the advice of Her Majesty's most honourable Privy Council on addresses from the Houses of the parliament of Canada to admit Rupert's Land and the Northwest Territory, or either of them, into the union, on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act.

Some years afterwards, in 1871, the imperial parliament passed what is known as the British North America Act, 1871. By this Act it was provided, section 2, that:

> The parliament of Canada may, from time to time, establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such province, and for the passing of laws for the peace, order and good government of such province, and for its representation in the said parliament.

Please remark that in this legislation full jurisdiction is given to Canada to create pro-

vinces and make provision for the constitution of the province and for passing of laws for the peace, order and good government of such province. The words which are to be found in the British North America Act, 1867, viz.: 'Subject to the provisions of this Act' are omitted in the Act, 1871. So that the parliament of Canada is under no restraint or limitation as to its legislative power, with regard to the matters now under our consideration.

If we refer to the correspondence which then passed between the Canadian government and the imperial government we will better understand the whole bearing of and the unlimited power conferred on us by the British North America Act, 1871.

Sir John Macdonald, then Prime Minister of Canada, wrote to Lord Kimberley, then the Secretary of State for the colonies, that he wanted an imperial Act confirming the Act of the Canadian parliament, 33 Victoria, chapter 3. In that letter he said:

> To empower the Dominion parliament from time to time to establish other provinces in the Northwest Territories with such local government, legislature and constitution, as it may think proper, provided that no such local government or legislature should have greater power conferred upon it than the power conferred upon the local government and legislatures by the British North America Act, 1867, and also empowering it to grant such provinces representation in the parliament of the Dominion.

These words, read in connection with the Act of 1871, show clearly the true meaning of this Act of 1871 and makes clear to everybody the extent of the power of this parliament.

It has been argued that the Act of 1886 did limit the legislative power of Canada in connection with the creation of the new provinces. The clause quoted in support of this contention is the last one, which reads as follows:

> This Act and the British North America Act, 1867, and the British North America Act, 1871, shall be construed together.

I contend that this clause and the whole Act of 1886, has no bearing at all on the point we are considering at present. In the first place there is not in this clause nor in any other clause of this Act any provision restricting the power given to parliament by the British North America Act, 1871, which is the governing enactment. In the second place, this clause of the Act of 1886, applies only to the subjects dealt with in that Act. Now, the subject dealt with in this latter Act is merely the representation of the Territories in parliament. So the restrictive provision, if there is any, would only apply to the subject of such representation. The consequence is to leave unimpaired the legislative authority of this parliament in so far as education is concerned as in all other matters. But, admitting for the sake of argument, that there would still be some kind of a doubt, it would be easy to clear that doubt by having the Act creating the new provinces ratified by the imperial parliament, as has been done very often, since 1867.

Hon. Mr. MACDONALD (B.C.)—Has the Act of 1886 qualified that Act of 1871?

Hon. Mr. BERNIER—No it has not, it qualifies the British North America Act of 1867. If it has any bearing on any Act it would bring the British North America Act of 1867 to the reading of the Act of 1871.

Hon. Mr. MACDONALD (B.C.)—I understood it qualified the Act of 1871 and brought it under the British North America Act.

Hon. Mr. BERNIER—Not to my mind, it is impossible that it should be so. It is the very reverse. By considering the two I think the hon. gentleman will agree with me that the Act qualified in this clause is rather the Act of 1867 which it brings into the construction of 1871.

There has been before an interpretation put upon this British North America Act, 1871, by the highest tribunal of the empire. In the famous case of Riel, the Lords of the Privy Council declared as follows:

> That the words of the statute (1871) were apt to authorize the utmost discretion of enactment for the attainment of the object pointed to.

After reading this pronouncement, it seems to me that we should not have any more doubt as to the soundness of the proposition which I have placed before the House.

Having said so much, and having, to my mind, demonstrated beyond a doubt that the parliament of Canada has full jurisdiction in this matter, and can provide in this Bill for the establishment of denominational schools in the future provinces, I would

like to add that if it (the Act of 1871) stood alone, I would say that it does not make an obligation to parliament to give such a school system to these new provinces. But there are grounds other than the strictly legal aspect of the matter, grounds upon which one can and must stand if he wishes to come to a right conclusion. Some of these grounds are the vested rights legitimately secured to these people by virtue of various promises and previous legislation. The pledges have been numerous. We have only to recall to our memory different circumstances which are now somewhat forgotten.

In the first place, let us recall that under the Hudson Bay Company regime there were nothing but denominational schools, conducted by the various churches doing missionary work in the far west. On the 1st of May, 1851, the Rev. Cochrane, of the English church, moved, seconded by the Rev. Laflèche, that:

To weaken the mischievous and destructive energy of these violent and untamed qualities of human nature which so frequently manifest themselves in society, in a half civilized state, and to strengthen the feelings of honourable independence, to encourage habits of industry, sobriety and economy, it is moved—that £100 be granted from the public fund to be divided equally between the bishop of Rupert's Land and the bishop of the Northwest (Catholic) to be applied by them, at their discretion, for the purposes of education. Carried unanimously.

A few months after, in the fall of 1851, the Presbyterian church presented to the council of Assiniboia the following petition:

To the Governor and Council of Assiniboia:

The petition of the trustees of the Presbyterian church of Frog Plain humbly showeth:

That, as the improvement of education seems to be more requisite, at least among the Protestants of the settlement, than its mere extension, your petitioners pray that their minister may receive from the public fund a sum proportioned to the fifty pounds, as aforesaid granted to the Church of England, without prejudice, however, to the recognized equality in the premises, between the Protestants as a whole and the Roman Catholics.

And your petitioners shall ever pray.

(Sgd.) A. ROSS,
JOHN FRASER,

and the other trustees of the Presbyterian community, Red River Settlement, 26th November, 1851.

Later on Dr. Bunn moved and Mr. Laflèche seconded this resolution: That fifteen pounds be granted to the Rev. John Black, of Frog Plain, for the purposes of education in accordance with the petition of the committee of his congregation.

Mr. Laflèche gave notice that, at the next meeting, he will move for an additional grant to the bishop of St. Boniface of fifteen pounds for education in soncideration of the additional fifteen pounds now granted for education of the English population.

This last notice of motion was carried into effect on the 9th of December, 1852.

The motion was introduced by Rev. Mr. Laflèche and seconded by Dr. Bunn, and it reads as follows:

That fifteen pounds be granted to the bishop of St. Boniface for the purposes of education.

We have in these money grants to the different churches the recognition of the denominational school system, in so far as any system could then be established and recognized in those territories, and that system has since been looked at by the people as a right vested in them.

The people of the west lived under that rule up to 1870, when the territories became a part of the Dominion of Canada.

I beg the hon. gentlemen in the Senate to bear in mind this condition of things, when I recall what has taken place between all parties connected with the transmission of the authority from the Hudson Bay Company to Canada. It is important not to lose sight of the fact that this recognition by the ruling power of the time, viz.: the Hudson Bay Company, created for every section of the people vested rights about education, in order to understand fully the bearing of subsequent events.

On the transfer of the territories to Canada, trouble arose as every body knows, on acount of the injudicious way in which certain officials of the government had acted. The government of Canada had to take some steps to restore peace and confidence. Negotiations took place, and these negotiations were the occasion of distinct promises on the part of the imperial government itself. Let us recall some of those promises. In the first place I will recall the answer of Lord Granville to whom the government had asked for military assistance. In a despatch sent to the Governor General, 5th of March, 1870, Lord Granville, speaking on behalf of the imperial government said:

The proposed military assistance will be given if reasonable terms are given to the Roman Catholic settlers, and if Canadian government enable Her Majesty's government to proclaim transfer simultaneous with movement of troops.

It is well to refer here to the list of rights, which the delegates of the west had submitted to the Canadian government. Section 7 of the Bill of Rights claimed the granting of denominational schools.

That Bill of Rights was then of public notoriety, the imperial government was aware of it, and this injunction of Lord Granville about reasonable terms to be given to the Roman Catholic settlers indicates clearly he had in view the claims of the Catholics with respect to education. It does so, more especially when we recall the action of the Hudson Bay Company in granting money to denominational schools. What next? Then came the assurances given to His Grace the Archbishop of St. Boniface by the Governor General of Canada, Sir John Young. By his position, His Grace was in fact representing all the interested parties. He had the confidence of the government and of the resisting element. So any direction or promise given to him may be considered as partaking of the nature of a compact. It was in this spirit that the then Governor General, Sir John Young, afterwards, Lord Lisgar, wrote to Monseigneur Taché on the 16th February, 1870:

> The imperial government has no intention of acting otherwise than in perfect good faith towards the inhabitants of the Northwest. The people may rely that respect and attention will be extended to the different religious persuasions.

Previous to writing this letter the Governor General had issued a proclamation in which there were the following words:

> By Her Majesty's authority, I do therefore assure you that on the union with Canada all your civil and religious rights and privileges will be respected.

By these proclamations and directions, the Canadian government became a party to the imperial promises.

Then here again, we have a clear undertaking by the highest authorities in the land and in the empire to respect the rights of the Catholic population, in whatever number, of whatever colour they might be. And those rights are clearly those referred to in the Bill of Rights and recognized as far back as 1851, by the Hudson Bay Company.

The Crown itself is a party to the compact, and for this parliament to repudiate to-day the pledges of the Crown is almost equivalent to a crime of insubordination against the authority and pledges of the Sovereign.

Apart from that, let me say just here that too often we hear and we see in the general press that even if there was ever a compact in connection with the Territories it was with a few half-breeds and that the white population coming into the country is not to be bound for ever by that compact. That is a doctrine which does not sound well to the ear of a law-abiding people. Any agreement entered into with any class of the population should be adhered to as strictly as any covenants gone into by any two respectable individuals. Any nation, any public body, any government is bound to live up to the agreements entered into by them. And if they do not, public opinion and parliament should force them to retrace their steps and do what is right. In this case the very weakness of those concerned should induce us to treat them honestly and with generosity. Let us not be misled by such attempts at getting over our signature without delivering the goods. The agreement entered into is not only with those first settlers. It was made with the prospective settlers, too. The immigration literature of the governments of Canada, past and present, has represented to the intending settlers that if they were to come to this country they would enjoy freedom of speech, freedom of conscience and also the privileges of denominational schools. In a recent book issued by the government, with the view of making the foreigners aware of the conditions that they will find when coming within our borders, it is said that

> At the union, in 1867, care was taken to safeguard the rights and privileges of denominational and separate schools. (La Puissance du Canada, page 52.)

This sentence is only one which has been repeated year after year since 1867. If the system did not suit them they were aware of it; they could stay at home; they came here with their eyes opened; they became party to the agreement and they are bound to-day by the same. If on the other hand it suited them, it is a breach of promise to-day to

deprive them of it. And who are the other parties to that agreement ? It is the Canadian government, it is the Canadian nation, it is the Crown itself, as shown by the proclamation and letters of Lord Lisgar, just quoted. Is it not an act unworthy of the honour of Canada that we should by repudiating these pledges, bring now such a disregard upon the nation, upon the government of Canada and upon the Crown. Let us Canadians of this 20th century, let us take a position not inferior to that of our predecessors ; let not the pages of the history of our own country at the present time, be defaced by the application of a less dignified and less honourable rule than that which was laid down by the fathers of confederation and their immediate successors. Truly I say by their immediate sucessors, because Mr. Alexander Mackenzie himself, who became premier of Canada in 1873, himself recognized that the policy now advocated by me was a good one. He recognized it both by his legislation and by his words in parliament, as I will show in a moment; but, as my line of argument purports to show that this policy of justice and protection to the minority has been affirmed not only on principle by expressed words of our public men, but also by legislation, let me go back to 1870—I will come after to Mr. Mackenzie's acts and utterances.

In 1870, the parliament of Canada had to frame a constitution for a part of the western territories. It created the province of Manitoba. It provided that the minority would be entitled to denominational schools. The Act creating Manitoba may have been defective in some respect ; but there was not at any time, and there is not to-day one soul who doubts for a moment that the deliberate intention of the framers of that Act was to assure to the minority on whatever side it might eventually be, the enjoyment of denominational schools. And that enactment was then an affirmation of the policy contemplated by the fathers of confederation, a construction of the British North America Act, 1867, in its proper spirit, and the sanction of legitimate principles that were to guide the nation with regard to such matters. Then the Act received the imperial stamp, thus again and more deeply, if possible, giving the true and the inward interpretation of the compact entered into as well as the very best indication that freedom of conscience was to be the rule in Canada.

The same lesson is to be drawn from the Act of 1875, passed under the Mackenzie regime. Then there was as there is to-day some divergence of opinions on the floor of this House and in the country, although it seems that none existed in the House of Commons. But the sober judgment of our leading men in both parties carried the day. The spirit of our political fabric prevailed. The policy of protection for the views of the minority was upheld, and the result was that clause 11 was introduced in the Act constituting the government of the Northwest Territories (1875). And as to that clause being the result of such a policy let me quote a few sentences uttered then by the leaders of both parties.

In the first place, I wish to recall the speech of Mr. Blake, who introduced the subject in the House. That quotation will show light on the subsequent action and words of Mr. Mackenzie. Mr. Blake said:

> To found primary institutions under which we hope to see hundreds of thousands, and the more sanguine of us think, millions of men and families settled and flourishing, was one of the noblest undertakings that could be entered upon by any legislative body, and it was no small indication of the power and true position of this Dominion that parliament should be engaged to-day in that important task.

These are solemn words, deeply considered sentences, in which nobody could fail to discover that Mr. Blake then meant that the measure of liberty and protection they were about to give to the people of the Northwest Territories was to be of a permanent character and would apply not only to the then actual population, but to all comers, and to the very largest population that could be dreamed of. And Mr. Blake, in speaking in that way wanted to warn that future population. Because he says again:

> He believed that it was essential to our obtaining a large immigration to the Northwest that we should tell the people beforehand what those rights were to be in the country in which we invited them to settle.
>
> He regarded as essential under the circumstances of the country, and in view of the deliberation during the last few days that a general principle should be laid down in the Bill with respect to public instruction. He did believe that we ought not to introduce into that territory the heartburnings and difficulties with which certain other portions of the Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that, as far as we could expect at present, the general character of that population would be somewhat

analogous to the population of Ontario, that there should be some provision in the constitution by which they should have conferred upon them the same rights and privileges in regard to religious instruction as those possessed by the people of the province of Ontario. The principles of local self-government and the settling (mark, the settling) of the question of public instruction seemed to him ought to be the cardinal principles of the measure.

In the light of these suggestions of Mr. Blake to the government, let us see now what Mr. Mackenzie, the then Prime Minister of Canada, said. Mr. Mackenzie said that he would provide a clause by which,

> The Lieutenant Governor, by and with the consent of his council or assembly, as the case might be, should pass all necessary ordinances in respect of education, but it would be specially provided that the majority of the ratepayers might establish such schools and impose such necessary assessment as they might think fit; and that the minority of the ratepayers, whether Protestant or Roman Catholic, might establish separate schools; and such ratepayers would be liable only to such educational assessments as they might impose upon themselves. This, he hoped, would meet the objection offiered by the hon. member for South Bruce (Mr. Blake).

This again was a declaration of policy and a compact. This conclusion is all the more strongly forced upon us by some of the utterances of other leading members of the House then.

Mr. Smith, now Lord Strathcona, and then member for Selkirk, said that he

> was glad to find that the First Minister intended to introduce a provision in committee dealing with the subject.

Hon. Mr. Mills, a respected member of the Liberal party said at the time:

> There was another matter, it seemed to him, ought not to be disregarded; and that was the terms and conditions under which these people would ultimately be formed into a province. It would be better that the people who settle that territory should know beforehand the terms and conditions under which they would be an organized part of the Dominion.

The policy suggested by those utterances was adopted and the Bill passed in the Commons. Then it came to the Senate. Here again that policy was regarded as most appropriate. Many honourable gentlemen addressed the House. Amongst others there were Hon. Mr. Miller, Hon. Mr. Scott and Hon. Sir Alexander Campbell, then the leader of the opposition. On an amendment proposed by Hon. Mr. Aikins to the effect of rejecting the clause introduced by Mr. Mackenzie in the Commons, Sir Alexander Campbell said:

> It would be much to be regretted if the amendment passed. The object of the Bill was to establish and perpetuate in the Northwest Territories the same system as prevailed in Ontario and Quebec, and which had worked so well in the interest of peace and harmony with the different populations of those provinces. He thought the fairer course, and the better one, for all races and creeds, was to adopt the suggestion of the government, and enable the people to establish separate schools in that territory and thus prevent the introduction of evils from which Ontario and Quebec had suffered, but had judiciously rid themselves.

Mr. Brown himself who had been all his life an opponent of separate schools on principle, agreed to the remarks made by his colleagues on that occasion. He said:

> He concurred with what had fallen from his hon. friends on the treasury benches, and from hon. gentleman who had spoken on the amendment with respect to the propriety of allowing separate schools.

The Hon. Mr. Scott, who was then, I believe, as he is to-day, Secretary of State, gave, in the following words, the true doctrine on this matter. He said:

> He was one of those who maintained that parents had a right to educate their children as they pleased, and that they ought not to be taxed to maintain schools to which they could not conscientiously send their children. Our whole system of government was based upon that sound principle, and how long could we have happiness and peace in this country if we were to abolish that safeguard, which was now recognized in both the large provinces.

Hon. Mr. Miller has said to-night that he has changed his views on this matter in so far as the constitutional power of this parliament goes, but nevertheless, let me quote his words as repeated by him to-night. It will go a long way to show that at the time the law of 1875 was passed, it was the general consensus of opinion that such law was settling the question for all time to come.

> Parliament, said the hon. gentleman, had an undoubted right, under the circumstances, to make such provisions regarding the question of education, or any other question, for this new territory, as in its wisdom it thought best for the future peace and well-being of the country.. .. .. .

classes. It would simply be providing, while they had the power to do so, for freedom of conscience with regard to the vexed question of education.

And again in 1876, the hon. gentleman said with regard to the law of 1875 :

He (Mr. Miller) thanked the government again for their determination to adhere to the law of last session, which secured freedom of education for ever to the Territories of the Northwest. When the Act will have been proclaimed, which he supposed would shortly be done, it can never be repealed, and the privileges it guarantees will then become the birthright of the generations that are to people that great and promising country, so long at least as British institutions and British justice shall prevail there.

Before making further remarks let me point out to you some of the sentiments which seem to prevail in the above quotations. The right of this parliament to legislate upon this matter as they please, the rights of the parents to educate their children according to their views, freedom of conscience in this country are affirmed; necessity of peace and harmony between ourselves, and as the best means to reach that noble goal, the guarantee to the minorities against possible intolerance in matter of education are advocated; the right for the minorities to establish denominational schools is pointed out as the best legislation that can secure to our country quietness all over the land and one which is in complete accord with the recognized principles upon which confederation rests; the propriety of framing laws which will be a warning for the intended immigrants as to the conditions under which they will have to settle and with which they have to conform their own views and their life is also insisted upon. More than that, it was affirmed that the action of this parliament in passing clause 11 of the Act of 1875 had the effect of creating permanent rights for the minorities. This was affirmed by the Hon. George Brown, who said at the time:

The moment this Act is passed, and the Northwest became part of the union, they came under the union Act and under the provisions with regard to Separate Schools.

Hon. Sir Alexander Campbell said :

The object of the Bill was to establish and perpetuate (mark, perpetuate) in the Northwest Territories the same system as prevailed in Ontario and Quebec.

And when Mr. Blake and Mr. Mills said that 'We should tell the people beforehand what those rights were to be, the situation in which we invited them to settle,' or that 'it would be better that the people who settle that territory should know beforehand the terms and conditions under which they would become an organized part of the Dominion,' they evidently contemplated the actual creation of permanent rights, of permanent terms and conditions for the Northwest ; and parliament having sanctioned the law under these circumstances, it has endorsed those views and have de facto created such a condition of things as we should not disturb now. I have referred to all these facts and expressions of opinions because they constitute in my view a long and strong chain of national traditions which should impress every one who is called to participate in the political affairs of our country. Every nation that has evolved within its national traditions has been successful, but any nation that was imprudent enough to disregard those same traditions and to disturb the foundation stone of its political regime, has seen its national life marred by hurtful explosions. Let us profit by the lessons of other nations. We are on the path of progress and consolidation. Let us not throw across the road any stumbling blocks such as would be division amongst ourselves, oppression of the minorities by the majority, suppression of freedom of conscience in questions where conscience obtains. Now, I wish this House would listen to another argument arising out of past legislation, I mean the legislation adopted by the territories themselves. We are told we should have full confidence in the people of the Northwest. But, when we recall the way in which the Catholic minority in Manitoba has been treated, when we recall the fact that in the territories themselves the Catholic minority has been deprived by the ordinances of 1891 and 1892 of the advantages secured to them by clause 11 of the Act of 1875, is it a wonder that we should exhibit some hesitation ?

After the territories had been given a political organization by Act of this parliament, they passed ordinances, or laws, establishing a system of denominational schools, by which the two great sections of our country—the Catholics and the Protestants —could establish schools of their own. They

provided by those ordinances the machinery by which each section could control their respective schools. Now, I say that such local legislation, both in Manitoba and the Territories placed the Territories within the rule of subsection 1 and 3 of clause 93, of the British North America Act, which decreed that:—

Subsection 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 province at the union.

Subsection 3. Where in any province a system of separate or dissentient schools exists by law at the union, or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council from any act or decision of any provincial authority.

This language is tantamount to saying that the provisions made in matters of education, when once passed by the province, shall not be altered nor repealed. They are to be the permanent law of the province.

Now, I contend that the fact of the Dominion parliament having given to the territories a political organization of their own in 1875, has placed those territories in the position of a province. For all the purposes of the Bill now before us, the words territories and province are synonymous. The rights belonging to the one political organization belong to the other as a matter of course. There is no substantial difference between the annexation to confederation of a province and the annexation of these territories. The word province in subsections 1 and 3 of clause 93 aforesaid of the Confederation Act, stands to mean any portion of the territory duly organized and having a distinct entity from any other part of confederation. As a matter of fact those territories have had for many years past their political autonomy. They have had their own legislative authority, they have had their provincial political assembly, they have had the management of their affairs, their government, their judiciary, their lieutenant-governor, their representatives, both in the Senate and in the House of Commons. What we are doing now is simply to determine their boundaries in a different way and to give them some extended powers and the name of provinces after having given them long ago provincial powers.

This action of ours now is not a question of substance, but simply a question of degree and of delimitation. We merely say to them: 'instead of being one political entity you will henceforth constitute two political entities, and instead of having the right to legislate on such and such a matter, you will have the right to legislate on such and such other matters. We are supplementing their legislative jurisdiction. They are already sovereign on certain matters within their boundaries, (subject only to the veto of the Governor General in Council, as in the case of any other province) we extend those powers to some other subjects.

True it may be objected that the fact that the federal power is still able to interfere with their political status, is an evidence of their subordinate condition. It is true that their condition is a subordinate one. But subordinate as it may be, they are just the same a political entity. It is indifferent whether they hold that political entity under the name of province or territories. The moment they enjoy the privilege of administering their affairs to any extent then they come under the operation of subsections 1 and 3 of the clause 93 of the British North America Act. Because there is, as it were, a contract entered into between the different powers that be and the people, to abide by certain enactments and by certain ideals, without which a certain part of the people would not have gone into those Territories, without which that part of the people would not have abandoned their native land for their new land, nor their comparatively easy life for the trials and the hardships of the settler's life.

In the year 1891, an Act was passed amending the Supreme Court Act, so as to give to the Governor in Council power to submit certain questions of law or facts to that court. In that Act, subsection 3 of section 4, assimilates the territories to the provinces in providing that in any such case the government shall notify the attorney general of the province interested, or, says the statute: 'in the case of the Northwest Territories, the Lieutenant Governor shall be notified of the hearing,' in order that he may be heard if he thinks fit.

This statute manifestly here makes the Northwest Territories rank as a province and recognizes to such territories the same rights as to the provinces generally. As a

matter of fact they are considered as a province.

This assimilation of the territories to a province made by me as above, is warranted by the parliament of Canada itself. Indeed, if I turn to the interpretation Act, as found in the Revised Statutes, 1886, there I read (subsection 13 of sec. 7) :—'The expression 'province' includes the Northwest Territories and the District of Keewatin.'

Thus by common sense, in equity and in accord with the enactments of our parliament, we have to admit that the territories stand now, although bearing a different appellation, on the same footing as the provinces in our political fabric. And being so, we must treat them under the present circumstances as we would be bound to treat any other province having distinctly that status. In the latter case parliament would be bound to recognize and to maintain the rights conferred by clause 11 of the Act of 1875. Now let us do the right thing and maintain in the Act now before us those rights for these new provinces. It is due to them, and it is due to us, inasmuch as it was, when the Act of 1875 was passed, the clear meaning of the parliament of Canada as shown by the above quotations, which I will now repeat and supplement.

Mr. Brown, on the 8th of April, 1875, said in the Senate :

> The moment this Act passed and the Northwest became part of the Union, they came under the Union Act, and under the provisions with regard to separate schools.

By these words, Hon. Mr. Brown expressed the opinion that the provision of the Act of 1875 was placing the Territories in the position of a province and, to use the very words of the Right Hon. Prime Minister : 'If the principle of separate schools was introduced, then according to the terms of the constitution, it was introduced for all time to come.' And so must also be construed the words of Mr. Blake, when he said, discussing the same Act of 1875 :

> They should have conferred upon them the same rights and privileges in regard to religious instruction as those possessed by the people of the province of Ontario. The principles of local self-government and the settling of the question of public instruction it seemed to him ought to be the cardinal principles of the measure.

In the Senate Sir Alexander Campbell put the same meaning on that clause, when he said :

> The object of the Bill was to establish and perpetuate the same system as prevailed in Ontario and Quebec.

Let me add the words of the Hon. Mr. Penny, who though not an admirer of the separate schools, expressly declared that we——

> Might as well settle the matter at once by allowing the creation of separate schools.

Now, let us see what public opinion understood and said. The 'Mail,' on the 19th April, 1875, said :

> By their Northwest Territories Bill the present government provide that separate schools may be established in those territories. The proposal we regard as eminently wise. . . Every one may see how fortunate a thing it would have been if the school question had been put on a stable basis in New Brunswick, and if by the Northwest Act, the government should have prevented future burnings on educational matters in the great new country which belongs to us in the far west, they will have done a good work indeed. We cordially endorse their action in this matter.

Montreal 'Gazette,' 17th March, 1875 :

> The Bill seeks to fix the constitution which is to govern these vast territories in the future.

And whilst approving of this principle, the 'Gazette' suggests that ample time should be given to that Bill in view of its importance. It says, however :

> Looking to the encouragement of immigration into the Northwest there can be little doubt of the importance of having the character of the institutions under which, in the future, these immigrants will have to live, settled in advance.
>
> With the form of government settled in advance, and with the machinery provided for its coming into practical operation without further legislation, and by the force simply of advancing settlement any immigrant settling in the country will do so with the full knowledge of the institutions under which he is to live and will assume therefore, a voluntary allegiance to those institutions. . .

From these remarks it will appear that the 'Gazette' is taking the view that the enactment of 1875 fixes the future condition of existence of the territories. And these remarks are applying to the school system as well as to the other portions of the Bill. This is made evident by the following lines :

> In the Bill, as prepared, the government had omitted all reference to the important subject of education and all provision for the avoidance

of those difficulties which at this moment are doing so much harm in New Brunswick. True, after it was printed Mr. Mackenzie discovered the omission and submitted a manuscript clause to cover it.

So, according to what has been said, there were certain rights, certain conditions of things established then, in 1875, and those things and conditions were to be for ever, they were to be perpetuated, according to Sir Alexander Campbell. They knew then what those conditions were. It was the system of denominational schools as understood in Quebec and Ontario. That seems to have been forgotten and also to have become more complicated than it was then, on account of certain legislation of the territories themselves.

Let us ascertain the constitutional condition of things existing there at the present time in matters of education. If the Catholic population have vested rights no amount of reasoning should be able to deprive them of those rights. The parliament of Canada ought to be the first to respect such a compact and apply in their proper spirit the principles laid down in subsections 1 and 3 of clause 93 of the British North America Act 1867.

That condition of things is the one which was duly established by the Act of 1875, and by the legitimate ordinances passed under that Act by the legislative assembly of the Northwest. It cannot be denied that by clause 11 of the Act of 1875, the intention was to give to the denominations coming under the designation of Protestants and Catholics,—the privilege of establishing such schools as are regarded by them as affording full protection to their respective views, viz: denominational schools. As a matter of fact, that intention was carried out by subsequent ordinances, notably by the ordinances from 1884 to 1888. Those ordinances were intra vires of the legislative assembly and created a denominational school system which is still, legally and constitutionally, the very condition of things in the Northwest. I say it is still the legal actual condition of things, because all ordinances passed since are ultra vires, consequently they are null, void and as such, non-existent. These latest ordinances are void because they were passed against the letter and spirit of clause 11 of the Act of 1875. By the ordinances of 1891 and 1892, they abolish the denominational schools previously established. The legislative assembly of the Northwest could not do that. Subsections 1 and 3 of the 93rd clause of the British North America Act, 1867, prohibited such action.

Mr. Haultain himself was very far from being sure of the correctness of his legislation, because, according to the present Lieutenant Governor of the Northwest, he was reported by the Regina 'Leader' as having said that:

There were some points in the Bill he could not agree to and which he would mention. He could not agree to the clause making uniform text books compulsory. It was contrary to the constitution.

Judge Rouleau wrote at the time to His Grace Archbishop Taché that the ordinance was unconstitutional and that separate schools were no more in existence although they were still designated under that name. According again to the present Lieutenant Governor of the Northwest, the Hon. Mr. Forget, the ordinance had for its object the 'abolishing of every feature which characterizes the Catholic schools.' 'Nothing essential no more distinguishes the Catholic schools from the Protestant schools, except the now ironical designation of 'separate schools.' Now, chapters 29 and 30 of the ordinances of 1901 are but a revised edition of the ordinances of 1891 and 1892 which took away the characteristics of the Catholic schools, and now it is proposed to make that legislation the limit of the guarantee which the minority is to rely on in the future, and also the limit of the control that the same minority will ever have on the education of their children. I do not believe, hon. gentlemen, it is the way we should deal with the people of the Northwest.

The actual rights of the minority now are those guaranteed by the Act of 1875, and by the ordinances passed by the legislative assembly of the Northwest from 1884 to 1888 in the exercise of its legal and legitimate jurisdiction. The subsequent ordinances limiting those rights were not within the jurisdiction of legislative assembly, and consequently must not govern the situation. The de facto situation is not the legal situation nor is it satisfactory to the section of the people whose cause we are now advocating. The legal situation would be satisfactory and

this parliament ought not to hesitate to ratify the same by the new charters. Does the present Bill give the minorities the school system which they are entitled to ? It may give it in name, it does not give it in fact. It is the greatest political bantering that ever was perpetrated. We hear some supporters of the Bill stating in emphatic terms the necessity of granting to the minorities satisfactory conditions. and they lead the people to believe that this Bill has this effect, while, as a matter of fact, it does nothing of the kind.

It is claimed, as an objection to the establishment of a true system of denominational schools, that if we were to enact here a charter imposing that system we would put the new provinces in a subordinate position. Who would dare to rise on the floor of this House and say that Ontario and Quebec are subordinate provinces ? Yet, they have the system of denominational schools ? Both are satisfied, both are keeping the pledges they made to the minorities when they went into confederation. Surely the west could be satisfied if placed in the same situation as those great provinces, which may be called the parent states in our federal aggregation.

Now, if parliament has full jurisdiction, the question presents itself to our consideration : Is it a good policy to confer upon minorities certain guarantees which should satisfy them in matters of education, and further than that, are we not bound to confer such guarantees ? It was considered a good policy to legislate in that way when confederation was framed. And it was considered to be a good policy not only for the time being, not only for certain provinces, but for the future and for all the provinces for which the parliament of Canada would then be in a position to frame a constitution. The intention of that policy is to be found in many of the speeches made by our statesmen at the time of the introduction in the old Canadian parliament of the Quebec resolutions.

Sir Etienne Pascal Taché, then Premier of United Canada, said on the 3rd of February, 1865, when explaining the reasons for which confederation had been brought in before parliament :

> The reasons were two-fold. They related first to the intrinsic merits of the scheme itself, divested of all other considerations, and next, to the settlement of domestic difficulties which, for some years, had distracted the country, and the means we might and ought to employ to restore good feeling, harmony and concord therein.

That is the language of a French-speaking Canadian. Let us have now the views of an English-speaking Canadian, and one whose position was such that nobody can suspect for one moment his earnestness. I refer to the Hon. Geo. Brown, who expressed the same idea almost in the same terms. Speaking of the value of the confederation scheme he said :

> The existing evils it will remedy.

What were those domestic difficulties spoken of by Sir E. P. Taché, and what were those evils referred to by Mr. Geo. Brown ? Exactly the same difficulties and evils we are now endeavouring to conjure, and these men, and all others who were favourable to the scheme, were of opinion that it was worth sacrificing long standing and strong personal views in order to secure the passage of the Bill providing for federal union. So Mr. Geo. Brown said expressly :

> Now, I need hardly remind the House, said Mr. Brown, that I have always opposed the system of sectarian education. . . . . But assuredly, I, for one, have not the slightest hesitation in accepting it as a necessary condition of the scheme of union.

These are samples of the sacrifices some of our Canadian public men had to and did make of their opinions for the high purpose of putting an end to the unhappy condition of things then existing. Is it to be believed that in the minds of those public men the remedy was only to be temporary ? Is it to be believed that in their inner heart there was a secret wish for the revival, at any future time and in any other place in confederation of such difficulties ? I would not like to do such an injury to their memory. As a matter of fact, Mr. George Brown foresaw the time when the Northwest Territories would be a part of confederation, and spoke of the maintenance in these lands of 'liberty and justice and Christianity.'

These facts and these utterances show in what spirit the confederation was conceived. It shows also what was in the minds of the fathers of our present constitution, the only policy that should be pursued

with regard to the questions which are again agitating public opinion. Let me add to the above the following words of Sir A. T. Galt, he who took such a hand in securing to his co-religionists in Quebec the guarantee which they have ever since confederation enjoyed untrammelled. Here is what Sir A. T. Galt said :

It must be clear that a measure would not be favourably entertained by the minority in Lower Canada which would place the education of the children and the provision for their schools wholly in the hands of a majority of a different faith.

These words of Sir A. T. Galt had reference to the minority in Quebec and in Ontario. But he adds almost immediately those significant words : 'The same privileges belong to the one of right here as belonged to the other of right elsewhere,' thus covering all provinces.

These words and the occasion on which they were uttered leave no doubt in the mind that Sir A. T. Galt meant that the situation which was to be created for the minority in Quebec should be the rule all over Canada. And he gives his reason for advocating such views :

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

Such is the spirit which animated the fathers of confederation, and such is also the spirit underlying our constitution—a spirit of generosity and of liberty, which is but the expression of the freedom that every class within the empire is entitled to.

We have fortunately amongst us one of the delegates at Charlottetown and Quebec, in the person of the Hon. Mr. Macdonald, from Prince Edward Island. I hope he will add his testimony to those which I have quoted above.

Let us now take the Bill itself. The original clause 16, though not perfect and not placing beyond all doubts the rights of the minorities, yet was acceptable. I would have voted in favour of the Bill if that original clause had not been removed. The present clause 17 has been substituted for the other. It is very unfortunate. That clause 17 in the Bill as now presented to us does not give to the minorities any thing like what they are entitled to. The contention that it gives separate or denominational schools is not accurate. It gives separate schools in name, but not in fact. It gives a separate school-house which is only a material feature, but it does not give the genuine article, the teaching institution which has been known all over the land and for a long time as constituting a distinctive school controlled by the parents whose children attend the same. The half hour of religious instruction or exercises at the fag end of the school hours, or rather after the school hours, do not constitute the Catholic school. According to our views the atmosphere of the school during the whole day must be Catholic. The teaching must be permeated, as it were, with Catholic views and sentiments. The text-books must not be only inoffensive, but Catholic in form and in spirit. These are the views held everywhere by the Catholics and at all times. In doing that they are right not only in their own estimation, but in the estimation of others. The Duke of Argyle, the father of the present Duke, while speaking on Australian schools expressed himself in the following way in the House of Lords:

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 what I venture to call the pure paganism of the education of the colony.

As to its possibility or advisability in this country let us see what Mr. Alexander Mackenzie once said :

For many years after I held a seat in the parliament of Canada, I waged war against the principle of separate schools. I hoped to be able —young and inexperienced in politics as I then was—to establish a system to which all would ultimately yield their assent. Sir, it was found to be impracticable in operation and impossible in political contingencies.

There is nothing in the school system allowed by this Bill which may commend it to our views and place it within the description of such schools as were contemplated by the fathers of confederation and by the Act of 1875. We have only to refer to various expressions of opinions stated elsewhere to be convinced that my proposition cannot be controverted. We have amongst others the right hon. Prime Minister himself, who said in a letter addressed to one of his friends :

The impression prevails that separate schools such as they are intended by the Bill will be

ecclesiastical schools. This is quite an error. What you call separate schools in this instance is practically national schools. Here is the law of the Northwest Territories at the present moment: All the teachers have to pass an examination and be certified by the Board of Public Instruction; all the schools have to be examined by inspectors appointed by the Board of Public Instruction; all books in use at the schools have to be approved by the Board of Public Instruction; all secular matters are under the control of the Board of Public Instruction, all tuition has to be given in the English language; at 3.30 children can be given religious instruction according to rules made by the trustees of the schools, but attendance at this is not even compulsory.

Do you find fault with this last clause? Do you not believe that what you call 'separate schools' in this instance is really 'national schools'?

The great objection to separate schools is that it would divide our people, but if the same education is given in what is called 'separate schools,' as in all other schools, I fail to see what objection there is to such a system.

Then, Mr. Sifton said, speaking in the House of Commons on the same subject:

In the year 1892, what was known as the dual system was entirely swept away and that system which we have in the Northwest Territories, substantially as we have it at present, was established. . . . Where there is a public school, the minority, Protestant or Roman Catholic, may organize a separate school; but every separate school is subject absolutely to all the foregoing provisions, and is in every sense of the term a public school.

Hon. Mr. Paterson, the Minister of Inland Revenue, is reported as having spoken in the same strain. He said:

It must be borne in mind that those separate schools are formed precisely as every school district is formed. Although the name separate school appears to convey to the minds of some people the impression that they are separate in the sense in which they are established in some other province, there is no distinction between these schools and the other public schools as regards organization.

Let us see what the Hon. Mr. Fielding, the Minister of Finance has said. I will quote his words:

It would be utterly mistaken to say that we are giving to the Northwest provinces separate schools in that sense of the word. I submit to this House that the system of schools which we have to-day in the Northwest Territories is a national school system, and if it has all the elements of a national school system then I say there is no principle involved in this discussion which would justify us in having a quarrel over it. What is this system? From the hour at which these schools open in the morning up to half-past three in the afternoon they are absolutely alike; there is no difference; the teachers have the same duties, the same qualifications the same examinations, the same course of study, the same books are prescribed by the government, the regulations are made by the government. I repeat that from the hour of opening in the morning up to half-past three in the afternoon there is no shade of difference in all these schools in the Northwest Territories.

Shall I quote now a member of parliament, Mr. Crawford, representing Portage la Prairie. Mr. Crawford is an Orangeman, so he says at least, and he spoke in the following way:

The original clauses of the Bill were very indefinite. Under those clauses it was open to the people to have such school laws as they had in Manitoba, or they could have the old school laws that were in existence in the Territories previous to 1890. . . . Now these school laws as they are in the Northwest Territories, and as they are intended to be continued by this legislation are not at all the kind of school laws that the people, particularly of Ontario, have in their minds.

If this Bill goes through it will establish not what I claim are separate schools. In fact, the name 'separate' should hardly have been used in connection with them.

Coming now to what has been said in this House, we find the hon. Minister of Trade and Commerce, Sir Richard Cartwright, expressing himself as follows:

What is it that Quebec proposes? It proposes purely and simply this: That we guarantee to these people in the Northwest the simple privilege that I have adverted to, that during one-half hour in each day on paying the proper cost and charges they may confer religious instruction upon a certain portion of the population. That is a good deal less than Catholic Quebec has guaranteed to the Protestant minority within its borders. It is less and a good deal less than Protestant Ontario has guaranteed to the Catholic minority within its borders.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir RICHARD CARTWRIGHT—I am free to admit that as far as I can judge, it is considerably less than the actual legal obligation incurrred by us in the Act that we passed in 1875.

Hon. Mr. Scott, Secretary of State, was as clear as the others in his appreciation of the present clauses. He said:

I shall say no more on that subject other than this: The proposal in the present Bill is vastly different from the concessions as I may term them, that were made by this parliament in 1875, and which were fully discussed in this chamber. Those are a mere skeleton of what parliament then conferred upon the community, but for the sake of peace the minority are willing to accept. They will make the best of the situation. Practically there are to be no separate schools beyond the fact that there may be half an hour's instruction from 3.30 until 4 o'clock, if the trustees so desire.

The clear and formal admission made in this chamber by the hon. gentlemen occupy-

ing treasury benches, proves beyond all doubt that we are not given what the original clause gave and what was due to us.

It is very regrettable that the government should have thus receded from their former position. This Bill, as originally drafted, could have carried, and thereby justice and right would have been done. As the effect of this Bill will be quite the reverse and as this feature of the Bill is the most important one, I am bound to vote for the six months' hoist.

I had many more observations to make. My intention was to refer to many objections that are generally made against the working of the school system now in existence in Ontario and Quebec. I will only refer to one or two.

It has been claimed that our schools were inferior and inefficient. In that regard the Manitoba Catholic schools have been especially referred to. This alleged inefficiency of our schools is simply an afterthought. When the Greenway government declared its new policy with regard to education, they had never blamed our schools, they had never even called our attention to any improvement that could, in their mind, have been made.

A few months before the opening of the provincial legislative session of 1890, many public men spoke on the proposed changes. Amongst them were Mr. McCarthy, then a member of the House of Commons; Mr. Martin, attorney general for Manitoba; Mr. Smart, Minister of Public Works in our province. None of them is reported as having referred to this alleged inefficiency. The reasons given for a change were only that the time had come when the province should dispense with the dual language and the double-barrelled school system, as they called it, so that unity could be brought about in the land by the children sitting side by side in the public schools.

Then when Mr. Martin introduced this measure in the local House, he expressly said :

> The government's action had not been determined because they were dissatisfied with the manner in which the affairs of the department are conducted under this system, but because they are dissatisfied with the system itself.

This declaration makes it clear that it was not a question of efficiency or inefficiency. They wanted a change under any circumstances ; they wanted what is called a system of national schools, but which should be called merely governmental schools.

Instead of being looked at as inefficient, our schools were at all times given the highest praise. People visiting our settlements and our institutions expressed their surprise at the excellency of the school work. Many of the gentlemen now sitting in this House were not here in 1895. But those who were may remember that then I placed on the table specimens of our school work generally, and they were such that they could not be excelled.

At the time the law of 1890 was passed in Manitoba and at the time Mr. Sifton made his famous Haldimand speech there were in our Catholic institutions in Winnipeg over 30 per cent of pupils belonging to English-speaking and Protestant families. Surely these families would not have sent their children to those schools if they had not been efficient. Some of the parents of those children have since testified in favour of those schools. Amongst them I find the late Captain Clarke, a gallant soldier who took part in the fight against the rebellion in the Northwest in 1885. Here are his words :

> I can speak with experience with reference to the excellence of your section, two of my daughters having been for a long time with the good sisters of St. Boniface, where their progress was as satisfactory to me as it was pleasant to them.

We were called to take part in the school exhibition at the Indian and Colonial Exhibition in 1886, at London, England. On this occasion the 'Canadian Gazette,' 4th November, 1886, of London, spoke in the following way of our schools :

> The collection contains samples of books, exercises, scholastic materials, &c., coming from the Catholic schools as well as from the Protestant schools of the province (Manitoba).
>
> The excellence of the work, and especially of the geographical charts, is incontestable. This is the more pleasing if we consider the fact that many of the exhibits are dated from the year 1884 and the beginning of the year 1885. It is evident the exhibit is composed of the ordinary duties of the schools in all parts of the province, and not of work specially prepared for the occasion.
>
> No pretension has been made to eclipse the school exhibits of the other provinces, but the collection under our eyes denotes that in one of the most recently organized provinces of the confederation, there exists a school system which, although respecting the faith and re-

ligious convictions of the population, offers to every one an education capable of fitting for the highest rank in society the child who is placed under its care.

That sort of evidence could be multiplied. Governors, lieutenant governors, men of rank in every class of the people, visited our schools and could not but pay them the highest praises.

Mr. Sifton has said elsewhere, this year again, that our schools were absurdly deficient. After what I have just said, it must be evident to all gentlemen that Mr. Sifton was, in saying so, absurdly wrong, absurdly unfair, absurdly ignorant of what he was speaking about. Mr. Sifton has never been in a position to judge or misjudge of our schools. He never set his foot in them, although he was by the law a visitor of the same. His utterances are slanderous. Indeed that gentleman must be placed amongst that class of men who not satisfied with ruining the institutions of a people, not satisfied with taking away from them their own property, are disposed to ruin also their reputation, to insult their feelings, so as to cover his own deficiency and his own wrong-doing. I will not say any more on that point except that the assertion that the Catholic schools are deficient is merely a catch word and ought not to have any influence on the mind of the legislators of this country.

However, I desire to add to the above testimonies that of our late Senator Boulton, from Manitoba, an opponent of separate schools, who said on the floor of this House on the 23rd April, 1895 :

> In my immediate neighbourhood there is a separate school, named after the clergyman, Father Decorby, who founded it. He conducted a separate school there for years to which the Protestant population in its neighbourhood went. They were all satisfied with the school; they had no complaint to make of it.

If I understand well the plea that is made with regard to one system of schools being preferred to the other is that the denominational schools are inferior. This is quite inaccurate. They are equal to the others, at least. In our case, they are even superior in so far as they teach generally two languages. What is more practical than language in life ? Surely this creates a kind of superiority over the schools where one language only is taught.

Leaving that aside, however, there is one thing which may be apparent to everybody. It is the fact that if we are not allowed to control our schools, we will have eventually to start private schools or parochial schools, so as to procure to our children the kind of education, the moral training that we believe they ought to have. But these parochial schools will have to starve, being deprived of the municipal taxes and of the legislative grant. Being so deprived of financial resources, they will of necessity be unable to give such instruction as we would like them to give. Then you will have just the kind of schools which you want to guard against. Whilst, if we are allowed to fare as we think we should be allowed, then we will have well equipped schools, both mentally and financially, and the result will be that our children will receive such an education as will prepare them, to use the expression of the 'Canadian Gazette,' for the highest rank in society. Those schools would be, to a legitimate extent, under the supervision of the government officials, who will ascertain whether the assistance given to such schools is well earned, and if not, will suggest any desirable improvement. So, even at that point of view, it would be better to let us have the school system we are asking for.

The doctrine which is propounded somewhere that by granting subsidies to the denominational schools the state is endowing the church is very far from being accurate. The state has no fund by itself. It is the money from every individual in the land that constitutes the funds of which the state may dispose. The Catholics are contributors to those funds like any other subjects of the Crown. And as it is a principle under British institutions that every one who pays must share in the benefit of the fund where his money goes, it follows that in receiving any grant from the government or from the municipal chest, we are only recovering our proportionate share of our own money. Other considerations of the same nature could be gone into. But let us come to figures, which is the most practical thing to do. In putting at $500 in round figures the cost of the maintenance of a rural school, I think I do not ex-

aggerate in any way. Now, what amount do such schools receive from the government ? I will take the figures in the province of Manitoba, as more familiar to me. These figures are taken from the official reports of the Department of Education:

	Maximum grant.	Average teacher's salary.
1891	$150 00	$426 60
1895	130 00	368 17
1900	130 00	406 78
1903	130 00	451 39

The conclusion of this is, that the state is receiving its secular education at half price ; we pay the other half, and the state gets religious instruction and moral training for nothing, although it goes a long way to the maintenance of good order in the community.

Although not a pleasant subject to refer to, allow me to say a few words about public schools. Merely from a social point of view it is well, surely, that we should give the warning, if anything transpires to justify it. It is a service to them and a service to the country that we render in doing so. It is not a pleasant duty, but a duty just the same. We hear very often some say that they have been educated in the public schools and that they are not worse than ourselves for all that. It may be, it may not. I do not want to penetrate into the inner life of our Christian brethren to that extent. Comparisons, it is said, are always odious ; very often they are not safe. The question can afford to be considered from higher grounds.

The Catholics do not claim to be a better lot than others. We have our miseries and too great a number of human weaknesses. But I say this, hon. gentlemen, if you and we have still a superior morality, it is because we have all in our hearts some principle of Christianity. And so long as we retain some vestiges of that Christian training, we will continue, I hope, to shine amongst the nations so far as the social and moral dispositions of our people are concerned. But history must have some lessons for us. It is admitted amongst all students of history that paganism does not offer a sure moral principle, does not even lead to it, but on the contrary is apt to instil in the very heart of the individual and of the people generally, moral disorder and villainous passions. Whoever has gone somewhat deeply into the Roman life before the advent of our Saviour, knows how lamentable it was in that respect. May it please God that we never come down to that. But if we eradicate all religious teaching, all religious training from those institutions, where the younger generation pass most of their lives, I mean the schools, do you not believe that the Christian principles which maintain the older generation in the right path will gradually disappear, and what then ?

Let me quote a few words of public men and moralists on the American public schools. I hope these quotations will not be offensive to anybody. It is not my intention; I merely desire to place before you the warnings given by some who are in a position to do it.

The New York 'Methodist' said some years ago that public schools of the United States were 'hot-beds of infidelity.' A writer of good standing in the United States, Mr. Richard Grant White, wrote (December, 1880) in the 'North American Review' :

> Vice has increased almost pari passu with the development of the public school system, which, instead of lifting the masses, has given us in their place a nondescript and hybrid class.

If fifty or sixty years of public schools have given such results in the United States, would it not be a good thing for us to pause now while it is still time. Let us come nearer home. Some weeks ago Toronto was horror-stricken by a crime which had happened within its territory. A young girl carried away and cruelly murdered without any motive a child that she found on the street. I refer to the Carr girl. After the first explosion of grief and of surprise people began to think. The 'Globe' of the 23rd of May wrote the following lines :

> That a girl scarcely entered her teens could be capable of treating a living thing in a way that she would not treat her doll is veritably amazing. . . . The child's surroundings have probably not been good, but this alone would not account for the callousness, hardness and lack of sensibility which she displayed.

The 'Mail and Empire' was more courageous and spoke clearly in its number of May 26 :

Even for the most forsaken child, it is true, there is always the school. In this city it is free to all—in fact, all children are obliged to attend it a minimum number of days every year during what is known as the school period of their lives. But the school cannot, as now constituted, be the moral asylum for these little ones that it ought to be. One thing it does—it teaches them to read. How much better would many of them be without that knowledge? Illiteracy would place them out of the reach of the depravers who write and purvey the five-cent novels which are the mental pabulum of children of the Josie Carr type.

Is not this a timely warning, gentlemen? Should we not pause before such appalling statements?

The extreme and ultimate results from human institutions do not crop up at once. Any seed put in the soil does not at once come out of the ground. Sometimes it takes days; sometimes it takes months before one sees the stem coming out, but one day or other it is sure to come out and grow and give seeds for another and more powerful crop. So it is with education. It is a seed that we put in the inner part of the soul. It may take years or centuries to bear its fruits, but it will some day or other bring forth good or evil according to the kind of education communicated to the people. Leibnitz said that by the education of the youth you can change the surface of the world.

If once a nation begins to relax in its views on anything pertinent to education, it is sure that gradually the relaxation will go on affirming itself more and more. Let us take an example amongst ourselves. In the province of Manitoba, by the law of 1890, it was provided that some religious exercises could be had after school hours. Now, what has been the outcome of that regulation? Let us see the official reports of educational authorities in that province:

IN MANITOBA.

	Number of schools in operation.	Schools with religious exercises.	Closed with prayer.	Bible used.
1895.....	786	433	396	295
1903	1,163	256	290	199

As you see, as the years have rolled on, and as the number of schools in operation has been increasing, the number of schools where religious exercises have taken place have immensely decreased.

I heard the other day a gentleman say that he would like to see religious training given in all the schools, but that for Protestants it was impossible on account of the diversity of creed amongst them. I confess I was somewhat surprised at such a remark. My conviction had always been that there was not such an insuperability of doctrine as between themselves. Sir A. T. Galt, when claiming protection and separate schools for his people in Quebec, did not make any distinction as between the various Protestant churches. He merely claimed separate schools for all the Protestants as a group, showing thereby that all the Protestants of Quebec, no matter what was their particular church, would be safeguarded and satisfied. Moreover, I have lately noticed in the newspapers of the country that there was a proposition for the union of churches. If those churches can religiously unite, is it not an evidence that there is no such insuperable obstacles as could prevent the attendance of the Protestant children at a union school? Surely the Protestants do not regard the public schools as offering to them any conscientious objection. Because, if they did, I am sure our fellow-countrymen of the Protestant faith would act upon it.

Mr. McKenzie, a member of the House of Commons, said the other day, elsewhere:

Why shall we hold out for a thing that Roman Catholics cannot and will not accept? Is it not a proper thing for us as protestants who have children to educate them in our own way? There is nothing in so far as the different Protestant bodies are concerned that will prevent them from having their children educated together in the same classes, taught by the same teachers or from receiving religious instructions upon grounds common to all Protestant bodies.

But, after all, if, by the circumstances surrounding themselves, some of our fellow-citizens could not take advantage of a good thing, is it a reason why others should also abstain? Because you cannot afford, by circumstances or otherwise, to relish certain delicacies placed on the table for you as well as for other people, is it a reason why I should not myself touch it?

A good deal has been said about the hierarchy. It is to be regretted that too many people do not better study the history of our country. I am sure that if they did they would take a better view of our clergy. From the earliest days of the British occupation up

to the present time there is ample evidence of the loyalty of the Catholic church. On every occasion of the invasion of Canada by our present southern friends, the church dignitaries have preached to their flocks their duty towards the Crown. It has been very often said with truthfulness that had it not been for the gallant conduct of the French Canadians, England would not have been able to preserve this part of Canada to her allegiance. On many occasions, when the people were of a troublesome disposition, the voice of our prelates was heard advising peace, harmony and submission to the laws of the land. They did it in 1837-38, they did it when confederation was inaugurated, they did it in the east, they did it in the west. For that purpose our missionaries were called to the distant prairies by Lord Selkirk, a Presbyterian. Bishop Plessis, of Quebec listened to the request of Lord Selkirk, and he sent there Father Provencher, who was made a bishop afterwards. This first bishop was succeeded by His Grace the lamented Monseigneur Taché. He also in his turn was a worker of peace. The Canadian government called him back one day from Rome and at the request of both the imperial and Canadian authorities, he undertook the difficult task of quieting the people of the Red river and of reassuring them about the intentions of the Canadian government. This he did faithfully and successfully.

Later on, on the still farther distant prairies, Father Lacombe exerted his influence for the peace of the country and by his influence amongst the Indians he assured the peaceful construction of a great national work and prevented bloodshed when it was most dangerous to interfere. Let me put before you what the Winnipeg 'News,' a daily paper said at the time about it.

These lines are a retranslation in English from a French translation of an article in the 'Evening News,' of Winnipeg :

When the whole of Canada feared and trembled to see the blackfeet side with the rebels, who firmly stood before them? Who prevented them from rushing upon us? Was it the Canadian government or the forces of the empire? No, the poor, humble and devoted Father Lacombe was the man who did so. To him the Canadian mothers owe their thanks for not having to-day to mourn their sons, to him many happy wives to-day owe their gratitude for not having to sob over the tombs of their husbands. Lacombe and his companions the Fathers André, Fourmond, Cochin, and other brave soldiers of the Cross did not hesitate, they went and faced deadly weapons; they threw themselves between the Indians and the Canadian people at a time when danger was extreme, and they prevented the shedding of blood and saved millions of dollars to the public treasury.

These are only few instances of their good will, and of their influence for the welfare of our country. I may sum up their action in this regard by saying that their constant teaching and their whole life is devoted to that peaceful and beneficial work. Is it not too sad indeed to hear now and then some one hurling at them the bitterest and most unjustifiable accusations ? Those who do that and believe those accusations are not always devoid of good faith and of natural good dispositions. Unfortunately they read unreliable books where that stuff is to be found ; they do not read history in its proper light and hence their difficulties. Many speak about the unity of the nation. No one is better fitted to bring that unity than our clergy ; no class is better disposed towards that view than that fine body of able, intelligent and zealous men. For the sake of Canada itself, believe in these words and act generously towards our church and our religious convictions, one of which is the organization of the schools on the lines we have been suggesting all the time.

This testimony which I am glad to be in position to give our hierarchy, is but the echo of higher authorities. During the last century there lived in England a man who has commanded and still commands the admiration not only of his countrymen, but of the whole world. That man was styled in his own life-time the grand old man. Now, what did Mr. Gladstone say on one occasion :

Since the first three hundred years of persecution the Roman Catholic church has marched for fifteen hundred years at the head of human civilization, and has driven harnessed to its chariot as the horses of a triumphal car, the chief intellectual and material forces of the world ; its learning has been the learning of the world ; its art the art of the world ; its genius the genius of the world ; its greatness glory, grandeur and majesty have been almost, though not absolutely, all that in these respects, the world has had to boast.

My hon. friend, the member for Victoria, has thought proper to run down the Catholic countries in a comparison with Protestant

countries. I commend these words of Mr. Gladstone to his meditation. I desire also to call his attention to certain facts and to some testimonies, which ought not be suspected of partiality in our favour.

England was a Catholic country once. Modern England owes to Catholic England her Magna Charta, her sound constitution, her parliament, the jury, her universities, her splendid cathedrals. Even if we take only the material side of the matter, let us see what her writers and her public men said. John Ruskin writes :

> Though we are deafened with the noise of spinning-wheels and the rattle of the looms, our people have no clothes ; though they are black with digging fuel, they die of cold; and though millions of acres are covered with ripe golden grain, our people die from want of bread.

Mr. Chamberlain, M.P., ('Fortnightly Review,' December, 1883).

> Never before in our history were the evidences of wealth more abundant, never before was luxurious living so general and wanton in its display, and never before was the misery of the poor so intense, or the conditions of their daily life more hopeless, or more degraded.

And then Mr. Chamberlain goes on speaking about :

> A million of paupers and millions more on the verge of it.

I could call to my help other testimonies of the same kind and from sources equally at variance with my own faith, but for Britishers these are sufficient. I leave those words to your meditation. One word more about unity. Surely this is a noble goal. But unity lies more in the soul than in the external forms. National love of the country and of its magnificence in every shape, attachment to the soil, respect for each other, an equal devotion to the same flag, a sincere allegiance to the same Crown, these are the strongest factors of unity. No matter what may be our differences otherwise, we will get at unity by cultivating the above sentiments. And in no other way shall we get at it. Look back in the Canadian history. The moment the people of French origin perceived in the English policy towards us a disposition to have proper respect for our race, that moment we, as a people, reconciled ourselves to the new regime, and so much so that to-day we would not go back to the French flag, were we at liberty to do so. Lord Dufferin found no objection to unity in the diversity of languages and of races.

Lord Dufferin, on one occasion, expressed himself as follows :

> I think that Canada should esteem itself happy in owing its prosperity to the mixture of several races. The action and reaction of several national idiosyncrasies, the one upon the other, give to our society a freshness, a colouring, an elasticity, a vigour, which without them, would be wanting to it. The statesman who would seek to obliterate these distinctive characteristics would be truly badly advised.

It has been regarded as an absurdity by certain English statesmen to try to obtain unity by the obliteration of our characteristics. On a measure that was then before the imperial parliament concerning the former two Canadas, Burke, the famous orator and statesman, said:

> To attempt to amalgamate two populations composed of races of men, diverse in language, laws and customs, was a complete absurdity.

Now I will quote another opinion which goes further and is diametrically opposed to the opinions which have lately been freely expressed in Canada. That opinion goes to say that instead of counteracting the views of the people, it is better to adapt the laws to the character of that people so as to produce a better result. After the constitution of 1774 had been given to Canada, a debate arose in the House of Commons in England, on the occasion of a petition from the people of Quebec, asking for the reinstallation of the trial by jury and the writ of habeas corpus. Sir Robert Smith, a member of the House, then spoke and said :

> Whoever reflects upon the excellencies of the British laws would wish to see them extended over the whole face of the British empire ; but if there are local and circumstantial reasons, arising from the national character of the people, their language, customs, usages, institutions and I will even add, their prejudices, which in this case, ought to be consulted, and not only consulted, but, in some measure, indulged ; but if there are reasons arising from these various circumstances that make it impossible for the English laws to be adopted in their original purity, I will venture to affirm, that a legislator is not only justified, but that is an essential part of his duty so to alter and modify these laws as may best adapt them to the peculiar genius and temper of the people, so as to become the best rule of civil conduct possible and the best calculated to promote their general happinesss. It was ever the maxim of the greatest legislators of antiquity to consult the manner and dispositions of the people and the degrees of improvement they had then re-

ceived, and to frame such a system of laws as was best suited to their then immediate situation.

This reminds me of a lesson which comes to us from antiquity. The wise legislator Solon had been called to give laws to his people. Some time afterwards learned men of some other parts of the world came and asked him whether, in his opinion, he had framed for his people the best laws that could be made. He simply answered that he had given to his people the laws that could best be adapted to them. This was considered wisdom, and has been considered wisdom at all times up to this date. Truly the laws ought to be made for the people and not the people for the laws. Taking into consideration the circumstances under which we live, it would be for the best interest of this land of ours to legislate so as to afford contentment to the various sections of the people.

But then I hear some say that the majority must rule. Are you sure that such a rule should obtain in everything ? Then, if I am not mistaken, the Catholics, although not the majority over all other churches, are the largest religious denomination in the Dominion. If the majority must rule in all cases, then let all the smaller denominations come to us, or vice versa. Many would object to that, I am sure. No, gentlemen, religious convictions cannot be matters to be decided by yeas and nays. In a country of liberty, each one is free to kneel before his own altar. When it comes to education, the Catholics regarding that subject in the light of their conscience, should be granted without discussion the institutions which they regard as touching the very soul of their children.

Is not, in fact, this rule that the majority must rule everywhere, and in everything, too brutal ?

We are, in round figures, 40 per cent of the whole population. Is not that figure large enough to inspire towards us better appreciation ? Are the conscientious views of such a large section of the country always to be questioned, debated, neglected and ignored ? Parliament of Canada does not do that with other bodies. Every session deputations from various concerns come here and appeal to the government for some betterments. These are, however, of a material order, less important than the interest that we have at heart, and still they are heard, and we do not send them back by brutally saying to them that they are a minority.

Unity ! Do you think that you will find unity in the repulsion which will necessarily be engendered by a policy which refuses satisfaction to conscientious views ? Such policy is not calculated to foster good feeling between races and creeds. That policy is rather calculated to widen the gap which divides us.

Unity ! I have already said where we could find it. Let me, however, put before you the words of one of those who assisted in bringing about confederation.

Sir John Rose said on one occasion :

> We trusted each other when we entered this union ; we felt that our rights would be saved with you ; and our honour and good faith and integrity are involved in and pledged to the maintenance of them.

There lies unity ; in carrying out respectfully and faithfully the pledges referred to in the above words, that unity will be realized.

I know, circumstances are sometimes difficult to overcome. But the solving of those difficulties depends much of our action. The leaders of the nation are very rarely unable to master public opinion. In times of emergency the parties must do as they did in 1864. Then many of our political men rose superior to their party feelings. They united to find a way out of our troubles. They succeeded and they created confederation. Now, if I am permitted to refer to the events of 1896, I will say that then the opposition, and its leaders especially, should have risen in their places in the House of Commons and pledged their support to the Remedial Bill. If they had done that, the question then would have been settled and settled for all times, and for every part of the Dominion. No war in the Northwest was to be dreaded. We would have no such troubles as we have to-day. And to-day, consistent with myself, I say that this year when the Autonomy Bill was laid before the House of Commons it was to my mind the duty of the present opposition to offer their support to that measure in its original form inasmuch as the Bill as originally drafted was an acceptable

one. Again I say that if the opposition had taken that course, much of the agitation which has been going on for the last five months would have been quelled from the beginning. And in the long run such attitude would have received the approval of the people. Unfortunately, another course was followed and the result is that we have neither peace, nor justice, nor a good measure.

The Senate, however, exists to act as moderator. It was created to represent the second sober thought of the country. Such being the case, I submit that this House should inspire itself with the sentiments contained in the words of Sir John Rose, quoted above, and improve this Bill or reject it. My voting for the six months' hoist is only to record my dissatisfaction of the measure in its present shape. I know this will not have the effect of throwing out the Bill. We will have then an opportunity to improve the same when in committee, and I hope the government will consent to such an improvement.

BILLS INTRODUCED.

Bill (199) An Act to amend the Act respecting the arbitrations between His Majesty and the Grand Trunk Railway of Canada.—(Hon. Mr. Scott.)

Bill (160) An Act to amend the Act respecting the Northwest Territories.—(Hon. Mr. Scott.)

Bill (190) An Act in amendment of the Criminal Code, 1892.—(Hon. Mr. Scott.)

Bill (195) An Act respecting roads and road allowances in the provinces of Alberta and Saskatchewan.—(Hon. Mr. Templeman.)

The Senate adjourned until 11 a.m. tomorrow.

SENATE.

Ottawa, Saturday, July 15, 1905.

The SPEAKER took the Chair at Eleven o'clock a.m.

Prayers and routine proceedings.

PROVINCE OF ALBERTA AUTONOMY BILL.

The Order of the Day being called :

Resuming the further adjourned debate on the motion of the Hon. Mr. Scott for the second reading (Bill 69) an Act to establish and provide for the government of the province of Alberta, and the motion of the Hon. Sir Mackenzie Bowell in amendment thereto : That the said Bill be not now read a second time, but that it be read this day six months.—Hon. Mr. Perley.

Hon. Mr. PERLEY—At this very late period of the session I would naturally be inclined to say nothing on this subject and I shall endeavour to be as brief as possible. I don't intend to speak at length, because the Bill has been discussed very intelligently and thoroughly in both Houses, especially its legal aspects. It is doubtful if any Bill which has ever been submitted to the parliament of Canada has been more thoroughly discussed. I quite agree that it is a measure deserving most careful attention, because in my judgment no Bill submitted to parliament since confederation has been more important to the people of Canada then these Autonomy Bills. It would be presumptuous for me to discuss many features of the Bill, from the fact that it has occupied the attention of the best legal talent in both Houses, and it is fair to suppose that there is no better legal talent to be found anywhere in Canada. I find that in the House of Commons, as well as in the Senate, legal authorities differ as to the power of parliament to legislate on the lines laid down in this Bill. Opinions are about equally divided. Therefore, I do not pretend to deal with the legal features of the case further than to say that I believe, according to my own reading of the law, that the government has no right to coerce the people of the Northwest Territories as they propose to do by this Bill.

Now the first matter that is to be referred to, I presume, is the question of Autonomy—giving full rights and powers of legislation to the Northwest Territories. So far as I am concerned, I may tell the honcurable House I have never been in favour of provincial autonomy being granted to the Northwest Teritories. Not that I believe that they are less capable of governing themselves than in any other part of Canada, but I felt that in this enlightened day, by a generous and fair treatment by the government we could do without the expensive machinery of self-government in that country for a while, until there were sufficient people located there to make the expense less than it would be with fewer people. I might go

back to 1882, in the early history of the Northwest, because until that time there was really no government of any kind. We had a Northwest council appointed by the government of Canada to make laws, rules and regulations and generally to govern that country. There were no elected members, because there were no electors in the country. With two exceptions I think they were appointees of the government holding some position in the country. Two half-breeds held no position under the government, but all the other members of the Northwest council, if my memory is correct, were men holding some position under the government of Canada. The people were governed by those men until 1883, and in 1883 we had the first election for members for the Northwest council. There were six or seven members elected on that occasion; then they made ordinances for the good government of the country on a scale to a large extent resembling provincial legislation, and the country was governed in that way for quite a while. It was not until after 1882 that the country became populated by any considerable number of white people. That was the year in which the white settlement began to come into that country, prior to that time it was made up of police, Indians and half-breeds. The half-breeds and Indians were natives of the country so to speak and the others were sent in to govern. In 1882, I may say the first band of immigrants went into that country. They did not travel on any regular running train as they do to-day; they went in on a construction train. When I went to the Northwest in the fall of 1882, I travelled on a construction train from Brandon, and I found in the town of Wolseley two houses, one fairly well built wooden house and the other a shanty, and they were occupied by people who lived in the country. A large number of Canadian people, some English and some Scotch went into the country and located homesteads, others bought land. There was more land bought about that time, than was bought for a number of years afterwards, perhaps because a good many of people had inflated ideas regarding the resources of that country. I may say almost every man who went into that country for the first year or two went there with a speculative idea on his mind, and he looked at the great plains and thought they were capable of great results and he bought land and went to work; but he failed, as I will show the House later. Now at that time the government of Canada under the administration of Sir John A. Macdonald voted sufficient money to carry on the government of the country. While I had the honour of being a representative on the Northwest council in 1885, I found that Canada had given us $8,000 more money than we required for the support of the ordinary schools of the country; they had given us more money for roads and bridges, and we had abundance of money for every purpose for which we required it. We made a liberal appropriation for the support of schools, and we paid our teachers more money than was ever given to any class of teachers in any other country of the world. We gave the people all they required in some instances to support the schools, and they had a surplus. That showed the government was generous in giving them money sufficient to educate their children. That state of things continued for a few years, and presently as the population grew—and I may say it was difficult and hard to control because they were scattered all over the country. I do not hesitate to say that it was a wrong policy for the government to survey so much land and allow settlement to become so much scattered over the country. Every man had an idea that away off in some corner was a better place to locate than on the line of the Canadian Pacific Railway. The people scattered all over the country and that necessitated a large expenditure of money to build the necessary roads and bridges, and they wanted schools and they required more money because the population was so scattered. Matters continued in that way for a few years, and in course of time it became a fact that the government at Ottawa did not give us enough money to carry on the schools and build roads and bridges and construct the other public works we had to complete. Mr. Haultain and his associates used to make an annual trip to Ottawa at the request of the government to lay before them the needs and requirements of the Northwest Territories as far as money was concerned; and it soon became ap-

parent that they were not getting nearly enough money. The government was bringing in immigrants, encouraging immigration, and these immigrants had to go all over because the land was surveyed in far-off sections. The government allowed them to locate wherever they had a mind to, necessitating large sums of money to keep up the roads and bridges and efficient schools, and the result was that the government of the Northwest Territories was unable to secure sufficient sums from Ottawa. Mr. Haultain, a number of years ago—I think six or seven—announced his policy for provincial autonomy in a speech which he delivered at Yorkton. Mr. Haultain is a popular man there, and I may tell this honourable House—although some gentlemen may belittle Mr. Haultain—that he is a very able and clever man, and, with his associates, has administered the affairs of the Northwest in an able and efficient manner. He made a speech at Yorkton, in which he announced for the first time, if my memory serves me right, the necessity of provincial autonomy. I took exception to provincial autonomy on the lines laid down by Mr. Haultain. In making a speech at a banquet tendered to him, Mr. Haultain stated distinctly that the time had come when we must be content with poor roads and less schools, or else we had to get more money from the government of the country, or resort to direct taxation. There was just the one choice—poorer roads and poorer schools, or provincial autonomy by which he could get control of the lands and the government of our country so that we could issue bonds or raise money to keep the roads up to the usual standard. I had no fault to find with Mr. Haultain in his desire to have better roads and better schools, to keep them up to the standard, but I felt an injustice was being done to the Northwest government in the fact that the parliament of Canada had not granted the money to them which they ought to grant. I say here that if you brought in 10,000 immigrants to any settlement they would not contribute one-seventh part of a cent to the local revenue of the country. The federal government receives all the revenue. There is an idea most men do not consider. You bring the immigrants into the country and let them go where they will, they begin to contribute to the revenue of Canada the very minute they land, but they do not contribute one single farthing to the revenue of the Northwest Territories. Consequently, I contend, and I think justly, that when the government of Canada brought those people in they had a bounden right to provide the Northwest government, who had to look after these people, with sufficient money to build roads and bridges and keep up the other institutions which belong to the government. In view of that fact, I said if the proper representations were made here, and if the government at Ottawa would give them sufficient money, there was no necessity of having provincial autonomy and incurring extra expense upon a new country. The roads and bridges and schools of that country had been kept up in a good and efficient condition, and the government since then, I am proud to say, have given us more money, but even yet we have not money enough to carry on the affairs of the country as they should have been carried on, and as it would have been in the interest of the federal government to have carried them on. I am also led now to the opinion that our separate schools would get to be more deficient if the Minister of Trade and Commerce had the full control of the country on the lines he laid down the other day, because he laid down the principle that we are serfs in that country, and he was going to tell us that we had no rights, and that we were there simply as creatures at the mercy of the government of Canada. That is the sum and substance of the doctrine laid down by the hon. Minister of Trade and Commerce. I was not surprised in one sense and I was in another, because I may say here that it has always been the policy of the hon. gentlemen, while they were in opposition for so many years, to oppose the Northwest. I do not think he can point to one speech that was patriotic with regard to the Northwest Territories and looking to its future development and prosperity. And when he said the other day that we were not independent men and had no rights until the passage of this Bill, I contend he was not justified in making the statement. I can well understand why they did not give us that large grant of money which was justly due to us, and which was only what we had contributed to

the public treasury. There is no portion of Canada which contributes more to the public revenue, in proportion to population, than the Northwest Territories; and when we ask for a large sum of money to carry on our affairs, we are only asking for that which we have already contributed to the treasury. Hon. gentlemen opposite take pleasure in stating that all the prosperity which we are enjoying is the result of the policy of the present government. Can any one show a solitary fact to justify that claim? Their course since their advent to power is enough to make any honest man blush. They adopted the policy which they had condemned strenuously and violently for eighteen years while they were in opposition. Some hon. gentlemen supporting the government demand that the exemption from taxation enjoyed by the Canadian Pacific Railway should be abolished, or some concession should be made to the people of the Northwest if it is not. I quite agree that some consideration should be given to the people of the Northwest Territories in lieu of the exemption, but the bargain with the Canadian Pacific Railway granting that exemption was reasonable and fair at the time it was made. How could the government of Canada at that time be expected to make a good bargain when they met with such opposition? The ablest leaders of the Liberal party, men like Blake, Cartwright, Mills and others—great men, respected by their own party and by all who knew them, and whose word was law with their followers—not only denounced the Canadian Pacific Railway, but depreciated the Northwest Territories in every way. They cannot point to a speech made by any of these men, during the eighteen years they were in opposition, which represented the Northwest as a country of great possibilities.

Hon. Mr. POWER—I rise to a point of order. The hon. gentleman has not up to the present time said a single word which bears on the question before the House.

Hon. Mr. FERGUSON—That subject is connected with the Bill.

Hon. Mr. PERLEY—No doubt the hon. gentleman now blushes for his colleagues, because he knows that what I am saying is the fact and he does not like to hear it; nevertheless I will not spare him because the hon. Secretary of State said I was to speak to the point and to be sharp. When the construction of the Canadian Pacific Railway was undertaken, every man of the Liberal party opposed the contract and ridiculed the country. The speech and portrait of Mr. Blake was scattered broadcast through the United States to show that the Canadian Northwest was no good. Everything was done to obstruct the government in making the bargain with the Canadian Pacific Railway. The Mackenzie government had advertised in the United States and in England for men to take hold of the construction of the road and then had failed. Then Sir John Macdonald came into power, and it was with considerable difficulty that he succeeded in getting men to undertake the work. I admit the Canadian Pacific Railway took great chances because of the unknown character of the country and the manner in which it had been decried. How could the government or the Canadian Pacific Railway Company hope to get money on reasonable terms when such men as I have mentioned were continually representing the Northwest as a country that was no good? How could I hope to borrow money on my farm if I went to a money lender and told him it was no good, that it would not pay the expenses of one hired man. Had these gentlemen admitted, as they are now prepared to admit, that the Northwest Territories are the greatest country the sun shines on, capable of producing enormous quantities of the best wheat, the government of that day would have been able to make a better contract with the company and without doing them harm, because the company would have been able to get money at a lower rate of interest than they were obliged to pay. The gentlemen who are in power to-day, and who were the opposition when the contract was made, are responsible for forcing the government to make a bargain in which was not the best that might have been made under more favourable circumstances.

I come now to the financial terms of this agreement. I do not hesitate to say that it would have been very much better if the government had allowed the Northwest Territories to control the land. I have my own idea as to the policy which would be best in the interest of the whole country. If

the government undertake to give away free homesteads to every one who enters that country, I would favour their policy of keeping the lands and of administering them from Ottawa. But it would be much better to hand over the lands to the local government. A better policy still would be to call a halt, and be more careful how they dispose of the free homesteads. A few years ago the government called a halt and ceased to give a second pre-emption and a second homestead. That was right, because the country has a character to-day and the result is they could afford to abolish that privilege. There is no country which presents better facilities for settlement than the Northwest Territories to-day. We have law and order and the highest standard of civilization; we have schools, churches, all the modern moral and philanthropic societies, and we have railroads penetrating the country everywhere. So it would be better for a man to buy a farm to-day than to get two free homesteads before we had such advantages. To give away homesteads, particularly to foreigners, is a mistake; it is much better to keep the land for our own people so that we would not have our country settled up with Russians, Poles and other foreigners while our own people have to go to other fields of labour. That is a question which requires a good deal of discussion, and I do not propose going into it in detail to-day, but if the government would come to the conclusion to adopt a policy of that kind, it would be much better for the Dominion. We are spending money to bring foreigners to the country; it is not necessary. Every foreigner in the Northwest is an immigration agent. They are bringing in their relatives as fast as they can and they tell me, no matter where they come from, that our Northwest is a better country than their native land. People with capital come to us to invest their money. I favour the immigrants who come with very little means, because the wealth of the country is not to be gauged by the amount of money a man brings with him, but by the character of the men who till the soil and develop our resources. Such men contribute to the wealth of the country. I am opposed to this government retaining the lands, but if that is their policy I am satisfied with the Bill, although the lands in the north are not as valuable as the lands in the south. The hon. member for Saskatchewan (Hon. Mr. Davis) admitted that when he said the lands in the south are worth forty to fifty dollars an acre while lands in the north can be had at five dollars an acre. That, probably, is quite true, but to get capital that will give interest equal to the annual allowance for lands the government would have to sell a great many millions of acres at $5 an acre. It will be a long time before that is accomplished. I think the land would be administered in a much more economical way by the local authorities, because the people of that section would have to get their revenue out of the lands, and the Dominion government is not working with that object in view. The people of the Northwest know something about the lands and would administer them on a sound financial basis to the advantage of the new provinces and to the whole Dominion as well. The hon. Minister of Trade and Commerce in his speech the other day told us that we had no status and were entitled to nothing as a community, and that we would be no better off until we get this Bill. That is about what we might expect to hear from the hon. gentleman, judging from his former statements about the Northwest Territory. In 1871 the federal government gave us a Northwest council of appointed members, all but two of whom were educated men, and what kind of school law did they give us? When I went to the Northwest in the spring of 1883 I had two little boys, one of whom had no education while the other had been only three months at school, and it was natural that I should want to have them educated. I wrote to the lieutenant governor, the chairman of the Board of Education, and asked on what conditions we could have a school established in Wolseley. I was told that we must have an average attendance of 15 pupils to get a grant, and that we would have to pay the salary ourselves and after three months the government would refund 50 per cent of it. The average attendance demanded was higher than should have been called for. We could not have got that number of children in one thousand square miles, still there were some children to be educated and for the first two years I lived in Wolseley three or four of us maintained a private school

under the educational system of the Territories. We had to rent a room and employ a teacher at our own expense. I was the first trustee and I had to swear that we paid the teacher the full amount of her salary, and she had to swear that she received the money before we could get the grant, and then we had to wait three months before we received it. If they had such laws as that now regarding other matters there would be less boodling and rascality, perhaps, but in this instance we found it necessary to change that law in 1885. I was a member of the Northwest council and was the means, to some extent, of changing the law and getting it amended so that people could educate their children. When the federal parliament gave us power to make laws did that not imply that we had some status? In 1887 we were given representation in the House of Commons, and soon afterwards representation in the Senate; yet we are told that we are nobody, that we are not fit for anything. From the time we were recognized in that country, we were entitled to all the rights of citizens of Canada and to have a say as to the terms and conditions on which provincial autonomy should be granted us. We had a right to expect that the government would not try to coerce us as they are doing in this Bill. There should have been an appeal to the people. What happened when the Canadian Pacific Railway Bill and the National Policy were submitted for the consideration of parliament? When those Bills were introduced the opposition of that day—the government now—implored Sir John Macdonald to dissolve parliament and get the opinion of the people. He did not consent, but that is what they demanded. Why did they not follow that course with this Bill and tell the people before the election what they were going to do. Why did they not say to the people of the Northwest: 'We are going to keep the lands and administer them, we will coerce in the matter of education, you are not fit to make a fair educational law.' Why did they not tell us that we have no rights—why did they not make the speech which we listened to the other evening from the Minister of Trade and Commerce. If they had published that speech, there would have been no supporter of the government elected in the Northwest Territories. The people of that region are as intelligent as any people in Canada and know their requirements better than the government of Canada. The educational clause is the contentious part of the Bill. If the hon. Secretary of State and the hon. Minister of Trade and Commerce, had incorporated in the Bill what they have stated in their speeches here, that clause, so far as the opposition is concerned, would have been disposed of in two minutes. What we object to is the attempt of the government to coerce the people of the Northwest Territories. They are not a people to submit to coercion. It is not in keeping with the spirit of the age, and with the Christianity and intelligence of the people of Canada. Who sent out the best contingent to South Africa to fight the battles of the empire? The Northwest Territories. Who contributed most to stand by the flag and the principles of the British empire?—Lord Strathcona. Will the parliament undertake to dictate to us and treat us as if we were Russian serfs who had no right to defend their own interests in the passage of this Bill. That is virtually what the hon. Minister of Trade and Commerce told us the other day. Now with regard to religious education, if I had the power to make every man in this chamber a Protesttant or Orangeman to-morrow I would not do it, because religion is a personal matter and every man must be responsible for his own character. I am not a bigot and I recognize that man must be guided in his religious views by his own conscience. The bigot who undertakes to coerce another in such matters is a different man from myself. There are intelligent men in all the churches; there is as much diversity in religious convictions as we find in the opinions with regard to this school clause. We do not agree upon any subject, and religion is no exception. We have good schools in the Northwest Territories; they are said to be the best in Canada. So far as religious instruction for half an hour is concerned there is nothing of that in the ordinances, it is in the regulations under which the schools are governed. The schools of the Northwest Territories are under regulations made by the board of education. I was appointed on the school ordinances committee of the Northwest Territories in 1875,

and moved a resolution in the assembly to do away with separate schools and the Hon. Judge Rouleau, now dead, supported my resolution. The clerk of the council, now the lieutenant governor, who was sitting about five feet from him, rose and told him that he was doing wrong, and made two speeches, one in favour and the other against separate schools. We are working under the regulations made by the Board of Education, which provide for one-half hour of religious teaching in the separate schools. I listened to the hon. Secretary of State and the hon. Minister of Trade and Commerce, and they both distinctly and positively defined the character of the schools to be established under this Bill. I want the hon. Secretary of State to correct me if I am mistaken, but I understood him to say that in all the schools of the Northwest the teachers had to be certified teachers, that the text-books, the inspection and the examinations must be the same in all schools—that what are called separate schools will be to all intents and purposes public schools until half past three each day. Am I right or wrong?

Hon. Mr. SCOTT—Right.

Hon. Mr. PERLEY—For the last half-hour you can have religious teaching by the minority and by the majority if they want it. He says that is all you are giving us. Where is the hon. gentleman in this House who is an employer of labour, having men working ten hours a day, who has the brazen effrontery to say to that man what he shall do the next half hour after his day is done. Why should the Catholics of the Northwest thank this government for saying that from 3.30 to 4 o'clock they will let them teach religion. The only concession they receive if I can understand it, is the use of the school-room where the children are convened, and there they can teach whatever dogma or whatever creed or doctrine they wish, according to the religious faith of the children.

Hon. Mr. SCOTT—I think the hon. gentleman has made a mistake in one particular. He says the half hour instruction is under regulation. It is by the law of the Territories.

Hon. Mr. PERLEY—I will admit that. On that point hon. gentlemen have all disagreed. I have heard the most eminent lawyers in this Senate, clever and able men—and am proud to know that we have such men—disagree upon the meaning of that law, one hon. gentleman says it means one thing, and another says it means another thing. They have argued hour after hour explaining the Acts of parliament from confederation down to the present time, and nobody can understand it after all. It may be a piece of presumption on my part, a farmer, to undertake to frame an amendment to that section to make it plain so that any Galician in the country who can read the language can understand it. I think it is right and proper that parliament should make laws that can be understood. In this parliament the layman takes little interest in the framing of laws, but the courts of the country are kept going by the ambiguity of laws framed by eminent lawyers. Parliament is perplexed to determine the meaning of certain sections when it was the duty of these men who undertook the framing of the law to make it distinct and plain so that anybody could understand it. I am going to give notice that I will move an amendment to the educational clause when we go into committee that I think will cover the case, and worded so that every man who reads it will be able to understand it, and I am doing it in strict conformity with the law laid down by the government. Hon. members talk about the Northwest Territories not making any howl about it. It was known at the very commencement that the whole country was agitated. When I went home after the Bill was introduced in the House of Commons, I found the Reformers of Wolseley the most excited men in the country, but when they were told that it did not mean anything they were content. But the people of the Northwest are determined to oppose coercion. In that country we treat the Catholics fair in every respect. The Protestant community in the Northwest Territories wish to live in good fellowship with all the inhabitants, whether Doukhobors, Galicians or any other nationality, of whatever creed. There is a feeling which exists all over that country that nothing would tend more to the good of the land than to have the children brought up and educated in the same schools; and if the in-

terpretation of the law is what the hon. gentleman says it is, although he is not willing to have us frame such a law, he wants in reality to make us do it and to say, 'You shall do it.' But if it is as he says it is, there will be no difficulty in regard to that. The amendment which I propropose to ask the government to accept—and they cannot do otherwise than accept it, because it is plain and fair and to the point—is as follows. I will move :

To strike out subsection 1 of section 17 and to substitute therefor the following :

In any Act by the legislature of the province it shall always be therein provided that the minority or majority in any school district, whether such minority or majority be Protestant or Roman Catholic, shall have the right to have the doctrines of their religious faith taught during the last half-hour of any school day to the children of parents professing such religious faith, always provided that teachers, text books, inspection of schools and examinations shall be under the control and direction of the provincial government.

That is a fair amendment which I intend to move, and if the government mean what they say they will accept it.

Hon. Mr. POWER—I hope that the hon. gentleman from Wolseley did not think that it was because I did not take pleasure in listening to him that I raised the question of order. I always listen with pleasure to the discourses of the hon. gentleman from Wolseley. As a rule they are entertaining; but our time is supposed to be limited, and the early part of the speech was composed of material which we have listened to several times in this chamber already, not only from the hon. gentleman but from various hon. gentlemen.

Hon. Mr. PERLEY—I want the hon. gentleman to understand that so long as I have my health and strength and position in the Senate, unless the government has the decency to acknowledge that they are pursuing the policy laid down by the Conservatives, I will tell the same story.

Hon. Mr. POWER—I am simply explaining why I raised the question of order. I did not think the hon. gentleman's remarks relevant to the question before the House. I do not propose to reply to the hon. gentleman's speech just now ; but I wish to refer to one subject which the hon. gentleman brought forward very prominently : the observation made the other evening by the Right Hon. Minister of Trade and Commerce when that gentleman was engaged in discussing the constitutional question whether or not parliament had a right to insert this particular clause in the Bill before the House. The right hon. gentleman, speaking from a legal and constitutional standpoint, said that parliament had a right to impose whatever conditions it pleased, to insert whatever provisions it chose in the Bill ; and that is perfectly true ; but the right hon. gentleman did not say that it was his wish that any unreasonable condition should be inserted in the Bill ; and the hon. gentleman who has just resumed his seat has himself testified to the liberality with which the government have treated the Northwest during the past few years. He has had to admit that they have been treated more liberally than they had been under the previous administration. It is characteristic of our hon. friends opposite, that they are very prone to seize on some expression of that kind, to distort it, to take it out of its connection, and then use it afterwards as a war cry.

I propose, as briefly as I can, to discuss the measure before the House in a more or less practical way. The constitutional aspect has been dealt with by the hon. gentleman from de Salaberry, (Hon. Mr. Beique) and it would be undertaking to paint the lily to go over the ground which he has covered. In the first place, I feel that the hon. leader of the opposition in this House is to be congratulated for the way in which he has dealt with this Bill. He has not moved an amendment which expresses his own views or the views of any particular section. He has not done what was done by his leader in the House of Commons. The hon. gentleman has made use of the motion that the Bill be read the second time this day six months. That furnishes a broad platform upon which all sorts and conditions of opinion can find room together. The hon. gentleman from Montarville for instance, who represents what one may call the extreme Catholic view of the question, thinks that very much more should have been done for separate schools than has been done in this Bill. He can get on the platform——

Hon. Mr. LANDRY—So could the hon. gentleman from Halifax.

Hon. Mr. POWER—The hon. gentleman from British Columbia (Hon. Mr. Macdonald) who thinks separate schools are in themselves highly objectionable things, can get on that platform. The hon. gentleman who thinks that this parliament has no right to deal with the question, that it is a matter which should be left exclusively to the province, can get on the platform too ; and as I say the hon. leader of the opposition, if I may be allowed to refer to what took place in the other House, has shown a great deal more tact in dealing with this measure than was shown by his leader there.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—I am glad that my observations meet with the approval of the hon. gentleman from Stadacona.

Hon. Mr. LANDRY—There is a place for the hon. gentleman from Halifax on the platform.

Hon. Mr. POWER—We have had at various periods of the discussion on this matter a great deal of ancient history. That history was interesting, but really had not much to do with the measure before the House. I do not see that there is any object when dealing with this Bill in going back beyond the Act of 1875. Hon. gentlemen have dealt with what took place before 1875, but I wish to state very briefly why I think there is no object in going beyond 1875. In the year 1871 an Act was passed by the imperial parliament entitled 'An Act respecting the establishment of Provinces in the Dominion of Canada,' and the second section of that Act reads as follows :

> The parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may at the time of such establishment make provision for the constitution and administration of any such province and for the passing of laws for the peace, order and good government of such province and for its representation in the said parliament.

That Act was passed after the British North America Act and over-rides all earlier Acts in so far as they may be inconsistent with it. Its terms are quite unrestricted, and it gives to this parliament the absolute power to make any terms it pleases when admitting provinces into the union. The union of the Northwest Territories according to the hon. gentleman from Calgary (Hon. Mr. Lougheed) took place in 1870. I agree with the hon. gentleman from de Salaberry (Hon. Mr. Beique) in thinking that that is not the case. There were almost none but Indians in the Northwest Territories at that time. There were very few white people there, and no organized government, and there could not be a union just then. So that we simply go back to the Act of 1875. I may say that that Act was introduced by the Liberal government, and passed without any opposition whatever. The Conservative opposition at that time offered no resistance to this Act, and I may be allowed in speaking on that point, to refer to one statement which was made by the hon. gentleman from Alexandria (Hon. Mr. McMillan) when the hon. gentleman was giving us ancient history, which as I say is interesting, he should have been accurate. He stated that the insertion of the 11th clause in the Northwest Territories Bill of 1875 was the result of a suggestion of the Right Hon. Sir John Macdonald. I had never heard that before, and I doubted it at the time. I have taken the trouble to obtain the debates on that measure in the Commons in the session of 1875 ; I have gone carefully through the debates——

Hon. Mr. McMILLAN—I think I can put my hands on the speech made by Alexander Mackenzie at the time he introduced the Bill.

Hon. Mr. POWER—I have the 'Hansard' and will give it to the hon. gentleman, and if he can find any such statement I shall stand corrected ; but it is not to be found. I have gone over the debate carefully and Sir John Macdonald made no statement with reference to the matter. He did not dissent from the action of the government, but he made no statement with reference to the subject matter of the 11th clause of the Bill. But another hon. gentleman, the Hon. Mr. Blake, did ; and if any hon. gentleman is curious about the matter, if he will refer to page 658 of the Commons 'Hansard' for 1875 he will find the following statement by Mr. Blake :

> He regarded it as essential under the circumstances of the country and in view of the de-

liberation during the last few days that a general principle should be laid down in the Bill with respect to public instruction. He did believe that we ought not to introduce into that territory the heart-burnings and difficulties with which certain other portions of this Dominion and other countries had been afflicted. It seemed to him, having regard to the fact that, as far as we could expect at present, the general character of that population would be somewhat analogous to the population of Ontario, that there should be some provision in the constitution by which they should have conferred upon them the same rights and privileges in regard to religious instruction as those possessed by the people of the province of Ontario. The principle of local self-government and the settling of the question of public instruction seemed to him ought to be the cardinal principles of the measure.

Then Mr. Mackenzie, who had charge of the Bill, agreed to that proposition, and said he proposed to insert a provision to that effect in the Bill. At the time that this Act of 1875 was passed it was generally understood—and I am not undertaking to express any opinion on the constitutional question —it was generally understood, and that understanding was expressed by the hon. George Brown and by several other prominent men, that in passing the 11th clause of that Bill parliament was providing that there should always be a separate school system in the Northwest Territories.

Hon. Mr. MACDONALD (B.C.)—No Act of parliament provides for anything for ever. It is only for the time being.

Hon. Mr. POWER—I have great respect for my hon. friend as a constitutional authority, but I wish to direct his attention to the fact that the Acts of a subordinate parliament are always governed by the Acts of a superior parliament, and that the Act of the imperial parliament had decided that where separate schools had been once introduced they could not be abolished. There is something to be said in favour of that view.

Hon. Mr. MACDONALD (B.C.)—Will the hon. gentleman say that any Act of parliament provides for anything for ever? He cannot say that, and will not say it.

Hon. Mr. POWER—I am not going to enter into a discussion as to whether this Act can be repealed.

Hon. Mr. MACDONALD (B.C.)—Of course it can be repealed.

Hon. Mr. POWER.

Hon. Mr. POWER—The understanding when the Act was passed was that the question of separate schools in the Territories had been removed from the political arena, and that the country would have a chance to grow up without the difficulties which had occurred in some of the older provinces. The hon. gentleman from Wolseley referred to certain changes which took place when the paternal government which first existed in the Northwest Territories gave way to a popular government, and one of these changes was with respect to the administration under the 11th section of the Northwest Territories' Act. The ordinances which the territorial legislature passed, while they did not go directly contrary to the provisions of the Act of 1875, did to a certain extent diminish the privileges of supporters of separate schools under the Act of 1875. The 11th clause of the original Bill became when the statutes were revised, section 14 of the Northwest Territories Act. It is as follows :

The Lieutenant Governor in Council, by and with the consent of the council or assembly, as the case may be, shall pass all necessary ordinances in respect to education ; but it shall therein be always provided, that a majority of the ratepayers of any district or portion of the Northwest Territories, or any lesser portion or subdivision thereof, by whatever name the same may be known, may establish such schools therein as they may think fit, and make the necessary assessment and collection of rates therefor ; and further, that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and that, in such latter case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they may impose upon themselves in respect thereof.

Then the second subsection is :

The power to pass ordinances, conferred upon the Lieutenant Governor by this section is hereby declared to have been vested in him from the seventh day of May, one thousand eight hundred and eighty.

As I said, the ordinances did, to a certain extent, cut down the privileges given by the section which I have read, but not very seriously. The ordinances which made the most decided step in that direction were passed, I think, in 1892. Now, hon. gentlemen, what was the duty of the government at Ottawa at that time ? If the government at Ottawa, which was then a Conservative government, were keen about preserving unimpaired the rights of the Roman Catholic

minority in the Northwest, what was the course which they should have pursued? I think I can indicate it. By section 17 of the Northwest Territories Act it is provided:

An authentic copy of every ordinance shall be transmitted by mail to the Secretary of State within thirty days after its passing; and if the Governor in Conucil, at any time within one year after its receipt by the Secretary of State, thinks fit to disallow the ordinance, such disallowance, when signified by the Secretary of State to the lieutenant governor, shall annul the ordinance from and after the date of such signification; and all ordinances so made, and all Orders in Council disallowing any ordinances so made, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively.

Now, is it not clear that if the gentlemen who conducted the government of this country in 1892 felt, as some hon. gentlemen now tell us they did feel, they should have taken the natural, legal and constitutional way of preventing the occurrence of the evil? That seems a very reasonable proposition; but the fact is the premier of that day and the Minister of Justice of that time shrank from a decided action of that kind, just as they shrank in the case of Manitoba in 1890. The proper course to have taken with respect to the Manitoba Act in 1890 would have been to have disallowed it, and not taken the chances of what might happen in the courts. The hon. gentlemen in this House who supported the government of that day—I am speaking now of the hon. gentlemen who belong to my own denomination—in that action are the gentlemen who now claim that the government of the present day is utterly wrong in allowing those same ordinances to continue in operation for the future, for that is practically what the provision in this Bill is. The hon. gentleman from Stadacona asked: 'Why do you not disallow the ordinances now?' Under the statute the ordinances could only be disallowed within twelve months; they have been in operation now for thirteen years. Of course, they can be overridden by parliament, but the Governor in Council could not disallow them after twelve months. That is the history of the matter—I am looking at it, not strictly from the constitutional point of view, but from a practical point of view—until we got to the Bill before us. As I understand, under the ordinances of 1892, while at first there was some dissatisfaction, the people of the Northwest Territories have, on the whole, been fairly well satisfied. We have not heard of late years any serious complaint from the Catholic portion of the population, and the remainder of the population are satisfied with the present law. That is the position of things when we come to the Bill before us. When this Bill was introduced in another place, clause 16, with respect to education, read as follows:

16. The provisions of section 93 of the British North America Act, 1867, shall apply to the said province as if, at the date upon which this Act comes into force the territory comprised therein were already a province, the expression 'the union' in the said section being taken to mean the said date.

2. Subject to the provisions of the said section 93, and in continuance of the principle heretofore sanctioned under the Northwest Territories Act, it is enacted that the legislature of the said province shall pass all necessary laws in respect of education, and that it shall therein always be provided (a) that a majority of the ratepayers of any district or portion of the said province, or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein as they think fit, and make the necessary assessments and collection of rates therefor, and (b) that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and make the necessary assessment and collection of rates therefor, and (c) that in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves with respect thereto.

3. In the appropriation of public moneys by the legislature in aid of education, and in the distribution of any moneys paid to the government of the said province arising from the school fund established by the Dominion Lands Act, there shall be no discrimination between the public schools and the separate schools, and such moneys shall be applied to the support of public and separate schools in equitable shares or proportion.

One feature of this clause is that to a very great extent it ignored the action of the Territorial government and legislature between the passing of the Act of 1875 and the present time, and proposed to give in a more definite and somewhat amplified form the rights and privileges embodied in the 14th section of the Northwest Territories Act. Clause 16 as it was originally introduced embodied the feeling of the government.

Hon. Mr. LANDRY—Hear, hear.

Hon. Mr. POWER—Then what took place? In the country which was to be

affected by this law nothing took place. There was no disturbance, everything was quiet; the people thought the Bill was very favourable to the territories. They raised no question about the minute difference which might exist between this educational clause and the system which they had in operation, and everything was quiet; but what was the course pursued here in Ottawa and in the neighbourhood by gentlemen who were opposed to the government? They did not follow the course pursued by Sir John Macdonald in 1875, and assent to what was proposed to be done. On the contrary, as soon as it was ascertained what the nature of this clause was, a systematic agitation was begun, the preparation of petitions—dictated from the opposition headquarters in the other end of this building—was set on foot, and an attempt was made to set the whole country on fire over this question. We remember there was a tremendous outcry then that the Bill should not go further; that nothing should be done, until there was an election in the territories. The election in the territories took place and we were given to understand then that there was something wrong about that election, that it did not represent the feelings of the people, and that the government would not be allowed to make any substantial progress with this Bill until elections had been held in Ontario.

Hon. Mr. LANDRY—The election that took place in the Northwest was after the second reading of the Bill.

Hon. Mr. POWER—It took place while the Bill was under consideration.

Hon. Mr. LANDRY—But after the second reading.

Hon. Mr. POWER—I do not see that that makes any material difference.

Hon. Mr. LANDRY. It is a contradiction of what the hon. member said.

Hon. Mr. POWER—If the Bill was highly objectionable to the people of the Northwest they would have expressed their disapproval of it after the second reading as well as before.

Hon. Mr. LANDRY—The second reading did not compromise the amended clauses.

Hon. Mr. POWER—I do not think the amended clause was inserted before Mr. Oliver's election.

Hon. Mr. LANDRY—It was because it was not in, that Mr. Sifton resigned.

Hon. Mr. POWER—I am willing to admit that the hon. gentleman is correct as to that. There was, as we all know, this agitation. The government stood firm. The petitions prepared by or at the instigation of leading members of the opposition, the diatribes, and most discourteous references made in leading newspapers of the opposition to dignitaries of the church to which I belong—these things did not weigh with the government. The government stood firm. Then came the defection of the Minister of the Interior, and, I may say, of the 'Globe' newspaper. I do not purpose saying anything about Mr. Sifton, but I wish to make an observation with respect to the 'Globe.' Some hon. gentleman on the other side of the House, when speaking the other day, undertook to say that the whole Liberal party are responsible for the utterances of the 'Globe,' and to speak of the 'Globe' as the organ of the Liberal party and government. That is not the case; that has never been the case within the last quarter of a century. The 'Globe' has on many occasions—and it has generally selected some particularly important crisis—shown its independence of the Liberal party by coming out in a manner directly opposed to the policy pursued by that party. There is not much more reason why the Liberal party should be held responsible for the opinions of the Toronto 'Globe' than there is why they should be held responsible for the opinions of the Toronto 'News.' What was the attitude of the Conservative party when the defection of Mr. Sifton and the defection of the 'Globe' took place, and this outcry was going on throughout the country? The Conservative party, we have been given to understand, was for about three-quarters of a century the true friend of separate schools. Did the leader of that party say, as Sir John Macdonald would have probably said under like circumstances to the government, 'We shall adhere to our old policy and support you in putting through the original clause 16 of this Bill?' Not at all. If the leader of the opposition had pursued that policy he and his party would have been—it is not my business, but I venture to say if he

had pursued the policy which I am satisfied Sir John would have followed, Mr. Borden and his party—would have been in an infinitely better position politically than they are to-day, and it would not have been necessary, if the party had taken that ground, for the friends of the leader of the opposition in this House to go back to what the party did for separate schools sixty years ago. The thing is absurd. What the country has to look to is the policy of the Conservative party and its leaders to-day; not what it was sixty years ago. So far from taking this line the leader of the opposition in the other House and the bulk of his supporters there, and the press supporting him throughout the country, except in the province of Quebec, kept up the outcry against the government. Then what was the position of Sir Wilfrid Laurier, owing, as I say, to the defection of Mr. Sifton and some of his friends from the Northwest, and owing to the attitude assumed by the opposition? As I take it, there were three courses open to that right hon. gentleman. In the first place he could have adhered to the original clause 16 of the Bill. The result of this would have been possibly defeat in parliament. The Conservatives going against him, and Mr. Sifton and his friends and followers going against him, would probably have caused his defeat.

Hon. Mr. LANDRY—Not at all. Prove that.

Hon. Mr. POWER—Perhaps the hon. gentleman knows more about what was going on than I do.

Hon. Mr. LANDRY—It looks like it.

Hon. Mr. POWER—If there would not have been defeat, at any rate there would have been discontent and dissension in the Northwest. For years, Mr. Sifton has been looked upon as the representative of Manitoba and the Northwest in the House and in the government. If he and the parliamentary representatives from the Northwest had deserted the government on that issue it would have meant that if this clause had been passed in its original shape there would have been nothing but discontent and dissension in the Northwest, for one cannot tell how many years. That was the difficulty in insisting. Then the premier might have resigned his position as premier. Would it have helped the friends of separate schools in the Northwest if Sir Wilfrid Laurier had sent in his resignation and announced that he would advise the Governor to send for Mr. Borden who was moving against separate schools and any interference with the new provinces? Would that have been a desirable thing in the interests of the minority? It does not seem to me that it would. That course was open to Sir Wilfrid Laurier, and perhaps his own personal feeling might have led him in that direction. He is not a man who loves continual turmoil and trouble. Then there was a third course open to the government, if the concession which was asked for by Mr. Sifton and his friends was not too great, if it did not interfere very materially with the rights which had been granted to the minority in the Northwest under the Act of 1875, there was a good deal to be said in favour of a compromise. It would be better for all parties, better for the government, better for the Liberal party, and, I think it can be shown, better for the supporters of separate schools in the Northwest. In the interest of the country at large the premier chose wisely, and in my humble opinion he chose wisely, looking at the interests of the Catholic schools in the Northwest. In order to show that I shall take the liberty of reading clause 17.

Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph 1 of the said section 93 of the following paragraph:

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901.

(a) In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution thereof, there shall be no discrimination against schools of any class described in the said chapter 29.

(b) Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression 'at the union,' is employed, in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

The hon. gentleman from Alexandria (Hon. Mr. McMillan) stated that this was a

mere gold brick, that it gave to the people who asked for bread only a stone, while the original clause 16 gave them everything they needed. Let us take up these two clauses and compare them carefully, and we shall see whether the hon. gentleman is right or not.

Hon. Mr. MACDONALD (P.E.I.)—We have read them over and over again a dozen times.

Hon. Mr. POWER—The hon. gentleman from Prince Edward Island is a fair-minded sort of gentleman. We have listened to speeches two hours in length being read, containing almost nothing that had not been stated more than once, and the hon. gentleman was not troubled about it. I compare these two clauses, the original clause 16 and clause 17 in the Bill; subclause 2 and 3 of clause 17 are identical with subclause 3 of 16 and with the first subclause and the difference is only between the early part of the second subclause of 16 and subclause 1 of clause 17. Let us see how much difference there is. I shall state what the difference is without going over the ground again. The essential difference between 16 and 17 is simply that under clause 17 of this Bill the Catholic schools are to be subject to inspection in the same manner as the other schools and the teachers to to be qualified in the same way. And there is this further fact, to which I direct the attention of hon. gentlemen, that in this first subclause of section 17 there is a provision made for religious instruction in the public schools which does not appear in clause 16 at all—a very important improvement in the clause. Hon. gentlemen have talked about the privileges given by the ordinances as amounting to nothing. In order to show just what they are, I shall read the provision in chapter 29 of the ordinances with respect to this matter. Section No. 41 of ordinance 29 reads as follows:

41. The minority of the ratepayers in any district, whether Protestant or Roman Catholic, may establish a separate school therein; and in such case the ratepayers establishing such Protestant or Roman Catholic separate school shall be liable only to assessment of such rates as they impose upon themselves in respect thereof.

There is the same power given in the Act of 1875 and in clause 16 to establish separate schools.

Hon. Mr. LANDRY—I beg pardon. The minority have no power to establish a separate school except where there is a public school.

Hon. Mr. POWER—It does not say so.

Hon. Mr. McMILLAN—Does that give the right to Roman Catholic teaching in schools?

Hon. Mr. POWER—I never made any such statement.

Hon. Mr. McMILLAN—There is no use trying to mislead any one.

Hon. Mr. POWER—I am not trying to mislead any one. If hon. gentlemen will only deal with facts and not according to their own vain imaginings.

Hon. Mr. McMILLAN—We are dealing with the facts. Read section 173.

Hon. Mr. POWER—I shall make my own speech. Sections 42, 43, 44 and 45 read as follows:

42. The petition of the erection of a separate school district shall be signed by three resident ratepayers of the religious faith indicated in the name of the proposed district, and shall be in the form prescribed by the commissioner. C.O., chapter 75, section 37.

43. The persons qualified to vote for or against the erection of a separate school district shall be the ratepayers in the district of the same religious faith, Protestant or Roman Catholic, as the petitioners.

44. The notice calling a meeting of the ratepayers for the purpose of taking their votes on the petition for the erection of a separate school district shall be in the form prescribed by the commissioner, and the proceedings subsequent to the posting of such notice shall be the same as prescribed in the formation of public school districts.

45. After the establishment of a separate school district under the provisions of the ordinance, such separate school district and the board thereof shall possess and exercise all rights, powers, privileges and be subject to the same liabilities and method of government as is herein provided in respect of public school districts.

2. Any person who is legally assessed as assessable for a public school shall not be liable to assessment for any separate school established therein.

That seems to cover very much the same ground as the old law of 1875. The hon. gentleman made contemptuous reference to the educational council in the Northwest. Section 8 of the ordinance, chapter 29 of 1901, reads as follows:

8. There shall be an educational council consisting of five persons, at least two of whom shall be Roman Catholics, to be appointed by

the Lieutenant Governor in Council, who shall receive such remuneration as the Lieutenant Governor in Council shall determine.

2. On the first constitution of the council, three of the members shall be appointed for three years and two for two years, and thereafter each member appointed shall hold office for two years.

Hon. Mr. LANDRY—There is no right to vote there.

Hon. Mr. POWER—No, they cannot directly do anything, but we will show what they can do. Hon. gentlemen smile at these regulations, but I wish to call attention to the fact that for several years, under the administration which preceded the present administration, these ordinances were all they had in the Northwest Territorities and they were perfectly satisfied with them.

Hon. Mr. LANDRY—We were never satisfied with them.

Hon. Mr. POWER—The hon. gentleman did not manifest dissatisfaction. Section 10 reads as follows :

10. All general regulations respecting the inspecting of schools, the examination, training, licensing and grading of teachers, courses of study, teachers' institutes and text and reference books shall before being adopted or amended, be referred to the council for its discussion and report.

That is a very important thing. Here you have a council composed of five members, two of them Catholics, presumably all intelligent, respectable men, and they have a right to consider any of these important matters and make their report to the Governor in Council, and undoubtedly the meeting together and discussing all these things by intelligent and respectable men must have a very great effect. Clause 11 reads as follows :

11. The council shall consider such matters as may be referred to it as hereinbefore provided or by the commissioner, and may also consider any question concerning the educational system of th eterritories as to it may seem fit and shall report thereon to the Lieutenant Governor in Council.

Mr. LANDRY—I suppose the hon. gentleman admits that that report is simply a device that may be left aside by the Lieutenant Governor in Council.

Hon Mr. POWER—I understand from gentlemen who are familiar with the working of the system in the Northwest Territories that under that system harmony has been evolved out of the previous rather unsatisfactory state of things, and that any reasonable wishes of the friends of separate schools have been met. Sections 137,-8-9 provide for religious instruction.

Hon. Mr. McMILLAN—I think it would be well to read those clauses.

Hon. Mr. POWER—To oblige the hon. gentleman I shall do so. Clause 137 reads as follows:

137. No religious instruction except as hereinafter provided shall be permitted in the school of any such district from the opening of such school until one-half hour previous to its closing in the afternoon, after which time any such instruction permitted or desired by the board may be given.

2. It shall, however, be permissible for the board of any such district to direct that the school shall be opened by the citation of the Lord's prayer.

Hon. Mr. McMILLAN—That means either Catholic or Protestant schools?

Hon. Mr. POWER—Not necessarily. The hon. gentleman from Alexandria has already stated in his speech that the privileges which were given by this Bill were really nothing at all. I take a very different view. In the first place, the Catholic minority—looking at it from the point of view of the Catholic minority just now—have a right to establish separate schools. Under that they have their own teachers, but the teachers have to be qualified and have to pass the same examination as other teachers. I may say from my own parctical experience that that is a wise provision. I think it is better for the separate schools that the teachers in the separate schools should pass the same examinations as the public school teachers. Then again, they are inspected.

Hon. Mr. SULLIVAN—Have they Catholic inspectors?

Hon. Mr. POWER—The inspection is no drawback at all. I wish to say that one has to consider when we are looking at this Bill and deciding what we shall do about it, that the people of the Territories are satisfied, and all their representatives at the beginning declared themselves satisfied and the people are to-day satisfied to have the present system continued.

Hon. Mr. LANDRY—I deny that.

Hon. Mr. POWER—I refer rather to the people who do not belong to the denomination to which my hon. friend and myself belong, and they are the great majority of the people of the Territories. They are satisfied that the present system should be continued. We know from what took place in the House of Commons that they would not have been satisfied to have clause 16 in the Bill. I do not think the difference between clause 16 and 17 is of any material consequence, but those people were persuaded that there was a great difference and that they were being interfered with, that instead of the system they have had for the last fifteen years a new system was to be forced upon them by this parliament.

Hon. Mr. LANDRY—Mr. Sifton finds a great difference also.

Hon. Mr. POWER—If we had passed clause 16, what would have been the condition of things? We should have had trouble in the Northwest Territories I believe; and I state my honest conviction, not as a politician at all, but as a member of the Catholic church. I believe our people, the Catholics, are practically as well off under clause 17, or will be as well off, as they would have been under clause 16; and I say further, looking at the fact that we can rely with a great deal of confidence on the undisturbed continuance of the present system, instead of the strife and confusion that would follow from the introduction of another system there. I speak for myself only.

Hon. Mr. LANDRY—The hon. gentleman speaks only for himself.

Hon. Mr. POWER—In the city of Halifax, where I reside, we have a system which is practically the same as the system which they have in the Northwest Territories. There are none but Catholic teachers in certain schools in Halifax. The teachers have to qualify the same as in other schools. The schools are inspected the same as other schools; and our people are perfectly satisfied, and their Protestant fellow-citizens are thoroughly satisfied. There is no favour or discrimination. They all work together under one system, but we have practically separate schools, and that is the system as I understand in the Northwest. Now, I just wish to make one observation with respect to the question of provincial autonomy. Hon. gentlemen have thought—and that was one of the grounds taken by the hon. leader of the opposition—that this was an interference with provincial rights. Well, as the right hon. Minister of Trade and Commerce says, the province has not any rights until it becomes a province. That is considering it from a constitutional standpoint. That may be true, but you have to do what is fair and reasonable by the people. This Bill does what I think is more than fair in the matter of the financial terms, but making a constitution involves essentially some limitations on the powers of the people who are being taken in or the state which is being taken in. I direct attention to the fact that sections 3, 7, 10, 16, 21 and 23 of this Bill all interfere with the absolute rights, with the unrestricted rights of the people of the territories. It cannot be helped. When a territory is becoming a province, some jurisdiction must be retained by the federal parliament. For instance, there is the restriction with respect to the lands of the Canadian Pacific Railway. That is a serious restriction of the unlimited powers of the legislatures. This talk of interfering with the unrestricted rights of the people of the province is not judicious or wise talk. There must be some restrictions on the rights of the people of the province. Finally, whether the Bill is quite satisfactory or not, whether or not clause 17 is quite satisfactory to hon. gentlemen who are supporters of separate schools, who look at the question in the same way that I do, I wish to ask those hon. gentlemen what will be the effect of giving this Bill the six months hoist, looking at it from the point of view of the friends of separate schools. If this Bill is thrown out, separate schools are left completely and absolutely in the hands of the people of the territories.

Hon. Mr. LANDRY—The same position as they are in now.

Hon. Mr. POWER—No. We know that if the present government were dismissed—although the vote of this House could not dismiss them, Mr. Borden would not give them separate schools. He declared that he would not interfere with the people of the territories. That is the policy

laid down by the hon. leader of the opposition in the House of Commons. Can you expect the hon. gentleman, however agile he may be as a politician, to turn around and to-morrow swallow himself completely and say that he is going to press a separate school law for the territories.

Hon. Mr. LANDRY—I contend we would have more by the application of the British North America Act than we would receive from this Bill.

Hon. Mr. POWER—We heard the hon. gentleman from Calgary—who was following the leader of the opposition in the other House—say that under the British North America Act we had no rights.

Hon. Mr. LANDRY—We did not say that.

Hon. Mr. POWER—And I direct the attention of my co-religionists to that question; if they throw out the Bill what will the result be as to the Catholic schools in the Northwest.

Hon. Mr. McMILLAN—They cannot be any worse.

Hon. Sir MACKENZIE BOWELL—They would be exactly as they are now.

Hon. Mr. POWER—To an hon. gentleman like the member from Glengarry, who thinks that all these privileges which are given by the ordinances are of no value, it is useless to offer an argument.

Hon. Mr. MACDONALD (P.E.I.)—I understood a little while ago that an understanding had been come to between the gentlemen on this side of the House and those on the other side, that the hon. gentleman who has just spoken at such length and so eloquently was not to speak on the present occasion, and on that understanding myself and several others on this side of the House agreed to forego any lengthened addresses, but at the last moment, when it had been arranged that a vote was to be taken before 1 o'clock to-day, the hon. gentleman comes forward and occupies the time of the House for one hour.

Hon. Mr. POWER—I do not wish to be placed in a false position. The hon. Secretary of State said they hoped to reach a vote last evening, and asked me if under the circumstances I would forego the right to speak and I said I would be glad to. Nothing was said about the morning at all, but when I found an hon. member of the opposition had moved the adjournment of the debate last evening I felt I was not bound by my agreement.

Hon. Mr. MACDONALD (P.E.I)—The hon. gentleman says that an understanding arrived at last night is not good in the morning. And I think I shall proceed to address myself to this question perhaps at some length, a course which I had not contemplated before.

I move the adjournment of the debate.

The motion was agreed to.

The Senate adjourned until 3 p.m.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

CRIMINAL CODE AMENDMENT BILL.

FIRST READING.

Hon. Mr. ELLIS introduced Bill (Q.Q.), An Act to amend the Criminal Code, 1892, as respects lotteries. He said: The object of the Bill is to permit organizations such as the London Art Union to operate in Canada. They are excluded by the operation of the present law.

Hon. Mr. LANDRY—I think the present Speaker of the House introduced a Bill on that subject in a former session.

The SPEAKER—When we abolished lotteries.

Hon. Sir MACKENZIE BOWELL—I am under the impression that the principle involved in this Bill was discussed at some length some years ago, and the proposition was rejected at that time. Perhaps this Bill may be of a different character from the one we discussed.

The Bill was read the first time.

DELAY IN PUBLISHING THE DEBATES

Hon. Mr. LANDRY—I wish to call the attention of the House to the irregularity in printing the debates. We have not yet received the unrevised edition of the de-

bate of last Wednesday. The hon. Minister of Trade and Commerce brought this matter to the attention of the Senate yesterday, and I supposed we would have had the report this afternoon, but although twenty-four hours have elapsed it is not to hand. We are treated very unfairly by the Bureau, and this House should take some steps to remedy the evil.

Hon. Mr. POWER—The chairman of the Debates Committee is not present, but I understood him to say he would make inquiry as to the cause of the delay.

Hon. Mr. YOUNG—I understand that, so far as the reporters are concerned, they have been diligent in their work, and the delay is not through any fault of theirs, that the report was promptly prepared and sent to the Bureau, notwithstanding its volume ; and that if the fault lies anywhere it rests with the Printing Bureau. It is only fair to those who are doing their work promptly that the blame should not rest on their shoulders when they are not responsible.

Hon. Mr. LANDRY—I have no intention of blaming the reporters. I know that the bulk of the report was sent to the Bureau Wednesday night and the balance the following forenoon. The whole of the manuscript was sent to the Printing Bureau by Thursday noon. It is now Saturday and we are still waiting for the unrevised edition.

Hon. Mr. BERNIER—As a member of the Debates Committee, I have had occasion to look into this matter several times, and on every occasion have found that the reporters were not to blame. The Printing Bureau is at fault ; we cannot have any satisfaction from them ; they do as they like.

Hon. Mr. TEMPLEMAN—This matter was up yesterday, and the House heard what the hon. Secretary of State had to say with respect to the enormous amount of work to be done at the Bureau. The promise was made that in future the printing would be facilitated more than in the past.

Hon. Mr. LANDRY—But we were given a promise yesterday which has not been fulfilled.

Hon. Mr. TEMPLEMAN—It will be next session.

Hon. Mr. LANDRY—Before the end of the present session we will have the papers we have asked for.

Hon. Mr. TEMPLEMAN—I hope so.

Hon. Mr. LANDRY—Because we will not prorogue before we have those speeches. More than that, on the 3rd of April last I moved for the production of certain papers in regard to a member of this House having sold some land in Quebec to the government. I have asked several times about these papers, and have had no satisfaction. I intend to obtain them before I leave, and the prorogation will not take place until I do so. The hon. ministers had better bear in mind that if they want to close the session they must produce those papers.

Hon. Mr. TEMPLEMAN—I shall call the attention of the hon. Secretary of State to the fact that the papers have not yet been produced, and I am sure that they will be brought down.

PROVINCE OF ALBERTA AUTONOMY BILL.

DEBATE CONTINUED.

The order of the Day being called,

Resuming the further adjourned debate on the motion of the Hon. Mr. Scott for the second reading (Bill 69) an Act to establish and provide for the government of the province of Alberta, and the motion of the Hon. Sir Mackenzie Bowell in amendment thereto : That the said Bill be not now read a second time, but that it be read this day six months.

Hon. Mr. MACDONALD (P.E.I.) resumed his speech. He said : When the House adjourned at its last sitting I was about to reply to the hon. member from Halifax (Hon. Mr. Power) and to refer to an understanding which had been come to on the previous night between the leaders on both sides of this House, an arrangement which all the senators on this side at least were cognisant of, and which I supposed every gentleman opposite also knew of and had agreed to. Since our adjournment I have seen the hon. senator for Halifax, who has explained to me that he was not aware of any such arrangement having been arrived at, and therefore the remarks which I made when I arose to address the Senate were perhaps

uncalled for. I shall not refer further to that matter than merely mentioning the fact of it here, and I shall proceed as briefly as possible to consider the subject which is now before us and refer possibly to some of the remarks which have fallen from other senators who have preceded me. I listened with some attention to the introduction of this matter by the hon. Secretary of State, and I must say that I heartily coincided with a great part of his opening remarks, as to the belief entertained by all belonging to the same church as I do that something besides secular education should be instilled into the minds of our children, and that it was the inalienable right of all parents to enjoy the liberty which is accorded to all Her Majesty's subjects in the old country of bringing up their children in the fear and love of God in separate schools if they desire to do so. That right, I am sorry to say, is being minimized by the Bill which we have before us. We have heard from senators belonging to the Roman Catholic faith on both sides of this chamber that such is their belief also, whether they belong to the Liberal party or to the Conservative party. They all entertain the respect for spiritual instruction which is entertained by all members of the Roman Catholic church who are informed on the duties required of them by their religion. But we have not arrived at the same conclusion. The hon. senator from Halifax, spoke of the breadth of the platform of my hon. friend the leader of the opposition. On that platform, not only the Catholic senators but senators of all denominations should take their stand and vote together on the motion in condemnation of the limited scope of the Bill which is now under consideration.

The hon. senator from Halifax in his speech referred to the opening remarks of the hon. leader of the opposition as ancient history; that he had gone back some sixty years in order to bring that history before the House because it was the record of the Conservative party during that time; and he rather found fault with my hon. friend for having taken that course. Now what led the hon. senator from Belleville (Sir Mackenzie Bowell) to take that course, but the speeches of members of the Liberal party in the other branch of parliament, and throughout the country, in which they have taken credit for every enactment with respect to education, and for the liberality of the different laws which have been placed on the statute-book by the Conservative party. It was therefore requisite on the part of the leader of the Conservative party to place the record of that party on this question not only before this House but before the people of the whole Dominion, so that they might see what it has been from first to last. Then we had some remarks made deprecating the length of the address given by my hon. freind from St. Boniface (Hon. Mr. Bernier). Hon. gentlemen, that address will be engrossed in the pages of our debates and will be a history which will be of interest not only to the rising generation, but to all future generations in Canada. They can refer without fear of contradiction to the testimony which that speech furnishes on the whole question of education so far as the Northwest and Manitoba are concerned. It is very desirable, very necessary indeed to the people of this country that this history should be so recorded, and I am very glad indeed that the House spent some little time getting it into such a shape that it could be recorded in one place. At present if you want to find out the history of this question you have to travel through the debates of various years, and a great many publications before you can get the gist of it. Before coming to the Bill itself I should like to refer for a moment to a remark which was made respecting the position of education in the province of Prince Edward Island, from which I come. It was referred to by the hon. Secretary of State and my hon. friend from Montague (Hon. Mr. Robertson) gave him the information so far as he himself was possessed of it. I must say that it did not convey precisely to the House the exact position of educational matters in Prince Edward Island. It may be said that we have had no complaints from the people of that province respecting their schools. I might refer to various other places from which no complaints have come respecting the position of Catholic schools; but does it follow from that that the Catholic people of those provinces have the exercise of all the rights and privileges which are in the possession of people of other denomina-

tions. In the province of Prince Edward Island we are all observers of the law as it stands. You do not find us rising up in rebellion or making any great demonstrations against any law of the land. You do not find the Catholics of Manitoba and the Northwest Territories doing anything of that kind, but let me state briefly the position of education in Prince Edward Island.

We have what is called a free school law. The taxes are levied over the province generally and go into the hands of the government. The government in carrying out the law pays the teachers of the public schools throughout the province. Do they pay the teachers in the Catholic schools of Prince Edward Island? I should like if any one can point out to me where they pay anything to any denominational school in the whole province. Some hon. gentleman may think that possibly there is no such school there, but there are denominational schools in the province, schools paid for by the Catholic people apart entirely from the public schools, which are paid for by government. In the city of Charlottetown there is a public college maintained and supported by the government of the province. There is a denominational college supported by the Roman Catholic people of Prince Edward Island, who also contribute their share to the Prince of Wales College. There are in Charlottetown two Catholic schools maintained by the Catholic people, one in which there are several hundreds of pupils, a very large number of girls, who are instructed by the nuns who conduct that school; and is it to be supposed that that school is conducted without expense to the Roman Catholic people of the island? We all have to contribute towards its support. Many of the children educated there are poor children who could not perhaps get an education elsewhere, and some of them could not afford such clothing as would be required if they attended public schools, but they are all educated by the sisters, and the expenses of their education are paid out of the pockets of the Catholic people of the island. True, some Protestant people in Charlottetown contribute their mite also when one of these ladies or some person on their behalf goes around to make a collection. Some liberal Protestants in Charlottetown are generous enough to contribut towards the support of that school. There is also another Catholic school in Charlottetown, a large building. When you go into the harbour of Charlottetown what is the first thing that attracts your attention? You see before you the city, and on every elevation you will see the spire of some church erected by some denomination there. The next thing to attract your attention will be probably two or three large buildings, and if you inquire what they are, people will tell you that they are public schools. Then you ask what is this large one near the centre of the town, and you are told that is a convent, where not only many female children of the best Catholics of the province are educated, but many others coming from abroad. As the traveller passes through the province from one end to the other, there is scarcely a village, a hamlet or a settlement of any extent to which he can go, in which his attention is not attracted by some large building more imposing than the surroundings, and when he inquires what that building is, he is told that is the convent kept up by the ladies of some religious order belonging to the Catholic church. Do any of these places in which so many hundreds of the rising generation of Prince Edward Island receive a secular and religious training combined, receive anything from the provincial government which taxes all alike for the purpose of education? Not one cent. Now, hon. gentlemen, you do not hear any complaint from the people of Prince Edward Island. They do not bring this matter forward as a grievance, but since the matter has been referred to here, I just thought I should bring it to your attention.

Another matter came up incidentally in this discussion. An hon. senator who addressed you in the earlier stages of this discussion was pleased to refer in terms not certainly laudatory, but condemnatory, of religious training—I allude to the hon. senator from Victoria (Hon. Mr. Macdonald) who was himself educated, as he told us, in a school in which religious training was given. He brought forward statistics to show that Catholic countries were less prosperous and enlightened, less moral than Protestant countries, or coun-

tries in which there was no religious training. I do not desire to take up your time in combating that view of the question at any length, but if I were inclined to do so, I might produce statistics, not from a Catholic standpoint, or by any one connected with the Catholic Church—because some might say that he was an interested person—but returns given by leading Protestant writers of the world, which would not confirm the conclusion which the hon. senator would lead us to draw from his remarks on this subject. I will just mention two or three of the countries to which he alluded. He referred to Spain as being a Catholic country. There is no doubt it is, for nearly all the people there are Catholics. The population of Spain is about nineteen or twenty millions. The birth rate in Spain, from 1886 to 1892 was 36 per 1,000. The percentage of illegitimacy was 5·4 per 1,000. Spain has ten universities, the university in Madrid is attended by 14,000 students. Then there are the universities of Salamanca and Valladolid of world-wide fame.

What need I say about those places? Every person who has read history knows that they were the most celebrated institutions of learning probably in the world many, many years ago. They are the institutions to which those people who belong to the Roman Catholic faith in Great Britain were obliged to send their sons to receive a religious and scientific training when it was made impossible for them to obtain it in the countries in which they were born. You cannot take up the record of any of the great men who have come to this country as missionaries without finding that although they may have been natives of Scotland or England or of Ireland, they have received their religious instruction, their training in all the sciences of which they were masters, from institutions of learning in Spain, which was once not only the most powerful empire, but probably had the greatest number of colonies throughout the world, equal to what Great Britain has at the present day. It is true that at the present time Spain may not be as flourishing, as rich, or in some respects as great as it has been in former times, but let any one read the record of those who have recently travelled in that country, and what will they say? They say there is no country in the world in which a stranger will be received with more open arms, in which he will receive kinder treatment from the people. It is true in that country secular education is not so general amongst the poor, and the labouring classes, but is perhaps more confined to the learned professions and to the highly educated; but in certain provinces of Spain you can scarcely find an individual, scarcely a landowner or farmer who is not a man of sufficient education to speak not only the Basque language, but also the Spanish. I doubt very much if any hon. members here believe the almighty dollar should be the greatest aim of people in this world. I conclude that most of your honours entertain the opinion if you are ready to express it, that there is something higher and nobler at which the human race must aim than the worship of wealth. If we are to compare Catholic and Protestant countries, let us compare them in point of something else than wealth. Where will you find the greater number of suicides in proportion to the population? Not in Catholic countries. Where will you find the greater number of illegitimate births? I leave that to some hon. gentlemen who probably will read statistics on this matter which I do not desire to introduce here, because they might not be creditable to countries that I should not like to disparage. So I might go through various phases of crime, suicide, infanticide and other things, and I can point to the record by unbiassed writers on this subject, which I think will convince you that a comparison to be drawn between the morality learning and wealth of Protestant and Catholic countries would give some instruction to the minds of many people if they would read for themselves instead of taking statistics compiled possibly from sources for which no authority is given and from which little reliable information can be obtained. There was a reference to the Latin countries of America. Have any of you ever read the history of Mexico, which is one of the Latin countries of America, and which is supposed to rank very low in civilization as compared with the United States of America? I need not refer you to other Latin countries in America, to Brazil, in which you will find some

of the greatest monuments to religion and learning that can be found in any part of the world, some of the greatest in the whole of America itself. Take Peru; are we going to take the natives of Peru and the Indians of Mexico as the only examples we are to get from these countries? It is true many of these people may not be educated. They may not have gone to either Catholic or Protestant schools. Probably they could not go to Protestant schools. I do not know if there are any there, but although not educated in the sense that we look upon education, although possibly not able to read or write, they have been educated in what is more important than that. Their spiritual education has been directed by the missionaries, by the priests who have devoted their lives to Christianize the people of those countries, and although they may not be able to compare in point of wealth with the people of some Christian countries that have been referred to, still I believe in the sight of the One who judges all men, that they may perhaps stand on a higher plane than some of the billionaires of other countries of the world.

Passing on from that, I take up the subject which is more immediately connected with this measure, as it is understood that the first arrangement arrived at about taking a vote at one o'clock is not to be adhered to, we will have plenty of time to discuss this measure. I will refer briefly to the Bill which we have before us, more especially to the remarks of the hon. gentlemen who have preceded me. If it is not considered egotistical I shall refer briefly to my experience in this matter of education. I had the honour to be one of the delegates, now called the fathers of confederation, assembled at Charlottetown in 1864 and afterwards at Quebec on the question of the confederation of the different provinces of Canada under British control at that time, and this very question of education and of Catholic schools came up. I can assure hon. gentlemen, as certainly as I stand here, that if that question had not been dealt with then and there confederation would not have been accomplished at that time. If it had not been that that question was dealt with by the people who were assembled there; dealt with, I may say, in a broad and liberal spirit, if Catholic and Protestants, Methodist, Baptist and Unitarian had not united there in passing a resolution to place the schools of the two provinces of Ontario and Quebec on an equal footing, so that the minority in one province should stand on an equal footing with the majority in the other province, if they had not united on that question—and there were divers views on it when it was first discussed there—confederation would not have taken place, and the circumstances that led to the accomplishment of what was done then were such as might not have occurred for very many years after, perhaps not up to this date. I need not enter into the details of the circumstances. There were events taking place along the borders which are historical, which I need not refer to now, that made it absolutely necessary for the people of these provinces to unite on this question and to see that the government of each province would unite as one man to maintain British institutions on this continent. There were other causes that made that time very opportune for the consideration of that question. The provinces of Upper and Lower Canada had been almost in the throes of dissolution on account of the difficulty of carrying on the government, and the far-seeing statesmen of those days who met at Quebec from these two provinces, saw the necessity of a combination with the maritime provinces in order to carry on successfully the government of British America as a whole. On that occasion there was considerable discussion—and it is unfortunate that the utterances of the men who were assembled there were never recorded. There would be no more interesting historical paper to be found in the archives of the world than the record of what was said by the men who were assembled on that occasion, if that record had been preserved, but, unfortunately, there were but very brief notes indeed taken. Probably I was the only person who took any notes at all, and they were not consecutive, because I had other duties to attend to during the greater part of that time. But I may say that after the question of education had been discussed by the gentlemen there assembled, the Hon. D'Arcy McGee wrote out a resolution which he thought would embody the consensus of opinion of those who had previously addressed the

delegates, and he submitted that resolution to me and asked if I would second it, and I had the honour of seconding that resolution at the Quebec conference, embodying the views of every hon. gentleman who was there assembled, although at the outset there was a wide divergence of opinion between them. I may say that, entertaining from my earliest years the opinion that religious instruction should accompany secular education in all schools, whether Catholic or Protestant, whatever denomination they belong to, I believe that it is more desirable that people should have a religious education, than a secular one, no matter what particular church they belong to. We are all trying to arrive at the same heavenly destination, and we should not allow our narrow views on any dogmatic question to separate us on the grand idea that religious instruction should permeate all education.

Entertaining that view, you can scarcely expect that I would be quite satisfied with the Bill which is now before us. I will say further that in my own family, at a time when there were public schools in the city of Charlottetown to which I might have sent my children, when it was not convenient to send them to a denominational school, I sent them for a time to a school established by the Church of England in Charlottetown, and my children received part of their education there until they could go to the Roman Catholic college, and I am satisfied that they are just as good citizens as they would have been if they had attended only the Roman Catholic schools from the first. But at the same time I believe that if it had been a choice between the religious and the public school, where even the books were such as would not be approved by any Catholic, where the history was taught from books such as no disinterested person would approve, where any Catholic historian, no matter what world-wide fame he might have, would have been tabooed—I believe that the pupils trained in a religious school will be much better citizens, and more imbued with patriotism, than if they had gone to a school in which there was no religious instruction, or in which the name of God would be unspoken from morning to night. I do not know that it is necessary for me to go very extensively into the matter of the different clauses of the Bill now under consideration. I might refer to some other matters which are legislated upon in this measure ; and in the very outset what does the Bill say ? It is enacted that the parliament of Canada may from time to time establish new provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any province thereof, and may at the time of such establishment make provisions for the construction and administration of any such province, and for the passing of laws for the peace, order and good government of such body and for its representation in parliament. If the parliament of Canada is empowered to make laws for the peace, order and good government, does that not include the right to make laws respecting education, to give to each denomination the right and power to have such a system of education as the parents of the child desire. I believe it does, and I believe that if the parliament of Canada had carried out the 16th clause of the Bill as it was first introduced they would not only have given satisfaction to their own side of the House, but they would probably have united all parties in carrying it to a successful and unanimous termination. But we have had the most conflicting opinions from learned members of the bar on both sides of the House and by members of the bar in the other branches of parliament, on one side and the other. There has been an attempt made to enlighten our darkened mind on the subject of the Bill which we have had before us, on the British North America Act, and on preceding legislation respecting education in the Northwest Territories and Manitoba. Have any two of these learned gentlemen come to the same conclusion with respect to the position in which we stand as regards past legislation on that point ? I have looked pretty carefully through most of what has been said. It would be impossible for any layman to read the whole of it, unless he devoted his entire time to it from the first day of this session of parliament until the present time, and it would have been impossible for him, if he had devoted all that time to it, to digest all that has been said during the past

five or six months on this question. But I think I can gather from the consensus of all that has been said that it is the opinion—I would not say the opinion of the majority—but it is the opinion of a good many of those members of the bar, learned men who have graduated in the chief colleges or educational institutions in our country, that taking it in the concrete, the parliament of Canada has power to legislate for the new provinces of the Northwest in any manner which it deems just and equitable. Let me ask hon. gentlemen who believe in religious training in the schools, is it just and equitable to say that only from 3.30 until 4 o'clock in the afternoon is any reference to be made to religion in those schools which we propose to establish in the Northwest? I believe that the 17th section in the measure before us does not go as far as clause 16 in the original Bill, and that all that this does is to minimize the present state of that question by confining the religious instruction to one-half hour in the afternoon during the school days of the week. I must say that on that score alone, because this Bill does not give the people there anything like the rights they are entitled to as British subjects under the constitution under which we live, I am quite prepared to vote with the hon. leader of the opposition for the six months hoist. In conclusion I would just refer for one moment to the expression of one of the most eminent statesmen of Great Britain on this question of education.

The name of the hon. Mr. Gladstone has been referred to here, a name which we all honour. He was a man who stood in the councils of his country as one of our foremost statesmen. He represented one view of public opinion on the question of education. Allow me to quote to you the words of another statesman equally great and renowned, a statesman with whom those who perhaps will not pin their faith in political matters to Gladstone would be more in accord—Lord Salisbury. His words on this question were as follows:

> 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 which the child shall receive, upon the holiest and most momentous of subjects.
>
> This is a right which no expediency can negative, which no necessity ought to allow you to sweep away; and therefore, I ask you to give your attention to this question of denominational education. It is full of dangers and difficulty, but you will only meet the danger by marching straight up to it and declaring that the prerogative of the parent, unless he be convicted of criminality, must not be taken away by the state.

Such are the words of Lord Salisbury, one of the most eminent statesmen of Great Britain, who has been the leader of a great party and I might say of the empire. If the Reform party had adopted that course, if they had agreed to place all religious denominations on an equal footing, giving to all the right to have separate schools, they would have given effect to those brilliant words of an eminent statesman. In my opinion the legislation embodied in this Bill will cause as much disturbance in the Dominion as if you had given separate schools to every denomination in the country. When we come to look at what has occurred in the province of Manitoba, what are we to expect in these new provinces? The Act of 1875, when it was passed, was supposed by the statesmen of that day to be a final settlement of the school question. When we come to see the action taken against the Act of 1875 by people who were opposed to religious instruction in the schools, what may we not expect in the present day when the number of people who entertain that view has been augmented by immigrants. Doukhobors, Galicians and other foreigners from Europe, many of whom no doubt are atheists and anarchists? Are they likely to be our best and most law-abiding citizens? If their children had denominational or religious schools to attend in these new provinces and could be educated in religion, they would receive such instruction as would make of them good citizens and people with whom the inhabitants of the older provinces would be glad to fraternize.

Hon. Mr. SULLIVAN—I had not intended to speak on this question, but this debate having assumed a political aspect, as if it were a party question, I am compelled to explain my position. I have to congratulate the Senate and its leaders for the admirable manner in wich this question was introduced. The Secretary of State was

exceedingly moderate; he inflicted neither a long speech nor a speech containing acrimony. No man in Canada is more conversant with the school system than he is, and if he had shown a good deal of feeling I would not have been surprised, because separate schools make some people, and I must put myself among the number, rather irritable. It is really a vexed question, and will ever be. Fifty years ago it was pretty bad, but it is worse now. There has been more excitement and more strong language over this Bill than over any other measure dealing with the subject in the past. For five months they have wrangled over it in the popular House, and now that it has come up here we are showing a good example. The hon. Secretary of State was followed by the hon. gentleman called the leader of the opposition, but I put him on a plane far higher than any leader of an opposition. He gave us a very interesting and valuable history of the educational system of this country. Such a history will be valuable. He was followed by a gentleman whom we all appreciate, who made his maiden speech on that question, and whose voice we hope we will often hear in this chamber. We hope he will give us the benefit of listening to the rounded periods and eloquent sentences which Sir Richard Cartwright is capable of delivering. I may say his voice sounds better in this chamber than it did in the House of Commons, and therefore I was more than ordinarily pleased to listen to him. I will not attempt to descant on the other gentlemen who followed in the same tenor as their leaders, and gave an example of a great deal of good feeling and a desire that this historic debate should be carried on in such a spirit as shall do honour to the Senate for all time to come.

I have tried often here to strike an independent note, but I tell you that independence is a sickly plant in this chamber. It should be relegated to the tomb of the Capulets. I shall not attempt any more—that is my present determination—to play that role, or urge any other gentlemen to do so, because I find it is impossible. I find the members are ranged here, with the exception of myself, on a strictly party basis.

Great excitement has manifested itself in the country, particularly in the city of Toronto, a city from which we ought to expect intelligence and toleration, a city which I admire in every respect, and of which every man in Canada ought to feel proud. Those who have read the first book of Virgil will remember that when Juno had been spurned by Paris in the contest for beauty, she in return determined to wreck the flotilla of Æneas when he was on his way to found the city of Rome. She went to the cave of Æolus, where the winds were kept, and induced that gentleman to let loose the winds and stir up the greatest storm ever known on the Mediterranean, with the result of wrecking the unfortunate Æneas. Toronto seems to be another cave of Æolus, a cave of anti-Catholic bigotry, which is let loose occasionally. Having been for some time in a state of quiescence, it is breaking forth, like a volcano, with great violence. I notice that a great many men, particularly Presbyterians, are very apt on such occasions to say that this is all due to the Orangemen. In this case it was not the Orangemen. I tell you the Orange Order had nothing to do with it, nothing to do with the great ebullitions of bigotry which came from Toronto or elsewhere. If I were to relate the evidence I have had of the humane and exceedingly noble and generous acts of Orangemen to myself I would astonish you. In my practice I remember going, one very stormy night, from where I live to the island opposite Kingston with two brothers named Donnelly, of the fifth generation of Orangemen. I would not have gone had I known how severe the storm was. Instead of going directly across to the island, they directed their course away up west. The night was dark and I could see hardly anything but the crests of the waves passing by, and I expressed my alarm. They said nothing, but their silence was ominous. After passing the dangerous point, they made for the island, and when I arrived there I found a poor woman stretched on a couch, and standing beside her was a priest, for whom these two Orangemen had gone to Long Island before going for me. The whole scene was impressed vividly on my memory, and I shall never forget the generous and self-sacrificing spirit of these two Orangemen, who went out that stormy night to bring the consolations of religion and the humane means that might be necessary for

that poor woman. That is only one of many acts of that kind I could relate, and I am proud on this occasion to testify to the generous actions of these men, to whom every bad act against Catholics seems to be attributed.

It is the duty of the Protestants of this country, and especially of Ontario, to put an end to this anti-Catholic agitation. I was going to propose an amendment which would read this way: That not only would they grant the half-hour for religious instruction in separate schools, but that the same thing should be done for all schools, and that time be devoted to teaching the children politeness and courtesy. Whatever may be needed elsewhere, such instruction is needed in Ontario. Great as our common school system is, I am sorry to say it is lacking in that respect. You can scarcely get a boy in the public schools to give you a civil answer. When I was coming recently from Toronto, I saw at Port Hope a woman get off the cars to go to Lindsay. Three boys that I supposed were from these schools were laughing and jeering at her, and I said: 'Why don't you go to assist that woman? They only laughed and jeered at me. I tried to help her, and they only jeered at me. I was very angry, and I said: 'I think, anyway, you belong to the class called blackguards.'

Hon. Mr. PERLEY—Perhaps those boys attended the separate schools?

Hon. Mr. SULLIVAN—They were lacking in the first elements of courtesy. You may teach grammar, geography and everything else, but if you have not got a civil, polite boy, what is the good of it all? If the Catholics can teach their children good behaviour and at the same time what is necessary to get along in life, that ought to be enough. If a boy is poor it is a mistake to educate him for a position he is not fit to occupy starting out in life. If a boy has the means or the intellect it is all right, but if he has neither the intellect or money it is a cruel thing to educate him for a position which will only make him an idler and a loafer.

I have never known the time when there was not trouble over the school question. It was a burning question when Sir John Macdonald carried on his second election campaign. I was a boy at the time. He ran against a lawyer named Mackenzie. Sir John Macdonald was in negotiation with the bishops, and promised them, if elected, to do the best he could, he did not promise separate schools himself, but he said, 'I will see you get them.' He kept his promise, though he did not get four Catholic votes on that occasion. With his nobility of heart he put that aside and carried out his promise afterwards, when our good friend Sir Richard Scott—he ought to be Sir Richard—brought in his Bill. The school system may have been established by Sandfield Macdonald, but take my word for it Sir John Macdonald was the man who gave the Roman Catholics of Ontario separate schools.

At confederation what happened? Sir John Macdonald gave us all he could. As the hon. Secretary of State has said, Sir A. T. Galt championed the cause of the Protestants of Quebec and did it well and thoroughly. We had no friends, no bishops or any one else that I could see. The two men that we sent down from our section, and of whose expenses I had to pay my share, came back without accomplishing anything. They gave two university charters, one to Regiopolis College, and one to the Ottawa University; those were good and generous grants, but the sweeping arrangements made for the benefit of the Protestants in Quebec were never imitated in Ontario. I know the Protestants get the best of us every time. I shall never quarrel with them for that or lose one of the noble band of friends I have amongst them. I could wish that my tongue fail me if I did that. Read the history of the country and you will find that they get the better of us always. When they had a majority of French Canadians and Catholics in the House of Assembly, and the Protestants were in the minority, they were taken in on the same level, but when they came to get ahead what did they do? They wanted representation by population and they tried and tried their best to secure it. There again Sir John Macdonald stood as a stone wall against every unjust entreaty. Of course it was a good thing in one respect, because it brought about confederation. After confederation some remedy was sought for the hardships surrounding the schools. I was on the school board at the time, and it was a very difficult matter to run the schools on the amount of Catholic money available and the small

grant. The Catholics' taxes were higher than the taxes for the public schools and have been for some time. It is necessary, on account of the small number of Catholic ratepayers. However, during that time Mr. Meredith brought up the school question, and I wish to explain this particularly because it will give you an illustration of the way I intend to vote, the manner in which I was led to give the vote which I intend to give, and which may be a surprise to the House.

This matter was taken up by Sir William Meredith, a noble, generous man, and known to be a liberal man. I was told by the Bishop of London that a more liberal and fair-minded man than Sir William Meredith, or a better family than his, did not exist. However, the devil got into him, or somebody else got into him, as I was told by somebody last night, and he raised his hand against the Catholic church. This came to the knowledge of a man who was anxious for a fight, the controversial and much-lamented Archbishop Cleary. Archbishop Cleary attacked Sir William Meredith. He said, 'Sir William says he will drive a sword through the Catholic church; I will guard against it.' He came here to the city of Ottawa and did all he could to defeat the Irish Catholics, and succeeded in electing a Protestant. That is all the result of this war that Sir William Meredith raised. Here is the way I was situated at the time. I was anxious not to desert the party. The man running as the Conservative candidate, Mr. Metcalfe, came to me and said that his seconder, a Catholic, was retiring. I knew why he was retiring. I said: 'Do not ask me to second your nomination, you will get me into trouble, but if you cannot do better, I will act.' Whether he tried or not, he came to me again and said he could not do better, and I was forced at the eleventh hour to act; but I said: 'I will tell the audience that you are bound to vote against Meredith on that question.' I told that to the audience. There was another Senator in Ontario, a Catholic, who went to see Bishop Cleary and made his peace with him; and he always compared the goodness of that Senator to the paganlike manner in which I had acted, and I was almost excommunicated by the Bishop. That shows what was the opinion of the church with reference to the schools. I tell you the Catholic Church holds a position on that matter of which no Protestant is aware. It is not in the power of a layman, even if he wished, to depart from that. The church can bring her heaviest penalties on him if he does. It is considered by every bishop in the world that it is necessary to have religious instruction in the schools. You have the same rules everywhere no matter what the country may be. I did not know then, but I knew afterwards, how strong that feeling was; and that is the reason why on this occasion, I feel myself in a different position. My idea was to retire from this discussion altogether, and I would have done so had it not been that the debate here assumed a very strong party aspect. That being the case, I did not think it right to desert the party to which I belong, nor did I think it right to vote without giving an explanation which I shall give you now. I would be relieved from this if I could, but I cannot. The manner in which I give my vote is in favour of the principle of separate schools. I feel that if I gave a vote against the six months hoist of this Bill, I might vote for a modified principle. If I vote against the modified clause I run the risk of being classed with those men in Toronto who seem to be opposed to everything sacred. See how they attacked that learned and cultured gentleman from Italy, who came to assist the bishop. Previous to that you could not blame a bishop, but now a congregation can bring a complaint against a bishop and have it settled. It would have been well if the papal ablegate had been here before the Kingston diocese was led into debt. Instead of attacking him they should be gratified at his presence here. What did he do that those people condemn? Two men, one of them named Rogers, had a conversation with him. Rogers gave utterance to a statement, and the other man received it.

The receiver is as bad as the thief, and they are both equally guilty. That was a mean act to do, and to make anything out of that and to have the whole people of Ontario raised against the few poor Catholics that are here, I think is decidedly wrong. It is the duty of the Protestants to strive to do

all they can to do justice to these people. What do they want? Is that the miserable boon they are to get for their services. You give more than that to the Doukhobors. If they asked for a favour similar to that they would receive it and not a word would be said about it. I do not see why Catholics should be put to the task of begging and praying and canvassing for these things until they make themselves miserable. I trust the day will come when there will be some compensation to them. I trust there will be a time when we will stand on equal terms and we will not be dependent on the favour and grace of our fellow Protestants. I have not read the Bill thoroughly, but all this vexed question hinges on the educational clause, and that educational matter is what has unhinged me, and therefore I advise and glorify the Protestant who bolted from his leaders on that question, and how could I consistently support this measure and advise a Protestant to take his life in his hands and do as he has done. I could not do anything of the kind. No man has canvassed me. I have not spoken to the hon. leader of the House nor to my hon. friend the leader of the opposition, I am simply acting as I feel compelled to do. I think the hon. gentleman from London retracted the statement that Sir William Meredith stated that he would destroy the separate schools.

Hon. Mr. COFFEY—If I said that Mr. Meredith promised to destroy the separate schools I made a mistake; he never made such a threat because he could not do it.

Hon. Mr. SULLIVAN—If he had said he would do that, I should not have voted for him, and I did vote for him. All good men will rejoice that he did not do that. Where a man gains by bigotry, it is a great blow to the country. I do not know what sort of men are in Toronto but they are ready to spring upon any imaginary or real advance in religion. I do not want to talk to you about Catholic claims. Every one knows that up to the time of the reformation in England there was nothing but Catholicism, and hon. gentlemen will remember the glorious time when the Archbishop of Canterbury, backed by the Barons of England forced King John to his knees and made him sign that greatest charter that was ever given to man, the Magna Charta—the basis of liberty. I hope this explanation will be received without any feeling towards me. I think that good will come out of the agitation. After this when people begin to reflect and think what it was all about, they will wonder why men got in such a state over it. Think of it; a miserable Bill like that, and look at the disgrace to the country. I did not think any country in the world would have had such a spectacle as that—its chief deliberative assembly soiled by the remarks which have been made in parliament.

Hon. Mr. POIRIER—As one who since entering this honourable chamber has striven to vote upon Bills according to their merits, sometimes to the extent of momentarily separating myself from my political friends, I crave to be allowed, in justice to myself, to make a few remarks. I will not go into the legal aspect of the Bill, nor endeavour to ascertain which of the two Bills, the one first introduced or the one we have now before us is more favourable or unfavourable to Catholics. I will not try to throw any light on Bills which are likely to be impossible of illumination. I will not search to find out who are befooled in this matter, whether the Protestants or the Catholics. I have heard men of standing say that they have both been fooled. You know all men sometimes will be fooled, or will love to be fooled, and it is sometimes good that people should be fooled. I am not far from thinking that this Bill fools everybody. However as the Bill is before us to be dealt with, I will say a few words confining myself to my own experience in school questions. We in New Brunswick above all others since confederation have gone through the ordeal of a fight between Protestants and Catholics for separate schools. It began in 1871. We were fighting then in New Brunswick on what we thought were our rights to separate schools. The agitation rose high, so high indeed that civil war was rife. Men sent by the authorities to arrest people were killed. If there had been equality among Protestants and Catholics it would have really been civil war. That state of things lasted so long as there were promoters of the agitation, so long as there were politicians who thought they would benefit,

and who did benefit by it for the moment. The result was inevitable : the majority got the best of it and the Protestants got their way. They passed their law, called by us a godless law; it still exists; not one iota of it has been changed yet. It needed no prophet to prophesy the result. When religious passions are raised, people go mad. In the name of religion, which is on their lips, but far from the heart, they will pray to God that they may cut the throat of their neighbours. That religion is no religion. The holy religion that we are taught, is to love our neighbours also; otherwise the love of God alone will be of little value. The whole law is contained in the love of God and in the love of our neighbours. The consequence was that we Catholics for four years had to keep our children away from school, for four or five years the Catholic boys and girls had practically no education. We were not allowed to send them to the schools, until at last there was a change and the agitation was over. Better counsels prevailed and we were tacitly told to send our children to public schools. But not one iota of the law has been changed. What is the result to-day ? The same intolerable law which in the eyes of an excited population was absolutely noxious to all Catholic interests, to-day, in its application, yields satisfactory results in New Brunswick.

Hon. Mr. CLORAN—Not the law, but the condition of things.

Hon. Mr. POIRIER—The law is as bad, from a Catholic point of view, as it can be. No religious emblem is to be seen at school. No one wearing any special religious garment can teach. Now what has brought about this change? Good-will among men. Give me the worst laws,—give me no laws at all and give me the good-will of men ; magnificent results will be obtained. In New Brunswick, we were on the eve of catching one another by the throats in 1871 and 1872 ; and to-day I do not believe there is a province in the whole Dominion where Catholics and Protestants go more hand in hand, simply as I said before because good-will had its way and to-day Catholics——

Hon. Mr. de BOUCHERVILLE—Is it the fact that in New Brunswick the Catholics can go to an ordinary school and be satisfied with that?

Hon. Mr. POIRIER—It is the case that in New Brunswick Catholics have practically separate schools. I was talking of the good-will of men as against the bad effects of even the best laws when the good-will does not exist.

Hon. Mr. de BOUCHERVILLE—I am asking if Catholics do go to godless schools, or have they Catholic schools?

Hon. Mr. POIRIER—I wish to qualify the expression of godless schools. I am far from saying that our Protestant schools are godless schools. I say that wherever the Catholics are in the majority or even in a minority, they come to an agreement with their Protestant friends or fellow citizens and have either separate schools or go to public schools, which I am far from saying are godless schools. As I said before, the word was given to us to go on, and the best of harmony now prevails. In Shediac where I live, the population is about equally divided. We have the grammar school and the convent. The convent is attended by whoever likes to go. Catholics almost exclusively go to that convent ; a few English students go there to learn French. Up to the age of 12 and 14 Catholics go there almost exclusively; but after that they go to what my hon. friend calls godless schools, but what I would call public schools.

Hon. Mr. de BOUCHERVILLE—The hon. gentleman said godless schools.

Hon. Mr. POIRIER—I said godless school laws. There is no attempt at proselytism—trying to convert Protestants into Catholics or Catholics into Protestants. We come from the public schools as good Catholics as we were before and possibly better christians, because as I said before, we come out with a greater amount of love for our fellow citizens. I will simply ask my honoured and respected leader where his amendment will land us? If by carrying this amendment, the school question is to be opened next year again and if we are to pass through three, four or five months of agitation, dangerous agitation, vicious agitation, give me any law at all, or give me no law at all, if I can only shelve the question. Rather than have the question re-

opened again and go before the public with the result of having possibly worse laws than those before us, I will accept the Bill that is now before us. Gentlemen on this side of the House who are voting unanimously for the amendment, do not seem to see that when it comes to making laws to replace the law which we have now before us, we cannot possibly agree. Why pull down the edifice, if you can't build a better one ? I do not want to go into the merits of this law. It is certainly possible to make the law more advantageous and beneficial to Catholics on paper ; but hard to go any further. In the application, it will happen, there, in the west, as it did with us, the majority will ultimately rule, so the best way to be serviceable to the Catholics, to help them, and to help the extension and diffusion of Roman Catholic ideas is in my opinion, to be moderate indeed. Before long the same equilibrium that prevails in New Brunswick will prevail there. This law is many times more advantageous to Catholics than the laws of New Brunswick. Although the laws are, from our standpoint bad ; in their application they are satisfactory. They have brought about this effect, that we go hand in hand in New Brunswick ; that we are a united and happy people and that to-day even with our laws as they are, we are better off than we would be were we to agitate for better legislation. I believe that the Roman Catholic laymen and possibly clergymen too would say : let us live harmoniously with our school laws, bad as they are. Bad as they are, do not touch them because if you do you will simply be provoking another period of agitation which by all means must be averted. In order to avert another three or six months of the agitation we have just had, I will vote against the amendment of my hon. leader.

Hon. Mr. FERGUSON—I wish to say——

Hon. Mr. MITCHELL—I wish to draw the attention of the House.

Hon. Mr. FERGUSON—I think I had the floor.

The SPEAKER—If the same principle prevails as in the Commons. I may say that I noticed the hon. gentleman from Drummondville rise in his place several times.

Hon. Mr. POIRIER.

Hon. Mr. FERGUSON—All right.

Hon. Mr. LANDRY—I should like——

Hon. Sir RICHARD CARTWRIGHT—I rise to a question of order. The hon. Speaker has decided that a certain hon. gentleman shall address the House and the hon. gentleman from Stadacona (Hon. Mr. Landry) has no right to interfere with that hon. gentleman's speech until he has proceeded with it.

Hon. Mr. LANDRY—I have a right to speak to the point of order. And I say that in this House it is not the Speaker who decides who is to speak first and if hon. gentlemen study the rules they will find that it is not the Speaker's decision which governs on that matter.

Hon. Mr. FERGUSON—I invited the Speaker's decision, and I have every desire to abide by it.

Hon. Mr. MITCHELL—I desire to say a few words on the second reading of this important Bill. Representing as I do a district in the province of Quebec which is largely Protestant. It would be out of place if I gave a silent vote. There are many important matters dealt with in the measure before us. I may say the two measures, Bill No. 70, which follows this one on the order paper dealing with the province of Saskatchewan deals with the same subject matter, viz. : the creation of new provinces in our growing Northwest.

The financial provision which has been made for these new provinces seems to me at least to be ample, and it needs to be, as the requirements are no doubt great to meet the necessities of development in these new provinces. And those of us who represent the east are anxious and willing that they should be developed at the earliest possible moment.

Honourable gentlemen, allow me to say if I am not misinformed it was the Protestant element of Quebec who urged the right to establish separate schools at the time of confederation that they might teach their children as they thought best. If so the very existence of separate schools in the Dominion of Canada, is a result of the action of our own English-speaking people at that time. Then why should we refuse justice to the minority in the two new provinces ?

The people of the province of Quebec have shown their broadmindedness and liberality by their calmness throughout all this at times irritating discussion. And in another place stood loyally almost to a man by the government of the day. The people of Quebec appreciate that under the wise leadership of Sir Wilfrid Laurier Canada has prospered as it never did before. The people of the province of Quebec realize that the volume of trade is gradually increasing from our western heritage. They also feel that the increasing trade which will flow through their province and with increased transportation facilities both by land and water, they will reap some benefit from the development of the great west. These are some of the reasons why the people of the province of Quebec gave their support and confidence to Sir Wilfrid Laurier.

These two Bills when passed will complete the chain of provinces from the Atlantic to the Pacific, I am sure I reflect the views of every hon. senator in this House when I say we are equally interested in their growth and progress as those representing the territory directly interested in these measures.

Hon. gentlemen, there has been some criticism in connection with these measures of our great leader, Sir Wilfrid Laurier, which in my opinion was unjust and unfair. I am satisfied the policy he and his government has laid down will be be found the best suitable for the requirements of these new provinces.

This same policy which has done so much to weld together the two different races of this Dominion, and in no part of the Dominion can we see the results to a greater extent than in the province I have the honour to be a citizen of.

The clause which provokes bitter criticism is the clause which deals with education. Again we see the broadmindedness and statesmanship of our honourable leader.

Having in view the circumstances and conditions existing, I am satisfied he has adopted the policy which gives fair-play to all classes and creeds, and which after all is the only sure foundation to build upon. In after years those of us who live to see it can look back to those provinces working out their destiny in peace and harmony so necessary in this great and growing country of ours, composed of different creeds and nationalities.

Hon. Mr. BOLDUC—I do not want to cast a vote upon this important question without first offering my congratulations to the hon. Secretary of State and to the hon. Minister of Trade and Commerce on the frankness they have shown in explaining the clause of this Bill relating to education. I have myself given a good deal of study and attention to the question. I have read and carefully studied both the original clause 16, and the amended clause which appears as clause 17 to-day, and I agree with both these gentlemen that practically there is nothing for the Catholics of the west in the amended clauses. These gentlemen have not hesitated to say that the half-hour given to the Catholic minority for the study of religion is no concession at all. If there is any concession it is only to permit God to enter the school-house at half-past three, and leave it at four o'clock sharp. I was somewhat surprised to hear some time afterwards the remarks of the hon. senator from Mille Iles (Hon. Mr. David), and the very able and exhaustive speech of the hon. member from de Salaberry (Hon. Mr. Beique). We all know that the hon. member from de Salaberry is one of the best lawyers from the province of Quebec. Instead of admitting frankly as the ministers I have mentioned did, that the clause as it stands to-day deprives the Catholic minority completely of their rights, the hon. gentleman devoted one-half of his speech, which occupied two hours and one-half, to an argument and defence of a clause which without meaning to be offensive, I would call splitting hairs. He has tried to explain to the Catholics of Canada that there is no difference between the two clauses, and that practically they have the same rights to their schools under clause 17 as if the original clause 16 had been adopted. As to the hon. gentleman from Mille Iles, he had another reason to be satisfied. His reason was that everything was going smoothly, the law could be passed without hesitation; that the arrangement made in the past prevented the embodying of the original clause 16 in the Bill. The arguments of these hon. gentlemen led me to make an inquiry as to how things were

passed in the other House and that inquiry has convinced me that in the whole cabinet as constituted to-day there is only one single Orangeman, and we have never heard the Minister of Railways and Canals say a single word against clause 16 in the Bill as presented. I further learn that the first cause of objection to clause 16 was when Mr. Sifton, the Minister of the Interior, resigned on that very question, because he said he had never been consulted and he had strong objections to granting to the Catholic minority of the two new provinces any rights at all. I found moreover that the same Mr. Sifton, who was the organ of the opposition in the other House to clause 16, was the same man who exerted himself in Manitoba to deprive the Catholic minority there of their rights. I found that the same Clifford Sifton was the man who was rewarded by Sir Wilfrid Laurier with one of the most important portfolios in the present administration—why?—for having deprived the Catholic minority of Manitoba of their rights. It was not the Orange Order as a body who opposed clause 16; it was Mr. Sifton and after him Mr. Fielding who threatened, I am told, to resign if clause 16 was not removed. We know very well what Mr. Fielding's position on that question has been. In 1896 he declared publicly at a meeting held in Nova Scotia that the Remedial Bill prepared by Sir Charles Tupper was a slur on his career—that Sir Charles Tupper had been much respected by the electors of Canada, but the fact that he had tried by a Remedial Bill to give satisfaction to the minority in Manitoba was a slur on his character. Amongst the Orangemen there may be some extremists, as there are among all large bodies of men, but Catholics as a whole have no right to cast reflections on Orangemen as a party. We have in this very House a man who enjoys in the province of Quebec amongst right-thinking men, the highest reputation for uprightness and desire to render justice to everybody. He has given evidence that the Catholic minority have no reason to fear that they will be interfered with by the Orangemen. I have only to name the leader of the opposition in this House (Sir Mackenzie Bowell), and I say without fear of contradiction that if there had been one Orangeman of his high character in the present cabinet, clause 16 as it appeared in this Bill originally would be still a clause of the Bill to-day.

I was not surprised at the remarks of the hon. member from Mille Iles casting reflections on the Orange order of the whole Dominion, because during the last 25 years we have often heard such remarks in the province of Quebec. Every time the Liberal party has been in difficulty, every time it has found the ground slipping from under its feet and there was reason to fear that the electors would turn against them, the Liberal press has been filled with strong articles against the Orangemen under whose thumb the people were told the whole Conservative party of Quebec were kept, and that they were men whose sole aim was to destroy the Catholic religion. We have heard this often, but I was not prepared to hear the hon. member from Mille Iles repeat these accusations in the Senate when they were so completely uncalled for. We have been told by different supporters of the government, with the exception of the two ministers, that there is hardly any difference in the meaning of the two clauses, 16 as proposed and clause 17 which replaces it in the Bill. I have already stated that to my mind and in the opinion of several gentlemen there is nothing for a Catholic minority in that clause; nothing to protect their rights, nothing which any Catholic would feel satisfied to support. I go further, I would rather see this whole clause struck out and the minority rest their claims on the provisions of the British North America Act. We have heard so many legal opinions on both sides that I think I am at liberty to offer my view of subsection 1 of clause 93 of the British North America Act which provides that every province entering confederation shall enjoy all the rights and privileges they possess at the time of the union. My contention is that to-day the Catholic minority, or any minority in that great Northwest, is under the law of 1875 entitled to the same rights as the minority in Ontario and Quebec. It is true that ordinances have been passed by power created by this law of 1875, but it goes without saying that a council created by a law has no right to pass ordinances in conflict with that law. I submit and I believe there is no contradiction on this ques-

tion, that those ordinances being completely illegal, if instead of having clause 17 we said only that the Catholics or any other minority in the west would be under clause 93 of the British North America Act, they would hold a much better place than at present, and I have no doubt that if a case were presented before the courts the interpretation I am giving to the law would be upheld. That is the opinion expressed by high legal minds and by most men of good sense.

I go further; even if the law decided that the Catholic minority has no such right in the west under the British North America Act there is another subsection of section 93 which provides that any privileges granted to a minority, after a province has been admitted into the confederation cannot be removed. The Catholic element will always be an important portion of the population of these provinces, and no party will be able to govern without their support. I am satisfied that even if no mention of the minority were made at all, before many years elapsed they would succeed in having all their rights. By this Bill they are deprived of them completely. Clause 17 is called a compromise. If it is a compromise I have never understood perfectly the meaning of the term. I have always understood that it meant mutual concession on each side in a dispute and if this were a compromise I submit that there ought to be a new definition of the word. I will suggest that the general definition of 'compromise,' as we have always understood it be kept, and that there should be a new definition of a Laurier-Sifton compromise, which would mean that one side yields everything, and the other does not give any compensation. As to the fear expressed by the hon. member for Wellington (Mr. McMullen) that there would be a rebellion in the west if the rights of the minority were sustained, it is an insult to the western community. It was my good fortune to take a trip west in April last. I was amazed to see the progress there, and the immensity of those rich lands in the west. I had read a good deal of the west before, but what I witnessed was beyond my expectation and I was gratified exceedingly with the population we have there. They are people of the highest intelligence, of whom any country would be proud. We have in this House some representatives from the west, and I believe if they are a fair sample of what the west can produce, we may be satisfied that the population of the new provinces will be law-abiding citizens ready to submit to the law of the land rather than rebel. Why should they rebel in this instance? Would there be any reason for a majority to rebel if clause 16 as originally presented had been passed? Did clause 16 deprive the majority of their right to educate their children in their own way? No. Is there any obligation by that clause to force the majority to pay for the schools of the minority? Not at all; and when I hear some hon. gentleman say there would have been a rebellion had the law been passed, I say the only effect of such a statement is to condemn the good sense of the people of the Northwest.

Hon. Mr. FERGUSON—I had intimated to hon. gentlemen on both sides of the House that I did not intend to make a speech on this question, and a few minutes will suffice to state all I have to say. I would not have arisen were it not that I wish to refer to an explanation which I consider to be somewhat sophistical in the remarks made by the hon. member from Halifax, on observations addressed to this House by the hon. Minister of Trade and Commerce. I refer to the argument of the hon. gentleman that we had a right to enforce a system of education such as this House thought proper on the Northwest, because we had acquired that country at a very great expense, because we had laid out a great deal of money there maintaining law and order, opening up the country and extinguishing the Indian title. The hon. gentleman from Halifax made the explanation that the remarks of the hon. Minister of Trade and Commerce were on a constitutional line, and that it was simply because we had not given autonomy so far to the provinces that they had no provincial rights. My hon. friend made that statement, but he deliberately laid down the doctrine from which I wish emphatically to dissent, that we have a right to deal with the Northwest in the matter of education, or in any other way, differently from what we would otherwise deal with them, simply because we have expended a large sum of

money, acquired through the taxation of the older provinces, in purchase, development and maintenance of the territories. That view, to my mind, is altogether unsound and untenable, and when my hon. friend announced it to the House I was reminded of an incident recorded in Uncle Tom's Cabin. Uncle Tom was a pious old slave who had been bought in the slave market in New Orleans by a planter named Legree, whose ideas of religion were entirely different from Uncle Tom's. He wanted Uncle Tom to work on Sunday, but Uncle Tom replied that he could not do that conscientiously. 'Why,' Legree said, 'I bought you, and you must do it.' Uncle Tom replied: 'You bought my body, but my soul is not yours.' Then Legree said: 'Didn't I pay $1,000 for everything in your cursed black hide, and yet you tell me that your soul is not mine' I was reminded of this incident when the hon. Minister of Trade and Commerce said we had a right to impose this legislation on the Northwest, because we had expended a great deal in acquiring and maintaining the territories. The very same doctrine that my hon. friend advances to the House was the one which the British government employed in its dispute with the thirteen colonies. They said they had spent a vast amount of money in defending them and prosecuting wars against France, and on that ground the contention of Grenville and North and other British statesmen was that they had a right to tax the colonies in order to make up that loss. The doctrine is identically the same, that because the Northwest Territories cost us a large amount, we have a right to treat them differently from what we would otherwise have done in regard to education. In answer to that I say the Northwest Territories owe us very little in that regard. The enormous development and wealth that Canada has obtained to-day is largely due to the Northwest; and, apart from that, the increase in the number of shoulders in the Northwest to pay the burden will amply pay us in that regard. There is, therefore, no foundation whatever for the argument my hon. friend has addressed to this House.

I want to make this additional point in connection with that subject and to refer to the very excellent legal argument addressed to the House by my hon. friend from de Salaberry (Hon. Mr. Beique). I was delighted to find that the hon. gentleman placed himself on record most distinctly on a point which most entirely refutes the legal contention set up by Sir Wilfrid Laurier when he introduced the Bill in the House of Commons. Sir Wilfrid's contention was that we were under obligation by the constitution to do what he was proposing to do in section 16 of the original Bill. My hon. friend from de Salaberry, who is an excellent authority on such a subject, took almost precisely the view that was taken, in fact agreed with Mr. Christopher Robinson, who we all know is also an eminent lawyer, that we were not legally under obligation to pass clause 16 either in the original Bill or clause 17 as it stands in the Bill now before the House. That being the case, that no legal obligation rests upon us to impose any restrictions upon the territories in dealing with the matter of education, and in view of the address that has just been made to the House by my hon. friend from Shediac (Hon. Mr. Poirier) detailing what happened in New Brunswick, and putting that side by side with what we all know with regard to Manitoba, how does it stand with regard to these two provinces? The hon. gentleman has told us, and told us truly, that they had great strife in New Brunswick in passing their educational law. It led almost to bloodshed. The majority triumphed and a strict law was placed on the statute-book enforcing education on non-sectarian lines. Yet when the trouble was over, and good feeling again prevailed, by degrees and by a desire to do what is right, they have in New Brunswick a very fair educational system. They enjoy greater advantages than the minority in Manitoba, where the wisdom of the federal parliament, on both sides was concentrated in passing a law in 1870 which it was believed would secure separate schools in Manitoba for all time. Yet in the face of the Act, Manitoba is to-day without separate schools, without any substantial advantage for the minority, while in New Brunswick where a different course was pursued the minority are better treated. With the lesson we have before us in the past, I am strongly and firmly of the opinion that we will never secure peace on this subject nor secure privileges for any minority by stirring up bad feeling and strife. I have come through this contest myself and

have a right to speak strongly upon the subject. I was one of the Protestant majority in my province who stood with the Catholics in 1896, in trying to give them reasonable consideration. I endured obloquy and persecution which I shall not very soon forget for the course I then pursued. The storm passed over; I lived through it. I was for a time made the object of strong attack by the Liberals of the province, because I had taken that action.

Let me say further that on that occasion, and I am speaking in the presence of senators from the island of both political parties, there was not one prominent Liberal in Prince Edward Island who stood up for the minority in 1876. Every man who faced a constituency in support of payment for results was a Conservative, and it was the Conservative Prostestants who gave the support which was given to the Catholics in every constituency of the province on that occasion. I make this statement without any fear of being contradicted by any of my hon. friends in this House. That being the case I am strongly and firmly of the opinion that it would be infinitely better for the Dominion of Canada to have left this matter to the territories, seeing that no obligation rests upon us to deal with it. If we had left it to the people of the territories I have not the slightest doubt that in the end the minority would be fairly and justly treated. Hon. gentlemen may make some comparison between the present agitation and discussion and that which took place in 1896 with regard to the Manitoba school question, but the two questions are not on a parity in any respect. In 1896, the question was whether solemn terms made with the people of Manitoba in 1870 and crystallized in an Act of the Canadian parliament and an Act of the British parliament should be carried out. It was not a question of what kind of schools we were to give to Manitoba, but whether the schools we have given them by solemn Act of parliament should be retained to them. The contract with the people of Manitoba was broken, and by whom ? By the political friends of gentlemen on the government benches, supported by the leader of the government himself and by his friends and political supporters in the province of Quebec. In this case what are we doing ? We are ignoring the people who live in the territories. They have as good a right to be consulted as the handful of people who lived in the Red River Valley in 1870. When we are constituting the provinces of Alberta and Saskatchewan, there will be a deep sore remaining with the people there if we pass these Bills, as we are proposing to do, without consulting them, and the fault of the government in pursuing the course they are doing is more than likely to fall on the shoulders of the Catholic minority there, who will probably be blamed and suffer on account of the action of the government. If the opposite course had been pursued and the people of the Northwest had been allowed to frame a school system of their own, it would not be very long till there would be very little ground for complaint. This is the only point to which I wish to refer, and therefore I will take my seat, having kept my promise not to make a long speech.

Hon. Mr. CLORAN—It was my intention to give my reasons for supporting this Bill, notwithstanding the fact that it is insufficient and incomplete with regard to educaional matters. I was determined to do so in the interest of the minority in the Northwest, but under the circumstances and condition of things at the present moment I reserve my right to give the explanation in the committee stage. In the meantime, notwithstanding the inefficiency and incompleteness of the Bill, I shall vote for the second reading.

The House divided on the amendment which was lost on the following division :

Contents :

Honourable Messieurs

Bernier,	Macdonald (P.E.I.),
Bolduc,	MacKeen,
Boucherville, de,	McDonald (C.B.),
Bowell	McKay (Truro),
(Sir Mackenzie),	McLaren,
Casgrain (Windsor),	McMillan,
Dobson,	Merner,
Ferguson,	Miller,
Landry,	Montplaisir.—17.

Non-Contents :

Honourable Messieurs

Béique,	McGregor,
Black,	McHugh,
Casgrain	McMullen,
(de Lanaudière),	Mitchell,

Church,	Poirier,
Cloran,	Power,
Coffey,	Robertson,
Cox,	Ross (Halifax),
Dandurand (Speaker),	Ross (Regina),
Davis,	Scott,
Domville,	Sullivan,
Edwards,	Templeman,
Ellis,	Thibaudeau (Rigaud),
Fiset,	Thompson,
Frost,	Wilson,
Godbout,	Yeo,
Kerr (Cobourg),	Young.—33.

Hon. Sir MACKENZIE BOWELL—Before the main motion is put, I wish to make a suggestion on behalf of the hon. gentleman from Calgary (Hon. Mr. Lougheed). Business called him away and the suggestion has been made that the pairs might be entered in the debates. It will then place every member pro and con on record upon the question. That is done in the House of Commons.

Hon. Mr. SCOTT—I concur in the suggestion. The pairs were as follows :

LIST OF PAIRS :

Against amendment :	For amendment :
Cartwright,	Owens,
David,	Hingston,
Fulford,	Forget,
Gibson,	Lougheed,
Kerr (Toronto),	Baker,
Shehyn,	Kirchhoffer,
Watson,	Perley,
Thibaudeau (De La Vallière),	Vidal,
Choquette,	Drummond,
Tessier,	Carling,
McSweeney,	Baird,

The motion for second reading was declared carried on the same division reversed.

Hon. Sir MACKENZIE BOWELL—I notice that one hon. gentleman intimated his intention to discuss the question in committee. We know that if the rules are strictly adhered to, the debate must be confined to the clause immediately under consideration. Can it be understood that when considering one clause, the whole matter can be discussed ? I should like the opportunity of explaining a little more my position and of replying to remarks made by other hon. gentlemen.

Hon. Mr. SCOTT—It will be open to any hon. gentleman to do so because we have the sister Bill which has to be read the the second time. The speeches may be all repeated again, but I trust we will let that Bill go without discussion.

Hon. Mr. POWER—Any hon. gentleman has a right to express his opinion on clause 17.

Hon. Sir MACKENZIE BOWELL—Thanks for the opinion. Under the circumstances I shall take the opportunity of expressing my opinion when the motion to go into committee is made.

PROVINCE OF SASKATCHEWAN AUTONOMY BILL.

Hon. Mr. SCOTT moved the second reading of Bill (70) An Act to establish and provide for the government of the province of Saskatchewan.

The motion was agreed to on the same division as Bill (69).

THIRD READING.

Bill (162) An Act to amend the Land Titles Act, 1894.—(Hon. Mr. Scott).

SECOND AND THIRD READINGS.

Bill (52) An Act to amend the Franchise Act, 1898.—(Hon. Mr. Scott).

BILL INTRODUCED.

Bill (188) An Act respecting the inspection of water meters.—(Hon. Mr. Scott).

The Senate adjourned till Monday at three o'clock.

SENATE.

Ottawa, Monday, July 17, 1905.

The SPEAKER took the Chair at Three o'clock.

Prayers and routine proceedings.

REPORT OF TRANSCONTINENTAL RAILWAL COMMISSIONERS.

MOTION.

Hon. Mr. POWER moved:

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate copies of the map or maps, and the further reports from engineers, referred to in

the interim report, made on the 26th April last, by the commissioners of the Transcontinental Raiway.

He said: It will be remembered by hon. gentlemen that the original scheme for the construction of the Transcontinental Railway did not provide for any new line of railway between the Quebec bridge and Moncton, N.B. The provision in the Act of incorporation of the company was inserted in the Railway Committee of the other House, and it was inserted, I have understood, at the instance chiefly of the members representing the province to which I belong. At that time, in the session of 1903, it was alleged that a railway could be built from the Quebec bridge to Moncton which would be very much shorter than the existing Intercolonial Railway between those points. Some gentlemen stated that the road would be 150 miles shorter than the Intercolonial Railway; but the allegation which was made with the most confidence and which I think was accepted by the majority of members of both Houses, was that a road could be built which would be 90 miles shorter than the Intercolonial Railway; so that it would have been worth while, with a view to rapid transportation of freight between the Pacific and the Atlantic to build this road.

The common point is really a place called St. Chrysostôme, on the Intercolonial Railway, close to Chaudière Junction, but I take the Quebec bridge, because that is an important point. When the legislation respecting the National Transcontinental Railway was passed in 1903 and the amending legislation in 1904, it was with the expectation that a great saving in distance would be made as a result of the construction of the proposed new road from Quebec to Moncton. I do not think that any member of either House would have advocated the duplication of the Intercolonial Railway if there was not to be some substantial shortening of the distance between the two points which I have named. Within the last few weeks there has been laid upon our table an interim report of the commissioners appointed for the construction of the National Transcontinental Railway, which in my humble judgment shows that the expectations formed by the majority of the members of both Houses in 1903 and 1904 have not been realized and are not likely to be realized. I am not going to worry hon. gentlemen at this stage of the session by reading many extracts. I shall content myself with reading one extract from the report of Mr. M. J. Butler, assistant chief engineer, who took charge of the eastern part of the survey. The statement to which I desire to call the attention of the House will be found at page 75. Speaking of the length of the road he says:

> 1st. The distance from Moncton to St. Chrysostôme, by way of the Intercolonial Railway is 493.5 miles.
>
> 2nd. The distance from Moncton to St. Chrysostome via the preliminary survey lines as run for the Transcontinental Railway, is 504 miles.

That is the National Transcontinental Railway is to be ten and one-half miles longer than the Intercolonial Railway, instead of 90 miles shorter. Then he says:

> 3rd. The estimated shortening of the preliminary line that will be secured by the final location is 18 miles, making the distance from Moncton to St. Chrysostôme by way of the Transcontinental line, 486 miles.

Now this estimated shortening is an estimated and uncertain thing. It depends upon the results of further surveys. I have asked for these papers because at page 79 will be found a statement from the engineer—not the same engineer—that further reports would be sent in early in April, and I think those reports should be laid before parliament before any final decision is come to with respect to this matter. Then at page 15 there are references to various maps and plans. It is very difficult to get a clear idea of the position of things without these maps and plans; and it appears that there was a map sent with the report, of which we should have at least a tracing. It seems to me that the report which has come from these commissioners puts another face on the question of the construction of this road from the Quebec bridge to Moncton. I notice the engineer—and of course engineers who are proposing the construction of a public work, never overestimate its cost—estimates that the road can be built for $33,000 a mile. The road being 500 miles in length, that would involve an expenditure of something over $16,000,000. Probably we would be safe in saying that when we come to construct that road it would cost nearer $20,000,000 than $16,000,000. The proposal is to spend this money for the purpose of

building a road from St. Chrysostôme to Moncton, which would be substantially of the same length as the existing Intercolonial Railway ; and then, under the terms of the contract of 1903, this new road built by the government would be leased to the Grand Trunk Pacific Company. If it were possible for the government when they did this to close up the Intercolonial Railway, I admit that something might be said in behalf of that proposition, but such is not the case. There is a very considerable population served by the Intercolonial between St. Chrysostôme and Moncton, and the government could not close up that road. The effect would be this ; the cream of the traffic would go over the new road, leased to the company, and the deficit on the working of the Intercolonial would be made a permanent thing—the country would always have to pay a very considerable sum for the running of the Intercolonial. I submit that the position of things as we find them after the presentation of this report, calls for further consideration from the government. I think that this report alone shows that it is the duty of the government to pause and consider before they make up their minds to proceed with the construction of this new railroad.

Hon. Mr. PERLEY—Hear, hear.

Hon. Mr. POWER—What is the hear, hear about?

Hon. Mr. PERLEY—That they should not build the Moncton section of the road.

Hon. Mr. POWER—I am not saying whether they should or not. I am giving some reasons——

Hon. Mr. FERGUSON—The hon. gentleman means simply for the government to pause?

Hon. Mr. POWER—Yes.

Hon. Mr. SULLIVAN—To pause before undertaking to build the whole line or merely that section?

Hon. Mr. POWER—That section. I have always been an advocate of the construction of the road from Quebec westward. At the time the Intercolonial Railway was built the standard road was a road upon which the gradients did not exceed 52·80 feet to the mile. That is a grade of 1 per cent, and this gradient, as I understand it, is exceeded at one point only from St. Chrysostôme to Moncton, and that is near Metis station east of Lake Metapedia. I am satisfied that if careful surveys are made the gradients which have been decided upon for the Transcontinental Railway—that is the gradients of ·4 coming east and ·6 going west—can be obtained on the Intercolonial Railway without any substantial lengthening of the line. In fact, I have seen a report, which I am unable to lay my hand on just now, of a survey made from Metapedia station on the Intercolonial Railway—a station some distance north of Campbellton—to some point not very far from Rivière du Loup, which got rid of the objection to gradients and also shortened the distance very considerably. I submit as a citizen of Canada that the wise course for the government to adopt now would be to have surveys made in connection with the Intercolonial Railway, and if it is found that the desired gradients can be obtained on the Intercolonial Railway without seriously lengthening the road, and without very great expense, they should arrange to lease the Intercolonial Railway from the Quebec bridge to Moncton to the Grand Trunk Pacific rather than build a new road at a cost of $16,000,000 to $20,000,000 and lease that new road to the company. I have no doubt the company would be quite willing to take a lease of the Intercolonial Railway from Quebec to Moncton instead of the lease of a new road. If it turns out on investigation, that the gradients of the Intercolonial Railway could be reduced to the proper figure without seriously lengthening the line and the government were to lease the Intercolonial Railway from Moncton to Quebec to the Grand Trunk Pacific Company they would save a large part of the proposed expenditure and they would get rid—and that is a very important matter—of the yearly deficit on the Intercolonial which occurs on this section of the road.

Hon. Mr. PERLEY—That will depend on the hay crop in Nova Scotia.

Hon. Mr. POWER—Not seriously. The company would not carry hay for nothing, probably. With respect to the reason which actuated parliament in providing for the construction of this new road, the object would be attained in this way; the improved Intercolonial Railway from Quebec to

Moncton would serve all the purposes of Nova Scotia even better than a new road between the same points.

Hon. Mr. ELLIS—I should like to make one observation. Of course the information is not complete with regard to the survey in New Brunswick, and it seems to me premature to express any individual opinion as to what should be done. There is a route by the River St. John which we would be glad to see adopted in place of the route which the hon. gentleman suggests, but I do not intend to take advantage of the present opportunity to point out the advantages of that route, because we hope the engineers now on the ground will find a route that will answer all the demands made with regard to gradients and curves.

Hon. Mr. WOOD—This matter has come up unexpectedly, and I heartily concur in a great deal that has been said by the hon. gentleman from Halifax. The adverse report to which he refers confirms to a very large extent the predictions or statements which I made with regard to this proposed new Transcontinental Railway, or the eastern section of it. We cannot, however, until those reports are brought down, say definitely whether this road will be any improvement upon the present Intercolonial Railway or not. I have very grave doubts myself as to whether they can shorten the distance to any appreciable extent, and I have very grave doubt also whether they will be able to get a line with gradients very much better than we have on the Intercolonial Railway at the present time. The hon. gentleman at the close of his remarks asked the government to take into consideration the propriety of leasing this portion of the Intercolonial Railway to the Grand Trunk Pacific Company. I scarcely think that policy would be popular in the maritime provinces, but I should like, if the government are to consider these phases of the question, to call attention to a suggestion I have made at different times in the discussion of this question before the House. In previous sessions I have suggested that the government might take into consideration the idea of opening the Intercolonial Railway to the Grand Trunk Pacific Company, the Canadian Pacific Railway Company, the Great Northern, or any other of these great lines of railways that connect with it; that an arrangement should be made by which trains should be run over the Intercolonial Railway either by the companies themselves or taken charge of by the Intercolonial Railway management, and that the Intercolonial Railway should be a sort of common highway to convey the cars and the freight which might be offered by all these different companies from one point to the other. The advantages of that arrangement over the proposal of building a new line and leasing it, would be that the companies would have no rent to pay. They would only have to contribute a small sum for the maintenance of the line. They would have no interest to pay on the cost of construction; they would not have to pay as rent to the government the three per cent on the the cost of the construction of this line, and any trifling saving in distance would be more than overbalanced by the saving thus effected. I merely rise again to call the attention of the government to this suggestion. The more I have thought of it, the more I am convinced that it is the most practical and feasible way of solving the question of the Intercolonial Railway and its connection with the other important railways of the country.

Hon. Mr. OWENS—I am sure the majority of hon. gentlemen in this House will agree with the hon. gentleman from Halifax as to the advisability of the government pausing before incurring any very great expense in building this new road. It will save us from undertaking the expenditure of $20,000,000, and not only that, if the suggestion he has made that the government lease the Intercolonial Railway to the Grand Trunk and other roads is adopted, it will save us from the vast burden of the deficit which has been put upon the Dominion year after year. My hon. friend from Westmoreland says that the maritime provinces would not approve of it, but even if the maritime provinces do not approve of it, I am sure the rest of the Dominion would. The rest of the Dominion has been saddled with that immense cost year after year; and I am sure it would be no injustice or hardship to our friends from the maritime provinces

if this road was handed over to one of the great corporations, who would run it on business principles and make it pay, and relieve the government of that annual burden. I only regret that the hon. gentleman from Halifax did not go further and extend his inquiries to the part of the line from Quebec west to North Bay. He would find in connection with that part of the road that we required a report from the engineers before proceeding further with the work. So far as we have heard independently of government reports, that section of the road is going to cost nearly $100,000 a mile. There is going to be no local traffic—nothing to justify that expenditure. Nobody asked for that section of the road. The Grand Trunk and the Grand Trunk Pacific only asked for connections with their road from North Bay west. The experience we have had in the surveys so far, I am sure, is sufficient to justify the government in saying, 'Pause,' for that part of the road also. I do hope that the government will take that matter into consideration before incurring any further expense from Quebec west. We know that the portion from North Bay west will serve the western country, it will serve the whole Dominion in so far as present interests are concerned for the next twenty years; and I have reason to hope that this matter will be taken up seriously by the government.

Hon. Mr. McMULLEN—I earnestly hope that the matter to which the hon. gentleman from Halifax has drawn the government's attention will receive very serious and careful consideration at their hands. When the question of the construction of the Grand Trunk Pacific was first mentioned and the proposition was made to continue it from Quebec to Moncton, I gravely doubted myself, in looking over the maps, whether it would be possible to save the distance that it was stated could be saved by the construction of what was supposed to be called the straight line. Any person who will look at the map will notice that the State of Maine juts very far in towards the St. Lawrence.

The fact is that after you go about one hundred and ten miles out of Quebec to the point where you would turn south-east, you are not then more than about twenty miles, perhaps not that, from the boundary on one side and the St. Lawrence on the other. If that is the fact, I cannot see how by the proposed route it is possible to save one hundred or one hundred and ten miles of distance, and if it is going to dwindle down to fourteen or fifteen miles, I entirely endorse the view that has been expressed by the hon. gentleman from Halifax. I earnestly hope the government will call a halt and not invest $20,000,000 in a road that will only shorten the distance a few miles between Quebec and Moncton. I admit there is a section in the province of Quebec that requires a railway, but a line could be subsidized that would give all the necessary accommodation, because the business of that section goes to Quebec. The Intercolonial Railway could be utilized, as it is, from Quebec to Moncton. I can well remember when we were asked by Sir Charles Tupper to sanction the building of a line from Oxford to New Glasgow. He intimated to the House that the construction of that line would save 40 miles as compared with the roundabout way by Stellarton. He represented that from New Glasgow a large amount of coal is taken to the west, and that there was a very heavy grade at Stellarton over which it was impossible for an engine to draw anything like an ordinary load; and that by the construction of the Oxford and New Glasgow branch that grade could be overcome and the distance shortened by forty miles. I dare say he was honest, and that he was led to suppose that that would be the result. The House was persuaded to sanction the construction of that line, and what was the result? When it was built, it was only some four and one-half miles shorter, and the certificate of the engineer showed that the grades were actually heavier than the grades of the Stellarton route.

Hon. Mr. FERGUSON—Will my hon. friend inform the House between what two points this extraordinary discrepancy occurred.

Hon. Mr. McMULLEN—Between Oxford and New Glasgow.

Hon. Mr. FERGUSON—It must have been between Pictou and New Glasgow.

Hon. Mr. McMULLEN—It was stated afterwards that owing to the road having

been diverted in order to give accommodation at several points on the route the line was lengthened, and the saving was only four and one-half miles instead of 40 miles in distance, while the grades were as heavy or heavier than on the old line. I hope we are not going to have a repetition of that experience in connection with the Grand Trunk Pacific from Quebec to Moncton. One experience of that kind is enough. We do not want to have a second, and I hope, before a sod is turned for the construction of that road, that the government will take great care to see that a thorough, careful, accurate survey is made and a very careful estimate furnished of the cost, the saving of distance, and the character of the grades. I earnestly hope that until that is done not a single sod will be turned nor any attempts made to proceed with the construction of the line.

Hon. Mr. CHURCH—I regret very much that I was not in the chamber when the hon. member from Halifax addressed the House, but I doubt very much if this is the time to discuss the merits of the proposed line. The arguments I have heard since I came into the chamber had better be deferred until the reports are laid on the table of the House. We do not know whether this proposed line will be longer or shorter than the present line. We are not seized of the facts as to the character of the country through which the road is to pass or how much its construction will cost. The object of the minister is all right, to get all the information we can with regard to this great subject. When we have it all before us, we will be in a position to discuss the matter on its merits. We cannot discuss it on its merits now. Everything said within the last half hour was stated when the National Transcontinental Railway Bill was before the Senate for consideration. It seems to me until the parties who are surveying this line make their report and we have the facts before us we are not in a position to discuss the matter on its merits.

Hon. Mr. POWER—The remarks I made were based on the report of the commission and of their engineer.

Hon. Mr. CHURCH—I was not in the House when the hon. gentleman was speaking.

Hon. Mr. LANDRY—It is a pity the hon. gentleman was not in the House when the remarks were made. One thing we must not forget; the eastern division of the road is to be constructed by government. So says the contract, and clause 5, adds, 'Upon such location and according to such plans and specifications as it shall determine, having due regard to directness and favourable curves,' and further on in section 8 it says:

> The construction of the said eastern division shall be commenced so soon as the government has made the survys and plans and determined upon the location thereof, and shall be completed with all reasonable despatch.

This is binding upon the government, but in the law which made good that contract, there is a section, No. 21, which says:

> The Governor in Council may at any time suspend the progress of the work upon the eastern division until the next session of parliament.

So the government has the power to suspend the work at all times until the next session of parliament. I think this is the proper time to tell the government that they should not be hasty in undertaking the work, that they should wait for the reports and see that the public money is not expended in a foolish way. If the government would double-track the Intercolonial Railway, and put part of the money they are going to expend on this line in making improvements on the Intercolonial Railway, it would probably meet all the requirements of traffic. As the hon. gentleman from Halifax has said, three companies have been incorporated here, any one of which would be very glad, if subsidized, to construct a railway from Quebec bridge to near Moncton. This would be done by private enterprise and they would be feeders to the Intercolonial. All this should be taken into consideration by the government, and I am in accord with the hon. gentleman from Halifax when he says that the government should pause before going any further.

Hon. Mr. MACKEEN—The motion is very opportune, more especially as I believe it is the intention of the Minister of Railways to proceed immediately with the construction of this so-called short line railway. If such is the intention, without making proper comparisons and giving the country an idea of the surveys that have been made and the probable length of the road and its cost, it

is important that the attention of the House and country should be drawn to the statements which have been made by the hon. member from Halifax. I would almost think that the government, as represented in this chamber, should take cognizance of what has been said, and see to it that the construction of the road is not proceeded with until all the necessary data have been obtained, and comparisons made as to the cost of building that road and the cost of putting the Intercolonial Railway in a condition to carry all the traffic that will be brought to it by the new transcontinental line. I have heard railway experts and others who are not influenced by political consideration say that the Intercolonial Railway, for a comparatively trifling cost, could be put in a position to do all the business that is likely to be brought to it from the west for the next fifty years. It is contended that the Intercolonial Railway can be double-tracked between Quebec and Moncton if necessary, and that the heaviest grades on it can be overcome by diverting the line. For a distance of about twenty miles on the Intercolonial Railway the grades are heavy, because the line was constructed with a view to having it straight, and it is said that by a slight diversion of that straight line the grades could be reduced about one per cent, so as not to exceed the maximum gradients all over the line. That asset of the country, the Intercolonial Railway, should not be subjected to the competition that is likely to arise from the construction of the proposed line. We ought to pause and be very careful to understand all the contingencies in connection with the subject before the construction is commenced. There is no politics in this, because the political stage has been passed. The proposal to lease the road from Quebec to Moncton to the Grand Trunk Pacific does not strike me as feasible. If the road is to be leased at all it should be leased from Montreal. I do not see how you could lease the middle of the system and retain control of the two ends. I doubt if it could be worked economically under such conditions. I repeat the Intercolonial Railway is capable, in my opinion, of doing all the work that will be demanded of it for many years to come. The roadbed is excellent, there is good rolling stock on it, and if necessary a large part of it could be double-tracked, and we would then have a line equal to or better than the proposed line would be. With regard to the Oxford and New Glasgow road, the hon. gentleman from Wellington was right to a certain extent. I remember being in the House at the time that matter was brought up, and we had to confess that we were greatly surprised. I believe the explanation made was that it would be so much shorter to Pictou without going to New Glasgow, and that was the impression that was conveyed to the government. There is no doubt—in fact, I am sure, from conversation I heard among the members of the government at the time—that even Sir John Macdonald, who never misrepresented anything in matters of that sort, believed that the road was going to be shortened that distance between Oxford and Pictou, and so it would have been, but being extended to New Glasgow, where it connected with the Intercolonial Railway, the distance was not shortened as was expected. The road afterwards was connected with the settlements of Wallace, Pugwash, and River John, and thus it was lengthened considerably. The fact remains, however, that it is a very popular road.

Hon. Mr. BLACK—I have listened with a great deal of interest to this discussion. Had I not done so, I would not have occupied the attention of the House for a moment at this late hour of the session. The hon. gentleman has a very incorrect idea with regard to the shortening of the Intercolonial Railway from Oxford to Pictou and New Glasgow. Forty miles was an excessive estimate; perhaps it would be something over thirty miles, between Oxford and Pictou. The saving in distance from Oxford to New Glasgow would be something about 14 or 15 miles.

I have taken considerable interest in the project to build this road from Quebec to Moncton. When it was first mooted by the government, I looked at the geographical position of the country, and failed to see how the statement made with regard to the shortening of the distance could be correct. I considered it impossible. Some newspapers, which of course are not always responsible, estimated that the saving in distance would be 100 miles. As the hon. gentleman from Wellington has said,

the road cannot be very much shorter than the Intercolonial Railway. Taking a practical business view of the situation, having the financial condition of the Intercolonial Railway in view, when the Intercolonial Railway must be maintained as a condition of confederation, the great object to be attained, would be to secure all the traffic possible and try to make it pay. That should be the first consideration. It also would suggest the idea in connection with this other road, that if the traffic of the country is going to be diverted from the Intercolonial Railway in a greater degree than at present, it would not be more profitable than it is now. Therefore it strikes me as being a matter requiring a good deal of practical consideration before undertaking such a large expenditure. In reference to the argument of opening up new country, either in Nova Scotia or New Brunswick, it seems to me when we travel through those sections of the country and see the fields growing up into wilderness again, and the trend of settlement altogether towards the west, we must conclude that we have as much land opened up in the east as the country requires at the present time. I do not attach much importance to the opening up of new country beyond providing facilities to market the timber. I have held the opinion for some time past, from information gathered in conversations with engineers and others who understand these things, that if 25 per cent of the estimated cost of the new line were expended on the Intercolonial Railway, it would make the road just as valuable for traffic as the other road. Perhaps there are points where it would be difficult to double-track the line, but it could be double-tracked, and if the grades were reduced, it would be equal to the road that is proposed.

Hon. Mr. FERGUSON—Does my hon. friend mean 25 per cent of the amount estimated for the construction of the Grand Trunk Pacific should be expended on the Intercolonial Railway ?

Hon. Mr. BLACK—I mean 25 per cent of what it would cost to build the new road from Quebec to Moncton. I say if that amount were expended on double-tracking and improving the Intercolonial Railway, that line would be sufficient to accommodate all the traffic for, if not half a century at least a quarter of a century. Some people anticipate that the great west will soon be so immense that we will require extraordinary facilities to accommodate the traffic between that country and the sea. Some hon. gentlemen have also ventured the assertion that in either one of these new provinces which we are creating there will be in a very short time a larger population than in any other provinces of the Dominion. I do not share that view. Ontario has not passed its growth, and it will be a long day before either of these western provinces will be able to compete in wealth or population with Ontario. I am willing that my words should be taken down, and I take the responsibility of making that prediction.

We are told there are no politics in this House. If the day has come when that is practically the case, I am very glad to join my hon. friend from Cape Breton in expressing satisfaction that it is the case—that we may divest ourselves of all political prejudices, and view these questions in a practical manner. But the point has been raised that this road is to be built in the interest of the maritime provinces, and our friends in Halifax have a strong impression that it will do a great deal for the shipping port of Halifax. I am surprised therefore that this practical view of the question should have emanated from the hon. gentleman from Halifax and that these two politicians should join hands on this great question. I have reason to question whether this road would be of material benefit to Halifax or to the maritime provinces in any way. I think that it would be better, in order to remove the stigma that is now placed by our western friends on the Intercolonial Railway because of the cost of maintaining it, to improve that highway. According to the terms of confederation we will have to keep it going, unless our western friends break faith with us. I think we could remove that stigma by having one first-class road instead of having two. I agree with my hon. friend from Lunenburg that a more extended discussion would perhaps come appropriately when we have a fuller report on this road and that it is well to sound a warning note at this particular time in a sort of supplementary way that

will put us in a position to look carefully at the subject as it proceeds and be more ready, when we do take hold of this question, to deal with it in a practical and reasonable manner.

Hon. Mr. DOMVILLE—I take up the last words of my hon. friend—a warning note. We in New Brunswick are pleased to get that warning note, especially as my hon. friend from Montebello advocated the giving away of the Intercolonial Railway to the Grand Trunk Pacific. Now if it is to be given away, why should it not go to Mackenzie & Mann, or the Canadian Pacific Railway, as well as to the Grand Trunk Pacific? If it is going to be an acquisition to traffic or to produce traffic, why should not our own road, built largely by our own money, before we had a connection with Halifax, before we had the section running north, get the advantage? Before confederation we had our own road, the European and North American, running from St. John to Shediac. The people of New Brunswick in those days contributed about one million a year to govern the country. They had a militia of 25,000 and four adjutants general, and the expense of governing the country was less than one million dollars. To-day we are contributing possibly $4,000,000 a year to the public revenue directly and indirectly and have been doing so continuously. Had the $3,000,000 which we have been contributing annually, over and above what we would have required for our own purposes, been funded with the interest accruing on it, we would have one hundred million dollars in the treasury to-day and would not have to plead for favours here; and we would not have had suggestions made to give away the railway built by our own money. When we entered confederation it was understood that the Intercolonial was to take the northern route to be a military highway and this policy was endorsed by the imperial government, which is not always right as to military highways or military lines of demarcation. We were told that it could not be constructed on the southern route because it would be too near the frontier. When that argument was laid before the people and New Brunswick accepted the constitution and entered the federation, it was understood that the Intercolonial was to be a great road of our own. Now why should that road be given away? Our people should know that their line is in jeopardy. I see that the policy is endorsed to a certain extent in Nova Scotia, but our people will ask why should the Intercolonial pass out of their hands. Why should they lose a railway in which their money is invested just as the money of Ontario is invested in the canals. I can imagine the argument would be used that it would be good policy because its revenue does not cover its expenses.

Hon. Mr. MACDONALD (B.C.)—That is the reason.

Hon. Mr. DOMVILLE—Why should it go in debt all the time? My hon. friend says there is no politics in this debate or in this House. We do not want to add more than we can help, but we stand up for our own people whenever it is necessary. Now, the first thing to find out is, why the Intercolonial does not pay. It did not pay under the Conservatives; it does not pay under the Liberals, but by implication if that road is to pass out of our hands to either one of these railways, it will pay in private hands. Now why should that road, which should be kept open for all the railways coming from the west, be given away? I maintain it should not be locked up against any one railway, but kept open for all, with certain restrictions and with a fixed tariff.

Hon. Mr. LANDRY—Running powers.

Hon. Mr. DOMVILLE—And with running powers. If the government of the day cannot manage it properly, then it might be placed under a commission. Some system might be thought of that would keep the road in the hands of the people. I cannot accept the view of my hon. friend from Nova Scotia that it will accommodate the traffic of this country for half a century or even a quarter of a century. I believe its capacity will be taxed in ten years. Halifax, I know, is a little jealous of St. John, but that has always been the way. Some hon. gentlemen in this House found fault with me because I said the harbour of Halifax sometimes froze up.

Hon. Mr. BLACK—I did not name St. John at all.

Hon. Mr. DOMVILLE—Some hon. gentleman said the harbour of Halifax was never frozen. I have driven across the harbour on the ice on two occasions. Now, the harbour of St. John is never frozen—cannot be frozen.

Hon. Mr. McKAY (Truro)—Does the hon. gentleman say that he drove across the harbour of Halifax on the ice ?

Hon. Mr. DOMVILLE—Yes, I assert it—I drove across it on the ice.

Hon. Mr. McKAY (Truro)—I must take the hon. gentleman's word.

Hon. Mr. DOMVILLE—The hon. gentleman must accept it. I say I drove across the harbour of Halifax on the ice.

Hon. Mr. POWER—The harbour of Halifax has been frozen over twice in fifty years and the hon. gentleman happened to be there on both occasions.

Hon. Mr. DOMVILLE—I hope I shall always be present on such occasions, because it gave me great pleasure to see the numerous vehicles driving on the ice and hear the ringing of the sleigh bells.

Hon. Mr. BLACK—I have been in Halifax in the coldest weather every winter for the last twenty or twenty-five years, and I have never seen persons crossing the ice on foot.

Hon. Mr. DOMVILLE—There is a difference between the hon. gentleman and the hon. member from Halifax, who says that the harbour has been frozen over on two occasions.

Hon. Mr. POWER—In fifty years.

Hon. Mr. DOMVILLE—The hon. gentleman admits that it occurred twice within his own knowledge. The hon. gentleman (Hon. Mr. Black), who is a much older man and who has attended the meetings of the legislature in Halifax, has never heard of it.

Hon. Mr. LANDRY—Perhaps the hon. gentleman is speaking of Quebec.

Hon. Mr. DOMVILLE—No, not of Quebec; however, let that all go. I say that in ten or fifteen years, from my knowledge of that country, it will be pouring out exports. Not that Halifax will be jealous of St. John or that St. John will be jealous of Halifax. It will be more than both of these towns can do to take care of the freight that will come down and afford proper facilities for it in the harbour. Some hon. gentlemen have said that if after thorough consideration it is found that the Intercolonial will answer all purposes no sensible man would ask to have a road built through central New Brunswick—because I believe that was the demand from Nova Scotia that it should not go down the river St. John because it might take the trade from St. John instead of giving it to Halifax. Moncton is some 80 miles from St. John and 120 miles from Halifax, and naturally St. John would get her share of the trade and you could not get that trade away from the port. I take a liberal view of the matter, and I do not think my hon. friend is adding to the genearl information of the country or helping the government or the people of the country to build up the west. English money is pouring in and people are coming in from all directions, because people look upon the west as a marvellous producer. All that the western country produces is sent to Europe, and although my hon. friend has thrown out a suggestion that the production is so small that it will be fifteen years before there is any appreciable effect on the Intercolonial Railway, which according to his doctrine will be the highway, I cannot agree with him that 25 per cent on the cost of construction of the proposed road through central New Brunswick would place the Intercolonial Railway in such a position that it would answer all requirements. In the first place you cannot double-track that line of railway, 1,800 miles long, you cannot build bridges and lay road-beds on $5,000,000. I do not think any railway would advance the proposition that even $25,000,000 would put the Intercolonial in proper order.

Hon. Mr. LANDRY—I will call the hon. gentleman's attention to the fact that in the province of Quebec the bed of the road is secured for two tracks.

Hon. Mr. DOMVILLE—I say in my place here, as coming from New Brunswick, and there are other hon. gentlemen from New Brunswick sharing the same opinion—that we will not allow the bald statement to be published that the intercolonial Railway is

in jeopardy and would receive any advantage by taking it out of the hands of the people to place it in the hands of any one corporation. I limit it to one corporation. I will put it this way: it could be made useful by three corporations. It could be run by a commission, and run without loss; I should be willing to join with my hon. friend in the endeavour to see whether there would be any thing in such a proposition.

Hon. Mr. LANDRY—Does the hon. gentleman want a rival line ?

Hon. Mr. DOMVILLE—It would not be a rival line in my opinion.

Hon. Mr. ROSS (Halifax). My first duty is to express my emphatic denial of the statement about the harbour of Halifax being in ruins. I have been a resident of Halifax for 30 years, and during the most of that time I may say a week never passed without my visiting the front part of the city and seeing the steamers running up and down. I do not wish to say anything unkind about the troubled waters of St. John, because it is impossible that they should freeze. They are troubled up and down all the time and are never at rest. It is evident that we are not the representatives of the people, that we are not the representatives of the province of Nova Scotia, otherwise some of the utterances which have been made here to-day would not have been made. If my hon. friend from Cumberland ever expected to appeal to the people he would not have spoken so unkindly and so discouragingly about the new line of railway. The representatives from New Brunswick and Nova Scotia have watched this subject with keen interest before the railway committee, and we were given the assurance that this new line would be built; and I hope the government will carry out that assurance. I have no doubt that they will. I think it is taking a discouraging view of the subject to hold that the opening of this road is not going to open up a new part of the country that is going to be serviceable both for lumbering and for settlement also, and it is creating a discouraging view about the growth of the produce from the west for the next few years. I believe the new road in 20 years will require to be double-tracked from Quebec to Moncton, and then the Intercolonial from Moncton to Halifax and St. John. We have very narrow ideas of the future progress and prosperity of this country if we suppose that the Intercolonial Railway in its present condition, or an improved condition, would be sufficient to carry the traffic that would be offered to it. The Intercolonial Railway was to some extent a political hack up to the year 1896. It was not, in the first place, built in the proper location. Sir Charles Tupper, from considerations which it is not necessary to mention, wanted to have the road built up near the coal mines, and Hon. Peter Mitchell who is dead and gone, wanted the railway to be constructed near the lumber mills about Newcastle, and in that direction. I think I have the authority of Sir S. Fleming for stating that if he had been free to locate that road, it would not be in its present location. He made the statement that from Moncton to Amherst, say about 90 miles, perhaps not as much as 90 miles, the road could be shortened 12 miles. If the new road from Quebec to Moncton will be 90 miles shorter, that is a matter of great importance. What is wanted on the Intercolonial Railway is to lower the grades. The grades and curves are not favourable even to the present traffic. An eminent engineer stated to me that the powerful engines at present in use on that road would have to go to the repair shop in about ten years, whereas they would have run for 20 years or more if the road had been levelled and the heavy grades taken out. All I have to say is that I know public opinion in the province of Nova Scotia, perhaps as well as any representative of that province, and that public opinion is certainly in favour of the new line being built ; and it will look to the government to carry out their promises in the future as they have done in the past.

Hon. Sir MACKENZIE BOWELL—I think the hon. Secretary of State was about to rise on one or two occasions, and we should certainly like to hear from the government what their intentions are under the circumstances. I think the House and the country are indebted to the hon. gentleman from Halifax for bringing the subject before the House. I have not yet read the report from which he quoted, and consequently cannot speak positively as to its contents.

But what the hon. gentleman read verifies to a great extent the position taken by the opposition when this question was before the House. I might say parenthetically that I do not intend to enter into a discussion of the Intercolonial Railway at the present moment; we should confine ourselves to the subject before the House. It was contended when the matter was previously before the House, that so little was known of the route upon which the new road was to be built from Lévis or Quebec to Moncton, that it was altogether impolitic to pledge the country to the construction of that road until more could be learned of the character of the country and also the length of the road. Now to my surprise in the report which has just been read, Mr. Butler, who I know stands very high in his profession, states that the portion of the road from Quebec or Point Lévis to Moncton is some ten miles longer than the Intercolonial, notwithstanding the roundabout manner in which the latter has been constructed. That is very important. Those who have paid any attention to the subject will remember that the premier in his propositions made for the construction of that road stated that it would be from 80 to 125 miles shorter.

Hon. Mr. FERGUSON—120 to 140 miles.

Hon. Sir MACKENZIE BOWELL—However, that there may be no mistake in that matter, I will read that portion of the hon. gentleman's speech. It was contended by those who were opposing the scheme at the time that no evidence had been laid before either branch of parliament to justify a statement of that kind. In discussing the question, I pointed out that there was a proposition for building a road from one section on the Intercolonial Railway—I forget the name of the locality now—to tap it at another point, which would save from 50 to 60 miles; and the statement at the time was—and I believe it was generally believed by many who opposed the granting of that charter—that it was a scheme for the purpose of making money for the promoters, and that the road would be sold to the government ultimately in order to accomplish the object which they had in view. I remember the view which I expressed to the House at the time was that it would be much better for the government to spend about $2,000,000, which we supposed it would cost to shorten the road and lower the gradients, rather than spend $16,000,000 to build what was supposed to be a shorter road from Quebec to Moncton. It is a matter of gratification to those who took the position we did upon that point to hear the remarks made by the hon. gentlemen who have spoken, and who formerly supported the government in their proposition. I was very much pleased by the remarks made by the hon. gentleman from Cumberland (Hon. Mr. Black). Whether we act upon it or not, I am not going to take any particular credit to myself for having done it—it is the correct principle that should actuate the Senate. The hon. gentleman from Victoria, N.S., said it was a good thing that the hon. gentleman had not to appeal to a constituency, or he would not have given utterance to the sentiments which he did. That is the reason why there is a Senate, in order that hon. gentlemen shall give expression to opinions which they believe to be in the interests of the country independent of the party to which they belong or to which they are opposed; and if we would all act upon that principle a great deal more than we have done in the past, it would be better for the country and more creditable to the Senate. I am glad the hon. gentleman from Halifax has acted in that spirit in bringing the matter before the Senate. I will read an extract from the premier's utterances when he introduced the measure in the House of Commons on the 20th July. It will be found on page 7662 of the official report of that date. The right hon. gentleman said:

> If it were possible to have a line of railway in a direct course from Lévis to Moncton it would be possible, I believe, without any exaggeration, to abridge the distance almost one-half, but, unfortunately, and I say it frankly to the House, it is not possible to have an absolutely direct line, or the shortest line possible between Moncton and Lévis, and if you will know the reason you will find it by a glance at the map, and you will find it in the blunder that was made by British diplomacy in settling our boundary line, by the Ashburton-Webster treaty. No one can look at that map without feeling a sentiment of anger, almost akin to indignation. But it is no use to go back to what has been done. We have to take facts as they are, we have to submit to the inevitable and to the fact that the boundary line of the state of Maine has been projected through our territory within a distance of about forty-five miles of the St. Lawrence. We have to follow the line of the state of Maine, and following

that line we believe we can abridge the distance between Moncton and Lévis by from 120 to 140 miles.

That is the basis upon which the hon. premier at the time urged upon the parliament of Canada the construction of this line. So far as this interim engineering report shows, the estimate made by the premier has not been realized, and in view of the fact that the distance, if the report of Mr. Butler be correct, so far as they made a survey, is actually longer than the route by the Intercolonial Railway, it is well that the government should call a halt before spending money upon the construction of that road. As there is power given in the contract, I take it for granted that the government will, when these facts are laid before them, act upon the suggestion made by the hon. gentleman from Cumberland and the hon. gentleman from Halifax. I do not propose to enter into a discussion as to the reasons which induced the government to build the Intercolonial Railway upon the route upon which it was constructed. That has been discussed here almost every year for the last thirty years. Those who are conversant at all with the facts know the reason and the difficulties that present themselves, but I say that if the shortening of the Intercolonial Railway by forty or fifty miles can be accomplished by the expenditure of a million or two millions and save the expenditure of sixteen millions in order to reach——

Hon. Mr. FERGUSON—Twenty millions, the hon. gentleman says.

Hon. Sir MACKENZIE BOWELL—The estimate of the government was $16,000,000, and the hon. gentleman from Halifax says it would run up to $20,000,000. I have no doubt it would. That was predicted some time ago. If by the shortening of the Intercolonial Railway you can reach the objective point, Moncton, by a line fifty miles shorter than the present route, and save the expenditure of constructing that road, it is the policy that should be adopted. I am not going into the question of whether St. John or Halifax is the best winter port. Long experience has taught the whole of us, I think, that St. John is the only available port in winter, if you are to consider distance and the expense of getting there. Instead of going to Moncton, this route ought to run down the valley of the St. John by Chipman until you reach that point.

Hon. Mr. DOMVILLE—Hear, hear.

Hon. Sir MACKENZIE BOWELL—We know that for 25 years we were fighting the battle of the winter port, and it was a contest between these two points. Now, as senators representing the whole Dominion, we should cease to think of our discussing the question of localities. Until the Canadian Pacific Railway bought their short line and constructed the shortest route to get to St. John, we never had anything even approximating a winter port, but since that time a line of steamers was subsidized by the government of which I was the head at the time. Through that line of steamers, and by the aid of the Canadian Pacific Railway in the shortening of that line, we have had to a certain extent a winter port, and with further facilities and a little more aid I believe we can have a port there the whole year round. Whether the harbour fills up and empties itself every 24 hours, I do not know.

An hon. MEMBER—Twice every 24 hours.

Hon. Sir MACKENZIE BOWELL—Then it does not take so long for ships to enter the harbour and get away again. I have no doubt about the propriety of the course suggested, and I can only again express the hope that it will be acted upon. Parliament has affirmed the principle of a second Transcontinental Railway. The people have approved of that principle, and have returned the Liberal party to power. Now, let us try and have that line built in the most profitable way for the country. The great west may not progress in wealth as my hon. friend says it will. While it may be a long time before it can show as much wealth as the province of Ontario, I believe the time is not far distant when it will exceed the population, and as it exceeds it in population so it will exceed it in the volume of its products. As that western country cannot consume all that it will produce, it is necessary that we should have not only the most feasible but the most practical and cheapest possible way of getting at the product of that country at every season of the year in order that it may be

shipped to Europe, and I believe that so far as the present routes through Ontario are concerned, St. John is the best port in Canada for that purpose.

Hon. Mr. SCOTT—I do not think we have sufficient information before the Senate at the present moment to come to any final conclusion, I have no objection to the address being carried. All I can do is to call the attention of my colleagues to views the senators have expressed on both sides of the House.

The motion was adopted.

PROVINCIAL SUBSIDIES.

INQUIRY.

Hon. Mr. MACDONALD (B.C.) rose to:

Direct the attention of the government to the present financial position of the different provinces with a view to establish and strengthen their claims to a readjustment of the financial terms arranged when they became federated thirty-eight years ago under the name of the Dominion of Canada.

The revenue of the year following the federation was a little over thirteen millions, and the population about three millions five hundred thousand.

The conditions applicable at that time are no longer so. The increase in population, the expansion of commerce, and the consequent requirements of the provinces for education, the administration of justice, the necessity for hospitals and homes for the poor, and many other charges, all point to the justice and necessity for the readjustment of the present financial conditions not being delayed.

I now produce a comparative statement of the population, revenue, subsidies and the per capita contribution of the seven provinces to the Dominion, including a comparison of the subsidies to be paid the new provinces with that paid the other older provinces :

Ontario and Quebec.

For the sake of brevity I have grouped Ontario and Quebec as the most populous and largest revenue producers.

Population last census	3,832,000
Revenue year ending June, 1904	$36,362,315 00
Subsidies	2,426,000 00
Per capita contribution	9 49

Nova Scotia.

Population last census	459,574
Revenue year ending June, 1904	$ 2,786,829 00
Subsidy	432,805 00
Per capita contribution	6 07

New Brunswick.

Population last census	331,120
Revenue year ending June, 1904	$ 1,717,257 00
Subsidy	491,360 00
Per capita contribution	5 19

Manitoba.

Population last census	255,211
Revenue year ending June, 1904	$ 3,370,698 00
Subsidy	533,115 00
Per capita contribution	13 28

Prince Edward Island.

Population	109,078
Revenue year ending June, 1904	$ 205,061 00
Subsidy	231,491 00
Per capita contribution	2 00

British Columbia.

Population	179,000
Revenue	$ 3,688,511 00
Subsidy	308,184 00
Per capita contribution	20 60

I have taken the revenue of the Northwest Territory for the year ending June, 1904, at $898,464, without reference to land sales, the proceeds of which may be considered as capital and partly a fund for school purposes.

In this calculation the two new provinces are taken as one.

Subsidies first five years, based on population of 500,000	$2,248,250
Subsidies when the population reaches 800,000	2,300,750
Subsidies when the population reaches 1,600,000	3,315,750
Subsidies when the population reaches 2,400,000, the limit mentioned in the provincial Act	5,080,750

In addition to these subsidies the provinces will have all the provincial taxes.

It will be seen from these figures that the two new provinces for the first five years will receive annually more than the five provinces, Nova Scotia, New Brunswick, Manitoba, Prince Edward Island, British Columbia—by $251,295; although they produce annually a revenue of $11,768,356, and only receive subsidies of $1,996,955.

When the population of the two provinces reaches 800,000 they will receive more than these five provinces by	$ 303,795
When the population of the new provinces reaches 1,600,000 they will receive more than these five provinces by	1,318,795
When the population of the new provinces reaches 2,400,000 they will receive more than the five provinces by	3,083,795
When the population of the new provinces reaches 2,400,000 they will receive annually in excess of Ontario and Quebec	2,654,750
The seven old provinces receive annually subsidies, with a population of over 5,000,000	4,422,000
The new provinces when the population reaches 2,400,000 will receive	5,080,750
Which is more than all the old seven provinces receive by	657,795

Unless a readjustment is had before the population of the new provinces reaches 2,400,000.

British Columbia.

I will now direct attention to the province of British Columbia, and will show that it is the largest revenue producer of the seven provinces, according to population.

The population at the last census was 170,000.

The revenue year ending June, 1904, $3,688,511; equal to $20.60 per head of the population, which is $11 more than Ontario and Quebec, $14 more than Nova Scotia, $15 more than New Brunswick, and $7 more than Manitoba contributes per head.

This province receives an annual subsidy of $308,184; of this sum $100,000 is in lieu of 12,-

000,000 acres of land granted the Dominion in aid of the construction of the Canadian Pacific Railway.

The said $100,000 should not be charged as a subsidy to the province, as the Dominion receives a large income from the land grant, amounting in the year ending June, 1904, to $112,958, or about 113 per cent. So that the subsidy properly charged to the province is not more than $208,184.

This province contributes to the Dominion revenue $20.60 per head of the population, and receives $1.72.

Commencing with 1885, and up to 1904, the treasury has received from the railway belt in British Columbia, from sales and leases of land, $1,117,817.79. This has paid four per cent interest on the $100,000 annual grant for twenty-three—the last sum on which interest has been paid is $2,300,000—leaving a balance of $13,817 over the interest paid for twenty-three years.

A province which contributes so much is fully entitled to more generous treatment than it has had, and deserves consideration on account of the heavy necessary expenditure for various purposes.

The total provincial expenditure in British Columbia for all services comes to $12.61 per head per annum, whilst the average expenditure of the other six provinces comes to $2.62 per head.

I have not given the cost of collecting revenue and other charges which come to 2½ per cent; nor is the other expenditure by the Dominion in the provinces given, this statement being confined chiefly to the contributions controllable by the provinces. Nor is it necessary to deal in detail with the Dominion expenditure, it being sufficient to show the advantageous position of the Dominion to grant substantial increased subsidies to the provinces, and more particularly to British Columbia, whose revenue is so large and subsidy so small—proportionately.

The following statement will show the financial position of the Dominion in June, 1904, exclusive of the public debt:

Revenue	$70,669,816
Expenditure for all purposes	55,612,832
Surplus	15,056,984

A portion of which could be well and justly be applied to increasing the provincial subsidies.

I beg to recommend that a commission of nine persons be appointed to consider all questions touching revenue, subsidies, population, local and physical conditions, with authority to consider the special claims of any particular province as may be submitted by its commissioner.

The Dominion government to appoint two commissioners, and each of the seven provinces to appoint one commissioner.

The commission to sit in the city of Ottawa on a day to be named by the Dominion government.

The commission to report its finding and recommendations within sixty days of the first sitting, duplicates of which shall be delivered in written documents over the signature of the chairman of the commission, witnessed by the secretary, to the Dominion and provincial governments.

The Dominion shall appoint a secretary.

All expenses in connection with the commission to be borne in such proportions as the respective governments may deem proper.

And to ask if the Dominion government will agree to such a commission if invited to do so by the respective provincial governments.

He said: When I had the pleasure of bringing up this question two years ago I had the support of the hon. Mr. Speaker and other members of the House, and I hope—although perhaps the Speaker cannot take part in the discussion—that his sympathies and views are with me in this matter. I do not think any one will attempt to say that these terms which were settled or fixed 38 years ago are applicable to the province now. The province has grown in population, and its expenses have increased enormously in the matter of education and in a hundred other ways; so that I think the time has arrived when there should be a rearrangement financially of the relations between the province and the Dominion. I have put down the figures of all the provinces. I do not intend to go over these figures; hon. gentlemen can see them for themselves. I have not placed them on the minutes for any invidious comparison. I have extracted them from the government blue book very carefully, figure for figure. I have taken the customs revenue, inland revenue and post office revenue and any other revenue I found, and I have put them down carefully. Hon. gentlemen can see for themselves the result. I have made a comparison of the new provinces with the old provinces and hon. gentlemen will be surprised when they look at these figures to see the very liberal allowances made to the new provinces. It is true the new provinces have not the land, but they have what is better than the land. They have hard cash; no trouble about surveyors and surveys, no trouble about collecting the money from the land, and they have the taxation of all the land sold. Any government or Canadian Pacific Railway land which has been sold can be taxed by them, which in time will bring them a large amount. Compare the condition of Manitoba with the new provinces. She receives $432,805. Then we are told she has some of the land. Manitoba did get some land from the Dominion, and the revenue last year from all sources, from the land from leases and title deeds and everything of that kind was $444,000. The revenue from the land and the subsidy from the Dominion would altogether amount to

$872,000, whereas each of these new provinces get $1,124,125 to commence with. In this calculation the two new provinces are taken as one. The subsidy for the past five years on a calculation of 500,000 population is $2,248,258; when the population reaches 800,000 the subsidy will be $2,300,750. After the first five years $93,750 is taken off the subsidy on account of the cessation of the grant made for public buildings. That is only given for the first five years. When the population of the new provinces reaches 1,600,000 the subsidy will be $3,315,750 and when the population reaches 2,400,000 the limit mentioned in the Provincial Act, the subsidy will be $5,080,750. It will be seen from these figures that the two new provinces for the first five years will receive annually more than the five provinces of Nova Scotia, Prince Edward Island, and British Columbia by $251,295. Although they produce annually a revenue of $11,768,316 they only receive $1,996,955. When the population of the two new provinces reaches 800,000 they will receive more than these five provinces by $305,795 and when it reaches 1,000,000 they will receive $1,318,795 more than the five older provinces.

When the population of the new provinces reaches 2,400,000 they will receive more than the five provinces by $3,083,795. When the population of the new provinces reaches 2,400,000 they will receive annually in excess of Ontario and Quebec, $2,654,750. The seven old provinces receive annually subsidies, with a population of over 5,000,000, amounting to $4,422,000. The new provinces when the population reaches 2,400,000 will receive $5,080,750, which is more than all the old seven provinces receive by $657,895, unless a readjustment is had before the population of the new provinces reaches 2,400,000.

I will now call special attention to British Columbia, and if I am called the champion of that province, I am here for that purpose. I was not placed in the House to be a dummy, but to look after the interests of my province and the Dominion at large. So long as I have health or strength left, I intend to follow that course. I want to give the hon. Secretary of State a very pleasant surprise. When I brought up this question last year and told the hon. gentleman he had given away land in the railway belt of British Columbia, the hon. gentleman said that it was all rocks and of no value. The figures which I have given in my notice show that in the last 23 years it has produced $1,117,850. Now that shows that the railway belt has paid the allowance given to British Columbia in lieu of the land, so that really that allowance should not be charged against us, because we have been paying it back year after year.

Hon. Mr. SCOTT—When British Columbia came into the confederation the terms that we granted to her were exactly similar to the terms granted to every other province of the Dominion. One of the principal reasons that British Columbia has not received as large a proportion as other provinces is due to the fact that until lately the population was small. British Columbia came into the union in 1871 and the population then was 36,247; in ten years, it had only increased by 13,000. The building of the Canadian Pacific Railway led to a more rapid increase of population. Then, in addition to that, British Columbia gets in compensation for her lands, $100,000 a year. My hon. friend has dropped that little item. I will show from the Auditor General's Report what British Columbia gets from the Dominion. First, allowance for government, $35,000. Now in proportion to population the allowance for government is larger than either Alberta or Saskatchewan will receive. The subsidy of 80 cents per head of the actual population at the end of each decennial census is precisely the same as the other provinces receive. The compensation for lands given to the Canadian Pacific Railway is $100,000 a year.

Hon. Mr. MACDONALD (B.C.)—We pay that back again.

Hon. Mr. SCOTT—Oh no, you get $100,000 out of that. You do not take into account the cost of management, which is very considerable. Then you get on the debt allowance interest at 5 per cent on the balance of debt on which you came into the Dominion, just as the other provinces are receiving. That was increased in 1884. British Columbia is really one of the richest provinces of the Dominion. Her timber lands are very valuable, and the agricultural

lands in her valleys are probably as rich as any in the world. They are being utilized now for growing fruit. It has been found that they can produce fruit equal to any grown in the Dominion or even in California. The reason British Columbia is hard up is because of her extravagance; the people will not look at a copper coin. If you offer such coin in Victoria or Vancouver, they refuse it. They will take nothing less than a five cent piece.

Hon. Mr. PERLEY—It is the same in all the country west of Lake Superior.

Hon. Mr. SCOTT—If British Columbia had been as economical as Prince Edward Island for instance, which takes all the coppers and is glad to get them, it would be the wealthiest province in the Dominion. British Columbia would be the richest of all the provinces, if the government of the province exercised proper economy in the management of their affairs. Take as an illustration the extreme liberality with which they have given away valuable lands. Take the Crows' Nest concession ; I have forgotten the number of acres granted, but a vast area of the most valuable lands on this continent was given away as a subsidy to the railway, and I do not know but that some cash was given in addition. You have made a lot of millionaires by it no doubt. If British Columbia chooses to be as extravagant as the history of the past shows she has been, necessarily she wants a larger subsidy, but I doubt whether the people of Canada are prepared to give a larger amount per capita to British Columbia than to any other provinces. It would not be reasonable or fair. Of course if any new arrangement is made hereafter with the provinces, British Columbia will be treated on the same basis as every other province but at the present time my hon. friend can scarcely hope that we will issue a commission for the special purpose of inquiring into the question whether British Columbia has been extravagant or economical.

Hon. Mr. MACDONALD (B.C.)—The Right Hon. the Premier, when some member brought up a similar question to this in the other House, said he thought a readjustment would be necessary in a short time. Of course British Columbia was extravagant in land grants. That has been the history of every young country. Look at Australia, where millions of acres of land were given away to the sheep farmers, and now they have to take them back. It has been the same in Ontario and the east where clergy and other reserves have been granted freely. British Columbia is not alone in that respect. We are not more extravagant than the other provinces. If we ask for money it is part of our own money. We are entitled to every consideration, and I hope we shall receive it.

THE ATLANTIC MAIL SERVICE.

INQUIRY.

Hon. Mr. WOOD inquired :

What has been the result of the experiment of landing the English mails at Sydney, Cape Breton ?

How much time can be saved under ordinary conditions in the delivery of mails at Montreal and other commercial centres in Canada and the United States, by landing mails at Sydney instead of Rimouski ?

Will the government make further experiments with this route ?

Hon. Sir RICHARD CARTWRIGHT—While the experiment has certain interesting features, so many incidents have occurred that were not expected or provided for, that no conclusion can be drawn as yet as to the possibility of delivering mails with regularity at an earlier date then heretofore. The only thing that has been pretty well demonstrated is that there will be no difficulty, I think, in carrying the mails from Sydney to Montreal well within 24 hours.

WINTER COMMUNICATION WITH PRINCE EDWARD ISLAND.

INQUIRY.

Hon. Mr. FERGUSON rose to :

Call the attention of the government to the necessity of giving due consideration to any contract they may enter into, for the purpose of securing a more powerful ice-breaking steamer for the maintenance of winter communication with Prince Edward Island, and to inquire whether the new boat will be available for service next winter.

He said : This notice expresses all that is necessary for me to say ; but I will just add this, that there is $175,000 voted in the estimates of the present year for procuring an additional boat to navigate the straits of Northumberland. What I want to impress on the government is that in procuring this

boat they should not limit themselves to any particular sum, but while they are about it get the best, the most modern and powerful boat that can be procured for the purpose of ice-breaking. About eighteen years ago the steamer 'Stanley' was placed on the route by the former government. That steamer has done some wonderful work indeed. About five years ago the present government put on another boat called the 'Minto,' built on the same lines, to a large extent, as the 'Stanley,' and she has also done good work; but there was not that improvement in the 'Minto' over the 'Stanley' that twelve years should have brought about. It seems that all they did was to copy the 'Stanley,' and not very successfully either, because, although the 'Minto' is a much more powerful and larger boat and has more horse-power, she is scarcely as good an ice-breaker as the 'Stanley,' although the latter has her boilers reduced after eighteen years of very hard work in the ice. A boat has recently been built on the Clyde for the Russian government, called the 'Ernack,' and there are reports I think well authenticated, of the wonderful operations of that steamer. I want to impress on the government that when they are procuring another boat, which ought to be procured, without any doubt, they should look well into what is being done in ice-breaking in other parts of the world, and procure if possible a powerful boat that will solve the question of winter communication between Prince Edward Island and the mainland. I may say that wonderful things have been done by these winter steamers, things that would have been regarded twenty years ago as absolutely impossible. It is true that last winter there was a very serious failure, but the conditions were abnormal. Such a winter the oldest inhabitants never saw. The cold was intense and the storms were frequent during the greater part of the winter. Leaving last winter out of the question, these two steamers have done wonderful things in effecting communication between the mainland and Prince Edward Island, and they have established a conviction in the minds of a great many people that there are possibilities in that connection, by putting on a much more powerful boat than either of these have been, or a boat with a better design, such as the 'Ernack.' I want to warn the government before they expend this money not to be satisfied with getting a boat that will be merely something like the other two boats we had. It will be throwing money away. These two boats, as far as they go, are doing very well, but what is wanted is a more powerful boat than either of them. My hon. colleague from Montague, I am sorry to see, is not in the House at this moment, but if he were here he would be able to state the views of Captain Brown, the captain of the 'Stanley.' Those views are in the line of my observations and, if I understand my colleague right, Captain Brown is of opinion that a boat of 6,000 or 7,000 horse-power ought to be procured, and that a boat of that power would be almost certain to effect the desired object. That is his opinion after having had many years' experience of navigating the straits as captain of the 'Stanley.'

Hon. Sir RICHARD CARTWRIGHT—The hon. gentleman has himself called attention to a point that I was going to make; that is to say, that there was a vote in the estimates for the purpose of obtaining a better service. He has also mentioned the fact that the conditions of last winter were extraordinary, as was very well seen from the extremely prolonged blockade on the mainland. It is hoped that it will not be repeated for a considerable term of years. I shall convey the hon. gentleman's views to the government. I may say that I am myself of his opinion that this is not a case in which a trifling sum of money should be allowed to interfere with procuring better communication.

SUPERINTENDENT OF INSURANCE AND DIRECTOR GENERAL OF PUBLIC HEALTH BILL.

FIRST READING.

A message was received from the House of Commons with Bill (200) An Act respecting the Superintendent of Insurance and Director General of Public Health.

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. He said: Those two gentlemen, Mr. Fitzgerald, of the Department of Finance, and Dr. Montizambert, are in the

position of deputy heads of departments and they want to be recognized as having the status of deputy heads. It carries no money with it.

The motion was agreed to.

FALSE REPRESENTATIONS TO IMMIGRANTS BILL.

FIRST READING.

A message was received from the House of Commons with Bill (No. 120) An Act respecting false representations to induce or to deter immigration.

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. He said: The title of the Bill explains itself. As hon. gentlemen will have noted by newspaper reports, parties leaving Europe have been brought to Canada under misrepresentation, and it is for the purpose of punishing, if we can reach them, the parties who mislead emigrants coming to Canada by making false representations.

Hon. Sir MACKENZIE BOWELL—I do not think there will be any particular objection to the Bill, but I am very much inclined to think that the misrepresentations which have been made to mislead emigrants are much exaggerated. No doubt some immigrants come to this conntry, as there always have been ever since I can remember, who do not find half sovereigns about the streets waiting to be picked up and they have growled and grumbled at the representations made to them, but as to there being any real ground for a grievance I doubt very much. I am not prepared to say that the Bill may not be all right, making it an offence to do anything of the kind mentioned, but at the same time we should be very careful how far we legislate in restricting immigration for which we are paying so large a sum. We are doubling and quadrupling what we used to pay for immigration, and no law should be put on the statute-book which would have the effect of deterring available and proper persons from coming to the country. I believe the Labour Council and the manufacturers have come to an understanding and neither of them has any objection to the measure, but I am afraid it will lead to a good deal of trouble in the future in the way of fancied wrongs which will lead to litigation and trouble. However, if the government are willing to accept the responsibility I have no objection.

Hon. Sir RICHARD CARTWRIGHT—While I entirely agree with my hon. friend that there has been gross exaggeration as to the extent of these representations, there is a particular class of misrepresentation which may be reached through this Bill, which I think he will agree with me it is desirable we should endeavour to prevent. It has come to our knowledge that some people in England have been inducing men of more or less means to come out here under the pretense that they would receive certain advantages and be educated in a particular way here for the purpose of taking up farms. This has been practically a swindle, and it may perhaps be reached by this legislation in a better way than under the ordinary procedure for obtaining money under false pretenses. Some very curious cases of that kind have come to the notice of the Emigration Department.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called I want to call the attention of the government to what has been done, and what has not been done, of late. I have several times asked the hon. Secretary of State to be good enough to produce the return to an address that was voted on the 11th April, which was as follows:

That an humble address be presented to His Excellency the Governor General ; praying that His Excellency will cause to be laid before the Senate copies of all despatches, letters, telegrams and other correspondence and communications received by the Department of Public Works, or any officer thereof, or by any department of the government, or by any officer thereof, from the Honourable Senator Philippe Auguste Choquette in any way relating to lot 4438-A of the official plan and book of reference of Montcalm ward, of the city of Quebec, and to the purchase thereof by His Majesty King Edward VII, and of all despatches, letters, telegrams and other correspondence and communications sent by any and all such departments and officers to the Honourable Senator Choquette relating thereto; also copies of all plans, if any, filed for the purpose of expropriating said lot in the registration division wherein said lot is situate, and copies of any other expropriation proceedings authorized or required by law to be followed in connection with the expropriation of lands for public purposes and which in any way relate to the lot aforesaid;

copies of all appointments of valuators regarding said lot; copies of all applications for the appointment of such valuators, and of all correspondence, letters and telegrams relating to such appointments; and copies of any valuations of said lot made by any valuators; copies of all Orders in Council relating to said transactions and to the purchase of said property; copies of all deeds, powers of attorney, reports and Orders in Council executed, made or passed relating to the purchase or acquisition of said lot by His Majesty King Edward VII.

I have asked the hon. Secretary of State and he has promised several times, to bring down that return. He asked me for a memorandum, and I gave him one. Then when I asked for the return he asked for another memorandum, and I gave him another. Last Saturday I called the attention of his hon. colleague to the necessity of bringing down that return. For three months I have been asking for it, and if I cannot get it in any other way, I will keep the House here until it is produced.

Hon. Mr. SCOTT—I have asked for it repeatedly. On Saturday I asked Mr. Pope to go himself and see about it.

Hon. Mr. LANDRY—The hon. minister must realize the expense it will be to the country if I have to keep the House here two or three days more. I must have that return before leaving Ottawa.

TRADE WITH ARGENTINA.

Hon. Mr. MACDONALD (B.C.)—I wish to direct the attention of the hon. Minister of Trade and Commerce to an article in 'Events,' in the hope that the government may before long be in a position to promote trade with Argentina. The article is as follows :

The marvellous material, economic, educational and social development of North America has blinded the eyes of a goodly portion of its citizens to an appreciation of what is going on beyond its borders. They often rant about European interest in South America and European effort to surpass us in the competition for South American trade and friendship, without remembering that European nations, merchants and travellers know far more about South America than we do and expend treble our effort to build up closer relations of commerce and comity.

A summarized statement of some facts about Argentina confirm these premises and conclusions. The Argentine Republic, as it is named, is to-day one of the most prosperous and progressive countries. Its foreign commerce for 1904 reached the immense total of $451,463,000 in gold. This was greater than that of any other Latin nation, not excepting Mexico and Brazil. It exceeded the foreign trade of Japan, of whose marvellous progress we now hear so much, and it went far beyond that of China, concerning which there is general discussion. In other words Argentina, with only 5,000,000 people, showed a buying and selling capacity in excess of Japan with 40,000,000 people, and China with 400,000,000. My comparison is no reflection on these latter countries, and I have always been an earnest advocate of the importance of our commercial and political interests in the far east, but these should not overshadow or hide what we have at stake in South America.

That Argentina is moving with proverbial leaps and bounds is provided by the fact that her foreign commerce, the best thermometer of a country's prosperity, increased $90,000,0000 in 1904 over the total for 1903, which was $360,000,000. Estimating her population, as before stated, at 5,000,000, she has in the present total of $451,463,000 the remarkable average of nearly $90 per head, or a far greater average than the United States or any of the principal European countries. If this lusty young giant of South America keeps progressing at this rate, it will be difficult to estimate her trade and wealth when she has a population of 25,000,000.

I bring the matter to the notice of hon. gentlemen in case there may be something done to encourage trade with that country.

TUBERCULOSIS COMMITTEE.

Hon. Mr. ELLIS—If hon. gentlemen will refer to page 692 of the journals of the Senate, they will find that after a joint report had been presented and agreed to, the Senate appointed a committee to act with another committee of the House of Commons, but the House of Commons has not made any return of the acceptance of that suggestion. They have adopted the report, striking out the 7th section, which was a section recommending the expenditure of money, as it was held by the Speaker of that House that the recommendation should not be made; and now in view of the decision of the Speaker what is to be done? I should not like to be committed to the tower in this warm weather at this period of the session. Has the committee a right to wait upon the government in view of the fact that the House of Commons did not make any return? I refer to the Tuberculosis Committee, and I have a note from the secretary that we are to meet in the tower room at 10 o'clock to-morrow morning.

Hon. Sir MACKENZIE BOWELL—I understood the report had been adopted with the exception of the paragraph which recommended the expenditure of money. My recollection is that that was struck out.

Hon. Mr. ELLIS—They have not concurred in our suggestion for a joint committee to present the address.

Hon. Mr. FERGUSON—Have they refused, or merely neglected to take action?

Hon. Mr. ELLIS—I understand, not speaking authoritatively on that point, that it is not the practice for a committee of that House to wait on the government with an address of this character. Addresses are made in a different way in that chamber. I should like to know whether it is safe for the committee to go.

Hon. Mr. BEIQUE—I understand that arrangements have been made with the right hon. Prime Minister for the committee to be received to-morrow at 10.30, and the only difficulty I see is that the House of Commons have neglected to appoint a committee. They may appoint a committee. At any rate that would not prevent the committee carrying out the directions of this honourable House so far as presenting a report which has been adopted by this House, whether it be done jointly with the other House or not. Supposing that they appointed a committee for the purpose and that members of the committee failed to attend, would it prevent the committee appointed by this House carrying out the wishes of this House?

Hon. Mr. LANDRY—I think there is more than that in the position. It is a question of courtesy in the relations between the two Houses. If a message is sent to the House of Commons surely we should hear something of it.

Hon. Mr. BEIQUE—That is not the question raised by the hon. senator.

Hon. Mr. LANDRY—We are in the position now of people waiting for an answer.

Hon. Mr. ELLIS—Will it be safe to attend? That is the only question.

Mr. SPEAKER—I do not suppose that this is a question for the Speaker to decide. The Senate has adopted a resolution conveying a message to the Commons and it is in order for the Senate to decide by motion what they will do.

Hon. Mr. SCOTT—I understand there was a clause recommending that there should be an appropriation by parliament and it is on account of that that they declined.

Hon. Mr. LANDRY—Why did they not say so?

Hon. Mr. SCOTT—I do not know.

PROVINCE OF ALBERTA AUTONOMY BILL.

IN COMMITTEE.

Hon. Mr. SCOTT moved that the House go into Committee of the Whole on Bill (69) An Act to establish and provide for the government of the province of Alberta.

Hon. Sir MACKENZIE BOWELL—I said I would take the opportunity when the House was going into committee to make some remarks upon this subject, but upon reflection I shall forego that right, and when speaking on the different clauses I shall take the opportunity to reply to some of the remarks by some hon. gentleman recently.

The motion was agreed to, and the House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On clause 3,

Hon. Mr. BOLDUC—I believe that this clause might be made a little clearer. It has been contended in this House by some hon. gentlemen that this does not take away any rights which belong to some classes of persons, in the new provinces. I therefore move that the following proviso be added to the clause:

Provided always that no provision of the present Act shall be construed to restrict in any way the rights and privileges heretofore granted to any class of persons in the North-west Territories.

I believe with this proviso there will be no difficulty, and the clause will be clearer.

Hon. Mr. SCOTT—The opinions expressed in this amendment have been the subject of discussion for about five months. I do not think it would be profitable to re-open it, as no possible good can come of it. It is quite clear that this is not germane to this particular clause but to another one. it is a compromise arrived at with the

approval of the representatives of the two provinces, and it would be very unfortunate if we were to take up the discussion here with a view of making any changes. The opinion of this chamber was expressed in a decided vote given on the second reading of the Bill, because practically that is the only controversial clause in the whole Bill, and I say clearly that the proposition should not be accepted.

Hon. Mr. LANDRY--Do I understand that the government have decided to refuse any amendment whatever to the Bill?

Hon. Mr. SCOTT—No, not any amendment based on sound policy. That amendment is not based on sound policy, because the clause is founded on a policy which has been adopted after the fullest inquiry and discussion, and after the various parties had agreed on it.

Hon. Mr. LANDRY—I understand from the Secretary of State that it is not a sound policy for the parliament to adhere to the rights and privileges which have been bestowed upon the minority. We are told it is not a sound policy. What is asked by this amendment ?

Hon. Mr. SCOTT—Would it not be better to discuss it when we come to the proper clause.

Hon. Mr. LANDRY—No, we will discuss it now. We can discuss that amendment with clause 17, if the government agree to do that. But if not, we will not deprive ourselves of the right to consider this clause now.

Hon. Mr. SCOTT—It is not germane to clause 17.

Hon. Mr. LANDRY—We will make it germane. I will ask the hon. gentleman or any member of this House if they are willing to infringe on the rights of the minority and are willing to take away what has been already given. If so let them vote against the amendment.

Hon. Mr. BEIQUE—This provision would crystallize into the constitution all rights and privileges arising from any ordinances that are now in force in the Northwest, which would lead us into an absurdity. A class of persons may have rights or privileges granted to them, which are in no way germane to what my hon. friend has in his mind; but these would be crystallized into the constitution by this amendment.

Hon. Mr. BOLDUC—I believe the hon. gentleman from de Salaberry is completely mistaken. The object of the amendment is not to crystallize into law all the ordinances which were passed, but I say that by this amendment all the rights possessed by any class of persons which have been created by law, are to be maintained. That is the only object of the amendment, and I am surprised that the hon. gentleman should be mistaken. For instance there are not only the educational conditions which exist. There is also the case of the language. By the Act of 1875 the French language was permitted in the Northwest Territories and the only aim of this amendment is with reference to the French language, and the clause relating to education.

Hon. Mr. POWER—I am surprised at the hon. gentleman from Lauzon who is generally judicious, and knows what he is about. But I scarcely think he realizes the effect of his amendment. The fact is this might involve any sort of absurdity. For instance at certain times there were certain privileges accorded to the Northwest Mounted Police. This amendment would crystallize those, and take them from under the jurisdiction of parliament for ever afterwards. In the same way, there were dealings with the Indians in the Northwest Territories and if we adopt the amendment, the law with respect to Indians must remain as it is and there can be no alteration. The hon. gentleman must see that this is not the place to make the amendment, and as to the suggestion that he has made now that it applies only to the language—it does seem to me while I admire the beautiful language of France, I think inasmuch as the speakers of that language are only about 4 per cent of the population of the Northwest Territories, that it is not reasonable that the legislature should be put to the expense of duplicating their proceedings. The Germans and Russians have I think really as strong and practical a claim as the French in the Territories, and I think if amendments are to be moved in

connection with educational matters, the better way would be to move them to the 17th clause when we come to that.

Hon. Mr. BERNIER—The hon. gentleman seems to be quite mistaken about the Russians and those coming from other European countries. There are two classes in this Dominion who have rights which others have not, the British race and the French Canadians. The French Canadians have rights because they were the first occupants of the soil, and the discoverers and pioneers of the country, so that they have the right to have their privileges respected. As to the British race, they have also the right to their language, having taken the country by arms; but as to all others they have no right at all. They came here knowing that this is a British country. They must know, or they should know, when they come here, what are the laws of the country, and they must come here prepared to submit to those laws. Consequently they cannot claim any rights for their language. Perhaps the hon. gentleman from Lauzon (Hon. Mr. Bolduc) would meet the objection of the hon. gentleman from de Salaberry (Hon. Mr. Béique) and the hon. gentleman from Halifax (Hon. Mr. Power), if he were to add to his motion: 'with regard to schools or languages.'

Hon. Mr. CLORAN—Although not prepared to vote for the amendement, I as one coming from the province of Quebec, hesitate very much to accept the argument placed before the House and country by Hon. Mr. Power, as regards the privileges and rights demanded by the hon. gentleman from Lauzon (Hon. Mr. Bolduc.) The hon. gentleman from Halifax (Hon. Mr. Power), as the hon. senator from St. Boniface (Hon. Mr. Bernier) says, has no right to put our French Canadian people on the same plane as the Doukhobors or Russians or any other class who have been introduced into this country. That is not a proper thing to do. Let our friends representing the French Canadians make their fight, but let us not tell them that they are on the same plane with these people. I heartily endorse the sentiments put forth by the hon. gentleman from St. Boniface, although I am not supporting the amendment; but in view of the fact that the statement has been made that they have no more right than the Doukhobors and Russians, I must say that I disagree with that statement. Our people speaking the French language are entitled to more rights than they are.

Hon. Mr. BEIQUE—I do not take exception to the object which the hon. gentleman has in view, but I take exception to the form of the amendment.

Hon. Mr. CLORAN—So do I.

Hon. Mr. BEIQUE—It is his right to propose any amendment and it will be for us to support it or vote against it. We have a right to expect that the amendment which he proposes will carry out in terms the object which he has in view, but an amendment of that kind will have the effect of crystallizing, as I have said, languages which we dare not crystallize.

Hon. Mr. LANDRY—The hon. gentleman is very fertile in expedients when amendments are suggested, and I thought he would have some amendment ready.

Hon. Mr. BEIQUE—I will content myself by voting against it.

Hon. Mr. LANDRY—Inasmuch as the hon. gentleman is not prepared with an amendment, I move that the following words be added to the amendment: 'In matters of education and language.' That will bring the amendment quite up to date, and it should be acceptable to him as a French Canadian. He surely will not record his vote against an amendment designed to perpetuate in the Northwest the use of his mother tongue.

Hon. Mr. BOLDUC—I am prepared to accept the amendment. I go further; if the hon. gentleman from de Salaberry has anything to add to make the amendment clearer, and render its passage easier, I have no objection to changing my amendment, providing the change will leave the effect unaltered.

Hon. Mr. LANDRY—Does the hon. gentleman accept the amendment?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Because it is an absurdity?

Hon. Mr. SCOTT—No ; not by any means an absurdity.

Hon. Mr. BEIQUE—Question, question.

Hon. Mr. LANDRY—If the hon. gentleman wants to prevent me speaking, he is losing his time. The question will be put when I have done. I do not want to be threatened, and if any one threatens me I will speak until to-morrow morning. This Bill occupied the time of the House of Commons for five months, and I want to have a little time to discuss it here. We have liberty of speech in this House, and I will not submit to any attempt to choke off discussion. We have a government here that will not allow that.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. BEIQUE—We understand the hon. gentleman is ready to carry out his threat.

Hon. Mr. LANDRY—I made no threat. The question is this : Have the government decided to resist all amendments proposed here ? If that is their policy, if they have decided that we cannot amend or improve the Bill in any way, we may as well ground arms. Will the government tell us if that is their policy ?

Hon. Mr. BEIQUE—I rise to a question of order. I ask that the hon. gentleman be directed to confine himself to the clause now before the committee.

Hon. Mr. LANDRY—Certainly I shall do so. An amendment has been moved, and the leader of the government has answered by saying that it is an absurdity, and that at this time of the session he would not allow any amendment to be made to the Bill. Did I understand the hon. gentleman aright.

Hon. Mr. SCOTT—No ; I did not make use of the word absurdity. I stated a particular policy had been agreed upon by the friends and opponents of the Bill, and I did not think it was wise or prudent for the Senate to undertake to amend it now, because it would not carry in the other House. Of course, when the government submit a Bill to parliament it is open to criticism and amendment at every stage ; and if the opponents of the Bill have a majority, they have, of course, a right to make a change.

Hon. Mr. LANDRY—I am very glad to hear the explanation ; but, if I understand him, the principal objection to any amendment here is that it would not be carried in the other House.

Hon. Mr. SCOTT—That is one reason.

Hon. Mr. LANDRY—Then we do not need a Senate.

Hon. Mr. SCOTT—I do not think the amendment would be carried in this House either.

Hon. Mr. LANDRY—That would be settled by the vote ; but if an amendment carried here is not to be accepted by the other House, what is the use of this House?

Hon. Mr. SCOTT—We would have a conference, as we had before on the Railway Bill.

Hon. Mr. LANDRY—We will try that conference just now.

Hon. Mr. WILSON—An amendment has been moved to which the hon. gentleman has moved an amendment himself, and I should like to hear it put from the chair.

Hon. Mr. LANDRY—My amendment has been accepted by the hon. gentleman from Lauzon (Mr. Bolduc).

Hon. Mr. DANDURAND—Hon. gentlemen when called to preside over your deliberations I decided to take no part in the debates nor to register my name on the division list, but this measure is of such permanent importance and has agitated the electorate to such an extent that I deem it my duty to make an exception to the rule I had laid down for my guidance.

Perhaps if I closely analyzed the reasons that prompted me to speak I would find that the determining one is the following : The question which is submitted to us is a very delicate one in more than one of its features and most difficult of a satisfactory solution. The educational clause finds the people irredeemably divided.

Legislation can only be enacted through the action of one of the two political parties which divide public opinion in this country.

Both parties through their leaders have laid down their respective policy on this educational question.

It has been stated by some of our parliamentarians that both of those policies were unacceptable to the Catholic minority and that one belonging to that faith showed very little pride indeed if he accepted by his vote the very small pittance contained in this Bill.

If I have the least doubt as to what is my duty in this connection I would have an easy refuge in eluding all responsibility by abstaining from voting.

Some members of the parliament have even gone further. They have accused of cowardice those who differ with them. It is because I felt that one displays more courage in following the policy of reason which we call in French 'la raison politique' when it is opposed to the popular reason that I have decided to record my vote in the present instance. It will be an easy task, needing no special courage to go to Catholic Quebec and tell its electors: I have asked more freedom for the Catholic minority and greater rights for the French language.

We of this chamber need not the endorsation of the electors but I hold that one owes them an explanation as to what we conscientiously believe to be the right path to follow on such a momentous question.

What are the policies we have to choose between? The Conservative party asks us to enact no safeguards in favour of the minority except the ones to be found in the constitution of 1867. What are those safeguards to be found in that Act? In the same breath the Conservative leaders, Mr. Borden and his friends in the other House and the hon. gentleman from Calgary (the Hon. Mr. Lougheed) in this chamber inform us that the minority has no rights, no protection, whatever, in virtue of that constitution inasmuch as those rights would date from 1870, when the territories were acquired, and they affirm that at that date the minority had no rights that can be preserved to them now.

Hon. gentlemen, even if we disagree with that legal interpretation of the Act of 1867, what would the minority obtain by the adoption of that policy of the Conservative party as a binding guarantee for the future? If the policy prevailed the legislatures of the new provinces would themselves interpret the constitution. If they adopted Mr. Borden's interpretation then the minority would be without any protection whatever. If they accepted the contrary doctrine, propounded by the Minister of Justice and the leader of the government, then the minority would remain with the rights and privileges they enjoy to-day and these are the privileges which would be granted them. At all events nothing less could be given them. It has been stated here that the minority would be better off if solely protected by the constitution of 1867, because then it could claim before the courts the restoration of the rights given them by the Act of 1875. My answer to this pretension is: First, that it is legally untenable. Secondly, that even if it prevailed before the courts it is very doubtful if the minority would be then in a better position than under this Bill—as clearly shown by the hon. gentleman from de Salaberry. Third, that the legal interpretation given to the Act of 1867 by Mr. Borden and many of his friends, which would deprive the minority of all rights, would at the same time go before the tribunals with all the risks of the glorious uncertainties of the law. Fourth, that this matter would be unsettled for the next five or ten years to the very great detriment of the country. For these reasons I am unable to accept the policy offered us by the opposition.

Is this Bill acceptable in its present form? I will not preface my answer by discussing our legal or historical rights to a better treatment—speaking always as one of the minority—nor will I ask myself, at this stage, if we could have obtained more from this parliament or the next parliament. I have lived through the agitation this country has just emerged from. I have drawn some lessons from the present crisis. I have realized that in this mixed community one cannot always govern according to his ideals, but in conformity with the conditions that face him. The man who, in this country, adopts as his motto: 'Everything or nothing,' is valueless as a force for good and at times a very dangerous citizen. This Bill contains all that the minority can have and expect from the federal parliament. Of this I am certain.

Has the minority under this Bill, a sufficient measure of protection, a sufficient latitude to be able to conscientiously make use of it? The hon. gentleman from Mont-

arville has answered in the negative and he has stated his reason. He does not want a school that will give the child but half an hour of religious tuition when the ten preceding half hours may have been employed in poisoning his mind with heterodox doctrines. With all due respect to the hon. gentleman I must state that this argument is absolutely worthless because it is foundationless. The Catholics will either be the majority or the minority in a school district. If in a majority they elect the school trustees, if in a minority they have a right to secede and to have a separate school. In both cases they choose through their trustees a Catholic teacher and that Catholic teacher will not poison the mind of his pupils.

The hon. gentleman from Belleville cited with some surprise a law passed under the union of Upper and Lower Canada, the Act of 1843, which provided:

> 2. That where the teacher of any public school was a Protestant a separate Catholic school shall be formed on the application of ten or more freeholders, and vice versa if the teacher was a Catholic.

The hon. gentleman could not understand such a provision and treated it as an absurd one. The seconder of the hon. gentleman's motion for the six months' hoist (Hon. Mr. de Boucherville) understands this enactment thoroughly because it represents the doctrine of the Catholic Church.

This Bill gives the Catholic minority the right to have their children educated by a Catholic teacher and I claim that this privilege contains the essential principle the Catholics contend for. Whatever the books selected by the state may be, I venture to affirm that they can do no harm in the hands of Catholic children if explained and taught by Catholic teachers.

It has been said that half an hour of religious teaching per day was not enough. I will in answer state the fact that to my knowledge the religious tuition in the Catholic separate schools of Montreal is much shorter than the time given by this Bill. I am satisfied that with the measure of protection to be found in this measure the minority will be able to work its own salvation. That is so far as this educational clause is cerned. As to another part of the amendment of my hon. friend from Lauzon which covers the rights that the French-speaking minority in the Northwest may be entitled to, I want to add a few words. The French minority up to 1890 was entitled to the use of the French language in the proceedings of the council or house of assembly and before the tribunals. There was nothing whatever in the Act of 1875 concerning the French language in the schools. The Act of 1890, proposed by Sir John Thompson, gave the power to the Northwest Council to abolish one of the languages, or in other terms to use the language which the council or the assembly should decide upon in the proceedings of the House.

Hon. Mr. LANDRY—But the hon. member forgot to tell us that in 1877 the French language was introduced in the law.

Hon. Mr. DANDURAND—In 1890 this parliament gave the right to the council or assembly of the Northwest to do as they pleased as to the language to be used in the proceedings of the House. Taking advantage of this right given by the federal parliament, the French language was abolished in the proceedings of the House. This amendment is not for the purpose of restoring that privilege to the French-speaking population which was abolished in virtue of that law. So that all that remains to-day of the privileges of the French Canadians which they have had up to this day is the right to address the courts in their own tongue. The hon. gentleman wants this privilege maintained by this amendment; that is the extent of the hon. gentleman's demand. By the census of 1901 the French speaking population of the Northwest was found to be 4 per cent. In the last four years hundreds of thousands of people from abroad have invaded those prairies. What is to-day the percentage of the French speaking population in the Northwest Territories? My impression is that it is below 3 per cent. Knowing that the French language has not been once used before the tribunals of the Northwest according to the statements of judges who preside over those tribunals, would it be the part of prudence for our people in the province of Quebec to raise an agitation for the purpose of giving an empty right to their French Canadian brethren in the west? This Bill so far as the educational privileges are concerned

gives the minority of the Northwest a chance to live in a way that is quite satisfactory to them; and on the whole I feel that we of French Canadian descent who have many privileges and advantages, to which we are entitled it is true, because of our exceptional situation, should be slow in rushing into the fire for things that are not worth fighting for. Occasions will arise when it will be time for us all, in this chamber, more especially, where we should be the custodians and defenders of the just rights of minorities, to appeal for fair-play, to all of our colleagues from the other provinces on large and important questions. I think that on the whole this Bill as a compromise, should be acceptable and will be acceptable to the province of Quebec and to all men of good will.

Hon. Mr. LOUGHEED—I take very grave exception to the manner in which His Honour the Speaker has stated the position of Mr. Borden, of the opposition in the House of Commons, and of myself on this Bill. The hon. gentleman has sought to leave the impression not only upon the minds of this House but upon the public mind that the conclusion arrived at—or, to better state it, the policy arrived at—by the Conservative party, with reference to the intervention of the federal parliament, is owing to the fact that certain opinions exist that the minority have no rights under the constitution, and that therefore we object to the intervention of this parliament in the passage of clause 17. I give an emphatic denial to any such statement. My hon. friend, by the statement of the case made by him, is leaving an erroneous impression on the mind of this House, and endeavouring—I will not say wilfully—to create a public opinion which is contrary to the facts. The position taken by Mr. Borden and those of the House of Commons who supported him and by myself is practically the same position taken by the hon. gentleman from de Salaberry, practically the position taken by the Minister of Justice in the other House, that section 93 of the constitution makes provision for the conservation of all the rights either of the majority or of the minority, and it is not by reason of the fact that some of us may hold a legal opinion, based on constitutional law, that the rights of the minority may be different from those that are represented by my hon. friend that we support that view of the case. We say positively and without fear of successful contradiction that the British North America Act of 1868, the Act of 1871 and the Act of 1886, all of which are to be construed together as part of the British North America Act—and this is specifically stated in the Act—provide a constitution for these new provinces immediately they are called into existence; that whatever may be the difference of opinion as to what the construction to be placed upon section 93 is—and they are only the differences of lawyers—whatever that difference may be, it must be decided by a judicial tribunal and not by a party majority in a parliament assembled for the purpose of arriving at a conclusion decided upon beforehand. I say it would be fatal for the Conservative members of this body or of the House of Commons to urge that a constitutional interpretation should be placed here on section 93, and I appeal to the sense of justice of my hon. friends on the other side that where a substantial difference exists in regard to the fundamental law, as to what the constitution means, should that interpretation be placed upon it by a political body that has been whipped into line by any political party? I say that no tribunal short of the Privy Council can place a proper interpretation upon that Act, and I say that these two provinces which you are calling into existence by these Bills, will never rest satisfied until the interpretation of the Privy Council, the highest court of the realm, be placed upon it to decide what are the rights of the minority. That is the position which the Conservative party has taken upon this subject, a position which has been practically denied by my hon. friend, and which I take this opportunity of setting right.

Hon. Mr. DANDURAND—I did not draw the conclusion that the hon. gentleman was opposed to separate schools. I simply stated that the views held by my hon. friend on the interpretation of section 93 of the British North America Act would have the fatal effect of depriving the minority of all their rights. I do not say because it deprives the minority wholly of its rights, that we should leave the question to the

provinces; but as a natural and necessary conclusion, I have spoken as I have.

Hon. Mr. ELLIS, from the committee, reported that they had made some progress with the Bill and asked leave to sit again.

The Senate adjourned until 8 p.m.

SECOND SITTING.

The SPEAKER took the Chair at eight o'clock.

MORNING SITTINGS.

MOTION.

Hon. Mr. SCOTT moved that when the House adjourns this evening it do stand adjourned until 11 o'clock to-morrow, the sitting to be from eleven o'clock until one—an independent sitting.

The motion was agreed to.

PROVINCE OF ALBERTA AUTONOMY BILL.

The House resolved itself into Committee of the Whole on Bill (69) An Act to establish and provide for the government of Alberta.

(In the Committee.)

On clause 3,

Hon. Mr. BEIQUE—I desire to ask the hon. gentleman from Lauzon (Hon. Mr. Bolduc) if the part of his motion referring to education is intended to crystallize into the constitution—as I understand it would do if it was carried—such matters as the rights that pertain to the association of teachers in the Northwest, or such things as may have reference to high schools, or making education compulsory ? I could enumerate a dozen different subjects which would be perpetuated for all time to come by this amendment, because this amendment is altogether general in its language. Therefore I think the same objection applies as in the case of the first amendment. It does not cover as many subjects, but it covers much more than the hon. gentleman intends. I desire to say one word in answer to what the hon. gentleman from Calgary (Hon. Mr. Lougheed) said before the adjournment. The hon. gentleman lectured the government for attempting to legislate on what he called a constitutional question, and he tried to give his own interpretation to the constitutional clause. I think the hon. gentleman will admit that that is what he tried to do. I wonder if it occurred to the hon. gentleman that this would apply equally to the hon. leader of the opposition in the House of Commons, when by his first motion he sought to have it declared that the legislature had the exclusive privilege of dealing with education. The only difference is that in one case it was sought to give an interpretation to the constitutional Act which would not be in harmony with the letter or spirit of the constitution. Whereas the interpretation the government has tried to give by the Act now before us is an interpretation which I claim is altogether in accordance with the letter and the spirit of that constitution, and the government is merely following in the footsteps of the legislation passed by parliament in 1875, as I showed the other day. But I may go further, the power which is sought to be exercised by the government by this measure is either within the powers of this parliament or in excess of its powers. If it is in excess of its powers, what would take place ? That part of the Act will be declared ultra vires by the courts, as took place in dozens of instances when the government was presided over by the Conservatives. It is well-known that the late Sir O. Mowat and the Hon. Mr. Blake were employed almost continuously for fifteen years in having Acts of parliament passed by Conservative governments declared illegal and ultra vires of this parliament. Whereas, if it is within the powers of parliament, as I claim it is, the government is merely dicharging a bounden duty in putting a clear construction upon the powers of the minority, which is according to the promises which were made by this parliament in 1875, and which is according to the constitution—and according to the constitution as admitted by the hon. gentleman from Calgary, because he admitted that the intention of the constitution was that section 93 should apply to all the provinces, whereas the interpretation which he is seeking now to have imposed is an interpretation which would in effect have the Act apply as if the constitution applied from 1870, the time that the territories were taken into the union.

It seems to me it is perfectly plain that the objection which is taken by the hon. gentleman has no foundation at all. I wanted

to add another word to the member for Lauzon. As far as the language is concerned, I will recall to his mind the following facts: in 1877, it is true this parliament declared that the French language should be one of the official languages in the Northwest; but in 1890, on the vote of the hon. member for Lauzon, and on the vote of several of our friends in this House, power was given to the legislature to change that law, and I find that on a motion moved by the Hon. Mr. Dickey and seconded by the Hon. Mr. Lacoste, the hon. Messieurs Bolduc, de Boucherville, Casgrain, Guevremont, Masson and Robitaille, all leading Conservatives, voted in favour of giving the territorial legislature the power of abolishing the French language; and it was in virtue of that vote that the motion was passed. The only members that voted against it were Armand, Bergeron, Bellerose, Chaffers—he was a Liberal—Girard, McMillan and Paquette, who was also a Liberal.

Hon. Mr. McMILLAN—I voted for the French language.

Hon. Mr. BEIQUE—After having the French language abolished in 1890 the hon. member wants parliament to go back to that date and reinstate what he helped to destroy at that time.

Hon. Mr. BOLDUC—I do not agree at all with the meaning the hon. gentleman from de Salaberry (Hon. Mr. Béique), gives to the amendment which I had the honour to move at the last sitting of this House. But at the same time, as I am very anxious to please the hon. gentleman and would like very much to see him supporting this motion, I will agree to add to my motion, if it will satisfy him, the words, 'according to the Federal Act of 1875 or its amendments.' I may say at the same time that if I voted as he mentions in 1890, it was only giving the right to the council to remove one language or the other from that Assembly—not at all from being used before the courts, because I believe that it is only just and right to permit the poor French Canadians who may be there, and who are not able to speak the English language, to express themselves before the court in the only language they know. I regretted very much a little while ago to hear the hon. member for Halifax saying that if the French had the right to use their language he did not see why the Doukhobors or the Germans should not have the same right.

Hon. Mr. POWER—Excuse me, I did not say Doukhobors.

Hon. Mr. BOLDUC—Yes, or Galicians or Russians. I will remind hon. gentlemen that the Doukhobors, Russians or Galicians were not the discoverers of that great northwest. The discoverers of the great Northwest were French Canadians and it was French missionaries who began the civilization there. That is why I believe that a little consideration ought to be given to the French element. I was very much surprised at the same time to hear the expression of opinion given by the hon. gentleman from de Salaberry, as being president of La Societe de St. Jean Baptiste. I thought he would try to favour his compatriots a good deal more than he has done to-night.

Hon. Mr. LANDRY—The hon. gentleman from de Salaberry said that the interpretation placed on the Act by the Premier in the House of Commons was not a political interpretation, but that it was a natural explanation coming from the Act itself. I think the hon. gentleman did not read the explanation given by the Prime Minister in the House of Commons. If he had read those explanations he would not have come to this conclusion. The Prime Minister said: 'Here is the Act of 1875. That Act of 1875 grants to the minority separate schools, and to the majority in each school district the schools they think fit,' but, added the Prime Minister, 'since that Act of 1875 was passed, we have had ordinances passed in the Northwest Territories by the legislative assembly of these territories, and what do the ordinances accomplish? They take away the separate schools from Catholics.' The late Minister of Justice, Sir John Thompson, and the present Minister of Justice, agreed that such ordinances were unconstitutional, and the Prime Minister of this Dominion in reporting the opinion given by Sir John Thompson, said:

'We are now facing this position. You have on one side the Act of 1875 which has

not been amended, but on the other hand you have those ordinances, though they may be unconstitutional, to which of them will the British North America Act apply ? Will it apply to the Federation law of 1875, or will it apply to the ordinance of 1901.'

The Prime Minister solved the question. He decreed by this law that the ordinances though unconstitutional, though robbing the Catholics of the Northwest of their rights to separate schools—he decreed that these ordinances should be taken as the basis of the rights to be given to-day to the Catholics of the Northwest, and not the law of 1875. I say that if the British North America Act should apply automatically to-day, the Catholics would be in a far better position in the Northwest than they will be under the law which is presented to us to-day. The Autonomy Bill does away with the rights of the Catholics, and for my part, I would have more confidence in the automatic application of the British North America Act than in the application of the law as it is at present. My hon. friend spoke of the French language. What became law in 1891 was this : Up to 1891 the law of 1877 was the law of the country and read thus : Either the English or the French language may be used by any person in the debates of the legislative assembly of the territories and in the proceedings before the court, and both these languages shall be used in the records and journals of such assembly, and all ordinances made under this Act shall be printed in both these languages.' Such was the law up to 1891, in that year an amendment was made which was merely a proviso, which read in this way :

Provided, however, that after the next general election the legislative assembly may, by ordinance or otherwise, regulate the proceedings and the manner of recording and publishing the same, and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law and thereafter shall have full force and effect.

What was the effect of this amendment to the law ? It yas simply to permit the legislative assembly of the territories to regulate their own proceedings, to say whether they should be in both languages or in one language. That law was confined to the legislative assembly only ; the right of the people to have their laws printed in both languages, the right of the people to have the ordinances of the Northwest Territories printed in French and to have the French language recognized as an official language in the courts of the country—those rights were maintained ; and what do we see to-day ? We see those rights swept away, and I am sorry to see men like my hon. friend from Mille Isle (Hon. Mr. David) and my hon. friend from de Salaberry (Hon. Mr. Béique) voting for a law which does away with the French language in the territories. I should have hoped that men who every year parade before the people and make grand speeches before their fellow-countrymen in the city of Montreal, as members of the St. Jean Baptiste Society, as president or ex-president of the St. Jean Baptiste Society, telling them to stick to their language and to their mother tongue, and to all their laws and privileges—I should have hoped that such men would not have taken this course, and I am surprised that following immediately those days of patriotic utterances they should come here and vote against the maintenance of the French language. That is the spectacle we have here to-day. These facts will be recorded and put before the people. Those hon. gentlemen say, 'Oh, we don't need courage to go down to Quebec and to address the people of that province and make patriotic speeches ; no, there is more courage in coming to this House and resisting the government and voting against the government for the maintenance of the French language.' That courage everybody does not possess.

Hon. Mr. SCOTT—I should like to say a word or two in answer to my hon. friend who has taken his seat. I deny that the invocation of the British North America Act would give anything like the privileges that are conveyed in the Act now before the committee. The invocation of section 93 of the British North America Act would, as the hon. gentleman admits, leave the whole subject to the court.

Hon. Mr. LANDRY—For interpretation only.

Hon. Mr. SCOTT—For interpretation. In the remarks made by the hon. gentleman

from Calgary (Hon. Mr. Lougheed) if I understood him aright, in the course of his argument he spoke, although not very positively, of the territory entering confederation at the time the imperial order in council was passed, transferring the government to Canada; and although he did not say so positively, he intimated and foreshadowed that possibly the British North America Act would apply at that time. If it applied at that time, what rights and privileges do the minority enjoy? There were in the Northwest denominational schools; they have a right to support those schools. They got no aid from the government, they got no outside assistance of any kind. In the fullest interpretation it would give them the right to establish schools and to pay for them. Then if the courts were to hold that the Northwest properly came into confederation at the time it got a provisional system of government,—which was practically under the Act of 1875,—under the Act of 1875 their privileges were very much akin to that. The proviso reads as follows:—

> And further that a minority of the ratepayers therein, whether Protestants or Roman Catholics, may establish separate schools therein, and in such latter case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to such rates as they may impose upon themselves or to assessments in respect thereof.

That conveys no more than the right to the schools and the right to assess for them —ergo, the right to be exempted from taxation for public schools. That certainly would not give them the privileges and rights that are conveyed under the clause now before the committee.

Hon. Mr. de BOUCHERVILLE—Is that the Act of 1875?

Hon. Mr. SCOTT—Yes. It is simply the naked right to assess themselves for their own schools and therefore to be relieved from any assessment for public schools. It conveys no authority or injunction to allot to the separate schools any share of the public moneys which are annually granted towards the support of education.

Hon. Mr. BOLDUC—Will the hon. gentleman tell us if a section of the Roman Catholics in Alberta or Saskatchewan establish a denominational school, will they, under the Bill we have now before us, have a right to any grant from the government?

Hon. Mr. SCOTT—I call it denominational; it is either denominational or separate, one or the other; but I think it is an absolute conclusion. I do not think it is open to argument, and I am quite sure if the clause were submitted to the Judicial Committee of the Privy Council—hon. gentlemen know how they have whittled away the rights of the minority in another very important case to which I need not now advert—they certainly would not enlarge the privileges the minority might claim. Now under the Act of 1875 they would certainly not come in for a share of the government allowance for schools, nor have any share in the revenue arising from school lands. I regard that as the most important asset that the schools of the Northwest Territories, whether public or separate, can possibly enjoy, and I will tell you why. We know that throughout the whole of the Northwest and Manitoba two sections in every township are set apart as school lands. We had a return brought down at the instance of the hon. member from Calgary a few days ago, giving particulars as to the sales of those lands up to the present day. I speak now subject to correction, but I think some hon. senator, referring to that return, put the average value of the school lands as high as $10.80 per acre. I estimate $7.00. In many cases I know the upset price—they are sold by auction—was $7.00. I estimate the value of the lands when sold at no less a sum than $50,000,000, the most magnificent asset any country could have at the beginning. It may possibly be more, because my estimate is based on an average price of $7 per acre. Now neither under the Act of 1875 nor the conditions under which the territories came in, would they have a share in those lands. I will read the statutes under which these lands are allotted. It was enacted in 1886, and the clause has never been changed. It provides that the school lands shall be sold at auction, &c. They are sold on very liberal terms and there is this peculiarity about them that they get what is known as the unearned increment. That is, school lands are never sold until the population arises in the locality which gives value to them. If the school lands were sold in advance of settlement, they probably would bring two or three dollars an acre. If they are sold after settlement has gone in, there is no diffi-

culty about their bringing a high price. In days to come I have no doubt that school lands will be sold as high as fifteen to twenty dollars an acre. At the low average I put the value of those lands, I do not hesitate to say that if judiciously administered —and I trust they will be administered for all time by the central government—these lands will form an asset of $50,000,000 for the two new provinces. That is something of such immense value that it would be a matter of very great regret if the minority in that country were not to get a share of those lands. In all the discussions and amendments drawn on this very much vexed question, I have constantly had that in my mind, that no arrangement would be complete which would have the subject open to doubt whether the minority should share in that magnificent asset. I will read the law about the school lands .—

All moneys from time to time realized from the sale of school lands shall be invested in securities of Canada to form a school fund, and the interest arising therefrom, after deducting the cost of management, shall be paid annually to the government of the province or territory within which said lands are situated towards the support of public schools therein.

Not separate schools. This Bill provides:

(2) In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

The law we are now placing on the statute book, which is to be the constitution of the province, provides that there shall be no discrimination in the distribution of the valuable asset which I have described. It is specifically set forth there in language which no court can set aside. So that hon. gentlemen will see they will make a very great mistake in urging the proposed amendment.

Hon. Mr. LOUGHEED—Does the hon. gentleman say that a public school cannot be a Catholic school in the territories.

Hon. Mr. SCOTT—That was one of the peculiarities existing there. It may be a public school, but there are separate schools in the territories and where there is a majority of other than Catholics they establish the public school. Where Catholics are the majority they establish a public school also, but at any time they are liable to be out-voted and they can fall back on the separate school. Whether the school is called a public school and governed entirely by trustees of the Roman Catholic faith, or whether it is a separate school per se under the direct control of the Act, in either case provision is made that they shall share, not alone in the sum arising from the sale of lands but also in any moneys that the legislature may vote. The schools are all on a par whether called public or separate schools, and share equally in the distribution of public money. If that amendment were carried it would set aside that asset. No court could decree that they are entitled to any share of that money ; it is only under this statute they have a share. Apart altogether from the fact that we are now dealing with that modification, we are adopting an Act which the territories have imposed upon themselves, an Act which Mr. Haultain when he came down here in January last said openly, and publicly repeatedly to the reporters,—his statement which appeared in an interview with the 'Globe,' was that if he were the autocrat of the Northwest Territories he would not change the school law one iota. He was made use of afterwards, I will not say why, but he lent himself to an agitation against adopting it. Not that he ever said that if it were in the power of the territories to enact a school law, he would change one particle of it. What he did say was that for the federal parliament to interfere was an assumption of rights which properly belonged to the province.

There can be no forcing, no coercion. The word coercion has been made use of over and over again ; there can be no coercion where we say we are willing to take exactly what you have, to accept just what you yourself have decreed, if fair, just and reasonable. Now I say the very fact of our accepting the law of the Northwest Territories made by the people in a tolerant and generous spirit, is infinitely better than any law we could make ourselves here, which would not receive the support and assistance of the people of the territories in carrying it out. There are ten members representing the territories, and we have seven of them

in support of this Bill in its present form. I say that a Bill that is sustained by the representatives of the people, that has their cordial support, when they are unwilling to admit the right of this parliament to enact a law, is far more valuable than a law which would be far stronger and more in favour of the minority. Because my experience of school laws is this, that it is a matter of administration. It is possible to embarrass the administration of the school law, because it has to be carried on through the agency of the municipality under the machinery furnished by the provincial authority—so that unless you have the provincial authority on your side it is absolutely impossible to administer it completely and satisfactorily for the benefit of those for whom it is intended. There are in the British North America Act, as we know, the appellate clauses, but I have never valued the power of appeal to this parliament, for the reason that the parliament of Canada has not the machinery, has not the ability to coerce a local legislature into doing what they do not want to do. That power of appeal, I believe, is adopted from the Act that I passed in 1863. At that time we had no Minister of Education. The supreme power in the administration of our school law was the Superintendent of Education, the Rev. Dr. Ryerson—a very good man he was. He is gone and I am not calling in question his judgment, but a prejudice had arisen in the minds of the people who supported separate schools that he was hostile ; that in the various questions that came before him, and as to which there was no appeal from his decision, he took a view adverse to the rights and interests of the minority. To meet the feeling of that time, I put this clause in the Act of 1863, that there should be an appeal at all times, from the decision of the Superintendent of Education to the Governor in Council. The idea of an appeal was borrowed from the existing law at the time. I do not know whether there was a similar appeal in the province of Quebec; I doubt it very much, but there was in the province of Ontario. Therefore I say that this Bill, having, as it has, the approval of so large a proportion of the members from the Northwest, is ten times more valuable than concessions which would be ten times greater with a hostile attitude on the part of the people of the Northwest. If I am well advised, if I have read aright the public opinion of that country—and I have certainly endeavoured to form a just and sound judgment on the views of the people of the Northwest—I have myself had evidence which has satisfied my mind, at all events, that the law, as we have framed it now, will be accepted and worked out cordially by the people and the governments of the new provinces. Now if that is the case, and I think there is ample justification for so believing, is it not better to have a certainty than an uncertainty ? rather than to say we will pass a clause here which will have to be settled by lawyers in the courts. It would take eight or ten years before you could get a final decision, and then perhaps not a decision which would satisfy those who expected a different judgment from the court. It certainly would cut them out of a share in that valuable asset of $50,000,000 which I have mentioned. I appeal to my hon. friends who are honest, no doubt, and influenced with an anxious desire to secure for the minority all they can give them. No one can be more desirous of this than I am myself ; but the proposition first brought down met, as hon. gentlemen know, with the opposition of the representatives of the territories. The whole ten were solidly arrayed against it, and it would have been folloy for us to attempt to press it.

Hon. Mr. LANDRY—I thought it was the Orange people that were against it ; now it appears that it was the members from the Northwest.

Hon. Mr. SCOTT—I never heard the Orangemen were connected with it. I do say that with a solid front of the representative men of the territories opposing it, it is perfectly idle to talk in this age, of imposing a law on a country with democratic institutions, with a local legislature who could thwart and defeat any law in reference to the schools which we might pass here. Supposing there were an adverse government in the province of Quebec, and an attempt was made there to embarrass the minority ? Would they not be able to do it ? And would not the same argument apply in Ontario, if opposition was made to separate schools. Would they not be able to thwart them in every way ? Hon. gentle-

men know that from time to time concessions are made to the minority which the law does not give. Take for instance the collecting of the rates; the municipalities lend their assistance. Municipalities are small democratic bodies; supposing they choose to strangle the separate schools, they have many ways of doing it besides withholding any grant the law would compel them to give. Therefore what you get with cordiality is worth a great deal more than any thing the law will give you without it. I am one of those who never believed in getting the pound of flesh. I believe in peace at any price, and I have found it the best policy to make arrangements. Do not fight for all you are entitled to get, if your opponent is willing to concede anything fair. It is on that ground I am appealing to my hon. friends who naturally take a warm interest on behalf of the people of the Northwest, believing they are going to get constitutional concessions by the line they are taking. I have come to the conclusion that it would be a terrible mistake, that the carrying of the amendment of that kind, even if parliament were to adopt it, would be fatal to the best interests of the people of the Northwest.

Hon. Mr. de BOUCHERVILLE—The hon. gentleman tells us not to display any great vehemence on this question. Did he not himself fight for separate schools?

Hon. Mr. SCOTT—I did.

Hon. Mr. de BOUCHERVILLE—Did not the hon. gentleman obtain separate schools?

Hon. Mr. SCOTT—I did.

Hon. Mr. de BOUCHERVILLE—Then we are only following in his footsteps. The hon. gentleman has cited the 11th clause of the law of 1875, and told us there is nothing in that clause decreeing that the separate schools can get any money from the government. That is what the hon. gentleman says?

Hon. Mr. SCOTT—That is what I said.

Hon. Mr. de BOUCHERVILLE—Can the hon. gentleman find anything in that statute which says that the government shall give money to schools, public or separate? He will not find it there. He will find it in another statute, that they should give money to public schools. The hon. gentleman has said that separate schools are not public schools—is not that what the hon. gentleman says?

Hon. Mr. SCOTT—There are some public schools controlled by Catholic trustees.

Hon. Mr. de BOUCHERVILLE—I will quote the opinion of a colleague of the hon. gentleman who I am sure deserves his respect—I refer to the late Minister of Justice, the Hon. David Mills. Mr. Mills said: 'The fact is, the separate schools in Manitoba, like the separate schools of Ontario, are public schools.'

I suppose the hon. gentleman will not dissent from the opinion of a former Minister of Justice, and a colleague with whom he served. This is to be found at page 1285 of the 'Hansard' of 1898.

Hon. Mr. BERNIER—Any school in the Dominion receiving public assistance from the government is a public school. Call them whatever you like, call them dissentient schools as they did in Quebec, call them separate schools as in Ontario, call them what you like in the Northwest, the moment they receive government assistance they are public schools, and consequently entitled to their share of all the assets which may exist for the support of schools. The hon. gentleman is only giving an evasive interpretation of the statute respecting school lands, and he is just pursuing the course which will deprive us of a share in the assets of those schools. If the amendment we are proposing were adopted, we would get our share of those assets; but the course followed by the government will lead the Catholic population on to establish private schools for the support of which they will have to pay in addition to their taxes for the support of public schools; and they will be deprived of their share of the school lands. That will be not only a spoliation of our rights, but also of our share of the public property.

Hon. Mr. BEIQUE—I want to put on record the motion supported by the hon. gentlemen from Lauzon and Montarville in 1890. When the motion for the third reading of the Act to amend the Acts respecting the Northwest Territories was made, Hon.

Mr. Bellerose moved, seconded by the Hon. Mr. Paquette that clause 32 of the Bill be amended as follows :—

32. Section one hundred and ten of the said Act is hereby repealed, and the following is substituted therefor :—

110. Either the English or the French language may be used by any person in the debates of the Legislative Assembly of the Territories and in the proceedings before the courts, and both those languages shall be used in the records and journals of such assembly ; and all ordinances made under this Act shall be printed in both those languages : Provided, however, that after the next general election of the Legislative Assembly, such assembly may, by ordinance or otherwise, regulate its proceedings, and the manner of recording and publishing the same, and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect.

By striking out the proviso contained in the last lines, and which proviso is in the following words :—

Provided, however, that after the next general election of the Legislative Assembly, such assembly may, by ordinance or otherwise, regulate its proceedings, and the manner of recording and publishing the same, and the regulations so made shall be embodied in a proclamation which shall be forthwith made and published by the Lieutenant Governor in conformity with the law, and thereafter shall have full force and effect.

The Hon. Mr. Dickey moved in amendment to the amendment, seconded by the Hon. Mr. Lacoste,

That all the words after 'That' be struck out, and the following substituted :—

In the opinion of this House it is inexpedient to renew or continue previous agitation by rejecting the solution of a grave difficulty which is offered by the said proviso, and which has been approved by the people through their representatives in parliament ; and that the said proviso stand part of the Bill.

The question of concurrence being put thereon, the House divided and the names being called for, they were taken down as follows :—

Contents :

Honourable Messieurs

Abbott,	McKay,
Almon,	McKindsey,
Archibald,	Macdonald,
Bolduc,	MacInnes,
Boucherville, de	Merner,
Casgrain,	Montgomery,
Clemow,	Murphy,
Cochrane,	Odell,
DeBlois,	Pelletier,
Dever,	Perley,
Dickey,	Power,
Drummond,	Prowse,
Glasier,	Read,
Grant,	Reesor,
Guévremont,	Robitaille,
Hawthorne,	Ross,
Kaulbach,	Sanford,
Lacoste,	Scott,
Lougheed,	Smith,
Masson,	Sullivan,
McCallum,	Sutherland,
McClelan,	Vidal,
McDonald (C.B.),	Wark.—46.

Mr. BEIQUE.

Non-Contents:

Honourable Messieurs

Armand,	Girard,
Baillargeon,	McMillan,
Bellerose,	Paquet.—7.
Chaffers,	

So it was resolved in the affirmative.

That is exactly the situation which we occupy to-day. If there is a difference it is because the agitation now has been ten times greater than the agitation with regard to the use of the French language in 1890; nevertheless the hon. gentlemen opposing it were of opinion in 1890 that it was inadvisable to strike out the proviso permitting the abolition of the French language from the Bill, because it would tend to renew the agitation. To-day the same hon. gentlemen are asking us to renew this agitation by going back to 1890 and undoing the work which they themselves did at that time.

Hon. Mr. LANDRY—If the question were put as it really should be put, it would not be put in that way. In 1890 when that motion was made, was it proposed to take away altogether the use of the French language ? It was not. The French language was to be left in the courts, in the Legislative Assembly and in every place in the Northwest Territories, except in the framing of the records of the Legislative Assembly. That was the only thing that was sacrificed at the time. In what position do we stand to-day? We are asked to-day to give up the use of the French language, wherever it may flourish, and we are asked to do that by whom? By a president and an ex-president of the St. John Baptiste Society in Montreal, by men who every year go before the people and proclaim their love for the French language. It is those men who are opposed to the use of the French language to-day in the Northwest. I congratulate my hon. friends from Montreal, the noble couple in this House who are trying to choke off the use of the French language in the Northwest. More than that, the hon. Secretary of State says that if we adopt that amendment we are doing the greatest possible harm to the cause of the Catholics in the Northwest.

Hon. Mr. SCOTT—Hear, hear.

Hon. Mr. LANDRY—Did the hon. member read the amendment?

Hon. Mr. SCOTT—Yes, I went over and looked at it.

Hon. Mr. LANDRY—Then the hon. gentlemen has forgotten entirely what it contains.

Hon. Mr. SCOTT—I will give it in a nutshell—that the provisions which we are now passing on shall not in any way prejudicially affect the rights and privileges of any body in the Northwest.

Hon. Mr. LANDRY—That is to be found in clause 93 of the British North America Act, and in clause 3 of this Bill, but to that the amendment adds the following words, 'provided always that no provision of the present Act shall be construed to restrict in any way the rights and privileges heretofore granted to any class of persons in the Northwest Territories in matters of education and language'. Here is an amendment which preserves all that is in clause 3, and clause 17 of the Bill, and because we ask for the continuance of what may be good in the present Bill, and ask that what may be harmful be removed, the hon. Secretary State says, don't vote for that, you are going to destroy the rights and privileges of the minority in the Northwest.' Destroy it in what way? The hon. gentlemen is unable to say how and he can never see it, because he knows well that if this amendment were carried it will destroy nothing, but will simply preserve the use of the French language.

Hon. Sir MACKENZIE BOWELL—In listening to the last speech made by the hon. Secretary of State, I was forcibly reminded of the remarks which he made when he moved the second reading of the Bill. His present position is somewhat antagonistic to that which he assumed when he introduced the Bill. If my recollection serves me right, and I think the record will sustain me, the hon. gentleman said in asking the House to support the Bill and reject my motion for delay, that the effect of the Bill was simply to continue the schools as they are to-day, giving a half hour at the close of each days school for religious instruction. That is all we were asked to affirm. That explanation was verified by the Minister of Trade and Commerce. What is the hon. gentleman's position now? He says it is necessary to make certain provision in order to give to the minority privileges and concessions which they might be deprived of if these clauses that are now in the Bill were not passed. How does he reconcile the two statements? We find the ministers acting in strict accord with their supporters in explaining these clauses, giving one explanation in Ontario and the Northwest, and another in the province of Quebec. The explanations are given to suit the people to whom they are addressed. But the hon. gentleman should reflect that in this House he has the same audience that listened to him a few days ago, and that they have not yet forgotten his former utterances, and it would be just as well for him to be consistent unless he thinks he is talking to illiterate men who cannot understand the distinction between his statements. Now if their schools be public schools, as the hon. gentleman says they are, then the clause of the law which he read provides for the distribution of the money acquired from the sale of the school lands to those schools, whether they are taught by Catholic or Protestant teachers, and are under the control and management of trustees of Catholic faith, or taught and controlled by Protestants. The law provides for a division of the money among the public schools, and if these schools are, as the hon. Secretary of State has told us, public schools, they will get their share.

Hon. Mr. SCOTT—I did not say that. I said there were some Catholic schools that were carried on as public schools, and that is where any public school was established.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman said that all these schools were public schools, with the additional right of teaching religion in the last half hour of the school. I am not aware that any Protestant, however antagonistic he may be to separate schools in their entirety, objects to that law—no one having regard for the future and for the proper education of the rising generation, would be opposed to that. If it went no further, it would meet with no opposition. My contention in reference to the Manitoba Bill was that the rights and privileges given to the minority under the constitution should be maintained, and if the hon. gentleman was such an admirer of peace and so desirous of preserving harmony, why did he take the position he occupied in 1895-6? Neither the hon. gentleman nor those by whom he is surrounded can explain or reconcile the different positions they have occupied. Then

they were prepared to contest the law we sought to place on the statute-book to maintain the rights and privileges of the minority in Manitoba, which had been taken away from them by the party to which the hon. gentleman belongs. More than that, the principal mover in that matter was Mr. Sifton, whom the hon. gentleman—I have the quotation in my hand—denounced, in the discussion on that subject in this House, as a trickster. I quite concur with him in that respect. On that point he and I agree; but since that time he and his party have taken Mr. Sifton to their bosom, and hugged and nursed him as they would a sucking child. Who was it abolished the use of the French language in Manitoba? Was it not Mr. Greenway, aided by Mr. Sifton? And yet now these hon. gentlemen are trying to attribute it to the Conservative party, who fought against the abolition of the French language in Manitoba, and who desired to maintain the rights and privileges which the minority had in that province. They are virtuous to-day—why? because they are in power and are trying to redeem the reputation which they lost on this subject in 1895-6, but the hon. gentleman says, we have the support of the western members, and must therefore have the support of the western people. Does that follow? Does history sustain that view of the matter? Has he forgotten the fact that Gladstone went to the people of England on the question of Home Rule and was sustained, because nothing but the abstract principle was laid before the electors, but that when the details of the Home Rule measure were laid before the House of Commons and it was rejected by the Lords on the ground that the people had not been given an opportunity to approve or disapprove of the measure. After the House had been dissolved, Lord Salisbury and the Conservative party were sustained by the largest majority given for many a year in the imperial parliament. Was it not the same with the question of repeal in Nova Scotia? Sir Charles Tupper insisted upon carrying repeal in the parliament of Canada; refused to go to the people; but as soon as an appeal was made to the people of the province of which he was the representative, they rejected the proposition almost unanimously.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. DAVIS—I might tell the hon. gentleman that there is a great deal of difference between the time of Sir Charles Tupper, which he is speaking of, and the present. There was an agitation all over the province of Manitoba. Everybody knew that the people of Manitoba were not satisfied at that time.

Hon. Sir MACKENZIE BOWELL—I am not speaking of Manitoba; I am speaking of Nova Scotia. I have given instances in political history in which the representatives in parliament approved of a measure introduced by the government, but when the proposition was made and the details were submitted to the people, they sustained the position taken by the opponents of the measure. I was dealing with a case of the kind in the political history of this country in reference to the Confederation Act and showing that although it was carried through parliament, the people of Nova Scotia rejected the proposition as soon as they had an opportunity of doing so.

We heard a good deal about coercion nine years ago. It was in the mouth of every member of the Liberal party from Halifax to Victoria. Coercion was blazoned forth in large capital letters all over the country. My hon. friend does not like the word just now; it is not palatable to him. At that time I contended in my own province, wherever I spoke, that it was not a matter of coercion in 1895-6; on the contrary that the Bill proposed to give the minority the right to schools which they had when Manitoba came into the Dominion, and which had been taken from them, that it was only a restoration of a right which they had enjoyed. That was rejected by my hon. friends. They succeeded in rousing the prejudices of a large section of the Protestant population of Ontario and in throwing out the Bill, aided in doing so by the French Canadian constituencies of Quebec. They succeeded in turning out Sir Charles Tupper's government at that time, and now they come back in 1905 and are trying to redeem their reputation by fulfilling the promise they had made to the people whom they then deprived of their rights. Chickens, they say, come home to roost; in the present instance they are coming home most effectually, and if they return to the hon. gentleman he must not find fault with those who

felt the effect of the course hon. gentlemen opposite pursued ten years ago. My hon. friend is very pathetic. He can give us very lofty admonitions of peace and harmony which should prevail in the country, and tell us how disastrous it would be if the agitation should continue in the Northwest. I predict that the passage of this Bill with the provisions it contains will create discord and confusion until it has been before all the courts in the realm to settle it. That is all I asked when I moved that it be laid before the courts. The hon. gentleman knows, and no one better, that there is no finality in this legislation. There cannot be a finality in legislation of this kind when we find the most eminent legal minds in the country differing upon the powers which parliament has under the constitution. It is said if the constitution does not give to the minority in the Northwest Territories the rights and privileges that they should enjoy, we ought to give it. I admit that to this extent ; this parliament has no right or power to concede rights and privileges to a new province, other than those which they derive from the British North America Act. The British North America Act is to the Dominion parliament, being an Imperial Act, just what an Act of this parliament is to the provincial legislators, and we have neither the power, the right nor the authority to confer a power unless the authority is contained in the British North America Act, any more than a province has a right to legislate upon questions not given into their control by the Act passed by the Dominion parliament organizing them into provinces. So that instead of the passage of this Bill being a source of peace, harmony and tranquillity in that country, I repeat you are only sowing the seed of discord and confusion, and until the matter has been settled by the highest court in the realm, you will find neither peace nor harmony prevailing on this question. It is deeply to be regretted that it is so.

My hon. friend referred to the working of the School Act in Ontario. I think I can speak by the book on that question. I have had the honour of being the chairman of the school board for some thirteen or fourteen years in succession, and also chairman of the Grammar School Board, so that when I say I think I know a little of the working of both Acts, I am speaking by the book. When the Roman Catholics in the city and town in which I live were compelled under the law to declare themselves supporters of the separate schools every year or they would be placed under the public school list, we never exacted compliance with that. As was referred to the other day, when the law compelled them to collect their own taxes, we permitted our collector to collect their taxes for them. They levied their own rate ; we collected it for them, and they only paid their percentage for the collection, and in every instance we relieved them as far as possible. While many disapproved of separate schools, as fellow-citizens and wishing to live at peace and harmony, we not only declared but we carried out the principle of conciliation in every possible respect. My hon. friend referred to myself last night—I am very much obliged to him for the good opinion he expressed regarding me—and he intimated a wish to have more Orangemen like myself. That reminded me of a little incident that occurred in my own town. At a public dinner there, a reverend priest stated to me that he was warned by many people to be very cautious what he did when he came to Belleville, that the Grand Master of the Orange Association was there, and he might expect many difficulties and troubles. At that dinner, in referring to this question he said that he had become acquainted with that Grand Master and all he had to say, priest as he was, that he wished there were more of the order built like him. But the Grit paper, as they usually do, came out next day and attributed to that gentleman the statement that he wished there were more Orangemen in the country than there were. That is as near the truth as we can expect from papers of that character. I shall refer to this section again when we come to the 17th clause, because I want to point out to my esteemed friend the hon. gentleman from Mille Iles (Hon. Mr. David) that he is an ardent supporter and admirer of a very prominent Orangeman who is now a member of the Cabinet. I will quote a speech delivered by that member of the Cabinet when he was in the New Brunswick legislature by which my hon. friend may learn what the true principles

of that Order are, and perhaps when he gets it from a friend of his own, a gentleman whom he is supporting and a member of the Laurier government, he will not have such a bad opinion of them after all. There are other points to which my hon. friend called attention, but what I rose particularly to refer to was the different attitude assumed by him to-night and that which he assumed when he delivered his first speech. If the law was as he indicated it was in the first place, there was no necessity for the speech he made to-night, because they would have all the rights and privileges under the law that they would have under this measure. Being public schools as he declared they were—and even if they were separate schools they would be none the less public schools because they receive the public money and they must be under the regulations of the public school commissioners to that extent, and consequently would be entitled to their share of the funds arising from the sale of the school lands.

Hon. Mr. DAVID—I have been interrupted by the hon. leader of the opposition and by the hon. gentleman from Stadacona, though I was very moderate. I do not rise with the intention of speaking, but I want to remark to the hon. leader of the opposition in reference to the terrible association of Orangemen, to whom he is reputed to belong, that he is mistaken in the interpretation of what I have said. I never said that I had a bad opinion of those people. I only related certain facts, and said that the Orange people were at the bottom of the agitation which has been going on for some time in Canada. I have only repeated what has been said by all the newspapers, French and English. The resolutions which have been passed in the Orange lodges are known by everybody. Is that association so powerful and so sacred that it is forbidden to speak of it, and comment upon what it does or what it has not done and condemn its action when it should be condemned? If I am confident that the agitation which has been going on has been raised by the organization, and if I am confident that their deeds and actions deserve to be condemned, if I do it in moderate terms, in polite language, have I not the right to say to the Orangemen what is said with much less reason to our bishops and priests? Is it more criminal to report what the Orange association is doing in this country and to blame that association than to say what has been said against the Catholic priests and bishops? I have a right to say what I have said. I have taken great precaution not to say too much. I have taken a great deal of trouble in order that I should not say a word which a member of this House should not say. But naturally I cannot please everybody. And when I said that there was a contradiction between the doings and the words of the chief Orange association, between the position which they took at certain times in the past and that which they take now, when I said that they were not denouncing their chiefs ten years ago because they were fighting with our Catholic priests and bishops on the same ground as the Liberal party, I said they thought they had the right to do it. They thought then it was no crime to be allied with our priests and bishops. As to the remarks made by the hon. gentleman from Stadacona, he said that the president of the St. Jean Baptiste Association should not have taken the ground he has. We have been between two fires, and we do not know on which side there is the most fire. He stated that the ex-president or the two ex-presidents of the St. Jean Baptiste Association are taking such a position against the French language that they dare to vote against such an amendment. I will tell the hon. gentleman from Stadacona that it requires more courage and patriotism sometimes to vote against an amendment than to vote for it. I know very well I will not have to suffer on the hustings for a vote on the amendment but this is a hustings amendment, and they will make use of it on the hustings against the members of the House who have voted against it in connection with the French language. That is their right, I suppose; but at the same time it is also the right of the members of this House, as it was the right of the members of the other House, if in their conscience they think it would be dangerous to vote for such a motion not to do so; and if it is more patriotic to vote against it, it is their duty to do so, and nobody has a right to say they are not acting as good French Canadians.

If it is so difficult to obtain something for our countrymen of the Northwest when the constitution is protecting their rights, if it was so difficult to obtain the Bill before the House as it is, if it was so difficult to come to a compromise and to give justice, how can we hold that when there is nothing to protect the constitution, to protect the rights of the French language, when there is nothing and nobody can show anything in the laws or constitution guaranteeing the use of the French language, how would it be possible to re-establish the French language in the Northwest Territories. The Hon. Speaker of the House and the hon. gentleman from de Salaberry have proved clearly that the parliament could not intervene without violating the principle of provincial rights. Why ? Because they were not right. Nobody can deny that. In 1890 when the Senate voted on behalf of the motion of the Hon. Mr. Dickey, seconded by the Hon. Mr. Lacoste, authorizing the council of the Northwest to decide what they would think proper after the election about the use of the French language or the English language, when that motion was adopted, the hon. gentleman from Lauzon and all his friends by that motion authorized the council of the Northwest to do what they have done. It was a permission given them to decide whether they would continue to use the French language or abolish it.

Hon. Mr. BOLDUC—Oh, no, I deny that.

Hon. Mr. LANDRY—Prove it.

Hon. Mr. DAVID—Oh, yes. It is the same thing. So that the ordinances which were passed were the logical consequence of the permission which was given them by this House, by the House of Commons, and by the hon member from Lauzon, to do as they thought proper.

Hon. Mr. BOLDUC—I deny that.

Hon. Mr. DAVID—And those ordinances not having been disallowed, there was only one thing to do. If the hon. members thought that the council of the Northwest had no right to pass the resolution which was passed regarding the use of the French language what should they have done ? They should have obliged the government of the time, composed of their friends, to disallow that ordinance. Why did they not do it ? If they had displayed at that time one-half the zeal which they are displaying now, in an endeavour to persuade the government to disallow those ordinances, then the ordinances would not have been in force ; and they are therefore responsible. They may regret what they have done. It is said that remorse does honour to the conscience of a man. I respect the hon. gentlemen's remorse, but I regret the position they are in. If the situation is so bad now, if the government cannot do more, it is the fault of those who voted for that motion in 1890, and who did not have the courage to force the government and their friends to disallow the ordinance afterwards.

Hon. Sir MACKENZIE BOWELL—I hope the hon. gentleman did not understand me to deny him the right to make any statement he pleased. That is not the line of my argument at all. On the contrary I pointed out to him that he was in error in making the statement, and before I get through I think I will give him the names of the parties who were responsible, to show him the information he received was not correct.

Hon. Mr. DAVID—I say now that taking the position as it is, taking the facts as they are, taking into consideration the ordinances which are in force now, considering all the facts which exist and all the laws which have been passed, the government could not intervene and could not now abrogate those ordinances without giving the right to all those who have opposed the schools to invoke the principle of autonomy and of provincial rights, because it would be necessary once more to put aside, to revoke, to abrogate, to demolish the ordinances which have been passed by the territorial legislature, and which they were authorized to pass by this House and by the other House. There are those who have confidence, as I have, that those amendments may be useless or dangerous—useless first, and perhaps dangerous—and compromise without any practical effect the province of Quebec. The province of Quebec is very generous and shows that she is able to be very dangerous—too generous sometimes—and I am of opinion that in this case the province of Quebec must be prudent, must not go too far, must not ask too much, because without exposing her own interests

she must preserve her strength for some other time, and must keep her strength in order to be strong and protect the interests of those who rely upon her. It is said that the province of Quebec is the protector of the minority of the French in other parts of Canada, that this is a noble role, and that she has been equal to her task in many instances, but I repeat here that she must not be imprudent. She must not make exaggerated demands and thus appear to her friends, to those whose aid she requires, to be unreasonable, because after all there are two parties. We have a party government, and the province of Quebec cannot do anything to protect the rights of the minority without being able to have on her side a majority of the people belonging to other nationalities and creeds. Let us take the facts practically. What is our position? We have to choose between two policies, the policy of the government which gives what they say they are in a position to give, doing the most they can on behalf of the Catholics of the Northwest. They are giving half a loaf, but that is better than nothing at all. What is offered on the other side is less than half a loaf—it is a stone. Well, in the interests of the Catholics of the Northwest, those who understand the situation would not do otherwise, if they were convinced the government could not do more than they have done. Supposing Sir Wilfrid Laurier had resigned, what would have been the fate of the Catholics of the Northwest Territories. They would have been thrown upon the mercy of those who have not ceased to complain that the government was doing too much for them.

Hon. Mr. LANDRY—I do not desire that the remarks of the hon. gentleman who has just resumed his seat should go unchallenged. He is speaking of the noble role played by the province of Quebec in favour of the minority of the other provinces. He cannot claim to-day to take a very great part in that noble role, because he is not fighting for the rights of the minority, he is not fighting for the privileges and rights of the French and of the Catholics of the Northwest. The hon. gentleman is ready, but with the government, which Mr. Sifton brought to his feet, to do away with all the privileges and rights of those provinces. Speaking of constitutional law, speaking of legal obligations, the hon. gentleman must remember that before that there is a question of honour—a question of contract. When those territories refused to accept the government of Canada in 1869, what took place? A revolt took place, and the authorities of the different governments, imperial and federal, asked for Monseigneur Taché, who was in Rome at the time. He came here; he went to the Northwest, clothed with all the authority, imperial and federal, to make a compact with those people. He made a compact. A Bill of Rights was brought down to Ottawa by the delegates of those provinces, and that Bill of Rights asked for separate schools and for the usage of the French language. That was accorded to the people, and now we see French Canadians in this House of parliament get up and refuse what was accorded to those people by a compact. I congratulate the hon. gentleman for his devotion to the government—not his devotion to the French of the Northwest, but his devotion to the government; and I congratulate him once more. He said, speaking of the rights of the minority, 'You have never disallowed those ordinances.' Does the hon. gentleman ignore that disallowance was not needed? If a law is unconstitutional or ultra vires does the usage of that law make it constitutional or make it come within the powers of the legislative body? Not at all. If a law is ultra vires it need not be disallowed. Every man is at liberty to test that law before the courts and the judgment of that court will settle the question, and when we have the judgment of the courts at our disposal, when any public man can address the courts and ask them to solve the question, why should parliament interfere and disallow laws that are null. Nobody needs that remedy. The disallowance of an Act is a political remedy in the hands of the public men of this country, and it is not when laws are null that disallowance is necessary. It is when Acts are not ultra vires that the application of the power of disallowance may be necessary. The hon. gentleman could not sit down without speaking once more of the Orange people. Well, I will remind him of what took place some two or three days ago. We have in Quebec a paper called 'Le Soleil.' That is the organ

of the Liberal party. We have in Quebec another paper called 'L'Evenement.' That is the organ of the Conservative party. I do not know if the opposition is a very good place for papers to progress, but for one reason or another 'L'Evenement' has progressed. We bought 'L'Evénement' for the party and it is progressing. The other day we bought a new press. It was an event in the life of our paper and on such occasion we published the paper with three time the number of pages it contained before. What did 'Le Soleil' say? It spoke as follows :—

'L'Evenement' published yesterday so many pages in honour of the Orange people because it was July 12.

That is the way the Liberal papers are talking to the people of Quebec. We never thought we were doing such mischief at the time, but you may see of what we were accused. More than that. 'Le Soleil' said the Autonomy Bill was presented to this House on the 12th of July just to suit the Orangemen. That was the government's fault because the Bill was introduced by the hon. Secretary of State. Realizing the ridiculousness of this assertion, 'Le Soleil' tried to correct it by saying in the last number that it was Sir Mackenzie Bowell who chose that day to present his motion for the six months' hoist, because he was the grand chief of the Orangemen and that he could not do less on that day than propose the six months' hoist. That is the way the organ of the Liberal party in Quebec are educating their friends and their own people. I submit these new facts to the consideration of my hon. friend, and when he says the Orangemen are at the bottom of all the trouble about this Bill he knows the facts are not quite as he states. He knows agitation took place when Mr. Sifton came back from the west, and attempted, because he had himself established a kind of separate school of his own in the city of Ottawa, to deceive the public so as to hide his doings. He knows well what agitation came from the cabinet itself. He knows Mr. Fielding followed suit and threatened to step out of the government if the Bill was not changed. It was only through pressure brought upon him by those two ministers that Sir Wilfrid Laurier yielded and consented to withdraw the educational clause, and now all that is said against that first clause of the Bill strikes the government themselves, because it is they that presented the Bill; it is they that re-enacted that Act of 1875, which has just been denounced by the Secretary of State. We all heard him a moment ago denouncing the Act of 1875. He said it was no good at all; that if the Act of 1875 was taken as the basis of the rights of our fellow countrymen in the Northwest it would amount to nothing, although he was in the cabinet chamber when the draft of the Bill was presented by the hon. Premier of the Dominion, and that Bill was approved by him. That Act of 1875 was made the basis of all the rights which the government wanted to give to the people of the Northwest. And more than that, the Prime Minister said he could not do otherwise than bring in that Bill. He asked the pardon of the House because he brought in that law of 1875 as the basis ; he said :—

I am compelled by law and the constitution to do everything I am doing now.

He did it, and the day after he undid it —well it took a month—and after all his reflections during the month's time we have the result in that poor little Bill which is spoliatory in its character, which robs our people, and gives nothing to the French people and Catholics of the Northwest.

Hon. Mr. SULLIVAN—I hope this drama is about to end. This is a first-class ruction, particularly agreeable to me, and I want all of you, of every denomination, to listen. This is a row among Frenchmen. They are always accusing the Irishmen of having a row, but we have no interference in this. The Irishmen are contented and happy in enjoying the squabble.

Hon. Mr. BOLDUC—The Irishmen never fight.

Hon. Mr. SULLIVAN—They fight quicker and sharper, and are done with it and shake hands over it. I simply wish to say that this is a terrible sight—to have religion so-called talked about in this way. This is not religion—not a particle of it. Religion says, love your enemy and embrace him who persecutes and calumniates you. However with reference to the Orangement, I want the hon. gentleman from Mille Iles to know that he is wrong. I am not a defender

of the Orangemen. There are plenty of men here to defend them. But I want the hon. gentleman to know it is a higher class which is implicated in the origin of this matter than Orangemen. Does he think Orangemen would influence the 'Globe'? Monseigneur Sbarretti might as well try to influence the 'Globe' as the Orangemen. I suppose the one might be as successful as the other. No, it could not be possible that Orangemen could influence the 'Globe.' I will tell you why. The leading Orangemen with us are Grits or Liberals.

Hon. Mr. CLORAN—In what part of the town?

Hon. Mr. SULLIVAN—If the hon. gentleman wishes to know particularly I will give him a private interview with a diagram.

Hon. Mr. CLORAN—I met so few of them that were Grits.

Hon. Mr. SULLIVAN—Was the hon. gentleman ever in Kingston?

Hon. Mr. CLORAN—Yes.

Hon. Mr. SULLIVAN—Does he know the penitentiary is there?

Hon. Mr. CLORAN—You don't mean to say they are there?

Hon. Mr. SULLIVAN—Some of them are. I hope this dissension in the religious element will soon disappear. It is purely politics; it is as plain as a pikestaff, and I am glad I voted as I did. I tell him and those Irish Catholics who voted that way—but there are no Irish Catholics who voted that way—that there is a law higher than the constitution and higher than any laws made by human beings. It is the law of God and of conscience implanted in every man's bosom, and it would be very wrong to insinuate that any improper motive actuated any man in this matter. I hope not. I told the hon. gentlemen plainly and squarely that by voting for the amendment of the Hon. Sir Mackenzie Bowell they were cutting away the principle; now if they were to approve of the principle of the Bill and then amend where necessary, it would be better tactics to pursue than the course they are adopting. I do not see any use in going on with this dramatic fight between these hon. gentlemen and I hope they will settle this matter. If they do not settle it, we will have to get the sergeant-at-arms to see that no attack is made, because it is assuming bitterer proportions each day. Then we must remember that there are elderly gentlemen in this House, and that as age advantages two organs of the great tripod of life are affected by this meeting to-night, the heart and the brain. Emotion and excitement and worry are extremely bad for a person. If the mind suffers it weakens the heart and the fibre of the heart is weak. Even supposing there is no disease present, elderly men are liable to be severely injured by these night sessions. There is no necessity for them. You can do all the business in the morning and in the afternoon and rest in the evening. I do not object to spending a litttle time in the evening, but I would advise hon. gentlemen to go home now. They have listened long enough to an entertaining discussion, and they had better go home at once.

The amendment was declared lost on a division, and the clause was adopted.

On clause 4,

Hon. Mr. DAVIS—I mentioned the other evening in discussing this question that I thought this was a matter which deserved a little more consideration. The clause reads as follows :

4. The said province shall be represented in the Senate of Canada by four members : provided that such representation may, after the completion of the next decennial census, be from time to time increased to six by the parliament of Canada.

I think we should cut out the last few words of that clause, and make it read, 'be from time to time increased.' I will be quite satisfied with that, but I should dislike to see anything in the Bill which would tie us down to six senators. I gave my reasons for this the other day. Ontario has 24 senators and Quebec 24, and it would be highly unfair that we should be confined to six representatives in the Senate if our population increases until it is larger than the province of Ontario. I will not move an amendment, but I wish to raise an objection to the clause.

The clause was adopted.

On clause 6,

Hon. Mr. SCOTT—Every 25,367 electors are entitled to one member.

Hon. Mr. LANDRY—In Quebec the census is taken every ten years and the number given every ten years.

Hon. Mr. SCOTT—Yes.

Hon. Mr. LANDRY—That number will serve twice—every five years.

Hon. Mr. SCOTT—Yes.

The clause was adopted.

On clause 13,

Hon. Mr. LOUGHEED—When this Bill was read the second time, I objected to the principle incorporated in this section that the government should make a distribution of seats in both provinces. I apprehend, however, that it would be unnecessary for me to occupy the time of the House in pointing out the vicious principle which has entered into this question and without occupying the time of hon. gentlemen, I shall move, seconded by the hon. gentleman from Wolseley, that section 1 be stricken out of the schedule, and the following substituted in lieu thereof:

13. The Lieutenant Governor shall on or before the first day of January next by proclamation under the great seal divide the said province into twenty-five electoral divisions, due regard being had to existing local divisions and population.

I might say I have taken this clause word for word from chap. 3 of 33 Vic., sec. 16, which is known as the Manitoba Act. When Manitoba was carved out of Rupert's Land and the Northwest Territories, instead of this system which has been adopted, which has been imported into section 13, and for the purpose, I presume, of having a disinterested distribution of electoral divisions in the new provinces, it was delegated to the Lieutenant Governor to divide the provinces into electoral districts, and I think it must appeal to the minds of hon. gentlemen present that a more disinterested manner of dividing provinces could scarcely have been adopted. When the Bill was before the Commons it was proposed that the division of seats should be referred to a judicial committee or a bench of judges, but it was not received with favour by the government. However, I have no desire to occupy the time of the House, as I presume that any remarks of mine or any analysis of the vote or distribution of population in both provinces would be futile.

The amendment was declared lost on division.

The clause was adopted.

On sub-clause 4 of clause 16,

4. Every joint-stock company lawfully incorporated by or under the authority of any ordinance of the Northwest Territories shall be subject to the legislative authority of the province of Alberta if—

(a.) the head office or the registered office of such company is at the time of the coming into force of this Act situate in the province of Alberta ; and

(b.) the powers and objects of such company are such as might be conferred by the legislature of the said province and not expressly authorized to be executed in any part of the Northwest Territories beyond the limits of the said province.

Hon. Mr. BERNIER—What about corporations not now licensed to do business in the Northwest ? There are corporations which are not incorporated by the laws of the Northwest, but by the laws of other provinces.

Hon. Mr. SCOTT—It does not affect them at all.

Hon. Mr. DAVIS—It only affects corporations incorporated under the laws of the territories.

Hon. Sir MACKENZIE BOWELL—I suppose it will be the same as in other provinces. Where corporations chartered by the Dominion go into other provinces they are taxed. Has that question ever been settled as to the right of the province to tax organizations incorporated by the Dominion? I remember bringing this question up, and if my recollection serves me, the hon. Secretary of State agreed with me in thinking that a charter granted by the Dominion parliament or under the Joint Stock Companies' Act of the Dominion, should not be subject to taxation in the provinces. I know in Ontario they tax the income of a corporation and compel them to take out a license to do business, besides imposing an annual tax. That seems to be in excess of the powers of the local legislature. It is in the line, I think, of imposing a tax upon a commercial traveller from another province. The subject, I understand from the hon. Secretary of State, is under the consideration of the Department of Justice now, and if any decision is come to before the House rises, I should like to know it.

It is doubtful, however, if the Department of Justice has been able to take up the question yet. I should like the hon. Secretary of State at the same time to call the attention of the Department of Justice to the point I have raised in reference to these licenses. It seems a rather anomalous position that one province should be taxing people from another province who come here to do business. The object of the confederation was to open the door for all business, but we are in the same position in this respect that the Australian colonies were in before the union. Each province had its own tariff, its own rates for railways, &c., and they were foreign to each other, but they began to realize that people of the same race and subjects of the same Crown, living upon the same island, should not treat each other as foreigners. They united, and all that has passed away. In adopting the practices to which I have called attention, we are showing almost the same sectional spirit which once prevailed in Australia, and if it is ultra vires of the provinces, I hope steps will be taken to put a stop to it.

Hon. Mr. CLORAN—The hon. gentleman is wrong in his statement so far as Quebec is concerned.

Hon. Mr. SCOTT—The discussion is altogether irregular.

Hon. Mr. CLORAN—The hon. gentleman from Belleville was allowed to speak without interruption, and if I am prevented from replying, his remarks will go on record and be an injustice to the province of Quebec.

Hon. Sir MACKENZIE BOWELL—I was not speaking of Quebec in particular. I was calling attention to a principle, and showing how unfairly joint stock companies, incorporated under Dominion charters were being treated in the provinces.

Hon. Mr. CLORAN—By our province ?

Hon. Sir MACKENZIE BOWELL—The province of Quebec is not alone. Prince Edward Island and British Columbia are worse. I am speaking of a general principle. I am very glad that Quebec has such an ardent supporter. I do not see why a reference to laws passed by the provinces which seem to me unfair to companies incorporated by the Dominion should raise the hon. gentleman's ire. I do not think I was out of order in calling attention to the manner in which commercial travellers are treated in Quebec, Prince Edward Island and British Columbia.

Hon. Mr. BEIQUE—And Ontario.

Hon. Sir MACKENZIE BOWELL—And Ontario—they are all alike. I pointed out the manner in which the Ontario government is taxing companies incorporated by the Dominion.

The clause was adopted.

On clause 17,

Section 93 of the British North America Act, 1867, shall apply to the said province, with the substitution for paragraph 1 of the said section 93, of the following paragraph :

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901.

(a) In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(b) Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in the said chapters 29 and 30, and where the expression 'at the union,' is employed, in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

Hon. Mr. McMILLAN moved the following amendment:

17. Section 93 of the British North America Act, 1867, shall apply to the said province with the substitution for paragraph 1 of the said section 93 of the following paragraph :

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act under the terms of the Ordinances of the Northwest Territories, No. 3, of 1885, or with respect to religious instruction in any public or separate school as provided for in said Ordinances :

(2.) In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with said Ordinances there shall be no discrimination against schools of any class described in said Ordinances ;

(3.) Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in the said Ordinances, and where the ex-

pression 'at the union' is employed, in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

He said: Hon. gentlemen will remember, when I spoke on the second reading of the Bill, that I objected to clause 17 as being based on the ordinances of 1901, and for this reason: The ordinances of 1901, I hold, do not give us any privilege, do not give us separate schools in the sense in which we should have them under the law of 1875, when the territories were first formed, and as given subsequently even in other ordinances. This amendment is based on the ordinances of 1885, for the reason that they give us more than the ordinances of 1901. The ordinances of 1885 provide:

The Lieutenant Governor in Executive Council may appoint and constitute a board of education for the Northwest Territories, composed of five members, two of whom shall be Roman Catholics and two Protestant and the Lieutenant Governor who shall be chairman.

Then section 5 provides:

It shall be the duty of the board to meet twice a year to appoint inspectors, who shall hold office during the pleasure of the board; to appoint a board of examiners for the examination of teachers; to provide for the expenses of the board of examiners; to arrange for proper examination, grading and licensing of teachers and the granting of certificates, such certificates to be of three classes, first, second and third; to make from time to time, such regulations as they may think fit for the general organization of the school; to select adopt and prescribe a uniform series of text books to be used in the schools of the section; to have control and management of the schools of the section; and to make from time to time such regulations as may be deemed fit for the general government and discipline and the carrying out of the provisions of these ordinances.

Referring to the school books, I may state that the withdrawal of the power to select the text books is one of the worst features of the present Bill. In the decision given by the Privy Council in England, when deciding on that question in the case of the Manitoba law, one of the justices said:

The sole question to be determined is whether a right or privilege which the Roman Catholic minority had 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. 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 the Roman Catholics, who could select the books used and determine the character of their religious teaching.

In a few words, what we consider we are deprived of is given in that quotation. His honour the Speaker to-day stated that we were getting a great boon in the fact that separate schools could be established, that the fact of having those schools would give us other features as desired, whether Protestant or Roman Catholic. If my hon. friend will think the question over seriously, he will come to the conclusion which the hon. gentleman from Wolseley (Hon. Mr. Perley) came to the other day, that they are really getting nothing but the use of the school houses. They are deprived by clause 137 of the privilege of giving religious instruction until half past three in the afternoon. I want to ask my hon. friend from London (Hon. Mr. Coffey), who is the editor and proprietor, I suppose, of a Roman Catholic paper which has always supported separate schools, and from which I have taken this quotation, how he can justify his vote on this question. It says that Buckle's History of England is taught in the schools there for the reason that it is not under the authority of the Roman Catholics and that history, it says, eulogizes Cromwell and Cranmer and states that regulations had to be drawn up to forbid the worship of images in the churches.

Hon. Mr. COFFEY—Such books can be objected to.

Hon. Mr. McMILLAN—No, the Roman Catholics have no control of the books. This history further states that Protestants put to death under Queen Mary were put to death for their religious convictions, while those executed under Queen Elizabeth were put to death because they were rebels. I get this information from the 'Catholic Record' of London, and yet my hon. friend says that the Catholics are getting separate schools, when his own paper declares that the selection of the school books is not under the control of the trustees and that the schools are worthless.

Hon. Mr. COFFEY—Books of the description which the hon. gentleman mentions may be introduced in the public schools of the Northwest Territories, and may also be introduced in the separate schools, but the Catholic pupils will not I am sure study such books and I do not think they can be compelled to do so. I remember well when Collier's History was read in the public

schools of Ontario, and I remember that it was put out of the schools because it contained objectionable passages. I remember when Marmion was read in the public schools of Ontario, and an attempt was made to have it used in the separate schools, but we got rid of that in Ontario ; and the same thing can be done in the territories.

Hon. Mr. McMILLAN—The best way to manage the separate schools is to give the selection of books to the proper authorities. It is not very wholesome for Catholic teaching to have such books used in the separate school.

Hon. Mr. COFFEY—They will not be taught.

Hon. Mr. McMILLAN—There is nothing in this Bill to forbid it.

Hon. Mr. COFFEY—They will merely put the books out; they will not read them.

Hon. Mr. McMILLAN—The ordinances of 1901, as I have said, forbid the teaching of religion in the separate schools. They provide that :

> No religious instruction except as hereinbefore provided shall be permitted in the school of any district from the opening of such school until one-half hour previous to its closing in the afternoon after which time any such instruction permitted or desired by the board may be given.

That says that no religion can be taught in the public schools, and permits no religious instruction to be given in the separate schools. My hon. friend the Secretary of State fortified his remarks here to-night by saying that Mr. Haultain would not change one iota of the school law.

Hon. Mr. SCOTT—So he said.

Hon. Mr. McMILLAN—He means the Ordinances of 1901—is not that so ?

Hon. Mr. SCOTT—Yes.

Hon. Mr. McMILLAN—We know that Mr. Haultain has been opposed to separate schools and has been determined to destroy them from the day he took charge of the territories until now, and it was under his administration that the ordinances have been passed which have crippled the separate schools. Mr. Haultain is a Conservative, but I do not look upon this question from a political standpoint. I look upon Mr. Haultain as the leading figure, backed up by his Grit friends there, who have crippled the separate schools and passed the ordinances of 1901, which are worthless to Catholics.

Hon. Mr. WILSON—Why did the Tories bring him down to London.

Hon. Mr. McMILLAN—Just to play the part you would have played if you had been placed in the same circumstances.

Hon. Mr. LANDRY—I think there was a mix-up.

Hon. Mr. McMILLAN—I am basing my amendment on the ordinance of 1885 which gave us, as Roman Catholics, separate schools in the Northwest Territories, while the present Bill gives us nothing beyond the privilege of having religious instruction after half past three, but not Roman Catholic separate schools as we understand them and as we want them.

Hon. Mr. LANDRY—The hon. gentleman takes the ordinances of 1885 as a basis for the rights of Roman Catholics in the Northwest. Those ordinances are made in accordance with the law of 1875, which declares that every time the legislative assembly of the Northwest enacts laws they shall give the Roman Catholic minority separate schools. It was in accordance with the law of 1875 that the legislative assembly of the Northwest passed this ordinance of 1885, but since that time other ordinances have been enacted by the same legislative body, contrary to the federal law of 1875, against their own organic law for the time being. Will the hon. member for de Salaberry deny that the ordinances for 1901 are against the law of 1875 ? Why the Minister of Justice himself, and the hon. the Prime Minister, state the fact. You have on the one hand the ordinances of 1885 enacted in accordance with the federal law, and on the other hand you have the ordinances of 1901, which are enacted against the law. What does the government do ? It sets aside the ordinance which is according to law and takes the ordinance which is against the law, which robs the Catholic minority of the Northwest of their rights. It recognizes these iniquitous ordinances, these robber ordinances as the basis of the rights of the Catholic minority in the Northwest. And there are people who fall

on their knees before the Prime Minister and give him all praise because they say this clause of his is a little clearer than the other. The other covered rights; this one robs the minority of their rights, but then it is clearer. The hon. member from Alexandria has done a just thing to revive those ordinances of 1885 and make them the basis of the rights of Roman Catholics of the Northwest. We will see if the government will recognize those rights, or if they will take the bad laws which deprive us of our rights. If they take the good laws they will show their honesty and their desire to meet the views of the people of that country. If they take the bad laws, which a court of justice would set aside if they were appealed against, if they take ordinances which are illegal and unconstitutional, what will be said in the country? They will say that the paternal government of Sir Wilfrid Laurier, that man who stands up to fight the battle of his religious compatriots in the Northwest, has set aside the good laws of the Northwest and has taken up the bad laws, that instead of the bread for which the Roman Catholic minority asks, he has given them a stone. That is the skeleton of which the hon. Secretary of State spoke a few days ago that is given to the Northwest. I hope this Senate will not endure such an outrage, and that a majority will be found to accept the amendment of my hon. friend from Alexandria, who chooses as an honest man to take the federal law and the ordinances which are the consequence of that federal law as a basis for the rights of the Roman Catholics for ever. I suppose, Mr. Chairman, you will declare that amendment carried.

The CHAIRMAN—Whatever the House decides.

Hon. Mr. LANDRY—Judging from appearances everybody in this House favours the amendment.

Hon. Mr. McHUGH—This Bill has been discussed on a very high plane, on lines which with slight exceptions are very commendable. I feel just as strongly in favour of separate schools as does my hon. friend from Alexandria, and that the Roman Catholic people of the country should have a right to educate their children as they think proper.

Hon. Mr. LANDRY—Hear, hear, but they are not allowed to do so by this Bill.

Hon. Mr. McHUGH—The first right of education belongs to the parents. The hon. member from Alexandria has spoken of the law in Ontario. In this province the Minister of Education has the right to say what text-books shall be used not only in the public schools but in the separate schools, and they have always been careful to use the text-books which would make the scholars most efficient. You may fairly expect that whatever Minister of Education may be in office in these new provinces will see that the best school books are used. We have a Bill before us which guarantees separate schools.

Hon. Mr. LANDRY—We have nothing at all.

Hon. Mr. McHUGH—The principle of separate schools is on a foundation which cannot be uprooted. The new provinces will have no power to amend the law in any way to prejudicially affect the Catholic population, but they can make the schools more efficient than they are at the present time. If the separate schools of Ontario had been left as they were in 1863 what kind of schools would we have to-day? The provincial parliament of Ontario, seeing that the schools were not efficient, went on improving them year after year. There was an amendment in 1877, another in 1879 and another in 1886, until they have made the separate schools of Ontario what they are to-day. Are we to expect that the legislatures of the new provinces will be content to do less than Ontario did? I do not think we need have any fear in that regard. So long as the principle of separate schools is recognized and separate schools are to be established you may rest assured that the legislature will see that they are maintained in as efficient a shape as possible.

Hon. Mr. LANDRY—What are separate schools?

Hon. Mr. McHUGH—They are not non-sectarian schools, such as many have asked for, but schools where religion is taught. I am only sorry that other denominations do not feel as keenly as Catholics do about religious instruction in the school.

Hon. Mr. LANDRY—Does the hon. gentleman contend that Catholic schools are not sectarian schools?

Hon. Mr. McHUGH—All schools where religion is taught are sectarian schools.

Hon. Mr. LANDRY—What is a separate school?

Hon. Mr. McHUGH—A school where religion is taught.

Hon. Mr. LANDRY—Take the Protestant schools in the province of Quebec, they are separate schools and they are not sectarian schools.

Hon. Mr. McHUGH—A separate school is a school where people who want religious instruction for their children can have it. If they do not want it they need not have it, but if they desire it they can have the privilege of getting it. With reference to the text-books, I say the trustees and the Catholic teachers can be depended upon that only suitable books for the children are used. They all have to take the one examination; they must have uniformity in most of the text-books, but they must not teach that which is objectionable to any in the community. I feel just as strongly in favour of separate schools as anybody.

Hon. Mr. McMILLAN—Then why not support an amendment which gives the privilege to the trustees of selecting the books.

Hon. Mr. McHUGH—The trustees have a right to say what education shall be given to the children in these schools, and we have the principle of separate schools, which we would not have had without this clause. I do not want to discuss this question from a political standpoint. I know there has been a little of that on both sides in the discussion. No one party is altogether right or altogether wrong. We have found in both political parties men who have stood above appeals to sectarian prejudices. No one particular party has a patent right to tolerance or intolerance in this country. We have before us a Bill in which the separate school principle is embodied, and it should be satisfactory. We will be satisfied to leave the rest to the people of the Northwest Territories. The hon. gentleman from Calgary told us the other day that it is only a skeleton. I tell him that is a solid foundation, and if he will go to the Northwest and tell the people that the minority in those new provinces are not getting their rights, he can inspire the people to do justice. The hon. member from Wolseley told us that the concession in this clause was a mere pittance. I say to him: Go up to the Northwest and preach that doctrine, and I have every confidence that if these hon. gentlemen would speak there as they have spoken here, the majority of the people in that region will deal, not only justly, but generously with the minority. The Bill, as it is, is the best we can obtain under all the circumstances.

Hon. Mr. COFFEY—I want to add a few words to what I said in answer to the hon. gentleman from Alexandria (Hon. Mr. McMillan). We have a Board of Education in the Northwest Territories, in whose hands I understand the selection of books will be placed. On this Board of Education we have two Catholic members and two Protestant members.

Mr. McMILLAN—Where is that?

Hon. Mr. SCOTT—There is an advisory board.

Hon. Mr. McMILLAN—Without a vote.

Hon. Mr. COFFEY—Who has the selection of the text-books? Is it not the Minister of Education? If there is any objection to the books, the trustees can reject them. My contention is that the two Catholics on the board can object to anything they think should not be used in the separate schools, and such books can be put out. If they are not put out by law, the Catholics have the privilege of appealing to the government at Ottawa.

Hon. Mr. LANDRY—The two members on the board are advisory members. They have not a right to vote. They may give their advice, and it may be taken or not.

Hon. Mr. COFFEY—The hon. gentleman will remember that we had at one time a superintendent of education in Ontario who acted in like manner. He sent to the separate schools books which were objectionable, and we very easily got rid of them; and in these new provinces the same thing can be done.

Hon. Mr. McMILLAN—But we have separate schools in Ontario.

Hon. Mr. COFFEY—You have them in the Northwest Territories ?

Hon. Mr. CLORAN—I regret very much that the hon. Minister of Trade and Commerce (Sir Richard Cartwright) is absent this evening, because he is a man of broad mind, who does not want to choke off discussion. In opening his speech he stated that this hon. body was entitled to a full and free expression of its views in regard to the position of these two provinces and he invited not only on his own part but on the part of the government a full and free expression of opinion from the members of this House in regard to the Bill now before us. Although he gave that invitation I did not consider it necessary that he should have done so. It is within the rights and privileges—more, within the duty—of every hon. gentleman in this House to express his opinions and views in regard to public measures brought before parliament, and which deal not only with temporary matters but matters to be permanent in the history of our country ; and I am not to be told as certain members, even among our own friends have said, that this discussion could be choked off or closed to suit the convenience of any body. The convenience to be suited on this occasion is the convenience of the people whom we represent, and they are entitled to hear from each one of us what we think on this question in whole or in part. To bring myself in order I shall confine myself to what I consider the essential feature of the Bill, clause 17. As members of this House, I do not think we are called upon to criticise very deeply the decisions of the other House in regard to the establishment of these two provinces. I think it falls within the domain and control of the House of Commons to say what ought to be the representation in this parliament, what ought to be the limits of those provinces, what ought to be the rights, civil and political of the people of those provinces. If they had established anything which would constitute a grievance during the existence of that province then it would devolve upon us to remedy what they have done. But on reading that Bill and considering its merits I fail to see that this honourable House has any right to say to the lower House that it has done wrong in regard to the civil, political and material interests of these provinces. But above and beyond the political and material aspects of the question, there arises one more serious, one that affects the life of this country more deeply than Territorial limits, than the question whether there shall be 20 or 25 members and 4 or 6 senators. There lies in this Bill a seed which shall make the provinces of the west a God-fearing country, a country that will respect the laws. On that ground this hon. body who are called upon to safeguard the highest interests of the nation to safeguard the highest morality and all that is noble in a nation, it is our right and duty to say what we think of the measure before us. I salute the entry of two sister provinces into this Dominion. Canada is growing larger and larger, and when this Bill will have passed will be larger not only by territory and population, but larger in liberality and morality. I take my hon. friends from the Northwest as an example of those two essential elements in the development of national life. I take my hon. friend from Saskatchewan (Hon. Mr. Davis) as an exponent of these two ideas which enter into and become the basis of our national life, liberality and morality, and I was proud to sit by him here two or three nights ago and hear him develop the ideas that prevail in the Northwest Territories which unfortunately have no footing and no root in many parts of the province of Ontario. Unfortunately the same liberality, the same spirit of tolerance, which spreads over the prairies of the Northwest does not exist in the province of Ontario. Let the young child give an example to the old one. Let the young child say to the old brother of the confederation, Ontario, that intolerance does not exist on the prairies as it exists in the halls of Toronto, and lodges of Belleville, Kingston and elsewhere; let that go abroad, and Canada will benefit by the new reputation it will obtain that Canada is not only free but tolerant. I thank the hon. senator for the sentiments he expressed on that occasion.

When we establish a new country we have to consider two things. A new country means a new society, and what is society? Human society is based on two elements ; first, on mutual respect of one for another—that regards the civil right of society. I have no right to interfere with my neighbour when he wants to put up a

house on his own property, or to act along the material lines of human life. Where the distinction comes in with regard to human society is when civil government has accomplished that end and the material rights of the citizens are protected. The duty of the state ceases there. It can go no further ; but in human society there is another element to be developed, another principle to be asserted before all, and that is the principle or element of spirituality, or what you may call religious life. There the state has no jurisdiction, no control. The state has no right to enter into the home of a man, and tell him to what altar he shall kneel, or what God he shall adore; no right to tell him that he shall live this way or that way; the state has absolutely nothing to do with the religious or spiritual life of human society or of the individual. That is according to natural law. What is society composed of ? Society is composed of the family. The family, multiplied into three or four, forms the village, forms the township, and the village and township form the country, the province, the nation. The basis of the nation is the family, and the king of that family is not the head of the state, but the father. The father is responsible for every child born to him, responsible not to the state, but to a higher authority. I hope we are all Christians in this House. Even those who are not Christians recognize a Divinity higher than themselves, although represented in the form of a serpent or stone statue. The most barbarous people have a divinity to bow down to, recognizing something greater than themselves, and therefore the father is supreme master of his own household. Where does the state step in ? The state can step in on material lines, and say to the father of a family, 'that child of yours must be fed and clothed'; and when the father does that he satisfies his duty to the state. Can the state come into the home of the father and say, 'you shall give that child such instruction such as the state will exact'? The state has no right to do so, has no right to go into the home, and clothe or feed the child so long as the father gives it food and clothing, and the same holds true in regard to the spiritual side of the situation. As long as the father gives the intellectual and moral development, the state has no right to interfere.

If the father is unable to give food and clothing to the child, the state steps in and takes the child and puts it into a place where it is clothed and fed. If the father is unable to give him intellectual or moral training according to his views, according to his conscience, it is for the father to say who shall be his substitute, who shall be his deputy in the matter of education. That state has no right to come into the home of the father and take the child from him and educate it according to the ideas of the state, but the father will say to the state, 'It is true I am unable to educate the child, I am unable to bring him up morally and intellectually, but I ask from the state a substitute who will represent my views and my conscience in the development of the child. There is the correlative duty of citizen and state. That brings me to another point—we are all Christians here and readers of the bible——

Hon. Mr. DOMVILLE—The hon. gentleman had better speak for himself.

Hon. Mr. CLORAN—And hon. gentlemen know the first principle laid down by the Saviour of the world who did not ask for anything too much. He said to legislators such as we are, to the people of the world, 'Render unto Cæsar the things that are Cæsar's, and unto God the things that are God's.' Now this question has been debated from one end of the land to the other. It has been discussed in pulpits, in the press, in society meetings and so on, and I ask you as fair witnesses of the fact, has that principle laid down by Christ been observed in the press, been adhered to in the pulpit and exemplified in the state and exemplified by society ? No, it has not. The idea is now that you shall give everything to Cæsar and nothing to God. But it is not all that way in Canada. Canada is a Christian country and I am not speaking as a man belonging to any section of the church, but as a citizen who would like to see my young country grow up along the lines of Christian civilization, and Christianity irrespective of sect or anything of that kind within the pale of that great church, because after the study of religion I find Buddha and Mahomet, who tried to elevate human life and make it better than it was, and inculcate good prin-

ciples into it, never attained the same results as Christ has through the system of Christianity. As a student of history, wishing to see my country prosper, wishing to see it happy, and hoping that we shall avoid the troubles which afflict France and Russia and other countries, I ask this House to say that the best kind of civilization that can be followed for the happiness of our young people is along the line of Christianity. But how are you going to follow the line of Christianity if you do not begin at the beginning. I am not going to deal with the constitutional and legal aspects of this question. Hair-splitting in constitutional and legal arguments does not appeal to the Canadian people, but what appeals to the Canadian people is what touches their hearts and what will give them courage to fight the battles of Canada. It is not necessary to know whether the clause is to be interpreted according to the view of the hon. gentleman from de Salaberry or the hon. gentleman from Calgary. What the people of Canada want is a Bill that will allow their children to grow up as they have grown, according to the will of God, for their own benefit, for their own interests and for the sake of our country; and notwithstanding the agitation which has been carried on in Ontario during the past six months, unfortunately for the reputation of our country, the people of Canada as a whole are tolerant, are fraternal, are brotherly. Need I appeal for proof to the past elections? Need I appeal to the city of Edmonton, who said to the people of the East: 'You know not what you are doing.' You appeal to us to set aside what is right and just. We will have nothing of it;' and they elected by acclamation a minister of the government responsible for this measure. Then we come further east to London and North Oxford, and there the appeal is made through the great enlightened press of Toronto, the Toronto 'News,' the editor of which paper ought to have known better, and through even our own Toronto 'Globe'—as an ex-Minister of Finance said in a moment of weakness it fell—through the 'Mail,' and through all the other organs of our opponents, they made the most fierce appeals to reject this Bill creating two sister provinces. They were willing to drown these provinces, and cast them aside, because in this Bill there was a little clause giving to the people of the great Northwest a right to teach their children that there is a God over the destinies of Canada, a right to feel that during these hours morality and religion should predominate as against mathematics, and history. And what was the voice of these people? The appeals to London and North Oxford were 'Keep God out of the schools. We do not want Him in the schools. If you allow God in the schools the Pope will come over here and rule.' Allow me to pay my tribute of homage and admiration and respect to the electors of London and Oxford. They have given this young Canada of ours a lesson of tolerance notwithstanding that the fangs of bigotry were plunged into the body politic of this country. These fangs were unable to reach the heart of the people, and the electors of those constituencies sent here to represent them two men who stand by the Bill—a Bill not perfect as regards clause 17——

Hon. Mr. LANDRY—No, no.

Hon. Mr. CLORAN—I stated that if I had anything to say in this honourable House it would be because I considered the Bill inefficient and incomplete, and I give my reasons for voting for a measure that is inefficient and incomplete. It is because among the many civilized countries we are practically alone to-day on this American continent in that we recognize the Divinity in our schools in some degree. We are alone compared with France—I will not say England, because she has too much common sense to drive God out of her schools. But we have in this clause the last vestige of the Divinity recognized by a Canadian parliament, and as the sun shines through a pin-hole in the wall and enlightens and illumines the cell of the prisoner, so by this clause the Canadian government maintains the right of the divinity, maintains the right of God to a place in the schools, even if it is at half past three in the afternoon. It is a pin-hole through the wall, and the day will come when that wall will be removed from its place to allow the full light of God to illumine the schools of this country, public or otherwise. I am not here to-night to advocate separate schools. And why? We in the minority will have separate schools in

spite all the opponents of those schools can do. If the state were mean enough to deprive us of that right we would have courage enough to advocate the right of educating our children according to the principles of the decalogue and the Sermon on the Mount. We do not ask you for separate schools; we are prepared to pay for them as is being done in the United States by millions and millions, the same as they are doing in other countries, although not in England. The treasury of England pays for Catholic and Protestant schools. They have done so in other countries and they will do so here if necessary. I say that on this question there can be no two opinions. I am not pleading for Catholics. I am pleading for the masses of the Canadian people. I have in my hand the opinions of statesmen, the authority of Protestant bishops, the authority of the Protestant press, and the history of all that has occurred in the United States. I am here to-night to tell you that a system of schools where the teaching of the gospel is excluded is a system that will lead any nation to ruin and destruction. Canada is to-day in the throes of this agitation, and it is not because the Canadian people wanted it. May I let this honourable House into a secret. Shall I let this country into the secrets of a confidential mission which was given to me in the year 1889. I think some of the principal parties concerned in that agitation are dead or have ceased to exist in public life in Manitoba, and I will therefore give you the history of the agitation, because I consider that history is to the credit of the Dominion of Canada. In 1889 the Hon. Mr. Mercier was Prime Minister of Quebec, and about that time the agitation was started in Manitoba for the suppression of what they called separate schools. The agitation had gone on for a time in Manitoba, the legislature was to be called and a measure was to be proposed. The Hon. Mr. Mercier, of whom I was a friend—and I am proud to say here to-night that Mr. Mercier was one of the best Canadians that ever adorned Canadian life. He was one of the best friends of his province and of the Dominion; he was the only man that got the seven Prime ministers around his table to discuss provincial affairs and their relations with the Federal power. But in 1889 he said. 'There is something going on in Manitoba and what is at the bottom of it? I want to find out if the people of Manitoba are really spiteful in regard to our rights and interests. I want to find out if Mr. Greenway and his government are undertaking this measure of suppression of Catholic schools through hatred of our race and religion. I went there quietly and ascertained from ex-Premier Greenway, from Mr. Martin, from Mr. Sifton, the ex-cabinet minister, and from Mr. Campbell,—the entire cabinet—that there was nothing in the nature of hate or prejudice, underlying the agitation for the suppression of the schools. I asked the premier: 'What is the reason that you are going to introduce this measure into the House?' He said: 'Mr. Cloran, you can tell the Prime Minister of Quebec, you can tell your friends in the province of Quebec that the Liberal party does not want to be a party to the suppression of the schools, but there is a man in my cabinet who wants to cover his tracks in regard to certain transactions and he has raised this agitation in reference to schools.' I will go further and give his exact words. He said: 'Mr. Cloran, it is a hard thing to say of one's colleague; but Joe Martin is a scoundrel.' Now there is the beginning of the agitation for the suppression of schools, from a scoundrel, so pronounced by the Prime Minister of Manitoba in the month of October, 1889; and when I invited Mr. Martin to the Queen's hotel and asked him why he raised such an agitation, his answer was: 'You can go to——. We can run our own business to suit our affairs.' When I called upon Mr. Sifton in his own office, he declared then to me that he was opposed to the suppression of separate schools. When I called on the Grand Master of the Orange Lodge, a gentleman keeping the largest store in Brandon, he said the separate schools should never be abolished. But, I said to him, then if you as ministers of the government are opposed to it, why do you allow it to go through? His answer was: Is it not better that I should remain at the head of affairs than to allow a man like Martin to become Prime Minister? And I said, 'Yes,' and I went back with that message to the province of Que-

bec, and laid it before the Prime Minister of the day. Do you know what would have happened if I had reported otherwise? The Hon. Mr. Mercier who was a politician and statesman at the same time—and this may not please my Conservative friends in the House—would have passed an identical measure word for word with the Manitoba measure in the Quebec House—not for the purpose of taking away the rights of our English-speaking Protestant friends. No he would not think of it. It never entered our minds. We are always prepared to give them more than double fair-play—but he would have passed the measure in the Quebec House abolishing separate schools in the province, and separate schools in that province are Protestant schools. I said: 'What will you do that for?' I was not as wise as he was at that time. Why he said, I will force Sir John Macdonald, then Prime Minister of Canada, to disallow my law, and if he disallows my law he will have to disallow Greenway's law.' That was the position. I cite these facts to prove that in the beginning of this agitation the feeling was not as strong against individual rights of Catholics as it was intended to be. It was all the work of a few politicians to cover their tracks, as the Prime Minister of Manitoba at that time stated to me.

Hon. Mr. LANDRY—That was never done.

Hon. Mr. CLORAN—No it was not done, on account of my report that the people of Manitoba as a whole, the representative men from Greenway down, with the exception of Joe Martin, were not in favour of the suppression of separate schools; and if I had been obliged to report that the suppression of separate schools was due to animosity and hatred of Catholics, then the Hon. Mr. Mercier would have passed a similar law, forcing Sir John to disallow his Act and consequently disallow the other Act.

Hon. Mr. LANDRY—Everybody in Manitoba was against that suppression and yet the suppression took place.

Hon. Mr. CLORAN—I stated that the question of education had been considered by very eminent people, and I desire the House to understand that I am not talking from any sectarian point of view but from the broad point of view of Christianity.

Hon. Mr. LANDRY—The hon. gentleman is talking from my seat.

Hon. Mr. CLORAN—It is a very good seat sometimes. I am talking from a point of view that will appeal to the people of this country, although it may not appeal to a lot of empty benches or to some of my friends who know more about the question than I do. But they will allow me the privilege of talking over their heads to 6,000,000 people of Canada and I shall begin with one who has a continental reputation in this country, not only in the United States but in Canada and probably in Europe.

Hon. Mr. LANDRY—The hon. gentleman is not referring to Mr. Borden?

Hon Mr. CLORAN—No, he has not been able to express the views this man gave utterance to. George Washington, on his retirement from public office said, in his farewell address:—

> Of all the dispositions and habits which lead to political morality, religion and morality are indispensable supports.

Remember these are George Washington's words, (Counsel of wisdom). He proceeds:—

> In vain would that man claim the tribute of patriotism who should labour to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politicians, equally with the pious man, ought to respect and cherish them.

How many pious men throughout this country and the United States do not cherish these principles. It is no later than last week in the conference of a church a bishop said,——

Hon. Mr. DOMVILLE—What church?

Hon. Mr. CLORAN—I think it was the Methodist or Baptist. I am sure it was not the Episcopalian. Last week a bishop declared under his mantle, before his colleagues in the ministry, that nothing of religion should be taught in the schools, that all should be public, that God should not be mentioned. Washington foresaw that 125 or 130 years ago. He said that not merely politicians but pious men should respect and cherish these principles of morality and religion in education. He also said:—

A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice ? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

These are the words of a man who has founded the most prosperous republic the world has ever seen. Unfortunately the children of that republic have not followed out his advice and his precept—unfortunately, not for him, but for themselves, these precepts laid down by the founder of the American republic have not been carried out in their system of public education, and here let me say that the Prime Minister of this country as well as the Secretary of State were perfectly justified in alluding to the condition of things in the United States and trying to prove that the moral condition of things in the United States was largely attributable to their system of public schools. They were more than justified, and I have in my hand the authority of bishops, of the 'Protestant Press' and of the presidents of different universities at Harvard and Yale, telling the people of the United States to be on their guard against the irreligious and godless instruction given to the youth of the United States. We find the press of Canada inveighing strongly against the Hon. Secretary of State and the Hon. Prime Minister of this country for having asserted things about a neighbouring country, saying that they were going from bad to worse in regard to the moral development and practices of the United States people. Not that we on this side of the line are going to claim any palm of virtue higher than theirs; but in argument it is allowable to refer to this matter, and the press in this city have thought fit to write as follows :—

The Public Schools and Religious Education.

It was fearful to eliminate the name of God from the schools as in the United States, and it led to murders and other crimes. There was no country where more improper practices were carried on than in the United States.—Senator Scott, in support of motion for second reading of Autonomy Bills in the Senate.

This is taken from the 'Journal,' and that paper comments as follows:—

In using this language the Secretary of State evidently though he could not do better than follow the example which the leader of the government set when introducing the Bill in the House of Commons. Whether, however, Sir Wilfrid will thank him for so close an imitation of what he cannot after reflection have regarded as a very successful portion of his own speech, is a little doubtful. The general view of the Canadian press was that such reflections upon the policy in the first place, and the moral condition in the second, of a neighbouring country, with which it is important we should maintain relations of mutual friendship and respect, were not in the best taste. Senator Scott either did not see or did not heed such criticism, for his language is, if anything, a shade stronger than that of his leader. Canada is in these days making a loud bid for a degree of political independence only short of national sovereignty ; and it would be more in keeping with her claims if her leading public men showed that sense of responsibility in their remarks about other countries which the public men of sovereign nations usually exhibit.

The hon. Secretary of State did not go beyond the truth one iota when he stated that the principal men of the United States, the leaders of thought in the United States, the men who are aiding in the development of the United States, are the men who declare the system in the United States based upon irreligion is a system that is bringing down the nation every day, corrupting its youth and leading it astray. Take the ex-minister of China; he is a pretty good judge. This is what the ex-Chinese ambassador at Washington, Wu Ting Fang, Chinese Minister to the United States, said at Philadelphia, April 2, 1902 :

I have visited many of your colleges and schools. My candid judgment compels me to say that there is something here that is lacking. Unless that I am grievously mistaken, your system of education is directed merely to mental training. In America you have in your educational system everything but moral training.

The representative of four hundred millions of our fellow-men in the great East, Wu Ting Fang, tells the United States people in the city of Philadelphia, that they had everything in their schools except morality. What can you expect of youth where there is no morality ? Can you get honest men? Can you get fair honest lawyers ? Can you get scrupulous doctors ? Can you get bankers who will not rob banks and wreck them ? Can you get men on whom the United States can rely ? The Chinese Minister tells the people of the United States that the only thing lacking in their education is morality. Let us see what the little Jap. says. I do not suppose any

body will laugh at the little Jap. He is the predominating figure in the east, and perhaps will become so in the west also. The little Japanese ambassador to the United States says:

> You teach too much mathematics.

And he is no bad judge. The last two years and a half have proved to the world that if there is any student since Cicero who is worth anything it is the Jap. He has learned more in twenty-five years than any other race. He knew nothing thirty or forty years ago in regard to warfare, manufacturing or commerce. He knew very little outside of his own home, and I say to-day that the best student we have ever seen is the little Jap, learning all that we know, learning all the arts of war and peace. The little Jap who thirty years ago was unknown and unthought of, is to-day able through constant love and fidelity to his country, to take a foremost place ; and although his God is not ours, our people look to the Jap for an example now. What has made him victorious throughout this war ? Is it not the fact that he cares not for death, because he dies for his ancestors and dies for his God. The Jap spoke as follows :

> You teach too much mathematics. In Japan we teach our children manners.

And that is what the Hon. Senator Sullivan advocated the night before last. The little Jap continues :

> Then we teach them morals. After that we teach them arithmetic, for arithmetic without manners and morals makes men and women sordid.

There is the line of public education in Japan to-day creating one of the foremost nations on earth. They teach their children morals and then they teach them arithmetic, not as we do, not like the United States people, not like the French. We teach them arithmetic, the A B C's, we teach them history, very often false and badly written; we teach them a lot of stuff, and then during the last half hour, when the poor little things are tired, we allow them to know that there is a God and allow them to know that they owe a duty to their fathers and mothers and a duty to the state ; and that is what we get and we are thankful for it. Let us take pattern by these people who know not the true God and who have all kinds of gods, but as many as they have they respect them. The Jap proceeds to quote Holy Scripture, and he says :

> Holy Scripture teaches : Train up a child according to his way, and when he is old he will not depart from it.

There is pagan philosophy which should bring a blush of shame to the cheek of every Christian father and mother who says: 'My child, go not to school to learn respect for your Creator, go not to school to learn respect for your neighbor; go not to school to learn manners; go to school and learn your A, B, C's and arithmetic.' Because our government asks this parliament to grant half an hour for the teaching of religion an agitation is raised in this country for which there is no excuse and which is a blot upon the fair name of this country. I say that it is within the rights of each senator to put upon record his views in regard to this matter. They may not bear fruit at the present moment, but in days to come the children of these Doukhobors, the children of these Galicians, the children of these Russians and Mormons, reading extracts from the debates of the Senate will observe that there were men on the floor of this House prepared to stand for the rights of the youth, prepared to stand for what a boy or girl needs ; not so much arithmetic, as the Jap says, but what the boy and girl need to know is that over and above all there is a higher authority to whom they owe respect and obedience. In the future days in the Northwest Territories they will pick up the records of the Senate and read the speeches made thirty or forty years previously. How proud we are, old representatives in this Senate, to find glorious passages in the debates of the past appealing to the people for the consecration of the principles of liberty. Are we not proud to read the speeches of Baldwin, Lafontaine, Papineau and others who have illustrated the history of Canada? Let us set an example of toleration and fair-play, of men who want to do for their fellow citizens all that can be done to make them good, moral, God-fearing and patriotic people. I know that I am not speaking to the honourable Senate here to-night, but I am speaking to millions of people who are now inhabiting our country, and the millions who will come to this country in the days to come and letting them know that there

was on the floor of this House a man who was prepared to stand up for what is best in human life; for what is best in the building up of the country; what is the best for the youth of our country. I stand here prepared to advocate principles along that line. The debate to-night probably will not convince this honourable House, but it is a question of placing our views on record for the benefit of future generations.

Hon. Mr. PERLEY—Nobody will read them.

Hon. Mr. CLORAN—I do not care; 40 or 50 years from now they may be read. My hon. friend from Lauzon has alluded to the part played by the Orange Society in this agitation against Catholic schools. I have great sympathy for these people. I believe the most of them are really sincere, but unfortunately like every other good organization there are spirits that get into them and lead them astray. The Orange order is not an order simply for the benefit of religion or religious purposes. It is largely in the hands of our friends the Conservative party. Consequently, when we charge the Conservative party with raising an unnecessary agitation it is their own fault, because after all it is well known to those who have anything to do with public life in Ontario and Quebec, that the members of the Orange organization are good men 364 days in the year. There is only one day in the year when they get a little excited and it is not their fault, but it is caused by the men who control the destinies of that organization. Am I going to blame them ? They are taking human means to accomplish a human end, but if they stop at politics and beat the Liberal party with their regular organizations I would have nothing to say. But to keep up the association there are two or three friends, like Dr. Sproule and others, who go among them and get them to pass resolutions which are diametrically opposed to religious toleration and religious liberty. All I have to say is that these leaders are teaching them a bad lesson, which is calculated to develop ill-feeling in this country. I will admit that we felt sore on account of these protests against our religion, denouncing our method of worshiping God and our class of schools. We have felt bitter in the old days, but for the past 15 or 20 years I take it with the milk of human kindness, and I say, after the twelfth of July all will blow over and things will be the same again. In the meantime I say the leaders of the Conservative party use those good people—and there are no better neighbours than the same men—use them for their own purposes, and when a case crops up they get their lodges together and get some gentleman into the pulpit to make firebrand speeches. I say we do not care in the least for all that they may say or write or protest against. We simply put it down, I won't say to ignorance, but to a little fiery inspiration. Still I say that there are just as good men in the Orange Association as in St. Joseph's or St. Patrick's societies or any other society, but unfortunately they are made dupes of and we used to suffer in the olden days because of it. I remember in the city of Montreal when people could not walk on the 12th July without heads being broken, but in these days the Orangemen may have a procession every day in the year and they will not be troubled. The sun of liberty, the sun of tolerance is rising in the Orange lodges of the world. In Ireland ten days ago one of the grand masters of the Orange lodge, Mr. Sloan, M.P., of Belfast, a member of the Orange lodge met his fellow Orangemen and said : 'Boys, it is time we should bury the hatchet, we Protestant and Catholic have been fighting too long and squabbling too long over matters of no account. Let us get together and wipe out these prejudices of religion.' That is the effect of his speech as reported in our Canadian papers. Let us get together and fight as one man for the liberty of our country, for its improvement and for its welfare. There is the new doctrine that is coming into the lodges of Orangeism, and I welcome that declaration of policy with all my heart. I welcome that declaration of policy from old Belfast, and I hope that the hon. leader of the opposition, who is a power in the counsels of Orangeism in this country will inculcate it into the minds of his followers, that he will get Dr. Sproule, the grand master, to bring it before his lodge and have that principle adopted. Then the

empire will be united, then the Irishmen will go to battle, not only with courage, but with pleasure—they never went otherwise than with courage. There are many hon. gentlemen here to-night that are good friends of the Orangemen from one end of the country to the other—I do not hold them personally responsible, but I hold their leaders. And let me refer to what happened here five months ago, at the time I was called to order by my hon. friend from Halifax when this Bill was introduced in the House of Commons by Sir Wilfrid Laurier. To my mind the Prime Minister made a most memorable speech, the most effective and the most brilliant speech ever made by any statesman in this Dominion.

Hon. Mr. LANDRY—Except yourself.

Hon. Mr. CLORAN—And if a vote had been taken on that occasion, I venture to say that if clause 16 had stood, there would not have been one man in the House of Commons to vote against it, but unfortunately parliamentary procedure forced them to lay the measure on the table and unfortunately for Canada it gave Dr. Sproule 24 hours to think of it.

Hon. Mr. LANDRY—And Mr. Sifton.

Hon. Mr. CLORAN—I will come to Mr. Sifton. I do not spare a man who inflicts an injustice on any class of population of this country, whether it be Mr. Sifton or Dr. Sproule. Dr. Sproule had 24 hours to consider the questions of Sir Wilfrid's speech. What was the result? Next morning he had his secretary sending out his stereotyped resolutions to every lodge throughout Canada, some 2,000 or 3,000, asking them to denounce in inflammatory language the Bill presented by the Prime Minister, asking them to stand up, if necessary, in arms and rebel against the privileges, what he called privileges accorded under the original clause 16. That afternoon I rose in this honourable House and I attempted to call the attention of the government to the fact that there was a man in parliament responsible to the people who had issued an inflammatory appeal to rise in arms, and I was about to ask the government if they would tolerate such action on the part of any citizens, but before I could get through my hon. friend from Halifax said there was nothing before the House. True, but there has been a great deal before the House since then, and if that agitation had been nipped in the bud we would not have had six months of debate in the House of Commons, never would the seventy-five members of the opposition have bolstered up a debate for five months if they did not have behind them the resolutions from 2,000 lodges. Never would they have attempted to strangle the rights of the minority as far as they could, if that agitation had been nipped in the bud. But no. The procedure in this honourable House, the same as the procedure in the other House, allowed the agitation to proceed, and we are obliged to be here at 12 o'clock at night, a hot summer night, defending the principles for which the government is prepared to stand and which the opposition at the time was prepared to vote for, if it had not been for the 24 hours delay. There is the position in regard to this agitation. I have no ill-will or ill-feeling against these hon. gentlemen at all. They are doing it for a political purpose. If they did not trespass on ground where they should not be, and interfere with the religious rights of others, I would simply laugh the thing to scorn, but after all when you are attacked by no matter how humble a person, you have to defend yourself. I say the Orange Order has nothing to fear from the Catholics of this country, absolutely nothing, neither through the Pope or Monseigneur Sbarretti. They have nothing to fear from the hierarchy in this country, because if there are defenders of liberty in this Canada of ours who uphold the Gospel and want to see the people happy in our midst, it is the Pope and the hierarchy and the clergy of this country and you never hear our hierarchy or our clergy, either monks or sisters, in the pulpit or on the platform, denounce Protestants or dictate to Protestants how they shall send their children to school. No, they occupy their time with their flock. They do not divide their attention. They do not pass their Sundays in making political speeches and harangues. They pass their time in developing the principles laid down by Christ in the gospel. They pass their time in teaching charity, peace and love to all. How often on a Monday morning you find in the press denunciations of the most fierce character delivered from pulpits of all kinds from

Toronto, from Winnipeg or from other centres wherever a reporter can find his way. On a Monday morning you are sure to meet with a denunciation of the Catholic people and their way of living and dealing with the children. What have they to do with that? As long as we remain true and faithful citizens of this country, as long as we do not come before the courts of our country, what business is it of theirs? What have these lodges to say in regard to our conduct? This question that has been raised to-day is bound to accomplish great results for the peace and harmony of this country, notwithstanding the contradictory sentiments expressed. When it is all boiled down in the columns of history and considered in cool thought, we will be brothers. We are brothers except on these momentous occasions of the exhibition of bigotry, fanaticism, intolerance, or whatever you may choose to call it. None of that comes from our side. Why do not our brothers on the other side drop it, and give their attention to the material development of the country, and educate their children as they please? We do not interfere with them. But as the father of a family, I say I would rather have my boy and girl follow the example of the little Jap, I would rather have my little boy and girl cultivate manners and morals and nothing else, if they could not know anything else without falling into these errors. I appeal to these people to give to their children the education which will make them solid citizens, responsible citizens, and let me say this; not that religious education is to make the boy or girl perfect. Human nature is weak in youth as well as in old age. You never can get perfection in human life. Moral or religious education does not make the boy or girl impeccable. The girl and boy are liable to fall at any moment, and they do fall, even with religious and moral education, as well as those who have none. But what is the difference? A boy who is brought up in a religious home, whose religious education is maintained in the schools, I say has this advantage over the youth who has not had that religious education. A boy who is brought up in a religious school has received a moral and religious education. Another boy perhaps has no respect for anything but himself. He does not recognize any higher authority than himself. He has no God to kneel to. He has nothing to answer to but his own responsibility and what happens. Two of them go on a lark when they commit some little crime, or a big one. The boy who has no moral responsibility goes home without any fear or compunction, and jumps into bed as if he had committed no crime; while the other who has been brought up in the fear of God, who has committed the same act as the other boy, goes home and feels sorry. He says if I had to do it over again I would not do it. You have a chance of making a good citizen of that boy although he has been guilty of a crime. But as to the other, let every one beware, if that boy enters the medical profession he will be the most amiable instrument in producing to-day what is the ruin of the United States nation, the ruin of France; or he may get into the legal profession and he will swindle his client or if he becomes a banker he will think nothing of wrecking a bank and appropriating two or three millions. There is the position of matters. A boy who has the fear of God in his heart—and he can only have it by constant inculcation—is the man that will become a good citizen in the long run. It is really amusing to hear fathers of good families not only in this House but elsewhere stating that it only takes half an hour to inculcate religion into the soul of a child. At the very same time it takes one or two or three years to teach the child the A B C's, that one and one make two and three and four make seven; and public men, supposed statesmen, want the child to understand and to comprehend and follow the precepts and the principles of the greatest science under Heaven, the most difficult to get at the bottom of, and they give him half an hour in the day when he is tired and used up, while they give him five hours a day to learn the A B C's. In support of the stand taken by the hon. leader of the government in regard to the condition of things in the United States, in connection with the system of public schools I wish to quote certain authorities not in any way connected with Catholic writers or Catholic compilers but all from Protestant authorities, from Daniel Webster and others, and even from President Roosevelt, who spoke before the Long Island Bible Society as follows:

There is in the English language no word more abused than that of education. The popu-

lar idea is that the educated man is one who has mastered the learning of the schools and the colleges.

It is a good thing to be clever, to be able and smart, but it is a better thing to have the qualities that find their expression in the Decalogue and the Golden Rule.

There is President Roosevelt talking of his own educational system. I have another extract from Disraeli, or Lord Beaconsfield, as he is called. Lord Beaconsfield said :

A system of national education without religion will produce a national calamity more disastrous to the state than to the church.

In France the people are trying to drive God and His Son out of the school course, trying to drive God and His representatives out of the schools. A disaster will overtake the country, but will not overtake the church for 'the gates of hell shall not prevail against it.'

An article by Right Rev. H. Frodsham, who is the Protestant Bishop of North Queensland, in the 'Nineteenth Century and After,' pleads for religious teaching in the public schools of that Australian state. These schools are now thoroughly secular, the Acts secularizing education having been passed in the decade commencing 1870. Says Bishop Frodsham :

In the first flush of victory the exponents of secularism logically excluded everything that might be considered to trench upon the peculiar work of the churches. They were guilty even of the vandalism of excising from the late Mr. Longfellow's 'Wreck of the Hesperus' the verse commencing, 'And the maiden raised her hands in prayer.'

Last week at a conference of the Southern Methodist Society at Alexander, Virginia, the local paper reports that the Rev. Dr. Hammond urged upon the conference the importance of religious education. 'Leave religion out of the education,' he declared, 'and education affords no basis of life.

I quote from a statement by the Rev. Wm. Dwyer, of Cambridgeport, Massachusetts, on morality in public schools before the Boston educators :

It is possible I know to make a theoretical distinction between morality and religion and there may be some individuals made of better clay than their fellows who are moral without being religious ; but, universally . speaking, morality is practically impossible unless it finds its motives in religious truth. The attempt to teach morality in our schools independently of religion will inevitably end in failure. Not one of the methods which educators have proposed can possibly succeed as long as positive religious teaching is neglected.

Now as the introduction of positive religious teaching into the public schools under the present system is impossible, it is evident that the defect which I have tried to point out is radical. To the question, then, as to the means of increasing the moral power of the schools, I must answer that nothing can be done toward this end that will have any efficiency until a radical change has been made in the school system itself, a change that will remove the one obstacle to the true cultivation of the moral character of our children. This may involve more than most Americans are willing to permit. Until the change is made, however, I cannot see how our public schools will produce a moral people.

It is indeed a cheering sign that the subject of moral training in the schools is receiving the serious attention of educators throughout our country. If discussed solely on its merits, without prejudice, the problem which the subject presents will soon be solved to the satisfaction of all our people.

A Protestant minister, the Rev. A. C. Dixon, D.D., writing in a Protestant contemporary, says :

A young man in a New York town, after two years in a college where there is a learned professor who has written theological books, informed his mother that he no longer believed in her bible or her Christ. He informed her that three-fourths of the students in the college had been turned from faith to infidelity by the teachings of the learned professor, whose personality was so winsome that they could hardly refuse to believe all he said. In another institution of learning a reformed Jew who flatly denies the deity of Christ and has not hesitated to slander the Virgin Mary, conducts the devotional services in the chapel for a week.

So its seems that Catholics are not the only ones that see the danger of entrusting their young men and women to the unchristian influences of the secular institutions of higher learning.

Bishop Grant, of the African Methodist Episcopalian Church, said at the opening session of the Indiana conference on September 24, 1903 :

Say what we will the Catholic Church is wise in providing their own schools to educate their children. They tax themselves from $2 to $2.25 to support these schools. We must learn a lesson from them and build and support our own schools thus seeing to the religious training of our children.

Rev. Dr. John H. Burrows, said to the Christian Endeavourers, at Detroit :

In France the state schools have proved a prodigious ethical failure, because the highest truths and motives of action were not inculcated in them.

He added :

Criminal statistics, in France as well as in America, indicate that there is a horrible failure somewhere in the education of youth.

The 'Methodist' writes editorially, as found in the 'Literary Digest,' Vol. VII., No. 7, p. 181:

In our judgment the denominational schools of the land as compared with the purely state schools, are, on moral grounds incomparably the safest. Our state institutions, as a general thing, are the hot-beds of infidelity not less than of vice. We have said and we thoroughly believe that our church should invest $10,000,000 in the next ten years in denominational schools. Why? Because we believe that this system is the American one and the only safe one.

The 'Christian Union,' as found in 'Literary Digest,' as above, (Independent) says:

The time has come for a vigorous war upon the popular notion that religion can be excluded from any system of education. The secularization of the public schools is false in psychology. It assumes that a child can be divided up, like a tenement, into different rooms, part developed and part left undeveloped. This is not true. It assumes that religion is something apart from life. This assumption of religion is wholly pernicious.

The 'Outlook,' a prominent Protestant Journal, says editorially:

Most of the graduates of our schools and colleges pass through a course of study in which religion is ignored. Its place is largely taken by philosophy and ethics, the result is that the student learns to know, think, and feel independently of any recognized religious element. Religion which is at once the mainspring of life, is suffering from a disaffection which arises from the present isolation of religious instruction.

The 'Churchman,' (Protestant Episcopal) says editorially:

Of one thing we are sure, if we leave God and Christianity out of the daily round and common task of the school it will be the rare home and exceptional Sunday school that will supply the deficiency and the state will suffer in its citizenship.

The President of Harvard University is at present reviewing the educational progress of the nineteenth century, and The 'Lutheran' of January 14th, 1904, gives the following glimpses in advance of the progress he is making. The President of Harvard says:

It is indisputable that the country has experienced a profound disappointment in the results thus far obtained from a widely diffused popular education. We have not escaped an increase of crime and insanity. The popular taste for immoral and unwholesome amusements is stronger than ever. It is well enough for us to say we cannot be responsible for the sins of the nation, that the hopes of the fathers were over-sanguine and that the work of the school must be much more limited than the assumption described. But even with the limits which we of the schools assume to be our field, our own men say we are not efficient.

Hon. Mr. CLORAN.

The correspondent of the 'Lutheran' who reported the above, commenting on it, says:

Does not all this mean, in brief, just what the church (Lutheran) is always urging, that education needs to be supplemented by religion? That spiritual culture can alone save America from heathen vice.

The following words by Arthur T. Hadley, LL.D., President of Yale University, were part of an address delivered by him on the 160th anniversary of the Second Presbyterian Church of Philadelphia, and never before published until found in the 'New York Independent' of December 31, 1903. In part he says:

There are two extreme views concerning the effects of education on public morality. One is held by the advocates of separate schools; the other is held by the advocates of church schools. The advocates of secular schools believe that good teaching will of itself make good citizens. They hold that a large part of our vice is due to ignorance; and that if you remove the ignorance you will do away with the vice. Up to a certain point all this is true. When you teach your man to write you make him less liable to commit larceny, but you make him much more liable to commit forgery. When you teach a man political economy and law you lessen the temptations and opportunities for acts of violence; but you do not lessen those for acts of fraud. Few of us who have looked into the statistics of education and crime are optimistic enough to deny that they are quite disappointing. The improvement due to the removal of illiteracy amounts to something, but does not amount to so much as we should like to see, or as was promised by the early advocates of our public school system. The opponents of that system often point to these statistical results with ill-concealed satisfaction. They say that such consequences are just what you might expect from any system of purely secular education. They would have the training of the intellect supplemented by a special system of religious education, which should teach the pupil to use his knowledge for the service of God and the benefit of his fellowmen. They look with great apprehension upon the spectacle of free citizens trained in the knowledge of many things, which may prove of use to them individually, but not trained in those ideas of religion and morality which have been rightly regarded as essential to the safety of civilized communities. I confess that I share some of the apprehension of those advocates of church schools: but I am very far from agreeing with them as to the proper remedy. I believe that both in school life and in after life the moral training and the secular training must be so interwoven that each becomes part of the other.

The President of Princeton says in advocacy of the religious idea:

A father may well feel that his son's refined demeanour would be a poor off-set for his loss of religious faith.

President Hyde, of Bowdoin College, said before the Massachusetts Teachers' Association of Boston, November, 1896:

The public school must do more than it has been doing if it is to be a real educator of youth and effective supporter of the state. It puts the pen of knowledge in the child's hand but fails to open the treasures of wisdom to his heart and mind.

Dr. Butler, of Colby College, Maine, says:

We are beginning to see, that it is as unscientific to ignore the moral and religious element in education as it would be to ignore the facts of physiology, hygiene or psychology. Morals and religion are just as much a necessary part of human life as digestion or sleep. If you do all else and neglect the part that has to do with the sense of individual responsibility to one's fellowmen and to God, you run immense risk, not only of making all else useless, but of making it a positive menace to self and society.

Professor Brumbaugh, former commissioner of education to Porto Rico, said recently before the Philadelphia Mothers' Club:—

All persons are divided into three classes—immoral, moral and religious. The immoral person lives below his best thought; the moral person lives up to his best thought; the religious person is willing to accept a guide above thought. Religious principles should be taught in the public schools. A child should be taught reverence for religious things from his earliest period of consciousness.

Dr. Levi Seeley, of the State Normal School, Trenton, N.J., says the more educators come to realize that there is a philosophy of education, the more profoundly convinced are they that there is something radically lacking in the American School System.

The same Dr. Seeley, said in the 'Educational Review,' for February, 1898:—

A little less than 50 per cent of all the children in our country frequent any Sunday school. The meaning of these figures is simply overwhelming. More than one-half the children of this land now receive no religious education. Even this feature does not show all the truth. It seems to admit that those who attend Sunday school are receiving proper religious instruction, but every one knows this cannot be granted.

E. D. Ward, of Washington, D.C., in a letter to 'The Churchman' (Episcopalian), dated, April 23rd, 1904, says:—

I never pass one of the Roman Catholic church's many institutions for the education of her children without doing inward obeisance to her wisdom and faithfulness in regard to this all-important duty; or without an ardent longing that our own beloved branch of the church Catholic could have her eyes opened to the great work that she could and should do in the same field.

In the public schools we are confronted by the problem, How much and what religion can be taught? The sacred beliefs of the Christian clash with the heresy of the Jew and the unbelief of the atheist. Consequently, religious instruction, or even observances, have to be done away with or reduced to the minimum. With what results? We have hardly begun to appreciate them yet, though they are already clearly visible around us.

The Roman Catholic church regards this state of things and makes her protest; then, quietly and without loss of time, goes to work to do the only thing that is to be done, erects her own schools and provides her own educational requirements. With what results? Clearly are they, also visible, in her growth and vigour. She reaps abundantly that which she has wisely sown. Do we need to hear again the saying of the wise man of old, 'Give me your son till he is ten years old, and you may have him for the rest of his life.'

Do we of the Protestant Episcopal church think it a small matter that the youth of the church or the nation be trained up in schools in which the Christian faith is not taught as the all-important element of education? Or is this the time that religious instruction in schools can be safely done away with, when the demands of business and society are making heavier and heavier drafts upon the time of the parents of families and the burden of all instruction, moral and spiritual, as well as mental, is being cast more and more on the teacher and master?

Addressing the Newman Club of Los Angeles, Cal., recently, Charles F. Lummis, the well known editor and writer, who is not a Catholic, delivered a ringing address. Among other things he said:—

The fact is that the Catholic church and its schools are the pioneers in Indian education in America. It was not until 1807 that an English speaking person came to Mexico. In 1617 there were eleven Catholic churches in New Mexico, and all had their Catholic Indian schools. The reason why I am opposed to this campaign (against Catholic Indian schools) is because these are the only schools I know of that are doing the Indians lasting good. Not because of the religion, which is nothing to me, although it is the Indian's religion to a great extent. I do not believe that one should be taken from his father's faith or his mother's faith for the whim of a school teacher. I am judging by the long results. I have not known a child from a Catholic school who had forgotten his parents or his language. I have not known any of the girls that have gone wrong in the Indian towns to have come from a Catholic school. Not one. But I have known a good many from Carlisle and other government schools. Go with me to that exquisitely neat and motherly school of Sister Margaret, at Bernalilo; go with me to the Albuquerque or to the Santa Fe school, and then let a man of the world judge which of those he would choose as a place for his children. If there is any motherly heart in the world, when mothers and fathers have fled away, it is the sister of charity. There is something unselfish in that work of love. But I have learned some things of experience. In boyhood I thought they were terrible, but I have seen, when the black 'vomito' raged in tropics, and mothers and fathers fled away from their own

children and people fell in the streets, those daughters of God picking up the deserted dead and dying. And I have felt their tender mercy myself, and when a man comes to me and says that a child—or a dog—had better be taught by a politician who is rewarded by a place in a government Indian school than by a sister of charity, he wants to bring his fire escape with him, that's all. And it seems to me that any American, not to say any Catholic American, could not better employ part of his money than in aiding the support of the Indian schools conducted by these noble and unselfish women, now frowned upon and even actively antagonized by the partisan spirit of our politicians.

At a recent meeting of the Milonian Society, a teachers' club of Brooklyn, Principal D. Claire, of public school No. 211, gave a summary of the most important criticisms of the public schools. Here is an extract from his paper:—

Fighting Bob Evans criticises New England education, our model, in unfitting boys for manly labour. Each morning he says at the Boston navy yard gate came a big line of well-dressed boys with shabbily clad parents, begging me to enlist them as apprentices to save them from the pool-rooms and worse. There were fellows ashamed of their honest parents who had pinched themselves that their offspring might dress like gentlemen. I almost had in my heart the hope that every high school would burn to the ground and every boy and girl would be compelled to work with their hands to make a living as their parents did before them.

Rabbi Hirsch (there are other prominent writers who concur) declares that our present education fails to produce moral fibre. Crime is increasing. Forgers are good penmen. Actors of immoral plays are good readers. Writers of lewd books are masters of rhetoric. Illustrators of obscene literature have been taught how to draw. Embezzlers are skilled mathematicians. All of the arts we teach in school are capable of making vice and crime more effective. The moral balance is lacking. Without it, education is not only a failure; it is in too many cases an evil success.

Judge Fenton, of Boston, says literacy is not enough: I do not ask the criminals any longer: 'Can you read and write'? Every one can do that now. They have all been to school. The outside of the cup and the platter have been cleaned. The times demand a vital reform. Education is ready for a complete revolution.

Editor Edward Bok tells his readers every month that it is putting the truth mildly to state that, of all the American institutions, that which deals with the public education of our children is the most faulty, the most unintelligent and the most cruel.

The men who speak out thus are not Catholics, and their criticisms cannot be disposed of in that old-fashioned way of saying that Catholics never have a friendly word for the public schools. Protestant critics are now emphasizing the weak points of the system. It is noteworthy that they almost all agree with the Catholic critics.

Catholics may not be aware that the late Marcus Alonzo Hanna was really a staunch advocate in high places of the claim of the Catholic church. P. J. O'Keefe, tells of some rare compliments which Mr. Hanna paid to our faith. Some three years ago President McKinley was particularly anxious to learn the Catholic view of the administration's policy in the Philippines. Mr. Hanna introduced, at a special audience, his life-long loyal friend, Rev. P. M. Flannagan of Chicago, saying:—

Mr. President, I know this man well and can vouch for who and what he is and the great service he has rendered to his church and country; and I want you to bear well in mind his words. And I will go further, Mr. President, and say to you that the day is not far distant when we shall have a greater crisis in this country than that we just passed through. The Catholic church has at all times furnished some of the most loyal defenders of our flag, but look we to it to do more. The day is coming when treason will rear its head and socialism become rampant and in that hour, Mr. President, (and I am not afraid to say it here or elsewhere) the flag must rely on its staunch friends, and among them, in my opinion, our greatest protectors will be the Supreme Court of the United States and the Roman church.

And again, speaking to a particular friend in most scathing terms of the socialistic agitator and anarchist, Mr. Hanna paid this tribute:

There is a crisis coming on which will have to be met, and the sooner the better. There is no place, and there must be none, in the country, for anarchy and treason. In this connection I once said that in the day of trouble the United States must look to the Supreme Court and the Roman Catholic church. I will go further now and say that I believe the best friend and protector the people and the flag of our country will have in its hour of trial will be the Roman Catholic church, always conservative and fair and loyal. That is the power I look to to save the nation.

Wherein, then, does the Catholic Church possess that wonderful power for good which this late lamented and great statesman attributed to her? Certainly in this one fact, that she teaches her children from infancy both in her schools and in her churches that all power and authority of state justly exercised is from God. Herein she has the ear of her children, herein she has the power for good which Mark Hanna attributed to her—and for this she is admired by many, envied by some, a blessing to all and the hope of our nation.

The great Mr. Gladstone said:

Every system of education which leaves out religious instruction is a dangerous system.

Gentlemen, take that home and sleep on it to-night, and see if the government of Canada has done too much for the Northwest. Ask yourself in your consciences if by clause 17 the Canadian government has outraged the constitution of this country. in providing that the children of the intelligent people of the Northwest may learn to worship God and live with Him and by Him and learn His commandments. Ask yourself if Sir Wilfrid Laurier has given too much to the people of the Northwest or that he has coerced the people of the Northwest, and you will say to-morrow, 'No, he has not given them enough, but we will vote for it as the best we can get.'

The amendment was declared lost on a division.

On clause 17,

Hon. Mr. LANDRY—I object to this clause as it is framed. It says:

(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.

This is a change in the British North America Act. What does the British North America Act say? It says:

Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools.

I call the attention of the honourable House to the change of the British North America Act. By this clause the father of the Bill has done away with denominational schools and substituted for those schools the separate schools. I contend that the denominational schools and separate schools are not the same thing at all. If you look at the British North America Act you will find by subsection 1 that it deals with denominational schools, and it declares that everything that is enacted against denominational schools which any persons have by law in the province at the union is unconstitutional. Nothing of the kind is provided by the British North America Act in regard to separate schools. Subsection 3 of section 93 of the British North America Act reads as follows:

Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council.

So that there is this difference. The British North America Act by the first subsection assures the existence of denominational schools where those denominational schools exist in the province when the province comes into the union and when it is recognized by law. Subsection 3 of the British North America Act deals with separate schools, and provides that in regard to all separate schools existing at the time of the union or which may be acquired after the entry of the province into the union an appeal shall lie to the Governor General in Council if anything is done against the rights which have been acquired by the minority in regard to such separate schools. So that you have the two things, the denominational schools recognized by subsection 1, and the separate schools recognized by subsection 3. In the Bill which is presented to us to-day, the first clause of the British North America Act is mutilated, and in place of recognizing the denominational schools the Bill declares that it shall be separate schools. I think that may be an oversight.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Is that done intentionally ?

Hon. Mr. SCOTT—There is really no distinction. The British North America Act speaks in two other places of separate schools but different terms are used. In the Manitoba Act we also changed the wording of the British North America Act in reference to that word 'practice.'

Hon. Mr. LANDRY—I do not admit that at all. I contend that the British North America Act by subsection 1, deals with denominational schools and by subsection 3 deals with the other. A denominational school is not a separate school, neither is a separate school a denominational school. The words are not synonymous. A denominational school is a school in which the principles of a denomination are inculcated into the pupils' minds, but a separate school is quite different. A separate school may be denominational and it may be undenominational. Take for instance the law as it exists now in the Northwest Territories. In

a district where the Catholics are in the majority, their school may be denominational then the school of the minority shall be a separate school. It may be a separate school, but it will not be a denominational school if it gives no religious teaching. Take now the province of Quebec; a school in any one of our townships where the Protestants are in the majority, or in Ontario the public school would be a neutral school, a school in which no religion is taught in any way. Where the minority are Catholics the school will be a separate school, but at the same time it will be a denominational school where religion is taught. So that there is a marked difference between separate and denominational schools. It is not the same thing, and by the first subsection of section 93 of the British North America Act, every province in the Dominion is granted its denominational schools, except the Northwest, where we deny that right to the class of persons who would come under the British North America Act, and we insert the words 'separate schools,' restricting thereby the rights of the minority. Separate schools are given by the British North America Act under the third subsection, and are subject to an appeal to the Governor General in Council who gives the remedy in case of any infringement of rights, but the denominational schools are assured by law against any infringement on the part of the local authority. I move that the words 'denominational schools' be substituted for the words 'separate schools' in this clause so as to put the denominational schools in the Northwest on the same footing as they are in the other provinces of the Dominion. This is an amendment which the government should accept.

Hon. Mr. SCOTT—No, it is not.

The amendment was declared lost on a division.

Hon. Mr. McMULLEN—The hon. gentleman is pressing very strongly to change the wording from 'separate schools' to' denominational schools.' Does my hon. friend know that there is a Mormon settlement in the Northwest? Is he prepared to extend the same privileges to them?

Hon. Mr. LANDRY—No.

Hon. Mr. McMULLEN—That will do it.

Hon. Mr. LANDRY—No. I will prove the contrary.

Hon. Mr. McMULLEN—These people have their schools to which they are now sending their children. If you make this change you include them along with the rest.

Hon. Mr. LANDRY—No. The law says: 'Which any class of persons have by law in the province at the time of the union.'

Hon. Mr. McMULLEN—They will have it under this.

Hon. Mr. LANDRY—There was never any law guaranteeing them any schools.

Hon. Mr. McMULLEN—They have it by practice.

Hon. Mr. LANDRY—No. That word applies to Manitoba, and not to the Northwest. They must have it by law, and I contend that by the law of 1875, those denominational schools were given to the Catholics. They were given to the majority in the Territories where the majority was Catholic and the separate schools were given to the minority in the different school districts. Hon. gentlemen will see that by restoring the word 'denominational,' it cannot apply to Mormons, or Galicians or any other foreigners.

Hon. Mr. PERLEY—I have drawn an amendment in conformity with the utterances of the hon. Secretary of State and the Minister of Trade and Commerce. I beg to move:

To strike out the said first subsection and to substitute therefor the following:

1. In any Act by the legislature of the province, it shall always be therein provided, that the minority or majority in any school district, whether such minority or majority be Protestant or Roman Catholic, shall have the right to have the doctrines of their religious faith, taught during the last half-hour of any school day, to the children of parents professing such religious faith, always provided that teachers, inspection of schools, and examinations, shall be under the control and direction of the provincial government.

The amendment was declared lost on a division.

Hon. Sir MACKENZIE BOWELL—That is only affirming the principle laid down by the Secretary of State in introducing this Bill, and affirmed by the Minister of Trade

and Commerce, and if that be the meaning of the law, why should you leave it open for discussion hereafter. Why not make it plain so that he who runs may read and know what he is doing. It is almost verbatim the language used by the Secretary of State, and if that be the meaning of the clause it should go on record, and be made plain, unless it is the desire to leave it open for discussion in the future and create turmoil.

Hon. Mr. PERLEY—I give notice that I will move that amendment on the third reading.

Hon. Mr. BERNIER—I move that all the words after 'this Act,' in the third line of said first subsection, to the word 'with' in the fifth line, be struck out.

In striking out those words it would put the Northwest under the operation of the Act of 1875. Whatever may be their rights, they might go to court and have them ascertained. If they do not choose to go to court that is the end of it, and if they are satisfied they may go on. If they go before the court, then their privileges and rights may be determined. Whilst if we tie them down to chapters 29 and 30 of the ordinances they cannot do anything. We are taking away from them all the rights they have.

The amendment was declared lost on a division.

Hon. Mr. LOUGHEED—I move that clause 17 be struck out for reasons already stated, that the British North America Act already automatically applies to the subject of education, and that under clause 3 of the Act the provisions of the British North America Act having been applied to the Bill in its entirety render it entirely unnecessary.

The amendment was declared lost on division.

On sub-clause 3,

Hon. Mr. LANDRY—I move that this section be struck out and the following be substituted:—

17. Section 93 of the British North America Act, 1867, shall apply to the said province with the substitution for paragraph 1 of the said section 93 of the following paragraph :

1. Nothing in any such law shall prejudicially affect any right or privilege with respect to denominational schools which any class of persons have at the date of the passing of this Act under the terms of imperial and federal laws, or with respect to religious instruction in any public or separate school as provided for in the said laws :

2. In the appropriation by the legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with said laws, there shall be no discrimination against schools of any class described in said laws.

3. Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall be held to mean the law as set out in imperial and federal laws, and where the expression 'at the union' is employed, in the said section 3, it shall be held to mean the date at which this Act comes into force.

The amendment was declared lost on division.

The clause was adopted.

On clause 24,

Hon. Mr. DAVIS—This is the clause to which I referred the other day with reference to the Canadian Pacific Railway exemptions. I just want to put myself on record in reference to this matter. This is a question where I think, perhaps, the members from the Northwest should state their views. I do not know why this clause apears in the Bill at all. If the federal parliament were within their rights in passing the legislation at the time it was passed before, I do not see that it is necessary to have it in the Bill. But I want to say that at some future time a discussion may arise in connection with this matter. The Northwest will have to be relieved of this some day, and it might be held that, it was the duty of the province, or that the province should themselves undertake to negotiate with the Canadian Pacific Railway to get a release of this exemption from taxation. It is a very serious proposition to the people of the west. The federal government gave $25,000,000 towards the building of this road, and we find out—I am not going into the figures, but I have figured it out—that this exemption amounts to more each year than would pay the interest on the $25,000,000. It is taken out of the people of the west. This railway was built for the benefit of Canada as a whole, and that being the case the whole Dominion should when the time comes—as no doubt it will—obtain a release of this. I do not think it should be saddled on the people

of the two provinces, because they have no right to pay it. It is the Dominion that should assume the liability.

Hon. Sir MACKENZIE BOWELL—What does the hon. gentleman want to pay?

Hon. Mr. DAVIS—If my hon. friend wants to know what we propose to pay I may say this matter was discussed in the other House and the hon. gentleman has read the speeches—

Hon Sir MACKENZIE BOWELL—No.

Hon. Mr. DAVIS—It is proposed to get a release of this exemption—to buy out whatever rights were granted to the Canadian Pacific Railway Company under their contract. I do not think it would be right to make away with that exemption. If parliament wished to exercise the right they could annul that part of the contract between the Canadian Pacific Railway and the country. But I think we must stick to our contract. It will have to be paid in the near future.

Hon. Mr. LANDRY—Does the hon. gentleman approve of clause 24?

Hon. Mr. DAVIS—No, I do not approve of it at all.

Hon. Mr. LANDRY—The hon. gentleman will swallow it.

Hon. Sir MACKENZIE- BOWELL—Is this not asking too much? It is a grave question, particularly the one raised by the hon. gentleman who has just resumed his seat. I differ from my hon. friend in toto from the view he takes upon the question. The land was not the property of the Northwest nor is it now.

Hon. Mr. DAVIS—The land exemption will work itself out, because the lands will be sold. But that is not the question.

Hon. Sir MACKENZIE BOWELL—If they are sold they will be subject to taxation and the Canadian Pacific Railway exemption will cease to exist.

Hon. Mr. DAVIS—Yes; but as to the rolling stock and road-beds the exemption still exists.

Hon. Sir MACKENZIE BOWELL—Unless you want to buy the exemption which exists in reference to the taxation of rolling stock.

Hon. Mr. DAVIS—Yes, that is it.

Hon. Mr. DAVIS.

Hon. Sir MACKENZIE BOWELL—I do not know why the Dominion government should do that. You would never have got the road if it had not been for the concessions made at the time. The hon. Secretary of State knows the difficulties that they had in trying to get a contractor to build that road. They are aware of the fact that they offered larger concessions than were actually given by the government which succeeded them, and had it not been for these concessions there would be no Northwest to talk about—I mean no people there to talk about. However extravagant the terms of building that road were, they were the only terms upon which capitalists could be secured to build that road, and at that time we supposed we were giving very little as far as value was concerned. You could have bought all that land at one dollar per acre, and when $30,000,000 were advanced to the Canadian Pacific Railway, in the settlement of that claim they paid back $20,000,000; the government took land back to the value of $10,000,000, at the rate of $1.25 per acre. It does seem to me that this kind of argument and demand is downright repudiation. The land was originally bought by the Dominion as a whole. In securing the construction of the road to unite the Pacific coast with the eastern section of the Dominion, the country was pledged to do what they did, and it was thought a good bargain at the time, but because the construction of that road has made the whole Dominion valuable, and particularly that part of the Dominion, the gentlemen who now occupy the country think they own it. I think that the concessions were not too great and that we ought not to have an agitation as to buying them out. They have a right and we have a road. The road has made the country and we should not grumble about it.

Hon. Mr. DAVIS—Does the hon. gentleman say that road was built for the benefit simply of those two provinces or for the benefit of the whole Dominion?

Hon. Sir MACKENZIE BOWELL—Certainly not for the benefit of the two provinces alone, because there were no provinces at the time. There were nothing but half-breeds and a few hunters. It was built to develop the country, which it has done.

Hon. Mr. DAVIS—It was built for the benefit of the whole Dominion.

Hon. Sir MACKENZIE BOWELL—Yes.

Hon. Mr. DAVIS—Does the hon. gentleman think the two provinces should be loaded up with an exemption on $20,000,000 of property for the benefit of Canada, without getting something in return ?

Hon. Sir MACKENZIE BOWELL—They are not loaded up.

Hon. Mr. DAVIS—I consider that an exemption which amounts to something over $750,000 a year, with the small population in those provinces, is a loading up. I understand the statement was made by the Prime Minister in the House of Commons that in the near future some steps would have to be taken by the people of this country with the object of making some arrangements with reference to that exemption.

Hon. Sir MACKENZIE BOWELL—That was to please the gentlemen from the Northwest.

Hon. Mr. DAVIS—The hon. leader of the opposition made the statement that he thought something should be done, that some arrangemnts should be made with the Canadian Pacific Railway, whereby we should get a release of that exemption. So that we have the statement made by the hon. leader of the opposition, and the statement made by the Prime Minister, that they consider it nothing but right that the people should be relieved from that liability, and that something should be done with reference to it. Our object is to put ourselves on record that it is the Dominion government that is responsible and not the people of those two provinces, because we will have two railroads in the future, as I pointed out the other night, and they will build branches all over the west, and the exemptions will be worth more than all the grant we are getting from the Dominion Treasury. In that case I think it would be better for us to go in without a subsidy or capitation tax of any kind, and that we should be relieved of this incubus placed upon us by the government some time ago. This road was built to bring British Columbia into confederation, and to develop the country, and Canada is getting the benefit of it. Canada should undertake the settlement of this liability.

The clause was adopted.

Hon. Mr. ELLIS from the committee reported the Bill without amendment.

PROVINCE OF SASKATCHEWAN AUTONOMY BILL.

REPORTED FROM COMMITTEE.

The House resolved itself into Committee of the Whole on Bill (70), An Act to establish and provide for the government of the province of Saskatchewan.

(In the Committee).

Hon. Mr. LANDRY—It will be understood that all the amendments moved to Bill (69) will be taken as moved to this Bill (70).

Hon. Mr. SCOTT—Yes. It will be understood those amendments will appear in the same order in the minutes with reference to this Bill.

Hon. Mr. ELLIS from the committee reported the Bill without amendment.

The Senate adjourned until 11 a.m. to-day.

SENATE.

Ottawa, Tuesday, July 18, 1905.

The SPEAKER took the Chair at Eleven o'clock, a.m.

Prayers and routine proceedings.

OLD AGE ANNUITIES.

Hon. Mr. McMULLEN inquired :

Does the government propose to take any action in reference to the subject of granting old age annuities referred to by the Honourable Minister of Finance on several occasions in another place ?

Hon. Sir RICHARD CARTWRIGHT—This matter has been engaging the attention of the government. Unfortunately, owing to the course of events in the other chamber it has been impossible to bring the matter forward in time to have due consideration bestowed upon it. Had our rules permitted, it would have given me very great pleasure to have introduced the measure in the Senate, and but for the fact that it affects

money questions it is a subject which could have been profitably and advantageously discussed here. I may say generally to my hon. friend who has raised the question, that the objects we have in view are briefly these; we desire if possible to place in the power of every wage-earner throughout this Dominion and other parties who choose to avail themselves of it, the means, for a trifling monthly, annual or other payment, of securing to themselves a reasonable provision for an old age annuity. I would beg to observe that our intention is entirely divorced from granting old age pensions. This is to assist persons in purchasing annuities on reasonable terms, and it appears to us by making reasonable provision and in particular by giving perfect security, and perfect immunity to all parties who take annuities from the government, that a very large number of wage-earners might be encouraged to avail themselves of the provisions of such a measure. Of course it would be improper at this period and under the circumstances, to go into minute details as to this matter, but I may state generally that we do not intend to interfere with insurance. That would be quite another matter. This project, such as it is, would have reference to granting annuities after a certain age only, and the annuities would of course be limited. The government would have the advantage of employing their staff, and I think could grant better terms than it would be possible for any company to grant for a double reason, that their expenses would be less, and they would of course demand no profit. I trust that we may be able to submit for the consideration of parliament a detailed scheme early next session.

Hon. Sir MACKENZIE BOWELL—The explanation made by the hon. Minister of Trade and Commerce is one that I think will be acceptable to most people in the country. I am very glad to hear that it is not the intention of the government to go the full length that they have gone in New Zealand in this question. While the hon. gentleman said it was not the intention to interfere with life insurance of other companies which sell annuities, they must interfere to a certain extent, for the reason that the establishment of a system of granting annuities at cheaper rates than those which can possibly be granted by insurance companies would be an interference to that extent. However, I do not wish to be understood in making these remarks that that should weigh materially with the government in adopting the system to which he has called the attention of the House. My own view for very many years has been that the government should fifteen or twenty years ago have gone much farther in the way of granting annuities and insuring the lives of the people than they propose even now to go. However, I never could convince my colleagues or the Ministers of Finance of the propriety of adopting a system of such importance, as it would entail a good deal of additional work and responsibility upon those who were conducting the government of the country. There was also a fear of interfering to too great an extent with existing life companies in Canada. One thing is quite clear, that if a system of that kind were adopted and the state engaged to carry on the work of government life insurance, it could be done much cheaper than it is now done by independent companies, for the reason that the expenses attending the management of a company of that kind would not be so great. The government not having in view the object of securing dividends but merely a sufficient income to meet current expenses, could conduct a business of that kind much cheaper; and I should like to have seen a well-devised system of that kind in the interest of the country. It would be much better for those who do insure for the principal reason that it would be a positive assurance of the payment of the policy on the death of the party insured. We have instances of very old and established companies even in Scotland and England, which are supposed to be carried on in the most economical and conservative manner, failing and entailing great loss to those who are insured. The system as foreshadowed by the hon. Minister of Trade and Commerce, will I think be acceptable to the country. However, that is a matter we would be able to discuss when the scheme is before the House.

Hon. Sir RICHARD CARTWRIGHT—I take the opportunity of observing to my hon. friend that the two questions of annuity and insurance would, I think, be better left apart.

Hon. Sir MACKENZIE BOWELL—I think so too.

Hon. Sir RICHARD CARTWRIGHT—The insurance question has many complications, as he knows, and there is one thing to be observed in connection with it, that while under the system of annuities if properly worked out no possible loss could accrue to the government; very great loss could accrue to the government if they undertook to insure promiscuously. I am afraid they would get a great many indifferent lives thrown on them. I have carefully looked into the number of annuities granted by the various life companies and I find that they are quite insignificant. Moreover, there would be a strict limit placed on the amount of annuity that would be granted. For these reasons I think it would not interfere to any appreciable extent with the business of existing insurance companies. In that regard I think I can reassure him. I may say this further to him, which he will quite understand from his own practical experience, that when you are dealing with the class that one more particularly desires to benefit, that is the wage-earner, in a general sense throughout the Dominion, two things are necessary. They must have absolutely perfect security. That can only be given in my judgment by the government, and in the next place—and that would be a feature of the scheme—they must be absolutely and completely secure against seizure or against any demands made on the annuity granted by the state under the circumstances. It must be, so to speak, a sort of homestead, a provision that cannot be disturbed, as is the case with pensions granted by the government. Those two considerations I think go far to recommend the project which I may say I have discussed with several gentlemen who stand high in the confidence of the wage-earners. Those two features I think would recommend it very largely to the class whom we desire to provide for. My hon. friend probably knows that in England —and I think the same thing from various causes is likely to occur here—there is an increasing difficulty on the part of elderly men finding employment in many trades, and there is an increasing need, therefore, that opportunity be given them to make provision for their old age.

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THE STATISTICAL YEAR-BOOK OF CANADA.

INQUIRY.

Hon. Mr. FERGUSON inquired :

Why discrimination is made against honourable members of the Senate in the distribution of the Statistical Year-book of Canada ?

Hon. Mr. SCOTT—I have not been able to get any information to reply to this inquiry. I shall endeavour to find out before my hon. friend leaves for home.

Hon. Mr. FERGUSON—I may state to my hon. friend what I have found to be the fact, that one copy and one copy only is furnished to each member of the Senate, while five copies are furnished to each member of the House of Commons. I made a complaint a year ago, and Mr. Johnson said that was the rule and he could not change it. Somebody has made the rule, but I do not think it is right. We should get for distribution among those who take an interest in these things as many copies as are furnished to members of the House of Commons.

WIRELESS TELEGRAPHY IN THE STRAITS OF NORTHUMBERLAND.

INQUIRY.

Hon. Mr. FERGUSON inquired:

Whether it is the intention of the government to have the steamers 'Stanley' and 'Minto' connected by wireless telegraphy with points on the coast of Prince Edward Island and the mainland during the coming winter ?

Hon. Sir RICHARD CARTWRIGHT—I have not as yet been able to call the attention of the Department of Marine to that matter. Perhaps I shall be able to give the hon. gentleman the information at the next sitting of the House.

Hon. Mr. FERGUSON—The complaint in this case is that while wireless telegraphy has been established between the two boats so that they can communicate with each other, no communication has been established with points on shore, so that when both boats are out there is no way of finding out anything about them. I have been told that the Anglo-American Company made an objection to allowing the government to communicate with the shores. Counsel for the Anglo-American Company assures me that is a mistake, that they have not made such an

objection. I want to state that also, but if an objection is made it should not be entertained for a moment, because they have no monopoly and no right to interfere.

Hon. Sir RICHARD CARTWRIGHT—I will call the attention of the Department of Marine to the matter, and try to get a reply.

SUMMARY CONVICTIONS ACT AMENDMENT BILL.

FIRST READING.

A message was received from the House of Commons with Bill (66) An Act to amend the Criminal Code of 1892 with respect to appeals from certain summary convictions.

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. He said: This Bill seems to make some slight changes. I shall endeavour to look up before the next sitting of the House what the changes are.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should look carefully into this Bill. I am speaking now subject to correction, but my impression is that it contains a provision giving the option to a person who has been arrested for improper conduct at riots the right to say how he shall be tried. Under the existing law the magistrate, I understand, has power to administer the law at once, while the accused under this Bill would have a right to say whether he should be tried by the magistrate or by a jury. To my mind that is highly objectionable. If that is the provision contained in the Bill it will be necessary to consider well the propriety of adopting such legislation. That may not be the effect of the measure.

Hon. Mr. SCOTT—I think not.

Hon. Sir MACKENZIE BOWELL—A Bill has been passed by the lower House in the line that I have indicated, and at this period of the session we scarcely have time to read even, much less to study the effect it would have; and hence we should be very careful how we proceed. Such matters should be dealt with cautiously.

Hon. Mr. LANDRY—I suppose before the Bill is brought up for the second reading we will be favoured with a copy?

Hon. Mr. SCOTT—I hope so. It is very unimportant.

Hon. Mr. LANDRY—It might not be important for the minister, but it might be important for us.

The motion was agreed to.

DELAYED RETURNS.

Hon. Mr. LANDRY—Before the Orders of the Day are called, I would ask the hon. Secretary of State if he is in a position to give me that return I have asked for so frequently since the 11th April last.

Hon. Mr. SCOTT—I have done all I could to get it. Last night I sent a special messenger over to the Department of Public Works, and I repeated the request this a.m. I gave my opinion that the report ought to be brought down, that there was no excuse for holding it.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman should inform the department that my hon. friend is determined to delay prorogation until he gets it.

Hon. Mr. LANDRY—Is the hon. gentleman in a position to tell us now when parliament will prorogue?

Hon. Mr. SCOTT—It depends entirely on the Senate.

Hon. Mr. LANDRY—It is for that reason I am asking the opinion of the hon. leader of the Senate.

Hon. Mr. SCOTT—It does not rest with me, it rests with the body of the Senate. The Senate have a right to stay through the month of August, or they can get through the business fairly well to-day. I do not think there is anything contentious that we have not fully discussed which would occupy time, and we might have prorogation to-morrow. Of course there is a good deal of printing to be done, and there are several orders on the paper which have to go back to the House of Commons, and I suggest that we should agree to take up first in order the items to which there is no opposition in order to get rid of them and let those Bill go back to the House of Commons.

Hon. Mr. LANDRY—I will not agree to that. Bring down that return and I will consent.

PROVINCE OF ALBERTA AUTONOMY BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (69) An Act to establish and provide for the government of the province of Alberta.

Hon. Mr. PERLEY moved in amendment:

That the said Bill be not now read a third time, but that it be recommitted to a Committee of the Whole House for the purpose of amending it, as follows :—

That the first subsection of section 17 be struck out and the following substituted therefor :

'In any Act by the legislature of the province, it shall always be therein provided, that the minority in any school district, whether such minority or majority, be Protestant or Roman Catholic, shall have the right to have the doctrines of their religious faith, taught during the last half hour of any school day, to the children of parents professing such religious faith, always provided that teachers, inspection of schools, and examinations, shall be under the control and direction of the provincial government.'

Hon. Mr. LANDRY—I have no objection to seconding that motion, but I want it understood that if I do so I shall not lose my right to propose a motion in amendment.

Hon. Mr. BEIQUE—The hon. gentleman has to be bound by the procedure of the House.

Hon. Mr. LANDRY—I want to know what the hon. gentleman intends.

Hon. Mr. BEIQUE—The hon. member is always standing on the rules of the House, and he must expect that we will do the same.

Hon. Mr. LANDRY—That does not throw any light on the subject. I contend that in the Senate any motion may be made without a seconder. I do not object to seconding the motion, but if I do second it, I do not want to lose my right to propose an amendment of my own.

Hon. Mr. PERLEY—Then I ask the Hon. Mr. Wood to second my amendment.

Hon. Sir MACKENZIE BOWELL—I do not think the seconding of a motion to refer a Bill back to committee on its third reading interferes with the hon. gentleman moving or seconding any other amendment if he thinks proper to do so. I know of no rule against it. The hon. gentleman from Wolseley makes a motion to refer the Bill back to committee, to accomplish a certain object. After he has done that and the motion is carried or defeated, then any one can move another motion. I have a distinct recollection of a case of my own where in 1869 on my motion a Bill was referred back to committee three times. It was the Militia Bill introduced by the late Sir Geo. E. Cartier. The seconding of a motion does not deprive any one of the right to move an amendment.

The motion before the House is one that is somewhat of a wide character and would require some little time for consideration before the House could intelligently vote upon it. It seems to me to lay down a plain and distinct principle, and one that is very much in accord with the explanation of the Bill given by the hon. Secretary of State and also by the hon. Minister of Trade and Commerce. If my interpretation of the resolution be correct, it would be only placing in very clear and distinct language the meaning of the Bill itself so that the most illiterate man who could read would be able to understand it. That I believe is the object of the hon. gentleman who has made the motion.

I take this opportunity to call attention to one point of this Bill that has not to my mind been properly discussed. Speaking for myself, I could have no possible objection to a half hour devoted to the teaching of the religion of any class of people at the close of the school in the afternoon, but I do not hesitate to say that it is a mere shadow, that it has no substance whatever. Let us think for a moment. A child has been in school from nine o'clock in the morning until half past three in the afternoon. How many of the children will remain unless they are forced to remain in school for half an hour afterwards, and supposing they do who is to give the religious instruction. Take our own two provinces here, where the schools are very numerous in every town and city. Is there any clergyman, Protestant or Catholic, who will go from school to school to give religious instruction for a half hour every day ? Unless you have a teacher who is of the faith of the parents of the children, who desire them to get religious instruction, you get no religious instruction. I say it is totally

impracticable, so far as regards giving religious instruction by a priest or by a Protestant clergyman, for the simple reason that no denomination will keep a sufficient number of teachers to go around from school to school; hence I say it is a fraud on the face of it, so far as the professed intention to give the right to religious sects to impart their doctrines is concerned. I repeat that I do not object to the clause, but speaking from experience in the management of public schools, I say it is a mere shadow, and the man who votes for it on the ground that he is to have his children taught religion is voting for a phantom. That is my honest conviction. I do not purpose to discuss that point further.

I hope my hon. friend from Mille Iles (Hon. Mr. David) never fancied for a moment that in any remarks I made to himself I implied, much less said, that he had no right to do precisely what he did. If my remarks had the effect of arousing him as they did, I am very glad of it for two or three reasons; I like to hear the hon. gentleman speak, because whenever he gives an opinion or utters a sentence it is evidently done with an earnest conviction of right, and when a man is in earnest no matter how much he may differ from any of our views, it is always a pleasure to listen to him. The hon. gentleman smiles; I do not desire what I have said to be considered flattery.

Hon. Mr. BEIQUE—We agree with you.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman may think it is a sin on a question of this kind to agree with an Orangeman like myself. However, it will not do him any harm. I wish to point out to my hon. friend that I find no fault with him for denouncing the agitations that have taken place either in the province of Quebec or Ontario, or anywhere else. There is a means of expressing one's views without being offensive to those who hold opposite opinions, and that I take to be the true position for any hon. member, especially in this House, to take upon questions of this kind. What I wish to say to the hon. gentleman is that when he wants to refer to this question again, whether in the Senate or before the electors of the province of Quebec, he should avoid attributing to one particular class of people the agitation to which he has called attention. I wish to repeat that in the city of Toronto to which so many references have been made, the agitation was begun by the Toronto 'Globe,' the organ of the party now in power.

Hon. Mr. POWER—No.

Hon. Sir MACKENZIE BOWELL—And the first mass meeting that was held in the city of Toronto was conducted by the leading Liberals of that city.

Hon. Mr. LANDRY—Hear, hear.

Hon. Sir MACKENZIE BOWELL—The petition presented yesterday by his honour, the Speaker, protesting against the Autonomy Bill and praying that it be not passed, was signed by Liberals. There are two names to the petition that I cannot vouch for, but the other petitioners are leading Liberals of the city of Toronto. I do not know whether the other two are Orangemen or green ribbon men, but I want to impress this on the gentleman's mind that it was the Liberals in the city of Toronto who were the loudest in condemnation of this Bill. As for clergymen, take the president of the conference of the church which I attend, an out-and-out Liberal; no one has written more strongly in denounciation of this Bill than the head of the Methodist Church in Canada, Dr. Carman. I do not find fault with him for doing so. If he conscientiously believes that the Bill should not pass, he has a right to say so. I do not find fault with any clergyman for looking after the interest of his church or advocating a principle that is dear to himself or in his judgment in the interest of the country. The Orange order seems to be a ghost that haunts some people from morning until night, among them my hon. friend, yet he is supporting a cabinet one of whose members belongs to that order. The Prime Minister stated on one occasion that there would be no Orangemen in his ranks, and in case his party came to power they would never recognize one; yet we have the Hon. Mr. Emmerson, who is now Minister of Railways and Canals, in Sir Wilfrid's cabinet. In 1893 Mr. Emmerson delivered a violent speech in the legislative assembly in New Brunswick. He is reported, in what is represented as the official record, speaking in reply to a Mr. Pitt, as follows:

As a member of the Orange Order, I do not regard the member for York (Pitt) as a true

representative of that fraternity, and I know that the leading members of the order throughout this province favour that belief. . . . . The true principles of that association, to which I am proud to belong, breathe the gospel of peace and harmony.

As that comes from a minister of the crown and a member of the order I hope it will satisfy the hon. gentleman that it is not the raw bones and bloody head that he supposed. Then Mr. Emmerson goes on to say:

I say that I am proud to belong to that order, but I would be ashamed of it if it allowed itself to be governed and guided by hands like his.

He goes on for a number of pages, and to show the spirit which actuated the gentlemen in that House in this discussion it is just as well to refer to the reply of the other gentleman, Mr. Pitt. I do not desire to be understood as even hinting as to which course we should pursue. Mr. Pitt says:

I may be mulcted for costs in a suit in court, it is possible, but I tell the hon. member that though I cannot get satisfaction in any other way that I propose taking that costs out of his hide before he gets out of political life and let him not forget it.

I do not know that we have gone quite so far as that. There are a great many more tit-bits in that speech which I shall not trouble the House with.

Hon. Mr. ELLIS—That was merely Pickwickian.

Hon. Sir MACKENZIE BOWELL—Perhaps it was—in a place where he knew it could not be resented. There are many brave men of that kind. Now, I want to place on record, for the benefit of my hon. friend from Mille Iles, the opinion of Mr. Fielding, the present Finance Minister, upon the school question. On the 6th March, 1895, at Windsor, Nova Scotia, when he was joining with my hon. friend and with the leader of the present government in denouncing the Remedial Bill, he spoke as follows:

I ask the people of Hants county and the people of Nova Scotia to stand by the principle of free schools in the case of Manitoba, just as they would stand by it in their own province. We in Nova Scotia know the value of a system of free public schools. We have shown in the past that while we may differ on many questions, we are practically a unit in support of that system. If the Dominion authorities should attempt to interfere with our school system, if they should attempt to impose upon this province a system which they are trying to force upon Manitoba, we would expect to have the sympathy of the friends of free schools elsewhere, and we would expect the people of the western provinces to give us their sympathy and support in such a condition. Let us to-day give them our hearty sympathy and support in the struggle until we find that they are not amenable to reason.

Then the hon. gentleman at Windsor goes on further to say:

What can we say of the position of that gentleman (Sir Charles Tupper) to-day, who, instead of standing up as the champion of a fine school system and resisting those who attack it, scrambles into parliament through the unfair influence of the Roman Catholic pulpits of the county of Cape Breton, and is now devoting the evening of his life to destroying the free school system of Manitoba and forcing upon that province a system which he would not dare to attempt to force upon the province of Nova Scotia?

Then we come to the remarks of the Attorney General of Nova Scotia, Mr. Longley——

Hon. Mr. FERGUSON—He has been rewarded with a judgeship.

Hon. Sir MACKENZIE BOWELL—He used the following language at the same time in discussing the school question:

The people of Nova Scotia are tired of their loyalty to the Frenchmen of Quebec, the Indians of the Northwest, and the recently imported pig-tailed gentlemen from China. When we get repeal Nova Scotians will feel the air of freedom once more, and will expand their vitality by free and unrestricted commercial and social intercourse with our brethren to the south of us.

I could occupy the time of the House for a few hours with extracts of that kind, which I have no doubt would be highly interesting to the hon. gentleman whom I am particularly addressing in this House.

Hon. Mr. LANDRY—More!

Hon. Sir MACKENZIE BOWELL—No; I give these as evidence of the spirit which actuated these gentlemen when in opposition and working in the same harness with the gentlemen who are now condemning those who differ from them upon this school question. That is the principal reason why I have taken the liberty of placing these matters on record. I have a pile of extracts here in my hand which I am sure would be interesting to my hon. friend from Mille Iles, if he would like to occupy a few Sundays after church in studying this question. I need scarcely call his attention to other equally important extracts, to the utterances of his friends in the province of Que-

bec during the late election. I shall not refer to them further than to say that I am sure, with his knowledge of politics in his province and the action taken by those who were fighting what they called the battle of freedom, and denouncing, as they all did, a particular society as being the originator of all this agitation, he will at least on reflection come to the conclusion not to attribute in the future to any particular class of people in this Dominion all the crimes and iniquities he lays to their charge. I have extracts here from the utterances of nearly all the present ministers on the question of separate schools, the Jesuits' Estates Act and provincial autonomy. They all apply, not to provincial autonomy, but to the question of provincial rights, and we may begin with the Hon. David Mills, who spoke very strongly and clearly in support of the action of the government on this question of schools. Then I find extracts from Sir Wilfrid Laurier's speeches, and the utterances of the hon. Minister of Trade and Commerce, who expressed somewhat strong views. When I heard the eulogy passed on that gentleman for the course he is now pursuing by the eloquent member from Victoria (Hon. Mr. Cloran) last night, I turned up these extracts from speeches delivered by the hon. gentleman, by Sir Louis Davies, by James Armstrong, another leading Liberal, and Hon. James McMullen, who is sleeping soundly just now.

Hon. Mr. McMULLEN—No.

Hon. Sir MACKENZIE BOWELL—I am very sorry I waked him up because I would not like to disturb his peaceful slumber. I have a quotation also from that hon. gentleman's speeches on the question of Provincial Autonomy. Then I have extracts from speeches of the late Hon. Alexander Mackenzie who took a very decided position on that question. If you will compare their speeches and actions to-day with their record in 'Hansard,' you will find that they oppose to-day that which they advocated when in opposition. They have reformed. My hon. friend from London (Hon. Mr. Coffey) expressed the hope that as I grew older I would follow their example. I always thought that the hon. gentleman had some little personal regard for myself, and that he would not be so hardhearted as to wish to see me deteriorate as I grow older. The older I grow the more I am confirmed in the correctness and righteousness of the principles I have been advocating from boyhood up to this day. If he lives, I hope he will reform from the position he is taking, and will act in parliament in accordance with his record in the paper he publishes. If I reform, it will be in the direction of cherishing a stronger conviction of the soundness of the position I have been advocating most of my life. I have to apologize for the time I have occupied, but I deemed it my duty before this Bill passes the House, to place on record my views upon the 17th clause, and its effect, and also to rebut as far as I could the accusations cast upon people with whom I have been associated ever since I was eighteen or nineteen years of age. I do not wish to be understood as saying that there are not violent men connected with the society and with the party to which I belong, but I say there are equally violent, unreasonable and bigoted men on the other side. Let us try in our intercourse with each other in dealing with these questions in a deliberative body like this to allay such feelings as far as possible. That is the course that I have endeavoured to pursue and that I shall endeavour to follow in the future, without changing the strong views I have on religious or political questions. I have lived long enough to respect the opinions of every one whatever they may be, and I am quite willing—not only willing but anxious to avoid wounding their convictions, provided they let me alone on questions of this kind.

Hon. Mr. DAVID—The hon. gentleman has been so courteous that I should like to please him, and to show that I appreciate his courtesy. I think that he was right when he said that I always endeavour to say what I think and do what I believe is right, though naturally I am not always sure that my judgment is sound. In this instance I should like to know what expressions I should withdraw. If I said something that was not right I should like to know it, and will immediately withdraw it. If I understand the hon. gentleman right, it may be that I attributed too large a share in that agitation to the Orange Association. It may be that I did not attribute a large enough share to Liberals like those connected with the Toronto 'News'

and the Toronto 'Globe.' The principal point is this; if I said the agitation had been raised by the Orange Association, the hon. gentleman has occasioned some doubts in my mind. If I used the word 'raised,' I would change it and say that I should have said 'intensified', because after all I cannot withdraw anything I said that is true. and what is true is this, that I based my remarks on resolutions published in the press. They cannot be false; I did not invent those resolutions passed by the Orange lodges in which strong expressions were used against the hierarchy and the papal ablegate. If it will satisfy the hon. gentleman, I am ready to admit that perhaps instead of saying 'raised' I should have used the word 'intensified,' and secondly if I said that the Orange Association were the cause and that the agitation arose in the Orange Association, I am not sure that I was right. I am ready to say that a large share of the agitation must be placed on some of the principal Liberals of the city of Toronto, including the proprietors of the 'News' and even of the 'Globe.'

The SPEAKER declared the amendment lost on a division.

Hon. Mr. BOLDUC—I rise for the purpose——

Hon. Mr. BEIQUE—Yeas and nays.

Hon. Mr. YOUNG—Yeas and nays.

Hon. Mr. LANDRY—I rise to a point of order. The Speaker has declared the motion lost on a division. It is too late to ask for the yeas and nays now.

Hon. Mr. YOUNG—I submit that the Speaker only declared an opinion. We ask for the evidence of that opinion by recording the vote. No succeeding business has arisen and we wish to complete this item of business, by taking a vote of this House. It is not too late.

Hon. Mr. POWER—No other business has been gone into.

Hon. Mr. LANDRY—When some one cried 'yeas and nays' the hon. gentleman from Lauzon (Mr. Bolduc) was on his feet and addressing the House.

Hon. Mr. YOUNG—If the hon. member for Lauzon was too previous, that is not our fault.

Hon. Mr. POWER—The rule on the subject is that the yeas and nays can be called for if no other business has been gone into.

The SPEAKER—Call in the members.

The members were called in, and the motion was put from the Chair.

Hon. Mr. MACDONALD (P.E.I.)—I rise to make a motion.

Some hon. MEMBERS—Order, order.

Hon. Mr. MACDONALD (P.E.I.)—I move that the hon. gentleman have leave to withdraw his amendment.

Hon. Mr. LANDRY—That has already been declared lost.

Some hon. MEMBERS—Order, order.

The Senate divided on the amendment, which was lost on the following division :—

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Wilson,
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Hon. Mr. PERLEY—I presume that my motion was rather too plain and pointed to meet the views of the ordinary politician, and that is the reason it was defeated.

Hon. Mr. BOLDUC—I do not wish to prolong the discussion of the question now before the House, because it was fully discussed yesterday, but as I wish to place

myself on record on this question, I beg to move, seconded by Hon. Mr. Macdonald (P. E.I.)

That Bill (69) be not now read the third time, but that it be recommitted to a Committee of the Whole House, with instructions to amend it by adding the following proviso to clause 3 :—

Provided always that no provision of the present Act shall be construed to restrict in any way the rights and privileges heretofore granted to any class of persons in the Northwest Territories relating to education or language.

The House divided on the amendment, which was lost on the following division :—

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Hon. Mr. LANDRY—I intend to take the sense of the House on the amendment I moved last evening in Committee of the Whole. I want this House to decide if the population of the Northwest Territories shall have the same rights as the population of all the other provinces, or if the government has any reason to impose special legislation upon this province. The government has undertaken to manipulate the British North America Act. Though the Prime Minister and all the other speakers in the House of Commons as well as the speakers in this House, have contended that they stood on the rock of the constitution, they have manipulated the British North America Act, and brought in amendments which upset entirely the meaning of that Act.

Section 93 of the British North America Act reads as follows :—

In and for each province the legislature may exclusively make laws in relation to education subject and according to the following provision.

And the first subsection is as follows :—

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 province at the union.

By this first restriction imposed by the British North America Act, no legislature has a right to enact a law which interferes with the rights recognized by the provincial laws in matters of education with respect to denominational schools. What does this Bill presented to us enact ? The Bill now before us does away with that provision of the British North America Act ; what is the substitution therefor ? The Bill reads :

Section 93 of the British North America Act shall apply to the said provinces with the substitution for paragraph 1 of the said section 93, of the following paragraph.

Nothing in any such law shall prejudicially affect any right or privilege which any class of persons have at the date of the passing of this Act under the terms of chapters 29 and 30 of the Ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate schools as provided for in the said Ordinances.

This clause amends the British North America Act in two ways; first in inserting in the place of 'denominational schools,' the words 'separate schools,' and second in applying to the separate schools all the ordinances passed by the territories up to 1901, and which were in force in that year. I claim that this is placing our co-religionists of the Northwest Territories in a position inferior to the position occupied by the minority in all the other provinces of the Dominion. What is a denominational school? It is a school in which not only religion is taught, but one in which the teaching in a general way is impregnated with the spirit of the denomination to which the school belongs. That is the idea of a denominational school. If you consult the authorities in the matter, if you consult the judgment given by the privy council in the Manitoba case, you will come to the same conclusion, that denominational schools are schools im-

pregnated with the spirit of the religious instruction of the sect or denomination to which those schools belong. This is done away with by the Bill that is presented to-day. In the place of the denominational schools being preserved as provided by the British North America Act, the government strikes out the words 'denominational schools' in the British North America Act and inserts the words 'separate schools.' Denominational schools and separate schools are two different things. Everybody acknowledges that, and my hon. friend from de Salaberry (Mr. Béique) admitted that they were two different things. All the speakers who addressed this House on the question admitted that denominational and separate schools are two different things. Why put our fellow countrymen of the Northwest, the minority of the Northwest, in a position inferior to the one occupied by the minority in the other provinces. It is for that reason that I shall propose amendments which will bring out an expression of the members of this House upon that subject. I go further and I say that the ordinances of 1901 rob the people of the territories of their rights. A law was passed in 1875. That was a federal law, and was the law under which the territories have been governed up to date. That law of 1875 is still in force, and it enacts that no ordinance whatsoever can be passed in the territories unless it is always enacted that the majority of the school district shall have the school they think fit. That is, for the minority there may be a separate school. The majority has a right to have the school they think fit; and I call attention to the fact that in the territories the majority are not looked upon as the majority in the province, but the majority in the school district. In the other provinces when we speak of the majority or the minority we allude generally to the majority in the province or the minority in the province. But by the law of 1875 that majority is restricted to the territorial division which is comprised under the name of school district, so that in certain school districts you may have a majority that is French and Catholic.

According to the law of 1875 that Catholic French majority would have a right to select the school they think fit, they would have a right to have a denominational and a French school. That is the right and that law is still in force, and the minority have their separate schools. What has occurred since then? In 1884-85 and 1887-88 up to 1901, ordinances have been passed, and in all those ordinances which were passed under the operation and with the authority of the federal law of 1875 they have had the schools they thought fit to establish, according to the views of the majority in the different districts. Real separate schools were accorded to the minority in those different districts also, and more than that the Board of Education that was formed under the provisions of that Act was separated into two sections, a Catholic and a Protestant section, just as exists in the province of Quebec. the Catholic section having the control and management of the Catholic schools and the Protestant section having the control and management of the Protestant schools. That was according to the provisions of chapter 11 of the Northwest Territories Act of 1875; but in 1893 an ordinance was passed in violation of the law, against the enactment of the federal law, and the system of schools that was then established did not give to the majority in each school district the school to which they were entitled by the Act of 1875, the school they thought fit to establish. The separate schools were similar to the public schools. The Consolidated Statutes of the Northwest of 1888 state that a public school is a school in which the pupils from such an age to such an age shall receive the elements of an English commercial education, and then you find what is a separate school. The definition which applies to a public school applies word for word to the separate school. It says the separate school, like the public school, is a school in which the pupils from such an age to such an age receive the elements of an English commercial education. That is against the law. Those ordinances were not declared unconstitutional. An Act that is unconstitutional ab initio remains unconstitutional, and nothing could render it constitutional or bring it within the powers of the legislature that enacted it. So the law remains unconstitutional according to the statement of the premier in another place. He acknowledged that if the law was unconstitutional in 1892, it was still unconstitutional; but to remove legal doubts

which might arise in the minds of the people of the Northwest Territories as to the rights of the minority, he introduces an enactment which sets aside what is the law and which states what is against the law. He sets aside the law of 1875, which conceded to those minorities rights and privileges which they have enjoyed up until to-day, and he confirms those ordinances which take away from our fellow-citizens of the Northwest the privileges and the rights which were accorded to them by the law of 1875. So that my amendment is to strike out those words of the first paragraph, to strike out the words giving the rights which are now accorded by the ordinance of 1901. I want the law of the territory which is in force to-day, the federal law, to remain and to be the basis of the rights which we are to give to our fellow-citizens of the Northwest. For that reason I move :

That the Bill be not now read a third time, but that it be recommitted to a Committee of the Whole House, with instructions to amend it in the following way.

1. Subsection 1 of clause 17 is amended :

(a) By substituting in the fifteenth line the word 'denominational' for the word 'separate' ;

(b) By striking out in the seventeenth and eighteenth lines the words 'chapters 29 and 30 of the Ordinances of the Northwest Territories passed in the year 1901,' and substituting therefor the words 'Imperial and Federal laws' ;

(c) By substituting the word 'laws' for the word 'ordinances' in line 20.

2. Subsection 2 of clause 17 is amended :

(a) By striking out in the twenty-fourth and twenty-fifth lines the words 'the said chapter 29 or any Act passed in amendment thereof or in substitution therefor,' and substituting therefor the words 'said laws' ;

(b) By striking out in line 26 the words 'the said chapter 29,' and substituting therefor the words 'said laws' ;

3. Subsection 3 of clause 17 is amended by striking out in line 29 the words 'chapters 29 and 30' and substituting the following therefor 'Imperial and Federal laws.'

Bringing in by this substitution the British North America Act and providing that it shall operate automatically in the provinces, as well as the federal laws which gave rights of which the minority cannot now be deprived, because you must not forget that by the British North America Act, subsection 3 of clause 93, it is enacted :

Where in any province a system of separate or dissentient schools exists by law at the union or is thereafter established by the legislature of the province, an appeal shall lie to the Governor General in Council.

Hon. Mr. LANDRY.

My contention is that the law in 1875 has given to those territories separate schools which are looked upon by subsection 3 of section 93 of the British North America Act as separate schools, and if the denominational schools are safeguarded by subsection 1 of section 93, the separate schools are further safeguarded by subsection 3 of section 93 of the British North America Act, which says that in the concession which has been made since their entry into the union the minority have acquired certain rights. By this amendment we are putting aside the unconstitutional ordinances of 1901 and we are taking for the basis of the rights which we want to give to our fellow-countrymen of the Northwest, the British North America Act and the Federal Act of 1875. Who could vote against that ? Who could vote against giving to those minorities of the Northwest the same privileges which are enjoyed by the people of the other provinces of the Dominion ? Who could vote against giving to those people the privileges and the rights conferred upon them by the Act of 1875 and conferred upon them by the federal law. That is what I am asking by this amendment. I hope that all who have the interests of this Dominion at heart, who do not want to put our fellow-citizens of the Northwest in an inferior position to that occupied in the other provinces of the Dominion by the Catholic minority or the Protestant minority, will vote for this amendment, so that they will consecrate the justice to be given to those people. I hope the government will take this amendment into consideration and accept it. I was told yesterday that it was not by an oversight that the word 'denominational' had been struck out and the word 'separate' inserted. I never had any explanation why that was done. Some hon. members said 'Oh, but if you leave the Bill as it is the Doukhobors, Galicians and the Japs—I think the hon. gentleman from Victoria brought in the Japs—would participate in the benefit of the amendment and you would have all those denominational schools spread over the Northwest Territories.' I say no, because the law says that 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 at

the union. When the Manitoba Act of 1870 was passed the words 'and by practice' were added. But that was not the case in the Northwest Territories. If those people want to enjoy their schools, they cannot raise a claim to denominational schools, because their schools were never recognized by law. So that my amendment does not in any way recognize, as was suggested yesterday, the claims that those people might have. There are only two denominations recognized by law in those provinces, the Catholic and the Protestant—those two only. The division is not made according to race. It is made according to creed only, and nobody has reason to fear that if this amendment is carried the division by race would be substituted for the division by creed. I hope that all our friends and the people who boast so much about their love for our minority will join with me and help the government to improve their Bill in order to render it more acceptable to all classes of the community.

Hon. Mr. MACDONALD (B.C.)—I fully agree with the able argument made by the hon. gentleman from Stadacona (Hon. Mr. Landry). It is an able argument and if it had been advanced at the second reading I should have voted for it. But the hon. gentleman and the House must remember that a similar amendment was moved in the Commons, and the government would not accept it. Whatever amendments are moved in this House will not be accepted, and it is a foregone conclusion that the Bill will pass in its present shape. Therefore much as we would like to have the Bill amended in the direction indicated, it is only a waste of time moving the amendment now. And I hope hon. gentlemen will not suggest any more amendments, because they can see it is useless. They will not be carried, and hon. gentlemen have placed their opinions on record several times. I will not vote for any amendment, because it is useless and a waste of time. The result is a foregone conclusion.

Hon. Mr. BEIQUE—I am going to vote against the amendment, because I am of the opinion that it would remove any rights which the minority have at present.

The House divided on the amendment, which was lost on the following division ;

Contents :

Honourable Messieurs

Baker,	Landry,
Bernier,	Macdonald (P.E.I.),
Bolduc,	McMillan,
Boucherville, de (C.M.G.),	Montplaisir.—8.

Non-Contents :

Honourable Messieurs

Béique,	Lougheed,
Black,	Mackay (Alma),
Choquette,	McHugh,
Church,	McKay (Truro),
Cloran,	McMullen,
Coffey,	Mitchell,
Dandurand (Speaker),	Power,
Domville,	Ross (Regina),
Edwards,	Scott,
Ellis,	Templeman,
Ferguson,	Tessier,
Fiset,	Thibaudeau (Rigaud),
Frost,	Thibaudeau (de la Vallière),
Kerr (Cobourg),	Thompson,
Kerr (Toronto),	Wilson,
King,	Yeo,
Legris,	Young.—34.

Hon. Mr. BERNIER—I move in amendment, That the said Bill be not now read a third time, but that it be recommitted to the Committee of the Whole House, with instructions to amend it by striking out all the words after 'this Act' in the third line of said first subsection 1 of clause 17, to the word 'with' in the fifth line of said subsection.

The amendment will have the effect of doing away with an improper limitation and place every one under the operation of the Act of 1875. It will be for the court to determine whatever may be the rights of any party under this Act, if the parties choose to go before the court.

The amendment was lost on the same division as the previous amendment.

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

The motion was agreed to.

The Senate adjourned until 3 p.m.

SECOND SITTING.

The Speaker took the Chair at 3 p.m.

DISTRIBUTION OF STATISTICAL YEAR-BOOK.

INQUIRY.

Hon. Mr. FERGUSON rose to ask the government why discrimination is made

against honourable members of the Senate in the distribution of the Statistical Year-Book of Canada ?

Hon. Mr. SCOTT—I spoke to the Minister of Agriculture and he was not aware that there was any discrimination. He will make it right at once.

WIRELESS TELEGRAPHY AT PRINCE EDWARD ISLAND.

Hon. Mr. FERGUSON rose to ask the government whether it is their intention to have the steamers 'Stanley' and 'Minto' connected by wireless telegraphy with points on the coast of Prince Edward Island and the mainland during the coming winter ?

Hon. Mr. SCOTT—I heard the Minister of Marine, in answer to a question put to him, state that there were stations on the land. They may have been put there recently. That is what I understood him to say—either that they were constructing them now or that they would be put there.

Hon. Mr. FERGUSON—There are stations on both boats, but not on the land. I presume the hon. Secretary of State will call attention to it.

Hon. Mr. SCOTT—Yes. I will speak to Mr. Préfontaine again, because I understood him to say they were already on the land. No doubt if they are not there they should be there.

Hon. Mr. FERGUSON—What I was anxious to get at was this ; are they not there because the Anglo-American Company is interposing any objection ?

Hon. Mr. SCOTT—He did not say there was any objection whatever. His impression was that they were there already.

SALARY OF THE FIRST MINISTER BILL.

FIRST READING.

A Message was received from the House of Commons with Bill (201) An Act respecting the salary of the First Minister.

The Bill was read the first time.

Hon. Mr. SCOTT moved that the Bill be read the second time at length at the table.

Hon. Mr. FERGUSON.

Hon. Sir MACKENZIE BOWELL—I am fully in accord with the policy adopted of increasing the Prime Minister's salary to $12,000. Hon. gentlemen opposite, some of whom have had a number of years experience in a government, have a full knowledge not only of the responsibility but of the expense to which the Prime Minister of this country is put, and the responsibility and the expense attending his office is growing every year. As the Dominion grows so in proportion is the importance of the office held by the Prime Minister increased. He has been paid, I was going to say, a beggarly salary in the past. I know from Prime Ministers with whom I have been associated that at the end of the year they came out poorer than when they took office, if they kept up the dignity of the position. From the experience I have had in connection with this matter I am fully in accord with the policy which has been pursued in this matter. Those who have heard me speak on the subject in the past know that I have expressed that opinion repeatedly in the Senate.

Hon. Mr. FERGUSON—I have great pleasure in supporting the view put before the House by my hon. friend the leader of the opposition. The Premier should be placed beyond the possibility of care with regard to his own private affairs. He must, if he is worthy of the position, devote all his time to the public affairs of the country, and it would be unworthy of this country if a man occupying such a position should be subject to care and trouble about making both ends meet with regard to his private affairs. If the amount had been made $15,000, I would have thought it was not one dollar too much. While speaking on that matter, it will give me an opportunity of saying a word with regard to the other salaries and allowances, which if not before us will come a little later. I am very pleased to find from the information we have now that it is not proposed to increase the salaries of the other cabinet ministers. I think that we have been providing amply at $7,000 a year for the salaries of cabinet ministers other than the Prime Minister, and in the increase of indemnity this year they, as well as private members, will get some relief. In connection with that I wish to point out the example set by the United States. They pay

the heads of departments just $10,000 a year. We pay $7,000. It must be admitted, so far as that is concerned, that we are doing well as compared with a nation of 80,000,000. I find also that the United States pays to its members of Congress $7,500 a year, only $2,500 a year less than they pay heads of departments.

I have always felt there was an undue difference in Canada between the remuneration of members of parliament and that of ministers. As a rule I do not think the ministers are, taking the whole year through, very severely worked. During the session they have very able deputies and private secretaries, as well as a staff which they can always call into requisition. But our experience in connection with this government and its predecessors has been that when parliament rose they went junketing all over the earth, and as a rule few of them returned to the seat of government until parliament was about to be summoned, and they seldom had their work ready for the session. When members of parliament are condemned for the length of the session, the condemnation should be levelled at the government of the day, because the work is not ready. I am not making that complaint against my hon. friends opposite more than of all the governments in the past. Perhaps a little more blame could be applied to this government but not to the extent which would render it necessary to draw a line of difference, because it was the custom with the previous government and the practice with this government. If the measures are ready, or nearly ready, when parliament meets, the House could get down to work and the sessions would not be nearly so long as they are. From the statutes of the United States, I find that the salary of a congressman is $7,500 a year, and in addition to that senators who are not chairmen of committees are allowed $1,500 for a secretary. Those who are chairmen of committees have of course a staff to do their work, and are not provided with secretaries. The members of the House of Representatives are also allowed to employ clerical assistance, but only during the session of Congress, and the amount is not to exceed $100 for any one month. It would thus appear that in the United States the senators are paid on a more liberal scale than the members of the House of Representatives with regard to clerical assistance. I have seen statements published in the press, and almost universally accepted, that the United States paid their members $5,000. I am speaking by the book when I say they pay $7,500, and in addition to that each senator gets $1,500 for secretary. I am glad the word 'indemnity' is dropped in this Bill. I think it is not the right word at all. 'Allowance' is nearer it, and 'salary' would be better. I do not find fault with the present indemnity, but I do not at all agree with the view that the members of parliament even at $2,500 are better paid than the members of the cabinet.

Hon. Sir MACKENZIE BOWELL—The remarks of my hon. friend suggest an idea which occurred to me, but which I forgot to mention. I differ from him in toto with regard to the other ministers. I think their salaries should have been increased at least $1,000. Hon. gentlemen opposite know very well what duties they have to perform. My hon. friend's remarks might apply to those departments that have nothing but routine, or scarcely anything but routine business to do. It will be remembered that the Hon. Edward Blake, while in the House of Commons a good many years ago, advocated a policy of paying the ministers in proportion to the importance of the portfolios they held. There are some cabinet positions I admit, in which there is not so very much to do; there are others which occupy the time, attention and brains of the minister from one end of the year to the other. That is well known to those who have had experience, and I should have liked to see at least $1,000 added to the $7,000, making the salary $8,000.

There is another point to which I desire to call attention, in relation to which the government and their predecessors have been guilty. We select gentlemen occupying prominent positions in the localities in which they reside, and in the party to which they belong, to act as ministers without portfolio. Now, I do not advocate the payment of a salary to a minister without portfolio, but it is not asking too much that gentlemen who occupy such a position in a country like ours where public men are not wealthy as they are in England, and who accept such

a position for the honour it carries with it, should at least have their expenses paid. Take the case of my hon. friend to my right (Mr. Ferguson), who was minister without portfolio in the late administration. I know on many occasions he had to come up from Prince Edward Island to attend cabinet meetings for days, at his own expense. The late Sir John Macdonald would never consent to accept the suggestions which I am honest enough to say I made on this subject to him. The very least the government should do is to make a liberal allowance to the minister without portfolio to cover the expenses he incurs when he has to attend council. Sometimes he is requested to come from his distant home to Ottawa in order to give advice which could not be obtained without his presence without a great deal of difficulty.

Hon. Mr. MACDONALD (B.C.)—Let him have a secretary.

Hon. Sir MACKENZIE BOWELL—Sir John Macdonald would not allow even that. Sir Frank Smith was a minister without portfolio for a long time, and I urged repeatedly that he should have the privilege of employing a secretary, but Sir John Macdonald laid down the principle that the honour was sufficient compensation to the minister without portfolio. I do not think so. Fortunately Sir Frank Smith was wealthy enough to make it a matter of very little importance to him. I am sure the ministers who are present here will take what I say in good part. I am not advocating particularly provision for the gentlemen who are occupying that position now. In Nova Scotia and New Brunswick they have gentlemen in the cabinet without portfolio, whose expenses are paid at so much per diem, and expenses of attending.

Hon. Mr. FERGUSON—I wish to add a word to what my hon. friend has said with regard to the position of the minister without portfolio. I have been through the mill and have had a little experience of what that means. It is all very well for gentlemen of means and leisure who could afford to be called away from business and incur the expenses of travelling, but it is altogether different when it comes to the case of a man of more moderate means, and I think that while the government is about it they ought to cover that ground—limit the number that could be appointed at any time to two or three and give the government power to deal with any case that might arise. I am not advocating the case of my hon. friend who sits opposite (Hon. Mr. Templeman). I am advocating a principle and I point to my hon. friend as an illustration of that principle. Nobody would say that being called to the cabinet without portfolio during the session of parliament is any serious inconvenience to him. When he is at work in council he is not working anywhere else, and an industrious man is at work all the time he is here; but to be called from his home during the interim of parliament to attend meetings of council when grave questions arise, is another matter. A member without portfolio is only called under grave circumstances, but when a question comes up such as we had to consider while I was a member of the cabinet, the admission of Newfoundland, the Manitoba question, or recently the question of preferential trade, and all the members of the cabinet are summoned, a gentleman in that position, having been called to the cabinet, should be allowed per diem an amount equal to the salary of a minister, from the time he leaves his home until he returns, together with his actual expenses.

The motion was agreed to, and the Bill passed through its final stages.

SENATE AND HOUSE OF COMMONS ACT AMENDMENT BILL.

FIRST AND SECOND READINGS.

A message was received from the House of Commons with Bill (202) An Act to amend the Act respecting the Senate and House of Commons.

The Bill was read the first time.

Hon. Mr. SCOTT moved the second reading of the Bill. He said: This is a Bill to increase the indemnity to members of the Senate and House of Commons from $1,500 to $2,500.

Hon. Mr. FERGUSON—I want to call attention to two features of this Bill. The first is that mileage is abolished, and members are allowed only their actual travelling expenses. Now I submit that mileage should not be abolished, because it is the only way in which you can at all equalize the position of hon. gentlemen living near the capital

and those who live far away from the capital. A member residing in British Columbia has to leave many days before the opening of parliament, for which time he receives nothing, as compared with a gentleman living in Ottawa, Toronto or Montreal. That is not the worst of it. He has to dissever himself almost entirely from his business when he comes to parliament. He is not able to go home on Fridays and return on Mondays as many hon. gentlemen can; and the only way to equalize the difference is in mileage. I do not know that it is the best way of doing it but it approximates to fairness as between those living at a distance and those living at the capital. I think the mileage should not have been abolished. There ought to be, and I am sure there is, a spirit of fair-play on the part of the hon. gentlemen who are fortunately situated as being at or near the capital, many of whom can dine at their own tables, sleep in their own beds, and do half a day's work at their own business before the opening of the House. They ought to consider the position of gentlemen living at a great distance who sometimes lose a week or ten days in coming to the seat of government. The mileage was a way of equalizing things between those who live at a distance and those who live at or near the capital and should be retained. In the abolition of it another principle is introduced, the payment of actual expenses. That does not cover the loss of time, and makes no recompense for severing members from their business. In connection with the accounts which are to be presented there is a most odious condition attached to the Bill, a condition which I am surprised the government should have inserted; that is, the accounts must be sworn to by the member. Members of the cabinet do not require any such legislation as that in dealing with their own expenses in travelling. I am sure it was not intended as an insult to members of parliament to single them out in this way, in a way that no other class of people in the country is treated. I know in cases of the administration of intestate estates, the accounts must be sworn to, but that is a condition which does not arise between individuals both of whom are living, and I think this odious condition should be struck out.

Hon. Mr. SCOTT—It is a pity to discuss the Bill when it is not before us. It was only agreed upon the day before yesterday, and I am not sufficiently familiar with its details to discuss them.

Hon. Mr. POWER—I would suggest that the second reading be agreed to now and we can discuss the details in committee.

Hon. Sir MACKENZIE BOWELL—I have been looking over the Bill hastily and take it for granted that it will go into operation as soon as it is sanctioned by the Governor General. If that be the case, I do not see that it provides for the present session.

Hon. Mr. SCOTT—The mileage question will not be an element this year. I am informed that it does not disturb the condition of things this session.

Hon. Sir MACKENZIE BOWELL—That ought to be stated clearly in the Bill, because otherwise the clerk will not be able to settle with the members, and almost all of them have drawn their mileage. In my own case it is about $29 or $30, and I have drawn it. If this Bill becomes law at the end of the session, I will have to pay back this amount.

Hon. Mr. SCOTT—No, that is not the understanding. The Department of Justice will give instructions to the clerk. The question does not arise.

Hon. Sir MACKENZIE BOWELL—The department cannot give instructions contrary to the Act. I am told there is a provision in the Bill to meet the case. I do not object to the principle at all; I think it is a good one. It will do away with a good deal of the difficulty that has arisen.

Hon. Mr. MACDONALD (B.C.)—Will the members of the government take a note of the objection to that clause requiring a member to take an oath to his account. That ought to be abolished, and I hope the hon. Secretary of State will see his colleagues, and have it struck out of the Bill.

Hon. Mr. WOOD—I am heartily in accord with what has been said with regard to the increase of the Prime Minister's salary, I also agree with my hon. friend, the leader of the opposition, with regard to the increase which he thinks should have been made, and which has not been made, in the

salaries of the ministers. I cannot, however, entirely agree with what has been said with regard to the increase of the pay of members of both Houses. As the hon. member from Marshfield has pointed out the word 'indemnity' has been dropped, and 'allowance' substituted. The principle which had previously been adopted of giving an indemnity or allowance, which was supposed to cover the expenses of members of parliament while in attendance at Ottawa, seems to have been abandoned; and the principle of giving them compensation for the loss of time or inconvenience to which they are subjected, or the loss through neglect of business during the time they are here, seems to be what is now adopted.

Personally I should have preferred if the old principle could have been adhered to, and an allowance or indemnity given to members of both houses for this purpose only rather than as a compensation for the loss or inconvenience they may sustain by reason of their attendance on parliament and the discharge of their duties here. I am glad, however, that the mileage has been abolished. I do not agree with the remarks of the hon. gentleman from Marshfield in that regard; and I regard this to some extent as a compensating feature for the increase of the allowance or indemnity or payment to the members. I do not think if we propose to remunerate the senators and members of the House of Commons for the inconvenience and loss of time to which they may be subjected in attending here, that we should do so in the indirect way of allowing them mileage for their attendance upon parliament. I make these remarks now in order that my personal views may be known on the subject. I believe that the great majority of the members of this House dissent from my opinion on this question, and no doubt the Bill will pass in its present form, but I make these remarks because I wish it to be known that we are not entirely unanimous on this subject.

Hon. Mr. DOMVILLE—The hon. member from Westmoreland (Hon. Mr. Wood), being a very wealthy man, has practically told the House that he can afford to serve here for nothing. I know he has plenty of money but there are gentlemen in this House who are not so well placed in life as he is. I would suggest to my hon. friend as a fair compromise that he should present the extra amount to some charitable institution, or perhaps not draw it at all.

Hon. Mr. CLORAN—Will the hon. gentleman tell the House what is the difference between being compensated for expenses and being compensated for loss of time?

Hon. Mr. POWER—I thought the House accepted the suggestion I made, that inasmuch as the Bill has not been distributed, and the Autonomy Bills are in the slings, this might stand over until the committee stage. There is not the slightest danger that this Bill will not pass.

Hon. Mr. LOUGHEED—Notwithstanding what has been so well expressed by the hon. member from Halifax, as we have entered upon a discussion of the principle of the Bill, I should like to say that I have never been in sympathy with the self-abnegation so often expressed by some hon. members as to the necessity of keeping the indemnity of allowance at a minimum amount. If the hon. member from Sackville (Hon. Mr. Wood) feels that way, I am very pleased to say that is not my condition of mind. If representatives of parliament assembled give their time and the best of their ability to their parliamentary duties, they certainly should be paid commensurate with the time and ability bestowed upon the work. I also approve entirely of what the hon. gentleman from Marshfield has said with reference to the elimination of the mileage. This certainly is a matter which will bear much more heavily on those who live at a distance, and who, if I may use the word, have to make more sacrifices in coming here so far as travelling expenses and loss of time are concerned, than the members living at or near Ottawa. The disturbance of equilibrium lies in this, that many members have to spend from eight days to a fortnight in going to and from Ottawa, and in addition to that, we must take into consideration that there are many adjournments of the Senate when those members have to return to their homes and come back again to Ottawa. To illustrate that, I may say, that in the present case for instance, my allowance will be nearly $400 less than my hon. friend who lives in or near Ottawa receives. It only needs to be mentioned to point out to hon. gentlemen that it is

manifestly unfair that those who live a distance should thus lose a very substantial amount by the Bill before us, and I hope the leader of the government in this House may see his way clear to recommend a retention of the provisions in the existing Act with reference to mileage.

Permit me to say a word with reference to the question of making a statutory or sworn declaration as to the amount of a member's expenses. Scrupulous members like myself and other hon. gentlemen coming from the Northwest will be placed at a disadvantage in making this statutory declaration. Economy is one of the leading qualities of the western people and we certainly will not feel like indulging in an extravagant estimate in putting in those expenses. But who will be the judge of those expenses. Will the accountant undertake to cut off this expense, or the other expense? Who will pronounce on the question ? It certainly will lead to bickerings and misunderstanding. The government has not applied this principle with reference to the accounts of public servants. Judges, Deputy Ministers, chief clerks of departments and other officials who have to travel on the public business, and who have expenses of precisely the same character as those which may be incurred by members of parliament, are not required to swear to their accounts. Why should this invidious distinction be drawn ? Is not the word of a member of parliament quite equal to that of an official who is not required to make a declaration as to his travelling expenses, or a judge or a minister, who may be allowed so much per diem. I think it only needs to be pointed out, and that the objectionable features of the Bill ought to be remedied before it passes.

Hon. Mr. SULLIVAN—You get $20 a day.

Hon. Mr. SCOTT—We have really not had the details of the Bill under consideration. I have heard it very rapidly run through, but quite recognize the objectionable feature pointed out, that is, calling upon a member to make oath as to his actual expenses. I think his own certificate, or a letter from himself stating what his expenses are, or a per diem allowance on a liberal scale covering everything, would be a better way. The question will not arise during the present session, and I hope at a later time the objectionable feature of the Bill will be eliminated from it, and that we will agree upon a per diem allowance for the expenses while travelling.

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

Hon. Mr. SCOTT moved that the Bill be referred to a Committee of the Whole House, at the next sitting of the House.

Hon. Mr. LANDRY—Is it the intention of the hon. gentleman to allow any change to be made in the Bill ?

Hon. Mr. SCOTT—I do not know that we can make a change.

Hon. Mr. LANDRY—That is the question. It is a money Bill.

Hon. Mr. SCOTT—I do not think we can. As I said just now it is not intended that the mileage question shall be raised during the present session. The mileage has been actually paid in nine cases out of ten. We will endeavour to come to some fair conclusion as to what will be the best solution in place of the proposition in the Bill that a member shall take an oath as to his expenses. Some reasonable arrangement will be made, which I think will be acceptable to all.

Hon. Mr. LANDRY—I wish to point out that this is a money Bill, and we cannot amend it.

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—A change even on the question of mileage would be putting an additional expense on the country. For that reason we cannot amend the Bill, and I do not see why we should refer it to a committee of the whole.

Hon. Mr. POIRIER—Whatever may be the merits of this Bill, I commend not only the government—because I understand this Bill is the result of a conference between the leaders of both parties—but the opposition also on abolishing mileage. We have passes on all the railways of Canada. It would look queer, and more than queer, to the public and to ourselves if we were to provide for mileage as well as passes. That feature of the Bill, I with others, especially approve of. A change might be made with regard

to requiring a member to swear to his actual expenses. I would rather pay my expenses from Shediac and back than get the $7 or $8 that I would have to swear to. As to members swearing to the number of days of their attendance, I believe it is proper. The allowance is sufficient to insure the attendance of members of both Houses to their duties. There have been abuses in that line. Now abuses always lead to making regulations to correct them. Abuses have existed in the other House and also in the Senate, and it is well that members should make a declaration as to the number of days they were in their places, giving the exact time and showing the country that if we get an allowance we work, or are supposed to work, for it. We cannot amend this Bill, but next year I take the word of the leader of the government that some features of it will be retouched, and put in a shape more in accord with the dignity of parliament.

Hon. Sir MACKENZIE BOWELL—I should like to point out to the hon. Secretary of State that in my opinion, acting on the ruling we have had on such subjects, we can amend this Bill. The 3rd subsection of clause 8, is as follows :—

3. Upon the said statements being certified by the clerk, and sworn to by the member before the accountant or assistant accountant of the House, or any person authorized to take affidavits, the accountant shall pay to the member the allowance to which he is entitled according to the said statements.

We can leave out the words 'sworn to.' I think an account certified to by an hon. member ought to be sufficient. I would call attention to a Bill introduced from the other House a session or two ago, which the Senate took the responsibility of amending by striking out a whole clause affecting the payment of superannuation to retired judges. The decision of this House was in direct contradiction to the ruling of the late Speaker. I called attention at the time to the fact that it was opening the door for the amendment of money Bills, and to my own satisfaction proved conclusively that we have no such power. That was a more flagrant case than the amendment of this Bill would be. The proposed change does not affect the money part of the Bill at all. It simply removes the feature which requires a member to swear to his accounts. My expenses would amount to about $5. Certainly I should not take the trouble to swear to an account to get that amount.

Hon. Mr. DAVIS—Seeing that I come from a distant part of this country, I think with reference to this question of mileage, now that a new arrangement has been made by which $15, previously allowed, has been struck off—

Hon. Mr. SCOTT—No, not at all.

Hon. Mr. DAVIS—Well, it will be next session.

Hon. Mr. SCOTT—The opinion of the Department of Justice is that it is not struck off.

Hon. Mr. POWER—I raise a question of order, that this Bill has not been distributed.

Hon. Mr. MITCHELL—I think we may trust the government to amend this Bill next session, if there is anything irregular about it. Having brought in such a liberal Bill for both Houses, I think they can be trusted to remedy any defects it may contain.

Hon. Mr. CHOQUETTE—If this Bill cannot be amended, why not pass it now ?

Hon. Mr. POWER—The hon. gentleman has devoted so much time to the business of the House this year, that I suppose he is anxious to get home.

Hon. Mr. CHOQUETTE—Certainly, I have not troubled the House as often as my hon. friend.

The motion was agreed to.

PROVINCE OF ALBERTA AUTONOMY BILL.

THIRD READING.

The Order of the Day being called :

Third reading (Bill 69) An Act to establish and provide for the government of the province of Alberta.—(Hon. Mr. Scott.)

Hon. Mr. LOUGHEED—I beg to move, seconded by the Hon. Mr. Perley.

That the said Bill be not now read a third time, but that it be recommitted to the Commitee of the Whole to strike out section 13, and to insert in lieu thereof :

13. The Lieutenant Governor shall on or before the 1st day of January next, by proclamation under the Great Seal, divide the said province into twenty-five electoral divisions, due

regard being had to existing local divisions and population.

I stated last evening when this Bill was before the Committee of the Whole the objections which I had to this particular clause. It has proved to be a very controversial one, not only in the House of Commons but also in the minds of those who are opposed to this manner of distribution. I will content myself by simply saying that the principle which has been embodied in the section is a vicious one,—that of the government in a partisan way making a distribution of those electoral divisions. When the province of Manitoba was carved out of Rupert's Land it was provided in the Act of Union that the electoral divisions of the then province of Manitoba should be delimited in the way I have mentioned, and the language of the amendment which I have moved is taken from the Manitoba Act. A precedent of this kind was adopted by the government of the day so long ago as 1870 and it gave eminent satisfaction. It should certainly apply under the conditions already pointed out and which I hope it will be unnecessary for me further to enlarge upon.

The House divided on the amendment which was rejected on the following division :

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Hon. Mr. CHOQUETTE—In addressing you on this occasion, I shall use the language of Shakespeare, though I can never hope to imitate England's immortal poet in any other way. I consider that an educated man should understand and speak both French and English. Some of my colleagues in the Lower House have been complimented—and rightly so—upon their fluency in the English tongue. I was myself most agreeably surprised at the facility with which they spoke that language, as they had only learned it in our French colleges, in the midst of an almost exclusively French population, and, in spite, I must confess, of an intellectual repugnance which some of your countrymen have contributed not a little to provoke. Still it was with not less pleasure that I observed that their command of the English language did not wholly conceal their French origin. This is as it should be. 'Speak English' is my advice to all my fellow-countrymen, but do it in such a way that there shall never be any mistake about your true origin, and I am sure you will admit that I put this advice into practice.

Cicero asks if the gift of eloquence has been more beneficial than hurtful to mankind and to society. 'If I consider,' said he, 'the evils which have distracted our country, if I recall the catastrophes which formerly befel the most flourishing cities, I everywhere observe that most of these ills were caused by eloquent men; but, on the other hand, I also note the effect of wisdom, and still more so of eloquence, in laying the foundations of cities, in allaying discords, and in tightening the bonds of a holy friendship; consequently, reason itself leads me to believe that wisdom alone, without eloquence, is of little use to States, but that eloquence without wisdom is often only too fatal, and can never be useful.' (De Oratore.) What would the great Roman orator think, if he had attended those long debates in the Lower House, which, after exciting such a flow of words, and occasionally of eloquence, have flooded with violence and bitterness a chamber that should be the temple of wisdom and maturity of judgment? Would he find among us the useless citizen, whose anxiety for the power of eloquence may become dangerous to the coun-

try, or the useful citizen, who, armed with the weapon of oratory to defend, not to assail, public interests, deserves the esteem of his fellow-countrymen? I would be glad to be ranked in the latter category, and it is to merit your esteem and that of my fellow-citizens that I, to-day, for the first time, raise my voice in this chamber.

It is undeniable, Sir, that amidst all these floods of writing and this deluge of words, and in spite of the oft-repeated assertion that the only issue before us is provincial rights, that the only care is respect for the autonomy of the new provinces, the least prejudiced mind can discern a biassed and unavowable sentiment: dread of French and Catholic influence, that is to say, fear of an influence which would not be in harmony with the ideas of certain citizens of the Dominion. But it does not lie with you to bridle that influence, for it springs from higher principles than the narrow considerations of a narrowed mind.

I confess, Sir, that my contribution to the discussion of this question will be small. It would seem that everything that could be said has been said. You have also read everything on the subject. I probably could only repeat the arguments already used by the speakers in this House or in the Commons. But, in the course of my career as a lawyer and, above all, as a judge, I have learned that precedents are the great criterion of laws and their interpretations. Precedents are opinions which, in their way, have the force of laws. To the study of this question I shall, therefore, bring a few real, true precedents, so to speak, but I shall especially cite what is equal to the most explicit precedents, the opinion of eminent men who, by their fame for ability, deserve to carry weight with my hon. colleagues speaking the English language.

This is not the first time, Sir, that we Roman Catholics have had to raise our voices in defence of our right to educate our children. History shows that for upwards of half a century, in 1840, 1851, 1867 and 1875, we have struggled valiantly, I might even add, brilliantly for that cause, but the present debate is the most important, as it is also the sharpest of all. It would seem as if our adversaries were burning their last cartridges, feeling that the solution of the question now will entail a permanent state of things in the public administration of the Dominion. And the question relates particularly to a territory in which millions of men of all tongues, all characters and all religions, will find homes.

Formerly in the old provinces of Ontario and Quebec, there were, strictly speaking, but two languages and two creeds. Quebec was almost exclusively French and Catholic, while Ontario was similarly English and Protestant. In spite of their centrifugal tendencies, the minorities brought about the union, the first step towards our glorious confederation. As far back as 1860, Hon. Mr. Scott, who is at present our worthy leader, was proposing the separation of the schools. Three times did he fail and was his appeal rejected, but at last he silenced all opposition, and in 1863 the Scott law was passed. Are we to believe that the antagonisms of race and creed are more violent to-day and that the unfortunate campaigns of the P.P.A. and the A.P.A., notwithstanding their defeat, have left behind them a leaven of hatred and ultra-fanaticism? I do not think so. I prefer rather to see in it a specific frame of mind, which under the guise of a discussion of the principle of separate schools, a principle that is not at stake, recoils from acknowledging the justice of an accomplished fact.

Who can deny that what we are asking to-day, was given as a matter of fact to all the minorities at the time of confederation?

Sir Charles Tupper, speaking on the Remedial Bill in 1896, 'Hansard,' page 2723, said:

> And hon. gentlemen will see in a moment, if they will indulge me with the opportunity, the point to which I wish to call their attention. There would have been no confederation —I say it in the presence of my colleague who was at the Westminster Palace Hotel, I say it within the knowledge of Sir Leonard Tilley, who was one of the fathers of confederation, of the Hon. Peter Mitchell, who was at that conference, of the Hon. William Macdougall, and the Hon. Sir William Howland; I say it within the knowledge of all these gentlemen, for six of us still, I am glad to know, remain—that but for the consent to the proposal of the Hon. Sir Alexander Galt, who represented especially the Protestants of the great province of Quebec on that occasion, but for the assent of that conference to the proposal of Sir Alexander Galt, that in the Confederation Act should be embodied a clause which would protect the rights of minorities, whether Catholic or Protestant, in this country, there would have been no confederation.

These vigorous words are not mine. They were uttered by a man who was the contemporary and the peer of the Tilleys, the Mitchells, the McDougalls and the Browns, by one of the fathers of confederation, by Sir Charles Tupper, who only a few days ago went to seek the blessing of the Pope for his eighty-two well-filled years and probably also for the impoverished, mutilated remains of what was once the great Conservative party. He was at Rome in company with his venerable friend, the Bishop of Antigonish, to whom public malice attributes the anathema. 'To Hell with the Liberals' and 'these illustrious debris as the poet said, consoled each other.' These were truly eloquent words. The Sir Charles Tupper who used them, would not recognize his former allies in those who are to-day making the worst appeal to the passions of the public, and the newspaper men of Toronto. There is a popularity which arises from the admiration excited by great actions; this is the best, and there is another which is derived from the popular passion for noise and applause and which is the worst. The one is the popularity of heroes, the other the popularity of quacks.

And what was Sir Charles Tupper's conclusion? I commend it to your meditation. It requires your reflection and deserves it.

To render justice and above all to render justice to a minority said he, is always grand and noble; it is one of the noblest attributes of human nature.

Hon. Mr. Fielding also took a just and a far-seeing view of the question, and I refer you to the great speech he delivered in the other House. Sir, in this vast Dominion, under the regime of that confederation, which will mould us into a nation, the two predominating races, different in their origin, their language and their mental equipment, should march hand in hand, keeping step together for better, for worse, in joy and in sorrow, in prosperity and in adversity, and in the exciting crises of their history as in the calm of their daily political duties, like the twin rails of that immense iron road which links the different provinces together by an indissoluble bond, ever running parallel to each other, ever keeping equally distant and equally close together, imparting to each other equal and sufficient strength, on the level soil of our immense prairies, over the hills and in the hollows, on the banks of giddy precipices, and at every turn of the route until they join by the hand, so to speak, the English-speaking Columbia with the for ever French Quebec. I say it boldly, Sir, and in doing so, I believe I echo the sentiment of almost the entirety of my fellow countrymen. We reject neutral schools. We demand schools in which religion is taught. We regard religion as the life of the body politic, which is only left the alternative of preserving itself through it or dissolving without it. On this point I have the satisfaction of knowing that I am in accord not only with the great principles of national law, that widespread law which every one bears imprinted within himself, not only with the great philosophers and thinkers among the Latin and Catholic races, but also with the philosophical minds and the most eminent ecclesiastical dignitaries of other religious denominations.

Stuart Mill is one of the glories of modern England. His works on morals are the standard books of the English schools. In his treatise on liberty, he demonstrates that it is the duty of parents to cause a religious education to be given to their children. Now, when you speak of duties you speak of rights for there are no duties without correlative rights and vice versa. According to this illustrious moralist, parents have therefore the right to demand religious education for their children and governments the duty to satisfy those rights.

Herbert Spencer has just died at a very advanced age—full of honours and esteem. His name enjoys a great reputation and carries with it great authority in all English speaking countries. You know all this better than I do. I do not approve all Herbert Spencer's opinions—very far from it; but I take what is good wherever I find it, and I advise you to read the fine pages in which he vigorously asserts in the name of natural law, the right of parents to educate their children.

Mr. Balfour recently gave expression to pretty much the same opinion in the British House of Commons.

These testimonies, whatever may be their value have nevertheless less weight, Sir, than the following fact which I beg to recall for the admiration of the Orange lodges.

Into the land itself of William of Orange, into that very Holland which, until these

latter years, was deemed to be the bulwark of the reformed religion, Catholicism has succeeded in penetrating. Following the advent of Catholicism, and as a consequence of that innovation, narrow-mindedness, and fanaticism have had to yield to the pressure, inevitably exerted in the course of time, by those natural sentiments of justice and equality which to-day reflect honour on all the great nations. On the 8th September, 1889, the Dutch parliament passed a law which lays down the principle that the state owes to the free schools, provided that they are properly organized and that they do not call for too high a contribution, the same grant as it makes to public schools. Does not this show how unjust and odious it is to force citizens to pay for schools which their conscience cannot accept and also to pay for others in consonance with their convictions ? Education is too serious and too sacred a thing to be left to the mercy of any majority to decide how it shall be given. Something more is needed than the dull, cold, dry teaching of the neutral schools to form vigorous characters and firm wills. Children, as well as men, have need of the faith, of the reasons to act and love, which religious instruction alone can inculcate.

I glory in belonging, Sir, to that province of Quebec where primary, secondary and even university education is almost exclusively under the direction of the clergy. I made my classical studies in an institution conducted entirely by priests, whose salaries amounted to the incredible sum of $20 a year each. All my venerable professors are today sleeping their last long sleep, enshrined in the veneration so well due to their virtues, their great intelligence and their unswerving devotion to the cause of youth. I admit, Sir, that I have often asked myself, not without a very anxious feeling, whether the intellectual level of the young people issuing from our colleges is up to the right standard ; others moreover, animated by an unquestionable good faith, have publicly manifested a similar fear. The desiderata were laid down and improvements and reforms demanded. I blame nobody. But since my fellow-countrymen in the course of this debate, have, in the Lower House, won the admiration of their adversaries and written that page of history which shines as brilliantly as those in which our annalists have recorded the great achievements of the Bedards, the Lafontaines, the Morins, the Tachés, &c., I have become reassured and I assert that our educational institutions have nothing to envy in those of the other provinces and that they have deserved well of their country. In very happy language, Lord Grey gave expression to this same idea on the occasion of his visit to Laval University. 'I am glad'—he said—'to pay homage to the science and the enlightened patriotism of the eminent men, who, in the different faculties have trained the professional classes, whose role and influence in the country are ever increasing. It is in a utilitarian age like ours that it is well to appreciate the nobility, the uprightness, and the disinterested zeal of those professors, who, slaves to duty and friends of the arts and science, dedicate their lives to education and to guiding the steps of that youth which is illuminated by the divine ray of hope and whose heart thrills responsive to every generous inspiration.'

You remember the famous saying attributed to the Duke of Wellington. One day, the victor of Waterloo was visiting Oxford University where, in his youth he had been educated. Amidst the atmosphere of study and reflection, he cast his eyes on the desks at which he had worked and toiled and suddenly made this admission, which involves a great truth : 'It was here,' said he, 'that I won the battle of Waterloo ' ; and when these brilliant defenders of a just cause will again see the walls of their old colleges, when they will breathe over again that atmosphere of science, of enlightened zeal and of judicious devotedness, so profoundly imbued with the religious spirit, they can also exclaim : 'It was here that we won the battle against prejudice and intolerance. This is the system of education which we wish to see established in the whole Dominion. Sir Alexander Campbell, whom I quote with pleasure because he received his education in the College of St. Hyacinthe where I was myself educated, said here in the Senate in 1875 :

> The object of the present Bill is to establish and perpetuate in the Northwest Territories the same system which prevails in Ontario and Quebec and which has done so much good in the interest of peace and harmony between the different peoples of the provinces.

A great writer, Sir, has said. 'A man must change his opinions often to remain in a party.' This aphorism emphasizes here at present an incontrovertible truth. Who are they who to-day object to the passing of this Bill—to what party do they belong? Did that party exist in 1875, when Mr. Mackenzie, at the suggestion of Hon. Edward Blake, and to avoid the troubles that had been raging for three years in New Brunswick, introduced the Bill respecting the Northwest Territories in which the following clause was inserted :

> When and as soon as any system of taxation shall be adopted in any district or portion of the Unorganized Territories, the Lieutenant Governor or Assembly, as the case may be, shall pass all necessary ordinances in respect to education, and it shall therein be always provided that a majority of ratepayers in any district may establish such schools therein as they may think fit and make the necessary assessments and rates therefor; and further that the majority of ratepayers therein, whether Protestants or Roman Catholics may establish separate schools therein.

Sir Alexander Campbell then filled the position of leader of the opposition in the Senate and the measure passed unanimously. Why ? Because—and history will tell it to the eternal shame of the opposition of to-day—the minority in the Northwest Territories was at the time a Protestant minority and nobody would have ever dreamed of the minority being Roman Catholic in the future. But, Sir, the rising tide of immigration, which has attracted thither to-day such a mass of humanity, has not changed the law of justice. In the Commons, Mr. Hall very properly recalled the fact that section 11 of the Act of 1875, which created separate schools, either Protestant or Roman Catholic, in the Northwest Territories, has stood upon the statute-books of Canada for upwards of thirty years. It has not been repealed, altered or amended in any respect during that period, although the Northwest Territories Act was under the consideration of parliament in 1885, '86, '89 and 1902.

I do not wonder at the present opposition. I know that reactions occur, not only in the physical, but in the moral and political world. 'All movement is rhythmical, that of opinion included. After going to one extreme a reaction in course of time carries it to the other extreme and then comes eventually a new reaction. The opinion which prevails is never quite right and only after numerous actions and reactions may it settle into the rational mean.' (Herbert Spencer—Facts and Comments.)

Nobody was taken by surprise. All right-thinking minds accept the Mackenzie Bill as establishing a permanent state of things. The Montreal 'Gazette,' on the 17th March, 1875, said, 'The Mackenzie Bill seeks to fix the constitution which is going to govern these vast territories in the future . . . . . Upon consideration it will be found, we think that Mr. Mackenzie has adopted the wise course. . . It will avoid all disputes about terms . . . and thus render at least improbable any of those complications which have harassed the political discussions of the past few years.'

Events have confirmed the truth of these words in a most striking manner. What have become of those who during nearly two decades controlled, uninterruptedly, the policy of this country ? Where are those who, to my personal knowledge, had won to such an extent the confidence of the people, the clergy and the hierarchy that their sayings and doings were quoted with the greatest admiration. There only remains a few to relate their story, so true is it that he who lays a rash hand on the irrepressible sentiments that lie hidden in the depths of the heart of man, that he who wages impious war upon them, meets his punishment in his failure.

Thanks to God, thanks to our history, thanks to our trials and the examples and words of our great men, we French Canadians are to-day a powerful organism in the confederation, an organism that cannot be ignored without lessening and maiming yourselves. In what country has any one ever dreamed of governing or legislating against the will of a fraction of the ruled amounting to more than 30 per cent of the population ? That would be folly. What makes and has always made the strength of the French Canadians, and will always vivify the solidarity of our race, is that, in spite of our surface differences, there is amongst us a small number of master ideas conceived and obeyed, as the intense rule of our relations towards each other and towards others. We cannot lose sight of the fact, moreover, that the Roman Catholics number upwards of 42 per cent of the population of this Dominion and that there are only a few counties in which the Catholic

vote cannot win in a struggle on the religious question.

In spite of all that has thus far been said and done against us, we have remained faithful and always striven to maintain intact the bond that unites us to the British Crown. We undoubtedly love our old mother country, France, to which we are indissolubly attached by the ties of blood, but we also love England for the liberties which she has granted to us and which we have ever and always have done our share, and sometimes even more than our share, to win and to uphold. But, as I have already said elsewhere, there is a limit to our patience in the face of constant abuse and slander. If we are driven to it, if we are pushed to the bitter end, the time may come when we shall look elsewhere for the protection of our rights, but this will only be the last result of the outrageous fanaticism, lay, clerical and journalistic, of which we had such startling samples recently in the Ontario by-elections. These people should remember that if the British flag floats to-day over the Dominion and especially over the province of Quebec, the happy fact is due in a large measure to us French Canadians, and I now repeat what I said on another occasion that if we ever take our hands off the British flag, if we are, in spite of ourselves and against our dearest wishes, compelled to do this and to resent the abuse, injustice and intolerance of some of our copartners in this confederation, then confederation will go to smash and down will come the British flag. So far we have upheld that flag in spite of the abuse hurled against us and we do not need the advice of any lord or general to keep our hands on that flag, for we know that this abuse emanates from a small element, who are not fit to be citizens of this free country and who should rather be regarded as cranks whatever be their party, religion and even their nationality.

Fanaticism, bigotry, rash, brainless enthusiasm, give it whatever name you please, has never built up anything solid or done any good. On these heads, the history of England furnishes some terrible lessons. Catholic emancipation was the pretext for one of the vastest conspiracies ever hatched in that country, not because a fraction of the population were deprived of certain rights or privileges, but solely because others forming a numerous group had been freed and delivered from an outrageous ostracism.

The day of such things has passed. England has recognized the fact and shown her independence by raising a Catholic to the great dignity of the Chief Justiceship, by the appointment of another Catholic as Viceroy of India and later of Ireland—Lord Ripon, if I am not mistaken. I may further recall the noble attitude of the Gladstones, the Grahams, the Cobdens and the Brights towards the Ecclesiastical Dignities Bill and the establishment of a Catholic hierarchy in England. 'When I speak of a vote in parliament'—said Mr. John Bright, 'I endeavour to shut out from mind any idea of controlling influence down here or elsewhere. I am most happy when I can agree with you, but I think there is a higher, loftier and purer standard for a representative than even the influence of those whom he may represent and that standard is his own intelligence, his conscientious conviction of duty on the question before him.'

It was Quintilian, I think, who said that the principal feature of oratory, and a fortiori of legislation, is probity, without which it degenerates into declamation, deforming or exaggerating the facts, quoting falsely, exciting and exhausting the passions and the animosities of those in favour of whom it is used. I may repeat that it is the eternal law with tyrants to suspect the good faith of their friends.

Sir, it cannot be denied, a leaven of hatred is fermenting among a certain part of the population of this country. What is feeding it—what is its source? Hon. Mr. Fisher pointed it out in the other House when he said: 'No wonder that the Tory party should want to ignore the rights of a minority, the rights of weaker people in the country. This has been the history of Toryism through generations and through centuries. It has always advanced the view of the stronger controlling and ruling the weaker without regard for the privileges, feelings and distress of the weaker. It was the old principle of autocracy of oligarchy, when the few, the favoured few, had control over the rights of the many. We had a specimen of that in Canada in our early history, in the history of the family compact, and now, though passively,

they show the same spirit in my own province.'

Reference has been made to the English Protestants leaving the province of Quebec, as an evidence of the intolerance of my fellow-countrymen. It is an undeniable fact that the English are moving away more and more from the counties where they were formerly the majority, especially in the section known as the eastern townships. I have studied the exodus of those who were formerly strong and powerful in the counties of Stanstead, Compton, Missisquoi, &c., and I find another cause for it, a natural cause, and one that may be termed voluntary and deliberate. The first, results from the natural increase of the French families. The hardy pioneers of the 'Bois Francs' have no greater satisfaction than to see themselves at the head of a family of ten, twelve or fifteen children, while the old English families, on the other hand, the first occupants of this domain, seem to hold the baby in extreme horror. The consequence is that the French settlers soon become the most numerous, penetrating one by one into the municipal councils and ending, but always without noise or violence, by forming the majority and taking over the reins of administration. The moment this happens, but not before, the signal is given to leave, to abandon the territory which, until then had been watched over with so much solicitude, and the properties, the farms, are put up for sale. My fellow-countrymen, with whom love of the soil is innate, are not slow to learn the news, to ascertain the terms of sale and the value of the property, and they have always a disinterested friend in the parish priest, who becomes the intermediary between the buyer and seller, but not the business agent. There are no ecclesiastical funds for that object. The simple-minded member, who asserted that there is a reptile fund to buy up the farms of the English in the townships provoked an immense amount of laughter. I may be permitted to tell him that on that occasion he missed a fine occasion to keep silence.

It has been said also that the taxes levied from corporations for the schools is distributed pro rata of the population although such corporations are largely composed of Protestants. The Montreal 'Gazette,' which has never manifested any very great sympathy for the French Canadian Catholics, but which has, however, as I have always noted, a fair sense of justice, replied impartially on that occasion.

Sir, we wish to live in peace, and this is possible, because it has existed. We are all jointly and severally dependent upon each other, not in the fashion of the lion, which cannot live without its victim. The role of the victim is not pleasing to us. We proved this under the union between 1840 and 1850, the tendency of government was to crush the French nationality. Now, it was precisely during this period that we asserted ourselves that we went through our apprenticeship in parliamentary life, that the French Canadian conscience awoke. The struggle has developed in us the spirit of resistance. We have learned what a French writer, who takes great interest in us, recently said and what you will willingly admit, that 'to get a footing among the English you must take your volume and assert your resistance. Energy and action are what they best understand and, it is only after feeling the vigour of an adversary that they are most inclined to desire him as a partner.' Is not this well depicted? Much has been said about the assimilation of the races. That is a sophism. 'Some men,' said Burnichon, 'are born business men and others are born artists or warriors. Hence a whole train of ideas, opinions and usages which differentiate certain societies of those who have not been so deeply impregnated by the mercantile spirit. We have perhaps not what is termed the business instinct. This is due to our Gallic blood, to atavic influences, to our qualities and defects. All these combine to give us a moral temperament which condemns us to leave to others the superiority in business, and really we see no reason to feel humiliated or aggrieved."

In spite of these divergencies of origin, of aspirations and of temperament our fine country, as Lord Grey recently said in his reply to the address of Laval University, at Montreal, 'with its unrivalled resources, its picturesque aspect, its glorious traditions and its intense development presents to the British empire, of which it forms part, (I may add, to the whole world), a unique

spectacle. It is peopled by the descendants of two heroic races who, under the sheltering folds of the same flag, protected by a wise and liberal constitution, have a common destiny, that of labouring steadily for the development of their common patrimony. Here, the generous sap of the two great French and Anglo-Saxon races spreads out into branches interlaced by perfect concord.'

Sir, section 93 of the Confederation Act decrees that nothing in the Act of incorporation of the new provinces, shall prejudice any right or privilege in regard to separate schools enjoyed by any class of persons at the date of the going into force of the said Act. The separate schools which the Catholics of the Northwest actually enjoy are established under the ordinances of 1901. These ordinances were pronounced to be valid and constitutional by Sir John Thompson, on an appeal from the Catholics of the Northwest. There is no going back upon this fact; it cannot be shaken. The government's Bill embodies all these ordinances by clause 17, which is as follows:—

17. Section 93 of 'The British North America Act,' 1867, shall apply to the said province, with the substitution for paragraph (1) of the said section 93, of the following paragraph:—

'(1) Nothing in any such law shall prejudicially affect any right or privilege with respect to separate schools which any class of persons have at the date of the passing of this Act, under the terms of chapters 29 and 30 of the ordinances of the Northwest Territories, passed in the year 1901, or with respect to religious instruction in any public or separate school as provided for in the said ordinances.'

(2) In the appropriation by the Legislature or distribution by the government of the province of any moneys for the support of schools organized and carried on in accordance with the said chapter 29 or any Act passed in amendment thereof, or in substitution therefor, there shall be no discrimination against schools of any class described in the said chapter 29.

(3) Where the expression 'by law' is employed in subsection 3 of the said section 93, it shall he held to mean the law as set out in the said chapters 29 and 30, and where the expression 'at the union,' is employed, in the said subsection 3, it shall be held to mean the date at which this Act comes into force.

This is a compromise and in all compromises the contracting parties yield something of their rights.

Under the circumstances, I have no hesitation in saying that the Bill should be accepted, especially after the changes that have been, but should never have been made in it. It should have been passed as originally submitted, but the moment that the general principle of separate schools is recognized and sanction given to the apportionment of the moneys that the Catholics shall have the right to receive, in order to support their own schools, it is useless to fight over words and the Bill should be accepted.

Hon. Mr. SULLIVAN—I can congratulate the hon. gentleman on his eloquence and the spirit of enthusiasm which he must have evoked in the breasts of his countrymen. I would just point out to him that it is among his fellow-countrymen that the difference of opinion on this Bill has particularly existed, and they are the parties to whom we should address these sentiments of peace. Knowing the great power of the French Canadian element in this country I am sure they could have demanded anything, and that is the reason I think it would have been better if they had demanded the fullest amount possible. I am satisfied with what they have at present, and I have given my reasons for voting for the measure, and have nothing further to say, excepting that during the whole of this debate no hon. gentleman has mentioned one particular phase of it, a matter which occurred at the time when Sir Mackenzie Bowell held the reins of government. At that time the school question was at its highest point, and the manner in which he managed it deserved, on the part of any Catholic, of Ontario particularly, cordial gratitude and thanks. The Bill which he brought in was one which satisfied their wants more than any other which preceded it or has been introduced since that date. However, I am not going to touch on that Bill or make a comparison. Reference has been made to the Orangemen; I am not their defender. There are able Orangemen in this House who can take care of themselves. I simply crave permission to state one fact. I was at one time a member of a company and an interested one, in which the chief actors were Orangemen; I mention this for the purpose of showing that bigotry does not enter into all their doings. Then in order to complete my statement with regard to the hon. leader of the opposition (Sir Mackenzie Bowell), I wish to state that the Catholics of Ontario are grateful to him for the magnanimous course which he took on that occasion. Further I may say that when

he was premier he made more appointments of Catholics to high positions than any other minister before or after. It would be very interesting to consider the matter; I will refer to a few. He made an appointment of a Catholic to the office of Collector of Customs for Montreal, one of the finest appointments in this country, and one that was sought after for by many others. A French Roman Catholic and an Irish Catholic applied for the position, and the hon. leader of the opposition, considering the merits of the men, made the appointment. The religion of the man was not made a barrier, as might have been done by other men. Then came Judge Curran, a distinguished member of the House of Commons. He was very anxious to retire from the public labours of the House of Commons, and his friends sought to obtain a position on the bench for him. That was accomplished only by Sir Mackenzie Bowell, and could not be accomplished by anybody else strange to say; and it was opposed by the French Catholics, if I remember rightly, because they considered—that is the idea we had of it in Ontario—that the appointment was theirs by right. However, I will not deal with that. There was a determined opposition to the appointment, but it was made because Sir Mackenzie had more confidence in him; at any rate he was appointed. There is a man who never would have been judge if it had not been for the hon. leader of the opposition. Next there were two senators, Senator O'Brien, of Montreal, a very respectable and wealthy man, was appointed from the city of Montreal by the hon. leader of the opposition, a man without any party or other influence.

Then, there is the appointment of the Hon. Sir W. Hingston by the Hon. Sir Mackenzie Bowell. I might mention others, because a record such as the hon. leader of the opposition made in the office of premier should not be overlooked. We are about to close this matter, and I hope that there will be no further action taken in it. I hope that the hon. leader of the opposition may yet—because he is getting younger and more juvenile every year—take the reins of government again, and direct us in the way we should go. I also congratulate hon. gentlemen on the good feeling which has prevailed, and hope we will all go home with a feeling of peace and good-will.

Hon. Mr. LANDRY—The hon. gentleman said something yesterday in contradiction of what he has stated to-day. He thanked God that not one Irishman had been concerned in that Bill. He thanked God it was only a split among the French of this country, and that the Irishmen were not a party to it. He comes out now with the eulogium of Sir Mackenzie Bowell, because he feels remorse, and he wants to put himself in a good position with reference to his leader. When the hon. gentleman from Belleville (Sir Mackenzie Bowell) moved the six months' hoist, the hon. gentleman from Kingston (Mr. Sullivan) could have shown all his admiration for him in sustaining his chief—which he did not do. But we accept the good words he utters to-day as a proof of the remorse he feels.

Hon. Mr. SULLIVAN—There is no such thing as remorse in my case. If the hon. gentleman is incapable of understanding a true friendly sentiment, I am not. I say there is no such thing as remorse in my mind. I did not say, I thank God. I said there was no quarrel between the Irish Catholics. I said it in a humorous way, and he makes a fuss about that. I think we should cultivate a friendly sentiment. I do not care for the hon. leader of the opposition.

Hon. Sir MACKENZIE BOWELL—Yes, the hon. gentleman does.

Hon. Mr. SULLIVAN—I only mentioned it because I thought it was a matter which should be mentioned. I hope that I shall never disregard the principles which I hold.

Hon. Mr. LOUGHEED—I move, seconded by the hon. gentleman from Wolseley (Mr. Perley):

That Bill (69) be not now read a third time, but that it be recommitted to a Committee of the Whole to strike out clause 17.

As I intimated before, the battle which has been waged in both Chambers was largely concentrated upon this clause, and I desire to state shortly, without entering into any controversial discussion of the clause, why I do so. Permit me to say that my reason for voting against the various amendments which were moved against the Bill during the forenoon, was owing to the fact that I have taken the ground, as strongly

as I possibly can, that any interference by the federal government with the educational privileges of the west would be an invasion of the British North America Act, and for that reason I opposed the various amendments which were moved from time to time. Under clause 3 of this Bill, the British North America Act in its entirety has been incorporated into the Bill, and, as under section 93 of the British North America Act, the exclusive right is given to the provinces to legislate with reference to education, the passage of clause 17 would manifestly be an invasion of whatever rights are given to the majority or the minority under clause 93 of the British North America Act and its subsections. In view of this fact, I take the ground, and assert strongly the rights of those provinces to legislate, in the language of the Act, 'exclusively in relation to education,' and, therefore, I move that this clause be stricken out.

The House divided on the amendment, which was lost on the following division :

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Hon. Mr. LANDRY—I should like to have my name inserted in the list of members who voted. I stood up but the clerk did not call my name. I voted against the amendment.

Hon. Mr. LOUGHEED.

Hon. Mr. MITCHELL—Hon. Mr. Macdonald (B.C.) has not voted. Is there any reason for that ?

Hon. Mr. MACDONALD (B.C.)—I declared to the House that I would not vote for any amendment because I think it is only wasting time.

The motion for the third reading of the Bill was carried, and the Bill was then read a third time and passed.

PROVINCE OF SASKATCHEWAN AUTONOMY BILL.

THIRD READING.

Hon. Mr. SCOTT moved the third reading of Bill (70) An Act to establish and provide for the government of the province of Saskatchewan. He said :

I presume, if hon. gentlemen desire, the same amendments may be considered as having been moved to this Bill as were moved to Bill (69).

Hon. Mr. LOUGHEED—I would suggest that the same amendments be printed in the minutes as having been moved to this Bill, and the same division being taken.

Hon. Sir MACKENZIE BOWELL—Can it be possible the hon. gentleman wants to forego making that speech and having it appear in the debates. Perhaps we might adopt the same principle with reference to this, and have the speeches appear in Hansard the same as in the case of the former Bill. Let us take it for granted the hon. gentleman has made his speech and also that the remainder of the speeches have been made.

The motion was agreed to, and the Bill was read the third time and passed on the same division as Bill (69).

MILITIA ACT AMENDMENT BILL.

SECOND READING POSTPONED

The Order of the Day being called :

Second reading (Bill 170) an Act to amend the Militia Act.—(Hon. Mr. Scott.)

Hon. Mr. SCOTT—This is a Bill of two or three lines. The purport of it is to give authority to increase the permanent force from 2,000 to 5,000. Hon. gentlemen know that for the past two years communications have been exchanged with the imperial government, and in fact an agreement was

made at the last conference in London that Canada should assume control of the garrisons at Esquimalt and Halifax, and that the imperial government should be relieved of that part of the burden at all events. In carrying out that suggestion it has been found necessary to increase the permanent force, and authority has been taken to increase it up to 5,000.

Hon. Sir MACKENZIE BOWELL—I think it is somewhat unfortunate that a Bill of this character and importance should be left until the very last hours of the session of parliament, unless indeed the Senate is to be regarded as a mere machine to record assent to whatever is proposed by the government without that consideration so necessary and so important in a matter involving the large expenditure of money which this Bill does. I do not know that there is any one in Canada at the present moment, even those who are opposed to the government and their past policy in reference to the militia force of this country, who opposes the increase of the force and making the militia service in Canada more efficient.

But there are a large number who decidedly object to the proposition which is now before them. I must confess, looking at the proposition from the standpoint that I do, that there is a very serious objection in regard to the extra expenditure which has to be incurred in the establishment of the proposed force and in taking over the management of the two most important depots of the Dominion. The expense attending the policy which is involved in the carrying out of the provisions of this Bill is of such a character that the people of Canada will be surprised when they realize the amount it will cost them. It is a great misfortune that the proposition made by the imperial authorities was not accepted by the government of Canada. Looking at it from the pecuniary standpoint, I am quite convinced that the management of the Militia Department and the militia force in Canada will cost at least double what it is supposed it will cost under this Bill. We should not forget that the management of a standing army from an economical standpoint has been a close study by the British authorities for centuries, and that after their long experience they are able to maintain a force at an expense I am safe in saying 50 per cent less than it will be under the management of our Department of Militia. If I understand the offer made by the imperial authorities, it was that they were willing to accept $1,000,000 in aid of the navy or for military purposes and to continue the maintenance of the forces in Halifax and Esquimalt. That proposition was rejected by the government, and in rejecting it they made an offer to take over those two depots and maintain them at the expense of Canada. The proposition before us now involves an expenditure of about $2,000,000, double the amount for which the imperial government was willing to maintain a force in these two depots. Further, if any one supposes the expenditure will be confined to $2,000,000, they will find themselves marvellously mistaken within the next two or three years. It is not merely the cost of maintaining forces at these two depots, but there is the expenditure incurred in keeping the depots in repair. Any one who has been through the forts at Halifax and Esquimalt has some conception of what it has cost the imperial government to place them in the condition they are in to-day, and from the experience we have had in the past, of keeping up forts which are supposed to be places of defence, we have some conception of what this service will cost in the future. This point was strongly brought out in a memo. written some two years ago by the hon. senator from Halifax (Hon. Mr. Power), which I hope most hon. senators have read. I find at that early period, when this question was first mooted, that the hon. gentleman expressed views which I hold to-day. Whether he has changed his opinions on that question or not I am not prepared to say. I find in this memo. under the head of 'Naval Defence,' the following paragraph :—

> It may be remarked that while it may have been right and commendable for the Canadian representatives at the Colonial Conference to undertake to garrison Halifax and Esquimalt, it is perhaps not to be regretted that the offer was not accepted. The garrisoning of those fortresses would be an exceedingly expensive undertaking, and the money it would cost can be spent to much better advantage elsewhere. As the two ports are needed for the purposes of the Royal Navy, it does not seem unreasonable that the mother country should provide the garrisons.

With these sentiments I am fully in accord, and I am convinced that any man who

has given this subject the thought and attention which it deserves will come to the same conclusion. It will be remembered that when General O'Grady-Haly was here, he made a proposition for the garrisoning of many of the ports and suggested an expenditure of about $3,500,000. At that time the hon. gentlemen now in power raised the strongest possible objection to the proposal as being too extravagant. Does any one suppose that the assuming of the responsibility of keeping these two depots in order and maintaining the force proposed of about 5,000 men, will not exceed that sum of $3,500,000? If so, I can tell them they have very little conception of the expenditure attending the Militia Department. The present estimates in connection with the militia force of Canada amount to $6,500,000 in the various branches. When the Canadian delegates at the conference in England had this question under discussion, the imperial authorities would have been satisfied at that time with a promise of an expenditure of $1,000,000. Now we have been constantly exceeding that sum, and very properly so too. Were these sums expended in the perfecting of the whole militia of this country, in military tactics and shooting and in that which is necessary for successful warfare, I do not think any Canadian would object to it, but under the present circumstances the militia force is to be neglected to a very great extent, and we are to spend the large amount to which I have called attention on a miniature permanent force. That is really what will be the result. We know that in England they are not increasing, nor is it the policy of the War Department to increase, the permanent force. On the contrary they are devoting their time and attention and spending their money in organizing and perfecting the militia force, so that in case of difficulties when they require the country to be properly defended, the people themselves will be in a position to step forward and resist invasion.

It will be observed also in this expenditure that while the fighting force is small the staff is to be exceedingly large and when you have a large staff you have an expenditure from which very little good results. I know it is argued that in case of difficulty you should have men trained to take command of whatever force may be brought into the field. I admit that principle to a certain extent. I go further; I say that if you take out of the undisciplined portion of our inhabitants in the rural sections, men who have never drilled except a few days every year and put them under qualified officers you can readily place them in a position to take the field. This is the experience of every military and volunteer officer in this country. But is there not something more important than all this expenditure, behind this scheme of the government? Is it not preparing this country for that period of its existence hoped for by the premier, when it would be ripe like an apple and ready to fall from the tree, and a severance take place between Canada and the mother country. It seems to me that that principle underlies the policy of the government. Take the utterances of the premier in Boston and his speeches in the House of Commons, and you will find that he has enunciated that idea and said it is the dream of his life. Is it not preparing this country for the change? I will not say he desires to get rid of the Union Jack, because as long as we are Canadians, the British flag will fly in this country. But is it not a preparation for the change, to refuse to assist in the maintenance of the navy which is to Canadian commerce what insurance is to a merchant? The merchant insures his property against destruction by fire. The British navy is to the commerce of Canada, which is rapidly growing, precisely what an insurance company is to a merchant who insures his goods. Looking at it from that mercenary standpoint, is it not the duty of the Canadian government and people to spend a portion of their revenue in the maintenance of that force? Every reasonable man, every loyal man, every man who desires to continue the connection between Canada and the mother country, and to have this country considered not a mere dependency of Great Britain, but an integral part of the empire, would approve of such a policy, so that when you speak of a British subject, you speak of one who feels himself a citizen of the empire wherever the British flag floats. That is my idea, and I cannot help thinking that the underlying principle which is governing the present administration in the course they are pursuing is to prepare the country for independence. Last session, when I called attention to the ut-

terances of the premier on this subject, I was contradicted and called to account by the hon. senator from Toronto who is not in his place just now. Having heard these utterances of the premier, I know I was quite safe in repeating them, but in order that there may be no mistake I will read extracts from the right hon. gentlemen's speeches. I have here an extract from his speech delivered in Boston, whether at the time the hon. Minister of Trade and Commerce was there or not, I am not prepared to say; but it was the period when they were advocating unrestricted reciprocity or commercial union, when my hon. friend the Minister of Trade and Commerce told the people that if they would only adopt that policy it would make the northern part of America a northern state of the republic so far as trade was concerned. Those were the utterances of that hon. gentleman as reported, for which he was complimented very highly by the members of the Board of Trade which he was then addressing.

It was then suggested that the greatest possible honour that could be conferred upon him would be to make him the representative of Canada in the Senate of the United States. Whether he acquiesced in that suggestion or not, I am not prepared to say. I have no recollection of having read any repudiation of the suggestion, or whether he prefers the honourable position he occupies to-day in this body, much more important than the Senate of the United States. These gentlemen, during the period to which I have referred, were in the habit of pandering—I do not mean to use the word offensively—constantly toadying and pandering to the people of the United States and claiming that if they once got into power, their influence with that country was so great that in less than six months they would have all they had been advocating during the eighteen years they were in opposition. However, when they attained power, they received the same treatment from the United States that the Conservatives had met with. As soon as they approached the government at Washington, they were turned aside, as a party who were seeking something for which there was to be no return.

But that is aside altogether from what I am discussing at this moment. Turning to 'Hansard,' you will find that the premier gave utterance to this language:

> I am a subject of the British Crown, but whenever I have to choose between the interests of England and of Canada, it is manifest to me that the interests of my country are identical with the interests of the United States of America.

In answer to Mr. Foster, the following passages occur ('Hansard,' 1902, pages 1194, 1195) :—

> He speaks as if Canada was to remain for ever a colony, but I say that Canada is not always to remain a colony. Light as our dependence may be on the mother country, that dependence is not to remain for ever. . . .
>
> Perhaps the next step may be said to be complete independence, but there is no desire to have complete independence in Canada to-day. Even with those who, like myself, look to independence as the supreme goal, there remains a love for the motherland and a desire to remain in connection with it, but in the nature of things our relations must be compatible with our interests.

Later in the speech, Sir Wilfrid said ('Hansard,' page 1200) :

> I hold out to my fellow-countrymen the idea of independence, but whenever the day comes, it must come by the consent of both countries, and we shall continue to keep the good feeling and the good-will of the motherland. If we are true to our record we will again exhibit to the world the unique, the unprecedented example of a nation achieving its independence by slow degrees.

And in concluding, he said ('Hansard,' page 1202) :

> I have again and again repeated that the goal of my aspiration is the independence of Canada, to see Canada an independent nation in due course of time.

Is not the policy they are now following with reference to the forts, taking them over and removing the British soldiers from the country, an indication of what the premier, if not his cabinet, desires to accomplish. There are other portions of the hon. gentleman's remarks of a similar character, to which I could call the attention of the Senate. Then one of the premier's active supporters, Mr. Monette, advocates the withdrawal of Canada from the empire, claiming that we ought to be free rather than slaves. He is reported as having said:

> I admired the leader of the government when he said that Canada would have to be detached from Great Britain by-and-by, as the ripe fruit is detached from the tree.

If these be the honest convictions of the premier of this country, and he desires to

ripen the apple as rapidly as possible, in order that it may fall from the tree without a revolution, as might occur in many countries, he is taking a course in submitting this Bill, calculated to produce that result.

Hon. Mr. SCOTT—Absurd.

Hon. Sir MACKENZIE BOWELL—It is all very well to say absurd, and that we should not vote money unless we expend it ourselves. There is plenty of money that we vote which is not spent directly by the people, and as an integral part of the British empire, desiring the maintenance of the connection between what are termed now the different colonies and the mother country, there should be no hesitation in appropriating such an amount of money as may be necessary to assist in maintaining the army and navy. In doing that we are contributing to the support of an army and navy which is to defend ourselves as well as the other parts of the empire. In raising a military force and placing it as we are in a position practically independent of the War Office at home, we are doing what might be done by a foreign country, which I hope we shall not become at any time. That view may not be relished by those who are responsible for the policy which has been adopted in this country; but they are my honest convictions; and though I may not live long enough to see it, I think there are gentlemen in this House who will find that if the party remains in power they will maintain a policy of this kind continuously until they believe they are in a position to be independent of the imperial authorities in everything that pertains to the maintenance of the militia force or tends to cement more closely the bond that exists and should continue to exist between the mother country and ourselves. The late Alexander Mackenzie was very tenacious on questions of this kind, and when the military college was established, and the Militia Bill was placed in the statute-book, he refused pointedly to accept the suggestion then made that the major general should be a Canadian, not that he doubted the ability of Canadian officers to manage the militia, but he laid down the principle that as a portion of the British empire he desired to do everything possible to knit together the different parts of the empire as closely as possible; and he thought it would be the best policy to secure the services of a well trained and qualified British officer to take the position of major general. It is unnecessary for me to enter into the reasons which have caused the severing of that connection between the mother country and Canada. That is familiar to every reader of Canadian affairs of the last few years. I do not know that the present government wish at the present moment to snap the slight cord which binds us to the mother country through the appointment of the Governor General by the imperial government. It cannot be done all in a moment, but the feeling will gradually grow until the premier's dream is realized and he can congratulate himself on the accomplishment of his prediction that the apple would ripen and drop from the parent stem, and Canada would become an independent country. What we should do as an independent nation beside the power south of us, I do not intend to argue at the present moment. Probably if the time arrives, as I hope it will in the lifetime of many of whom are listening to me at the present moment, that we have forty or fifty millions of people in this country when the great Northwest is properly settled, we may be in a position, not, I hope, to be independent, but in case of necessity to assist in fighting the battles of the empire. That the feeling of this country is in that direction is verified by the experience of the last few years, in reference to the war in South Africa. The people of this country showed a loyal spirit and a willingness to fight if necessary for the prestige of the empire. That feeling is growing and will continue to grow. I hope the public schools will teach the idea, as we do in our section of the country, of allegiance to the Crown, not as a foreign country but as a part of a great empire, and of as much importance as the mother country itself. I should regret exceedingly to see the principle expressed in those utterances of the premier grow in this country. I hope that every school child will be taught to revere his country and to venerate his flag. In the United States that is done everywhere. You cannot go into any school in that country without finding every scholar with a

flag to wave wherever he goes. Look at the travellers from the United States who visit Canada ; I have witnessed within the last few days, ladies as well as young men, with the United States flag pinned to their breast. That may not appear to be of any consequence, but it indicates a love and veneration for their country. That is the spirit which should prevail in Canada and a principle that we should inculate in the rising generation, instead of the idea conveyed in the utterances of the Prime Minister that we should prepare ourselves for independence. God forbid that it should come for many years, owing to the position that we occupy and our undeveloped strength. I should like to see this country continue to grow as it is growing, in strength and greatness, and military as well as commercial power, and when we have our vast territories populated and number our people by scores of millions, I hope that we shall then be a strong arm in the defence of the British empire, rather than become a puny nation in our own right. I deprecate strongly the constant utterance of sentiments similar to those which have been expressed by the premier of Canada on this subject. I repeat I look upon the policy which we are now asked to adopt as having that object in view, apart altogether from the extraordinary expenditure which it must necessarily involve. We are spending millions of dollars in the maintenance of our forces. I care not if we spend two or three millions more, if it were to perfect the rising generation in the knowledge of military duty in case of necessity, but I do object though the majority behind the government is sufficient to enable them to carry this measure, and Bills of a similar character, through parliament, irrespective of their merits. The people of this country should consider well what they are doing before they adopt a policy which underlies this measure and which looks to the severance of this country from the mother country. I want to see Canada continue to be an absolute and positive part of the British empire, so that when they speak of the outlying portions of the empire they may not, as they have in the past, sneer at us as colonists. We in Canada are as much British subjects as those who are to the manner born, and as such I desire to see this country maintain its position in the empire. I am confident that every class, every race and every creed is safer under the British flag as it is to-day and under the policy that guides Great Britain in the treatment of all her subjects in every portion of the world, than is the case in any other country, whether it be a republic or a monarchy. Evidences multiply every day to demonstrate that fact, and I want no greater boast for myself and my children than to know that we are subjects of that great empire. My predictions may not be correct; my diagnosis of the scheme itself may not be correct. I see my hon. friend opposite me smiling, but I have expressed my honest convictions, and I believe honestly that I have explained the secret policy that is guiding the premier of this country to-day. Whether he has taken all his colleagues into his confidence in this respect I am not prepared to say, but I repeat the caution which I have uttered. I hope that my fears will not be realized, but whether they are or not, one thing is certain, we are adopting a policy the end of which we cannot see. I should not be surprised ere long to see the government taking another step and advocating that a Canadian be appointed Governor General. I am not prepared to say that a Canadian would not administer the affairs of this country just as well as the present or any other Governor General, but that would be severing the last link which connects us with the mother country, and we should be very cautious how much further we go in the direction in which the present government has gone in refusing the offer made by the imperial government in reference to an appropriation for the maintenance of the navy and in assuming the grave responsibility we are now assuming in taking charge of the two military depots of Halifax and Esquimalt. Looking at it from an imperial standpoint, my own opinion is that Great Britain should keep her forces in both these places. We might raise and maintain a regiment in each place under the direction of imperial officers, and under imperial authority, maintaining both positions as naval depots. I should like to see that policy adopted. If not, then give over to the Military Department of England a certain sum. The amount asked for was comparatively small, when

we consider what is given by the smaller colonies of Australia and New Zealand towards the maintenance of that force, which, as I have already said, is a protection to the commerce of this country. I do not believe I am mistaken in reading the events that have occurred; time will tell whether my predictions are correct or not. I regret that the Bill has come down at a period when it cannot be given the consideration which so important a measure deserves. It is for that reason, and holding the opinions which I have expressed on this question, I deemed it my duty to occupy some little time in putting them before the House. The government may profit by them or treat them with contempt, but I believe the country as a whole shares my view, and if it were tested to-morrow you would find that the people would repudiate any tendency towards severing the tie with the mother country.

Hon. Sir RICHARD CARTWRIGHT—I might call the attention of the House and of my hon. friend opposite in the first place to the fact that this Bill is a purely permissive Bill. It does not require that we should create a force of 5,000 men, but it gives permission under certain conditions to raise our permanent force to that number; but I can say to the hon. gentleman that unless it becomes absolutely necessary to do so, it is not likely that the full permission will be availed of. My hon. friend has travelled pretty far afield, and has indulged in a variety of imaginations, which I trust are not serious, as to what is the latent policy, what is the secret and insidious design of the present government in asking permission to raise the permanent force from two to five thousand men, in case of need. Among other things he took occasion to allude to a certain question which attracted a good deal of attention a few years ago in which I was myself pretty prominently concerned, the desire to improve our commercial relations with the United States. Now, I can tell the hon. gentleman this, and I speak with knowledge derived from intercourse with men in the best possible position to judge of the temper of the United States at that time, that had the advice given by the Reform party at that time been attended to and accepted, the government of which my hon. friend was a member would have seized the opportunity which presented itself in 1888, 1889 and 1890, as it had never presented itself before, and as it has not presented itself again, to establish very friendly relations with the United States. I venture to say had we been in power at the time I have mentioned, we would have established then relations which would have been enormously to the advantage not merely of Canada and the United States, but of the whole English race. Because I can tell the hon. gentleman that I have a far better dream, a far better scheme than any that he has suggested when I say that the greatest service that Canada can render the empire, would be to form a link between, and assist in bringing together, in at any rate a defensive union the great nations which unfortunately were many years ago severed and which now constitute the Anglo-Saxon race. However, that is a thing which I do not intend to discuss at all on the present occasion, although it is something which I may tell the hon. gentleman there is now a far better chance of bringing about than ever before.

The hon. gentleman was pleased to insinuate that the present premier of the Dominion, although he did not say it in so many words, was at heart more or less disloyal to British connection. I ask that the present premier and the present premier's government of which I am a member, shall be judged, not by the insinuations of an opponent, but by their acts and deeds, by what they have done to promote British connection, by what they have done to send a respectable contingent of Canadian troops to fight the battles of the empire in other countries. There were opportunities during the hon. member's regime when he was a member of the Canadian cabinet; when during that period did any detachment of Canadian troops paid for and provided by the Canadian government, go to fight the battles of the empire? When? I rather think the request was made, or the suggestion was offered, but they did not see their way to comply with it.

Now under our regime when the occasion did arise we responded and all Canada responded honourably and well to the call. I think I am correct in saying that between seven and eight thousand of our citizens

were found fighting in the ranks of the British troops and they were by no manner of means the worst troops the British had on that occasion, as British generals of the highest ranks have been proud to testify. But I may add as an incident that among these seven thousand were found seven sons of ministers in the firing line and one at least, and that the son of the Minister of Militia, paid the penalty with his life. There are other ways in which it is in our power and has been in our power to testify to our desire to promote good relations between the mother country and Canada. When did these hon. gentlemen during all the time they were in power give any substantial preference to the British manufacturer? The thing was proposed to them; I proposed it, my hon. friend Sir Louis Davies, now a member of the Supreme Court of Canada proposed—and I think my hon. friend was in the House at the time —that Canada, in consideration of the fact that the British markets were open to her people without let, toll or hindrance, should give some corresponding advantage to the British manufacturer and allow him to enter into our markets. Did my hon. friends see their way to do that? They could talk loudly then, as they talked loudly now, and have talked loudly on many occasions about forwarding and increasing our connection with Great Britain, but when it came to doing anything substantial for that purpose my hon. friend could not see it at all. We and we alone were the only government that gave any substantial advantage to British manufacturers in the Canadian market, and I can tell the hon. gentleman that a good deal of our success in developing trade to the very remarkable extent that we have developed it with Great Britain has been due to that same British preference. Ever since it was introduced, and I am in the judgment of the House and of men who have extensive dealings with Great Britain, Canadian goods and everything Canadian have obtained much greater preference in the British market, not by law, but still in effect and in substance, than ever they had before, and all our agents report to us that nothing could be better than the good feeling shown to-day towards Canada in Great Britain. That is largely if not altogether the result of that same preference which we granted to Great Britain. The hon. gentleman took occasion to allude to the fact that we had been obliged to get rid of a certain distinguished officer who unfortunately could not see his way to accept the Canadian Minister of Militia as his proper chief. Now I recollect exceeding well the circumstances under which other British major generals, other British officers were treated by the government of which my hon. friend was a member a good many years ago. I know the difficulties they had to contend with.

Hon. Sir MACKENZIE BOWELL—To whom does the hon. gentleman refer?

Hon. Sir RICHARD CARTWRIGHT—Major General Luard, for one, whom I heard Sir John Macdonald himself speaking of in another chamber, in terms that could by no means be considered complimentary. My hon. friend knows that similar difficulties arose in connection with a great many of the officers sent out here. The fact is the position was an untenable one. These worthy gentlemen always considered themselves imperial officers first and only in a very secondary degree officers of the Canadian government. Men who take our money and come to serve under the Canadian government have to be taught, as some of these gentlemen had to be taught, that the Canadian government are their masters so long as they derive pay from the Canadian people. That lesson was taught, but as there was found great difficulty in impressing this on the minds of the gentlemen we decided, and decided wisely, that for the future we would remove this serious friction and see to it that these gentlemen, whose value I do not deny in the least as officers, whose opinions I am perfectly willing to accept as expert in their way, that these gentlemen when brought here must come with the clear and distinct understanding that when they come to Canada and accept the money of the Canadian people they are bound to render a loyal subordination and respect to the chiefs of the Canadian government who are set over them. That, as everybody knows, was the history of our difficulties with these gentlemen, and I do not think there is a Canadian to be found to say we were not strictly within our rights and doing our duty in insisting that these gentlemen

should so conduct themselves, and that it is infinitely better for us that there should be at once a clear understanding. If the hon. gentleman will take the trouble to turn up the statements made in another place by Sir Wilfrid Laurier, on the occasion of the difficulties with Major General Hutton, he will see a clear definition of the relations which those officers should maintain towards the Canadian minister, and it was only in the event of direct and clear disobedience and disregard of those instructions that any difficulty ever arose with us. I do not know that it is worth while at this moment to say much on the other question to which my hon. friend has alluded, the more so as I think he misrepresents and misunderstands the temper of our people on a very important point. I do not think that it is our duty as a free people or the duty of the government as representing a free people to take the taxes of this country and to pay them over to any government whatever in which we are not directly represented, whether it be the British government or not. It is our duty, in my judgment, so long as we continue a part of the British empire, to be prepared if need be, to play our part and we have shown that we are prepared to do so. For my part I would be perfectly ready whenever any assault is made on the British empire, whenever we are called upon to assist, to render all possible aid in defending the British Crown and British territories; but I am not prepared, and I do not think my hon. friend has weighed his words well when he says that we ought to be prepared under any pretense to take the money of Canada and hand it over either for army or navy, to be administered by officials over whom we have no control. I am bound to say that the events which occurred in South Africa and certain events that have occurred since are not in my judgment of a character to inspire us with the most undoubted confidence as to the way in which those moneys would be likely to be expended. Briefly, I am prepared, and the government of which I am a member are prepared, to do our duty by the empire and to do our whole duty; and we think our whole duty to the empire will be best discharged by having a moderate permanent force of our own. If I may add my own individual opinion, it will best be discharged by taking such steps that from one end of Canada to the other, there shall be trained a large number of efficient riflemen, or at any rate men instructed in the use of the rifle and in the elements of drill, out of which body, in case of need, a very substantial corps might be formed and very substantial assistance might be rendered should the necessities of the empire require it. For the present I say we are perfectly justified in asking for a small increase under the circumstances, particularly when it is remembered that the British government have made it a special point with us to take charge, because it was an alternative proposition they made, of these two great points, which for reasons best known to themselves they do not propose to maintain at their own expense any longer. I think we chose the right alternative. It is more consonant with our dignity, better for the empire at large and better for us that we are going to do this instead of paying a lump sum into the British exchequer. It is better that we should maintain these depots at our own cost and charge, and man them with our own troops; and I think then the people of Canada will sustain us in that decision.

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

The motion was agreed to.

BILLS INTRODUCED.

Bill (190) An Act to amend the Customs Tariffs Act, 1897.—(Hon. Mr. Scott.)

Bill (205) An Act to amend the Supreme and Exchequer Court Act.—(Hon. Mr. Scott.)

Bill (206) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively, 30th June, 1905, and 30th June, 1906.—(Hon. Mr. Scott.)

The Senate adjourned until this evening at 8 o'clock.

THIRD SITTING.

The Speaker took the Chair at 8 o'clock.

MORNING SITTING.

MOTION.

Hon. Mr. SCOTT—I move that when the House adjourns this evening it do stand ad-

journed until 11 o'clock to-morrow morning, the sitting to last from 11 until 1.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Mr. SULLIVAN—Before the Orders of the Day are called, I wish to mention a matter which is very personal, which affects my character, and therefore I will ask the Senate to allow me an opportunity to correct the false impression of the hon. gentleman from Stadacona (Hon. Mr. Landry) whether he obtained that impression unwittingly or not. I obtained from the reporters of the Senate a verbatim report of what I said. If I used the words which this hon. gentleman has stated with the meaning he places upon them, I would go down on my knees and apologize to him. It has been my pride that I have been on good terms with every member in this House, and I wish to state that I have taken pains to be as courteous as I could to the French members of the House irrespective of the party they belong to. When I rose to make some remarks yesterday a spirited debate was in progress, and for those who were not taking part in it, it was proceeding for such a length of time, I thought I might divert attention by a few humorous remarks ; and that is all the intention I had. I stated :

> This is a first-class ruction and particularly agreeable to me. I want all of you of all denominations——

I meant of all parties.

> —to listen. This is a row among Frenchmen. They are always accusing the Irishmen of having a row. We have no interest in this. The Irishmen are quite contented and happy and enjoying the squabble among our friends.

There is nothing in that which could call forth the very bitter remarks made by the hon. gentleman, and the conclusions which he drew from it were particularly bad. It had all the venom of a cobra in it, and that is the reason I will not allow it to pass if I can get redress. He said also that I gave Sir Mackenzie Bowell a little eulogy—it was not a eulogy, but a statement of facts. I thought other members would have mentioned that, as every other matter of history or event of any importance connected with educational history was mentioned except that matter, and as that was omitted, I thought it was my duty to mention it. I sent for that Remedial Bill last night, and I asked the hon. leader of the opposition if it was introduced by him, and he said yes. I knew for years past all that the hon. leader of the opposition had done for Catholics and I was perfectly justified in what I said. I had no idea of currying favour at all and I had no remorse. What should I have remorse for ? If I had voted any other way I should have had remorse. I thought there would have been a conference in this matter, but that was not held. I thought that the government would give some opinion in relation to it, but it was not given. Therefore I was free to vote according to the dictates of my conscience and I did so. I had nothing to gain by adopting such a course. I was not canvassed by a single member of this House. I never thought that any vote I gave on this matter would be questioned, and therefore I hope the hon. gentleman does not think I entertained the unworthy and blasphemous feeling which he attributed to me. He said that I thanked God it was the Frenchmen that had the row. I would not use such a blasphemous expression. All the politeness of debate is not confined to the French members ; they will allow some of the rest of us to have a share in it. But there are the facts, and it is the duty of that hon. gentleman to retract the incorect statement which he made. It is immaterial to me whether he does so or not, but I say to the band of French members who are here that I have the highest opinion of them. I had not the slightest idea of injuring their feelings in any way, and I hope the House will think I was not guilty of making improper remarks. I did not intend to say anything to hurt any one's feelings.

MILITIA ACT AMENDMENT BILL.

Hon. Mr. SCOTT—Could we not proceed with the Militia Bill now ?

Hon. Sir MACKENZIE BOWELL—I was under the impression when I made a few remarks a while ago that we were discussing the Militia Bill, but we could make them applicable to the Militia Bill. I thought it was the Militia Bill that was under discussion and not the measure merely changing the word 'two' to 'five.'

Hon. Mr. FERGUSON—I was going to make a few remarks in reply to the hon. Minister of Trade and Commerce. I will not say that this Bill will be opposed, but owing to the turn the Minister of Trade and Commerce gave to the discussion, something will have to be said about it.

ONTARIO AND MINNESOTA POWER COMPANY BILL.

The Order of the Day being called :

Consideration of the amendments made by the Standing Committee on Railways, Telegraphs and Harbours to (Bill 86) an Act respecting the Ontario and Minnesota Power Company.—Hon. Mr. McMullen.

Hon. Sir MACKENZIE BOWELL—That is not unopposed.

Hon. Mr. SCOTT—The parties have all agreed.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. SCOTT—I have a document signed by the parties.

Hon. Sir MACKENZIE BOWELL—So have I ; but it is not signed by the members of this House.

Hon. Mr. McMULLEN—I move concurrence in the amendments made by the Committee on Railways, Telegraphs and Harbours to this Bill.

Hon. Mr. WILSON—In the absence of the hon. gentleman from Alexandria (Hon. Mr. McMillan), who has given notice that he would move an amendment when the Bill came up for the third reading, I am authorized by him to ask—and I hope the House will consent—to have that notice of amendment dropped, as the contending parties agreed to withdraw any opposition. I also crave the permission of the House to withdraw a notice of motion that I intended to make, and I move that these two amendments be allowed to drop.

The SPEAKER—It is not necessary to make a motion.

Hon. Mr. YOUNG—I should like to make an explanation. I understand a certain agreement has been arrived at between those parties who were contending before the Committee on Railways, Telegraphs and Harbours. The amendment incorporating this agreement will have to be inserted in the Bill, if it is agreeable to the House, at the third reading. If you remove from the order paper the notice which is given of the present amendments, how will you have them placed in the Bill without the consent of the House on this motion, which will throw over until to-morrow the third reading of the Bill ?

The SPEAKER—This is only concurrence in the report.

Hon. Mr. YOUNG—I fancy it would be the better policy to move the agreement as against the report, and then the Bill will be ready for amendments, and you will save certainly one sitting of the House.

Hon. Mr. LANDRY—I understand the hon. gentleman proposes that we go on with the consideration of the Bill, the amendments will be moved and a sub-amendment will be brought in to remove the amendments.

Hon. Mr. BEIQUE—Yes.

Hon. Mr. YOUNG—Yes ; or to move the agreement agreed upon in the report of the committee.

Hon. Mr. McMULLEN—I move that the amended Bill, as reprinted and distributed, be substituted for the original Bill and that the same be now read a third time.

Hon. Sir MACKENZIE BOWELL—I should like to ask whether the amendments which have been made to this Bill were considered and concurred in by the Railway Committee? This is a totally new Bill, and not the Bill that was introduced ; and it is a grave question how far this interferes with the rights and privileges of the province of Ontario. The two parties interested may probably have agreed upon the terms of this Act, but if the House has taken the trouble to look over the amended measure they will find that it deals with what might be called civil rights and property, and it deprives the province of Ontario of all rights and all privileges to guard the interests of their own province, from the fact that whatever agreement is entered into between the municipality and the Power Company under this Bill has to be confirmed and approved by the Board of Railway Commissioners. What have the Board of Railway Commissioners to do with the trans-

mission of power created on the Rainy river? I can understand there would not be so much objection to this Bill if the words 'Board of Railway Commissioners' were struck out of each clause and the words 'Lieutenant Governor in Council of the province of Ontario,' inserted. Perhaps the House may be aware that this Power Company entered into an agreement securing certain rights and privileges on the Rainy river from the Ontario government. That is so far as it affected the land and the riparian rights of land owners to the land under the water. After they had made that arrangement they entered into another bargain just before the election, and that bargain was not so favourable to the town of Fort Frances as the first one. In fact, as the Secretary of State himself admitted, it bore upon its face rather suspicious indications. Then they came to the Dominion government and asked for power to build dams and to regulate the flow of water. The river being a navigable stream, of course they had to come here, but in addition to the authority which is given them to construct dams and works upon the river, subject to the approval of the Governor General in Council, and the Railway Commission, the Bill goes on to declare what power they have in the development of electric power, and then it provides that certain portions of that power may be transmitted across the river to the United States, the river being an international stream and not a very wide one. I am advised that that is a direct interference with the rights of the province. If the Railway Committee is to decide as to the bargains which are made for the transmission of this power to Canada or the United States, what position will the Ontario government be in if it attempts to legislate upon or regulate the agreements which they make with people on the other side of the line ?

Hon. Mr. KERR (Toronto)—So far as the Ontario government is concerned their position is absolutely defined by the agreement which they have entered into.

Hon. Mr. FERGUSON—The last one ?

Hon. Mr. KERR (Toronto)—Yes. I am talking about their position to-day, and under the circumstances they have a right to enforce that agreement, and we are doing nothing here to interfere with that at all. Because of its being international water, as such the consent of parliament is required; but apart from that they are doing nothing. Then in order that in the exercise of that power the use of it shall be controlled, the consent is given subject to the conditions set out in this Bill and which must therefore be conditions which are to be enforced either by the Governor in Council here, or by some body which is created by this parliament, and not by the Lieutenant Governor of Ontario at all. Placing it in the hands of the Lieutenant Governor of Ontario would be leaving it to some body over whom parliament has no control. They could not require that authority to do anything or not to do anything. It would be necessary, therefore, to leave it to either the Governor in Council or to some body created by this parliament, such as the Board of Railway Commissioners. It did not appear to us any objection would be taken because the powers which the Board of Railway Commissioners would be called upon to exercise would be very much akin to what they are exercising under the Railway Act, and many of the clauses are introduced into this measure for that very purpose.

Hon. Sir MACKENZIE BOWELL—This Bill being a totally new measure, has never been before the Railway Committee for its approval. It has been changed, altered and amended by the parties interested, and they have come to us and have said they have agreed. I may say as far as the representative of Fort Frances and the gentleman who is interested in promoting the matter are concerned, they have no objection, and do not desire to interfere with it. But in the telegrams and letters which I have from Mr. Ritchie, who represents the Ontario government, he says distinctly that while he does not desire to object to the corporation so far as the water power is concerned, he does not wish anything done that will interfere with the rights and prerogatives of the province of Ontario which he represents. This is a legal question of course. This Bill, I repeat, has not been considered by the Railway Committee, and we are asked to accept amendments made by the parties interested, making it a perfectly new Bill,

without ever referring them back to the committee. The hon. gentleman says this Bill does not interfere with anything but the navigation of the water. If that were the case I should not object to it.

Hon. Mr. KERR (Toronto)—I understand the matter stands in this way: This Bill was before the committee and the committee dealt with it on certain definite lines. The result of their deliberations was that clause 1 was practically adopted and certain additions were made thereto by the committee, which amendments were in the nature of controlling the manner in which the work should be operated under the direction of the Governor in Council. Now, the town of Fort Frances objected to that, and all that has been done has been with a view of meeting them—concessions have been made to the representatives of Fort Frances by those who represent the company, so that the matter now comes before the House in this way; the committee reported a Bill with certain amendments. Those amendments are there now, and so far as the promoters of the Bill are concerned they are quite willing to take the Bill in that form, but they do not ask to have it taken in that form, because they are willing to meet the views of those who want to have some further qualifications made. Therefore, to meet their views I have been asked to move that instead of adopting this report, this printed copy be substituted, and the report amended accordingly. That is the way it stands. So far as the company is concerned they are quite content to take the Bill exactly as it left the committee.

Hon. Mr. LANDRY—When did they arrive at that agreement?

Hon. Mr. KERR (Toronto)—A couple of days ago—yesterday.

Hon. Mr. LANDRY—Why did they not give notice? The new Bill that was agreed upon as a substitute for the Bill reported here by the Railway Committee has been put in the hands of the hon. member from Toronto? Why did he not give notice?

Hon. Mr. KERR (Toronto)—They expected they would reach it last night.

Hon. Mr. LANDRY—Giving one day's notice would have met the case.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. BEIQUE—If I may be allowed to refer to what took place in committee, I moved an amendment there which was defeated. The parties have since come together and agreed practically to accept the amendment which I moved in committee with some modifications. As far as I am concerned the general policy as embodied in the Bill may be subject to criticism, but in other respects I think the Bill is quite acceptable. The rights they were so desirous of securing, 6,000 horse-power on the Canadian side, have been sanctioned in a reasonable measure. But there remains the question whether it is sound policy for this House to deal with the matter.

Hon. Mr. LANDRY—If I am not mistaken the amendment moved by my hon. friend in committee, and which was rejected, has been since incorporated in the notice of motion given by my hon. friend from Alexandria (Hon. Mr. McMillan.)

Hon. Mr. BEIQUE—It is practically the same, but the form has been changed. It was distributed yesterday as a notice that they had come to an agreement. I did not attend their conference, but I was told that they had come to an agreement.

Hon. Mr. McMILLAN—The agreement that has been come to is decidedly in the interest of Fort Frances and the province of Ontario. Every clause in the new Bill is a clause in the interest of the residents of the Ontario side of the river, and simply gives the recommendation of the committee. If it met with opposition in the House, as it certainly would if the parties did not agree to the amendments suggested, then it would be a question if the Bill could be got through; but both parties have come together and agreed to accept the Bill as reprinted in the interest of the town and of that section, and it is highly desirable that we should give effect to the agreement, because the work is going on. There are one hundred men employed there. Surely after all the parties agreeing to the clauses of the Bill, and the objectionable features from an Ontario standpoint have been removed, we should give it effect. In reply to the hon. leader of the opposition, I am quite sure that he will admit with me that no legislation of this chamber can take away from Ontario the rights that belong to that pro-

vince. We may overstep the bounds; if we do, we are liable to have to recede. We cannot, by our legislation, deprive the Ontario government of any right they enjoy, so that there is nothing in the Bill that will in any way cripple or interfere with the powers vested in the local government, and which they have a right to exercise. The clauses of this Bill are a compromise between the two parties and satisfactory to both.

Hon. Mr. FERGUSON—The hon. gentleman assures us that there is nothing in this Bill which will affect the interests or rights of the Ontario government. Before discussing what the effect of the Bill may be, there is a very important point to be looked into, and that is this: Who authorized the printing of this Bill? I have the Bill which came regularly to us from the House of Commons and which is on our files. Who authorized the printing of another and different Bill?

Hon. Mr. SCOTT—I will explain. The parties handed me last night this memorandum. It is marked approved and signed C. A. Geoffrion for the plaintiffs and W. A. H. Kerr for the citizens of Fort Frances. They handed me the original two clauses that were carried in committee; they have typewritten clauses added. Now, it seemed to me that it was the most sensible way, when all the parties had come to an agreement, to have those clauses put into the Bill, and I at once endorsed on the back of it a memorandum to print this in the shape of a Bill, in order that members might all be seized of what the actual Bill was. I considered that, when all the parties agreed and there was no interference with the rights of the province of Ontario, the simple and businesslike way was to get the Bill before the House in the form of which all parties approved; and that is the explanation of why it appears in its present form.

Hon. Mr. FERGUSON—We have an explanation of how matters have assumed their present shape, but will any hon. gentleman claim that that is the proper way to deal with this House? My hon. friend says that he instructed the parties interested to have it printed, but should they not have it printed in a way to show what they propose to introduce as new matter, and should not the House have some notice, so that we would know what was new matter? Instead of that parties outside apparently imagined that they were superseding the House of Commons. It will have to go back to that House again. They are superseding our Railway Committee and, to a great extent, this House. They come together and agree upon a Bill and have it printed and headed, 'Passed by the House of Commons.' I compared it with the Bill that we received from the House of Commons.

Hon. Mr. SCOTT—It is reprinted as proposed to be amended by the Senate.

Hon. Mr. FERGUSON—I did not observe the words, but this copy should show what new matter was being introduced. Now the Railway Committee added two subclauses, and there was a difference of opinion in the committee as to whether these two subclauses adequately protected the interest of Fort Frances in the water-power, There was an amendment proposed by the hon. member from de Salaberry (Hon. Mr. Béique) which was not agreed to in the committee, but which the hon. member for Alexandria (Hon. Mr. McMillan) put on as a notice to bring it up when the matter would reach this stage in the House. If the promoters on one side or both had changed their attitude from the time that left the Railway Committee until this stage of the Bill they should have agreed and put a notice on the order paper instead of undertaking to reprint a Bill and bring it before us as coming from the House of Commons. If they had the notices given by the hon. member from Alexandria and by the hon. member from Elgin (Hon. Mr. Wilson), and if neither of these notices sufficiently covered the ground there was ample time to put on another notice and let the others drop. If the promoters have everything to say in this matter, and the province of Ontario have nothing to say in this matter, then it would be well and good, but that course has not been pursued. We have now before us a Bill, or what was the original clause 5 of the old Bill changed somewhat —I think changed advantageously—I think it is made much better than it was before. We have other clauses added to the

Bill which may carry out to some extent or perhaps entirely (I have not had time to make the comparison) the resolutions moved in the Railway Committee by the hon. gentleman from de Salaberry; but it comes before us in such a way that it is very hard for us to understand it. If there remains still an opposition to this Bill, if the government of Ontario are still unreconciled, we shall have to ask the House to insist upon proper notices being given in order that this Bill may be properly enacted. I do not say that I will insist upon that ground, but there are different parties interested from the town of Fort Frances and there is also interest of Canadians generally in that water-power. There were also the interests which the province of Ontario had, which are very important in the matter of a water-power such as this. They have also to be considered, and if all the parties are not agreed, I am afraid the matter has got into such a shape that very little progress can be made with it now. If notice had been given on the order paper, the gentleman behind the matter could proceed with it, but if there is any one hostile to the Bill it would be very hard to do that.

Hon. Mr. SCOTT—I learned that all interests had been reconciled, and it did seem to me that the most common sense way at this period of the session was to have this Bill, as agreed upon, printed and circulated. That seemed to be the only possible way by which the Bill could have any chance of going through this year. If you had simply put on the notice paper the typewritten agreements that had been made it would have been absolutely hopeless to get the Bill through this session.

Hon. Sir MACKENZIE BOWELL—May I ask the hon. Secretary of State if he knows really what we are doing?

Hon. Mr. SCOTT—I do perfectly.

Hon. Sir MACKENZIE BOWELL—I very much doubt it, or I do not think the hon. gentleman would be arguing that way. The Bill we are asked to confirm is not in accord with the report of the committee which recommends certain amendments, additions and obliterations. I do not want to say that it is sharp practice, because that would not be parliamentary, but we are in this extraordinary position, that the committee discussed an important Bill affecting the rights of the province and of individuals interested in the development of a water-power. The committee report the Bill with certain amendments, and then we are presented with a Bill totally at variance with the report of the committee. I raise it as a point of order that we have no right to go on with that Bill unless we go into committee on it and compare it with this report and reduce it to the terms contained in that report, or we can refer it back to the committee; but to ask this House to accept a report from the committee, and confirm the report of the committee, and in confirming that report confirm this Bill and read it the third time when it is totally at variance with the report and based upon an agreement made by the parties interested, is another matter. Does any hon. gentleman in this House tell me that that is a correct and proper way to deal with an important measure on any subject? I cannot find language to describe it. In all my experience I have never known anything like this before.

Hon. Mr. POWER—The interests involved in this matter are very considerable, and we are business men; and I do not think that we ought for the sake of a mere technicality, where no substantial interests are involved, to wreck this measure at this stage of the session. I do not think that the question of order which has been raised is one of so serious a character as might appear. On the 13th July, the chairman of the Committee of Railways, Telegraphs and Harbours reported this Bill with amendment, and the following is the record of the proceedings in the minutes:

Ordered, That the report be now received, and
The said amendments were then read by the clerk, as follow:

Page 1.—Strike out from clause one to four, both inclusive.

Page 1, line 25.—After 'may' insert 'subject to all the provisions hereafter contained.'

Page 2.—Strike out from clause six to clause thirteen, both inclusive, and insert the following as clauses 'A' and 'B':

Clause 'A.'—The company shall in the execution of the works authorized by this Act develop its power on both sides of the Rainy river equally, so that on the completion of such works, on or before the 1st January, 1907, there will not be less power developed on the Canadian side than on the American side.

Clause 'B.'—The company shall provide for use on the Canadian side of the international boundary line such amount of power as the Governor in Council may from time to time order after two weeks previous notice to the company of any application for such an order.

This clause (b) was thought by the counsel who represented Fort Frances not to be satisfactory. He did not think that that clause went far enough in the way of protecting the interests of those on the Canadian side of the river. Acting on behalf of the people of Fort Frances and the Canadian interests, the hon. gentleman from Alexandria, on the same day that the report was presented to the House, gave notice of certain amendments, prepared, as I understand, by the counsel of the town of Fort Frances, to be substituted for clauses (a) and (b). That notice was perfectly correct and regular. Then the counsel for the town of Fort Frances and the counsel for the company promoting the Bill put their heads together and agreed—and there is a memo. showing their agreement—upon certain clauses to be substituted for this amendment proposed by the hon. member from Alexandria and those are the clauses in the Bill before the House. Now, I suppose, to be strictly regular, notice of these clauses should have been given by the hon. gentleman from Alexandria in substitution for the clauses of which he had previously given notice, but the hon. gentleman did not do that. He said he authorized the hon. gentleman from St. Thomas (Mr. Wilson) to say that he dropped his amendment and consented to the substitution of this amendment. Everybody is satisfied, and really I think it would be a great pity after so much time has been spent by the promoters and by counsel employed by the parties, and by the Railway Committee, that this measure should be wrecked at the final stage. I appeal to the good sense and business sense of hon. gentlemen not to wreck this important measure. We know just what we are doing.

Hon. Sir MACKENZIE BOWELL—Will the hon. gentleman affirm that the Bill which we are asked to confirm as amended is in accordance with the report which he has read ?

Hon. Mr. POWER—It is not in accordance with the report of the committee. It takes the place of the amendment proposed by the hon. gentleman from Alexandria. The hon. gentleman from Alexandria proposed to drop——

Hon. Sir MACKENZIE BOWELL—That is not the point I am asking about.

Hon. Mr. KERR (Toronto)—This is in accordance with the motion before the House for concurrence in the report as presented by the Railway Committtee.

Hon. Sir MACKENZIE BOWELL—I understand that.

Hon. Mr. KERR (Toronto)—At the same time it is accompanied by this statement, that if the House will accept this proposed amendment, as it appears in the printed paper, the parties are willing to accept it.

Hon. Mr. CHURCH—If a vote had been called immediately after the matter had been brought up this evening, I could not have voted at all. I would either have been obliged to go out of the House or ask to be excused. I happened to be in the committee room the other day, and there was sharp language and contention, the talk was loud, fast and furious. I never heard anything at a camp meeting or any other meeting to compare with the loud talking. The chairman was confused and I do not wonder at it. Now, the parties and interests have got together ; the hon. member from Halifax (Hon. Mr. Power) has explained the matter quite clearly, and I have a little better idea with regard to it. But now a point of procedure appears to come up. I have come to the conclusion that the interests at stake are large, and if the government of Ontario has not looked after its own rights in this matter, it must bear the responsibility itself. However, if the parties and interests have put their heads together, as some hon. senators have said, and as an outcome of that the Bill is acceptable, I feel bound to accept the report.

Hon. Mr. LANDRY—The question before the House is concurrence in the report of the committee. Am I correct in stating that?

Hon. Mr. BEIQUE—With an offer on the part of the promoters that they are willing to accept the amendment.

Hon. Mr. LANDRY—I will put the case as I understand it. The question before

the House is concurrence in the report of the committee. What is the report of the committee? It is just a piece of literature given us by the hon. member from Halifax. We are in a position to accept that or refuse it. If we accept the proposed Bill in lieu of the Bill that is before us, you must bear in mind that this Bill comes from the House of Commons. It has been amended by us. If we accept the amendments those amendments must be returned to the House of Commons. How could we, if we take a new Bill, return the amended Bill to the House of Commons? You see the difficulty. The hon. member from Toronto (Hon. Mr. Kerr), who for two days had that agreement in his hands, might have exercised diligence and given notice of motion, and then being on the order paper, it would have come before the Senate in a regular way and we could have dealt with the question, but there is a rule of this House, rule 71, which provides :

No important amendment may be proposed to any private Bill in a Committee of the Whole or at the third reading of the Bill unless notice of the same shall have been given on a previous day.

I think that is safer. We cannot proceed with that amendment unless notice is given and the proper way for the mover of the Bill, if he wants to proceed with it is to give notice immediately of the amendments which he desires to attach to the Bill, and to-morrow morning we can pass it immediately.

The SPEAKER—I think there is no question as to the regularity of the procedure. The modified Bill which is suggested would be passed by the leave of the House. But without the leave of the House one of the two following courses only are open to the Senate ; either to commit this Bill and its amendment to the Committee of the Whole, or concur in the amendments, and notice of amendments may be given for the third reading.

Hon. Sir MACKENZIE BOWELL—I agree to a certain extent with the hon. Speaker. He has taken the proper course. I understand the motion made was for the third reading.

Hon. Mr. McMULLEN—I move the adoption of the substituted amendments as therein set out, and which were agreed to.

Hon. Mr. LANDRY.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. McMULLEN—Then I move the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—If the motion was adopted it was done so quietly that no one knew anything about it.

The SPEAKER—The motion is for concurrence in the report of the committee, which has not yet been adopted.

Hon. Sir MACKENZIE BOWELL—If we adopt this report it is not in accordance with the Bill which we are asked to adopt, and the next motion would be for the third reading of the Bill. What Bill ? The Bill based upon the report ; not a new Bill containing altogether different provisions than those contained in this report. I am sure the Speaker or any member of this House would never submit to any such legislation as that. You would never be safe. It should be rejected at once. If he likes to adopt that rule we know where we are, but before these amendments are moved, ample notice must be given in order that we may consider what they are.

Hon. Mr. McMULLEN—If hon. gentlemen opposite are disposed to exercise their rights and shut out the agreement that these parties have come to, and to which they have all become parties, then I am willing to accept the original report of the committee and ask the House to adopt it. If they are disposed to shut it out and say, 'No, we won't accept the amendments,' and resist them on the ground that the original Bill had not been adopted, then we will move the original Bill as it came from committee.

Hon. Sir MACKENZIE BOWELL—If the hon. gentleman makes that threat then he will require to have the amendments printed so that we will know what they are. There is no Bill drafted in line with that report. Then I raise the other question at once as to whether it is within the prerogative of this parliament to pass this Bill. The hon. gentleman from Wellington says we have no right, power or authority to interfere with the rights of Ontario, but might it not involve a law-suit

to determine whether or not we have infringed the rights of the province of Ontario.

Hon. Mr. McMULLEN—If these people are in the wrong, they will have to pay the costs.

Hon. Sir MACKENZIE BOWELL—If my hon. friend was a lawyer, I could understand that kind of argument. Why should we legislate in a direction likely to create trouble and litigation ? If this Bill is confined exclusively to the powers which the Dominion government have to regulate and protect the navigable rivers, I would have nothing to say, but it goes further and says how the power shall be distributed. I should like to know if that is not an interference with what is termed property and civil rights in this country ? You might as well legislate to say what should be contained in a contract for the construction of a house. This Bill goes on to prescribe that the power-house, generators, transmitters, machinery appliances and connections necessary for the delivery of any such power, or electrical energy for use on the Canadian side of the international line, shall be on the Canadian side thereof. I submit to the House that that is just as much an interference with civil rights as to say a man should build a barn on the Canadian side of the river. Then it goes on to say how that power shall be distributed, and in case of a dispute it is to be referred to the Board of Railway Commissioners. It may be said, and with a great deal of force and correctness I think, that if you name the Lieutenant Governor in Council you are giving the authority to decide these questions to a power over which you have no control, while you can control the Board of Railway Commissioners. But that is not the question. It is for the Ontario government, having made a bargain with these gentlemen to do certain works, to see that they shall carry out their bargain properly, and then the question arises whether this Bill interferes with it in any way. My own opinion is that it does. But I must confess that I am somewhat surprised—very much surprised—to find old parliamentarians prepared to accept the Bill and the report under the conditions in which they are presented to us. If we adopt that course, I do not hesitate to say that there is no security for any legislation in the future. A report may come from a committee and then a Bill may be introduced, not based upon the report, but based entirely upon some new arrangement which may have been entered into. The question whether it is a great enterprise or not is a matter of no consequence in this connection.

Hon. Mr. FERGUSON—I should like to make the observation that when this Bill came in the shape it is now it was very confusing and very difficult indeed to understand. I have had time to look it over, and I must say that the Bill as it is proposed here with these additional clauses and safeguards is infinitely more in the interests of Canada and the town of Fort Frances than the two clauses agreed to in the Railway Committee. I was going to say to the hon. gentleman from Wellington that if he took the course which he threatened to take a moment ago he would not have much chance of getting his Bill through this session. Every stage would be contested, and a similar course would be adopted in the other branch. His Honour the Speaker has made a suggestion which seems to me to be a practical one, and we should try to come to some practical conclusion. That would be to refer this Bill to a committee of the whole House, and if it is found that these clauses, as they are read one by one, are calculated to protect the interests of Canada, not only in Ontario, but in Manitoba, and the interests of the people of Fort Frances, we could proceed to pass them. If it was found that any of them was objectionable, it would be open for any hon. gentleman to take his objection. But it should be with the understanding that if it was found that any clause did not protect Canadian interests, it would be open for any hon. gentleman to take any parliamentary objection and see that the Bill was advanced stage by stage. I therefore move that the Bill, with the report of the committee, be referred to a committee of the whole House.

Hon. Mr. YOUNG—The question seems to be somewhat mixed. We have a report from the Standing Committee, and instead of adopting or rejecting it we are referring it to a Committee of the Whole, which is very unusual. It is drawing near the end of the session, and as my hon. friend

from Marshfield has very well pointed out, the amendments which we have proposed in the Bill are more restrictive on those who are concerned in the enterprise and more in favour of the citizens of Canada than the amendments which were suggested by the Committee on Railways, Telegraphs and Harbours. In view of that we can adopt two courses. One would be with the unanimous consent of the House to adopt the suggestion my hon. friend has made, and the other would be to adopt the report of the Committee on Railways, Telegraphs and Harbours, and set the Bill down for third reading to-morrow with notice of these amendments given to-night, so that they will appear in our votes and proceedings to-morrow. But if we go into a Committee of the Whole with the reservation made by the hon. gentleman from Marshfield that he may take any parliamentary objection, when everything must be done by unanimous consent, you can readily see that those who are interested in getting the amendments into the Bill may find that we have only added one more stage to the Bill at this late period of the session. We have not to consider the promoter of the enterprise at all in the matter, because the people of Fort Frances who are directly interested in this enterprise have extracted from him unwilling concessions, which he did not intend to grant in the first place; and therefore these amendments as my hon. friend pointed out are in the interests of the people of Canada, and we should facilitate the passage of them as promptly as we can. If it is agreed upon that there will be no technical objection taken to the amendment in the Committee of the Whole, as covered by rule 71 which was read by my hon. friend, and which says that no important amendment can be made to a private Bill in Committee of the Whole without notice being given of that proposed amendment—if my hon. friend will move that rule 71 be suspended, then we can proceed with the Bill on its merits regardless of any technical objection that may be taken under our rule. If my hon. friend will adopt that course I will gladly second his motion.

Hon. Mr. FERGUSON—The course which my hon. friend has suggested will not expedite the passing of the Bill at all, because every point can be taken to-morrow, and he is delaying it until the morning of prorogation. It is understood the House will prorogue to-morrow and the chances of carrying the Bill through the other House will be lessened; but if we come to an understanding to-night that the Bill will be sent down for a third reading and placed beyond every debatable stage I think it would facilitate matters. I found it necessary to make the statement I did for the reason that the matter has been thrown upon us without any previous chance to look into it, and the glance I have had at the Bill has been very hurried. Without an opportunity of examining it I could not be sure that there are not some things in it which I would not have to take every parliamentary objection to. I have no doubt if the House adopted the suggestion I have made, and the Bill was found to be all right there would be no difficulty.

Hon. Mr. POWER—It seems to me at the present time there is no insuperable difficulty in our way. The hon. gentleman from Wellington has moved that the report of the committee be concurred in. Supposing that some hon. gentleman move that the report be not concurred in, but that all the clauses after the preamble be stricken out and the following substituted—

Hon. Mr. LANDRY—There is no notice of that.

Hon. Mr. POWER—The notice is the notice given by the hon. gentleman from Alexandria which he waived in favour of this notice.

Hon. Mr. LANDRY—Do not bring in the waves.

Hon. Sir MACKENZIE BOWELL—if that course is pursued, and important amendments are moved, notice must be given, and I shall take objection to any motion for suspension of rules.

Hon. Mr. FERGUSON—I move that the House resolve itself into a committee of the whole to consider the report.

Hon. Mr. BEIQUE—I would vote in favour of the motion if the rule was suspended in order to prevent the necessity of its being followed, but if the hon. gentleman refuses to move at the same time for the suspension of the rule I will vote against the motion. If we go into committee of the

whole it will be open to any member to raise the question of order that no notice was given of the amendment. The hon. gentleman from Wellington will make his motion and some of us can give notice that when the third reading is taken up these amendments will be proposed.

The SPEAKER—Does the hon. gentleman from Marshfield insist on his motion?

Hon. Mr. FERGUSON—It is pointed out that it is of no value, unless the rule is suspended. My hon. friend to my left states that he will object to the suspension of the rules, and there is an end of it.

Hon. Mr. YOUNG—There is another suggestion, that we go into a committee of the whole to consider these amendments and then suspend rule 71—

Hon. Sir MACKENZIE BOWELL—You can simply move to suspend rule 71.

The SPEAKER—The motion before the House is by the hon. gentleman from Wellington (Hon. Mr. McMullen) that the report of the committee be concurred in.

Hon. Mr. SCOTT—At least two months ago Bills (86) and (87) came down to the committee. We felt that the Bill as it came before us was unfair to Canadian interests. I think a majority of the committee blocked the Bill until the interests of Fort Frances and the Canadian interests were safeguarded. After a long discussion all the clauses were struck out except two. Those two gave an undue advantage to the promoters of the Bill. The promoters were told: 'You will not carry that Bill through the Senate.' I determined to oppose it, and there were others who determined to oppose it because Canadian interests were not safeguarded, and I said: 'Your Bill will not get through the Senate unless you come to an agreement with Fort Frances which will be fair.' After several discussions they finally felt that in order to get the Bill through they would have to yield. This was the result of the conference. I think it would be most regrettable for the Senate to destroy the work of the session. A large amount of money has been expended. All parties are ready to go on with a most important enterprise, and it would be exceedingly regrettable because we cannot come to a common-sense conclusion that the Bill should be destroyed. I certainly will not agree to the adoption of the report as it comes from the committee because it would not be fair to Canadian interests.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has put the case fairly. If the report is adopted then the Bill will have to be passed based on that report, and then the objections which will be taken to it in committee will be just as strong as they ever were. What I object to is that a motion is made to adopt a report of the committee, and then to give a third reading to a Bill that we have never considered; and no member of the House, unless he has read it privately, knows anything about it. Because it is a compromise between the two parties who are promoting, one on one side and one on the other, I do not see that the Senate must stultify itself by legislation of that kind. I cannot conceive a more monstrous proposition to lay before parliament. Let me put the case in this way. We adopt the report as moved by the hon. gentleman from Wellington. When this Bill has passed the third reading, because that is really what he intended and is placed upon the statute-book, some shrewd lawyer would get hold of the Bill, the report made by the committee, and compare it with the Bill on the statute-book and would find it totally at variance and a different Bill altogether. What position would the Senate be in? This is the result of bringing in Bills at this stage of the session when we do not know what they are and attempts of this kind made to do, I repeat, a monstrous thing. My hon. friend said and very truly that these Bills had been before parliament for over two months. The people of Fort Frances knew nothing about this new arrangement that had been entered into, which affected their interests materially, until these Bills were printed.

Hon. Mr. KERR (Toronto)—That is not true.

Hon. Sir MACKENZIE BOWELL—The people of Fort Frances declare they knew nothing of this scheme until this Bill was introduced in the House of Commons. Surely their word is as good as an interested denial. The province of Ontario, which had entered into an arrangement with this company for the construction of the work,

knew nothing about it at all until these Bills were printed, then they wired down to stop its progresse until they could look into the matter. That is the history of the measure, and it looks like a piece of sharp practice from beginning to end. It would be a disgrace to this legislative body if they passed this Bill under the circumstances.

Hon. Mr. McMULLEN—As far as I am aware, there has been no sharp practice adopted. I would scorn to be a party to any sharp practice, but even admitting that there was such a practice, the shape of the amendments now satisfy the expectations of the people of Fort Frances to the letter. They are getting everything they ask, and I can tell him——

Hon. Sir MACKENZIE BOWELL—Deal with the Bill, and not with Fort Frances.

Hon. Mr. McMULLEN—And they are most anxious that this Bill shall become law and the work shall go on. My hon. friend says that we are legislating——

Hon. Sir MACKENZIE BOWELL—What has that to do with our position ?

Hon. Mr. McMULLEN—My hon. friend says that we are legislating beyond our power, I do not claim to be posted with regard to the rules of the House like my hon. friend because he is an old parliamentarian, but it has been clearly stated by the hon. Secretary of State, that all the parties have come to terms and agreed that the amended Bill now before the House should become law. It fully comes up to the standard of the expectations of the people of Fort Frances—everything that they could reasonably ask. They have been fully satisfied.

Hon. Sir MACKENZIE BOWELL—What has that to do with the surreptitious manner in which the Bill has been brought before the Senate?

Hon. Mr. McMULLEN—I admit that they have not complied with every rule. I have not been a member of this House very long, and I do not claim to be as capable of following the rules as my hon. friend, but after all I have done the best I could to meet the wishes of every one.

Hon. Mr. KERR (Toronto)—I think it is an unfortunate thing to talk about the surreptitious manner of introducing the Bill.

Hon. Sir MACKENZIE BOWELL—It may be unfortunate but it is true.

Hon. Mr. KERR (Toronto)—And to have it stated that the agreement was never known to Fort Frances until they saw a notice of this Bill is erroneous. I have in my hands, and showed to the Secretary of State after the meeting of the committee, a document showing that they knew of it in the month of October, and were party to the negotiation. This is apart from the question, but I am speaking now of the question of good faith. After a long contest the committee adopted the report with certain amendments to the Bill. That report and the amendments are now before the Senate. The promoters of the Bill say that since that report has been adopted certain amendments have been drawn up by the counsel for Fort Frances and those amendments were agreed to. The promoter of the Bill and his counsel were willing that those amendments should be adopted, and having agreed to that they are here to say that if the formal motion to adopt the report of the committee is passed, notice will at once be given that on the third reading the amendments will be moved according to this document. As to this being done surreptitiously, the Secretary of State has explained that the ink was hardly dry when it was sent to the printer.—A copy of it was furnished to the hon. gentleman who calls it surreptitious. The Bill itself was printed and distributed this morning, and a copy of it has been in his hands.

Hon. Mr. FERGUSON—A copy of this ?

Hon. Mr. KERR (Toronto)—It was put in the hands of the hon. member from Belleville.

Hon. Sir MACKENZIE BOWELL—Have I had nothing to do but study this Bill since it was put into my hands ? If I had been devoting my whole attention to one particular Bill as the hon. gentleman does, I might.

Hon. Mr. KERR (Toronto)—The hon. gentleman frequently complains of being interrupted when he is speaking, and he is the worst sinner in the House in that respect. I say he had that Bill in his hands because it was distributed this morning. He had it considering it this afternoon. He

was consulting the officers of the House about it, I saw him doing so and he cannot deny it. He talked about this being surreptitiously brought in. I am surprised at the hon. gentleman saying such a thing. The whole question comes down to this. The motion before the House is for the adoption of the report and the promoter of the Bill gives his undertaking at the same time, that he will at the third reading move that the Bill be amended——

Hon. Sir MACKENZIE BOWELL—I may be permitted——

Hon. Mr. KERR (Toronto)—I rise to a point of order. The hon. gentleman has spoken several times on this question.

Hon. Mr. LANDRY—I beg to move the adjournment of this debate.

Hon. Mr. MACDONALD (B.C.)—Surely there must be some means of getting out of this tangle now; and I ask the hon. member for Belleville to suggest some parliamentary means of getting on with the work. If he will say what it is, we will conform to it.

Hon. Mr. LANDRY—We have stated the means, and they will not accept it.

Hon. Mr. WOOD—I am not as familiar with the rules of the House as very many hon. gentlemen present, but it does appear to me, after listening to this debate, that there is not so much difficulty in the way as some of us suppose. I understand the motion of the hon. gentleman from Marshfield to be this: That the report be not now concurred in, but that this Bill with the report be referred to a committee of the Whole House. If that motion is accepted and the report were submitted to a committee of the whole, the Committee of the Whole could then, I have no doubt, report back to the House the Bill with these proposed amendments.

Hon. Mr. KERR (Toronto)—Suspend the rules.

Hon. Mr. WOOD—I think we can make the amendment in committee without suspending the rules.

The SPEAKER—Rule 71 is as follows:

No important amendment may be proposed to any private Bill in a Committee of the Whole or at a third reading of the Bill unless notice of the same shall have been given on a previous day.

Hon. Mr. YOUNG—You must get the rule suspended before, not after.

Hon. Mr. WOOD—What I was going to propose was that the Bill be allowed to go to a committee of the whole, and that when it was reported back to the House a motion should be made to suspend the rule.

Hon. Mr. BEIQUE—I hope that the hon. leader of the opposition will permit me to appeal to him to facilitate our dealing with this Bill. I entirely agree with the statement as made by the hon. Secretary of State, and at this late state of the session, it seems to me it is incumbent on every member of the House to facilitate the work of the session. It would be a great responsibility if we had to detain the House unnecessarily because of technicalities raised this evening in regard to this Bill. For my part I have always been against the Bill, but I am perfectly satisfied with the form of agreement between the parties embodying the desire of the town of Fort Frances to secure for the Canadian side in a reasonable measure half the water-power to be developed. I appeal to the hon. leader of the opposition to facilitate that being done without any further delay. We have lost nearly two hours over this technicality.

Hon. Sir MACKENZIE BOWELL—The statement made by the hon. gentleman from Toronto that I had this amended Bill placed in my hands is quite correct, but those who have witnessed the part I have taken in reference to the legislation that has been going on since the morning will know very well that I had not time to give a Bill that has been so completely changed, even from the report of the committee, that consideration which it deserves. I do not pretend to say that I have not had the Bill, and if the hon. gentleman thinks he has made a point he is welcome to it. There is just this difference between himself and myself, there is no question submitted to the House that I do not try to understand. The hon. gentleman has devoted his attention exclusively to this matter for reasons generally understood, and consequently with his keen intellect he might be able to understand it, but I could not in the time at my disposal.

It is true I had a conversation with the law clerk of this House, and I should like very much to know how the hon. gentleman knew what I was talking about unless he was eavesdropping and overheard the conversation.

Hon. Mr. KERR (Toronto)—I was not eavesdropping, but I happened to walk past where the conversation was going on and could not help overhearing something of what was said.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman walked back and forward while I was speaking to the law clerk, two or three times, and I have no doubt it was for the purpose of hearing what I was saying. The law clerk had sent for me to see about something, and while in conversation with him I called attention to the clauses of this Bill, and asked his opinion as to how far we were infringing on the rights and privileges of the province. That is what I was discussing, and I have no objection to giving his opinion. He said he did not think, under all the circumstances, and considering it from its constitutional standpoint, that the Bill as it stands is worth anything. Has it become a crime if a member of this House consults an official appointed for the purpose of giving information on questions of this kind, so that a gentleman should rise in his place and speak of it as if he had committed a serious offence, which would justify the House in sending him to the tower ? I purpose pursuing the same course whenever I think it necessary, and the hon. gentleman may poke around the building and listen to what I have to say and repeat it on the floor of this House if he wishes. I commend him for the honourable course he has pursued in this matter. It is just what might be expected of him. I shall consult any official of this House when I think proper to do so in the public interest. I have no objection to acting on the suggestion of my hon. friend from Marshfield. You may go into the committee if you like and consider the report and make such amendments as you please and afterwards if I do not think they are in the interests of the province of Ontario, or if I think provincial rights are interfered with, I shall take the technical objection of objecting to the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL.

Hon. Mr. McMILLAN—We will accept the suggestion of the hon. member from Belleville. Let us suspend the rule.

Hon. Mr. LANDRY—With the permission of the House, I withdraw my motion.

The motion to adjourn was withdrawn, and the motion to concur in the report of the committee was agreed to.

Hon. Mr. McMULLEN moved that the Bill be read the third time to-morrow.

Hon. Sir MACKENZIE BOWELL—It cannot be read until you know what it contains. I venture the assertion that scarcely a man in the House knows what it contains. What Bill are we asked to read a third time ?

Hon. Mr. FERGUSON—I would suggest to give notice of the amendments that have been agreed upon between the parties, and that these amendments be made at the third reading to-morrow.

Hon. Mr. YOUNG—In pursuance of the discussion that we have had, and so that the Senate will have an opportunity of amending this Bill in the direction suggested by the parties who have come to an agreement, I give notice that I shall move an amendment on the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—Substituting this Bill for the other ?

Hon. Mr. YOUNG—Yes ; it is an amendment to that Bill.

The motion was agreed to.

HARBOUR COMMISSIONERS OF MONTREAL BILL.

SECOND AND THIRD READINGS.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (192) An Act respecting the powers of the Harbour Commissioners of Montreal. He said : This is a Bill empowering the Harbour Commissioners of Montreal to appropriate a sum not exceeding $6,000 for the erection of a monument to the late Hon. John Young. The commissioners have not the authority to make the contribution under a by-law and require this legislation. The monument, I understand, will cost some $20,000, and this is their contribution.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

Hon. Sir MACKENZIE BOWELL—Might I ask if the $6,000 which the harbour commissioners are given authority to spend will be sufficient for the purpose ?

Hon. Mr. TEMPLEMAN—The monument will cost about $20,000 or more, and the balance will be obtained by public subscription.

Hon. Sir MACKENZIE BOWELL—Then the government do not propose to recommend the appropriation of any money to assist the construction ?

Hon. Mr. TEMPLEMAN—No.

Hon. Sir MACKENZIE BOWELL—I should not object to it if they did, knowing the value of the services rendered by the late Mr. Young, not only to Montreal but to the whole country.

Hon. Mr. FROST from the committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THE ALUMINUM INDUSTRY IN CANADA.

MOTION.

Hon. Mr. DOMVILLE in the absence of Hon. Mr. Edwards, moved the adoption of the report of the Select Committee appointed to inquire into the production of anhydrous alumina and aluminum in Canada. He said : There is nothing more in this report than asking the government to assist us in finding bauxite if it is to be found in Canada.

The motion was agreed to.

REGULATIONS RELATING TO YUKON TERRITORY.

MOTION.

Hon. Mr. SCOTT moved that the regulations made by the Governor in Council under the authority of section 47 of the Dominion Lands Act, applicable or relating to the Yukon Territory be approved. He said : Section 47 of the Dominion Lands Act requires that Orders in Council relating to the Yukon shall be laid before parliament every session. Last year I laid on the table the Orders in Council passed in 1903, and now I lay on the table the Orders in Council relating to 1904. There is none of them of any special importance.

Hon. Mr. LANDRY—Are those reports to be printed ?

Hon. Mr. SCOTT—No, they require to be laid on the table and confirmed before the end of the session. A copy was laid on the table of the House of Commons and confirmed by that House.

Hon. Mr. LANDRY—Our confirmation amounts to nothing ; we confirm things that we know nothing about.

Hon. Mr. SCOTT—They have been on the table for several days and no one paid any particular attention to them. If any hon. gentleman wishes to call attention to them he can do so.

Hon. Mr. MACDONALD (B.C.)—The regulations I suppose will not be effective before being approved by parliament ?

Hon. Mr. SCOTT—They are in force to the end of the session following, but to continue in force they must be approved by parliament.

Hon. Mr. MACDONALD (B.C.)—A year afterwards ?

Hon. Mr. SCOTT—At the end of the session.

Hon. Mr. MACDONALD (B.C.)—Any regulation regarding the Yukon country should come not before one minister but before the whole cabinet.

Hon. Mr. SCOTT—So they do.

Hon. Mr. MACDONALD (B.C.)—We have had extravagant bargains made in that country and the government ought to exercise care regarding the regulations that are made, and before they are fully confirmed they should be discussed in parliament. It is the only way to prevent the wrongdoing that is going on in that part of the country.

Hon. Mr. SCOTT—There is no general principle involved in those regulations as far as I can see.

The motion was agreed to.

THE FORM OF PRAYER.

MOTION.

Hon. Mr. ELLIS, in the absence of Mr. Gibson, moved concurrence in the report of the Special Committee on the prayers to be used at the beginning of each sitting.

Hon. Mr. CHURCH—I do not think this report should be adopted just now. I want to see the business of the House go on. We are using prayers that we have been using all along, and that we will continue to use until the end of the session. Let this matter lie over until next session. I object to the last sentence of the Lord's prayer being omitted.

Hon. Sir MACKENZIE BOWELL—I think the hon. gentleman is labouring under a misapprehension.

Hon. Mr. CHURCH—The last sentence of the Lord's prayer was struck out. We have had a great deal of discussion on matters of conscience during the last week. I have refrained from speaking on the educational clauses of the Autonomy Bill. I do not see why this prayer should be altered from the way I learned it. It is a matter of conscience with me. If in the judgment of the House the prayers should be mutilated I must submit, but I need not attend during prayers. The Lord's prayer as it appears in this report is used by one branch of the Christian church, but all the other branches use it the way I should like to see it.

Hon. Mr. McMULLEN—Why did the committee leave out the words 'for thine is the kingdom, the power and the glory'? I move that the report be amended by adding those words.

The SPEAKER—As I am the only party present that was at the committee when this report was adopted, I will say there was no change from the former prayer as read in the House of Commons, and the prayer reported to the House is absolutely the prayer that the hon. gentleman for 19 years listened to in the House of Commons.

Hon. Mr. MACDONALD (B.C.).

Hon. Mr. CHURCH—That is absolutely correct, but we are not the House of Commons. We are not obliged to copy the House of Commons. If we did, we would be here until Christmas.

Hon. Sir MACKENZIE BOWELL—I was not aware that any portion of the Lord's prayer was omitted. I was not present at the meeting when it was adopted, and I supposed that it was there in its entirety.

The motion was agreed to.

GRAND TRUNK RAILWAY ARBITRATION BILL.

SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (No. 199) An Act to amend an Act respecting arbitration between His Majesty and the Grand Trunk Railway Company of Canada. He said: This Bill is to amend an Act passed last session, making some changes in it which are not very important or material.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. SCOTT—As hon. gentlemen are aware, the dispute between the Grand Trunk Railway and the Crown with respect to certain traffic arrangements was referred to a commission of which the chairman of the Railway Commission is chairman. One clause makes provision for continuing him as chairman, notwithstanding he is chairman of the other board.

Hon. Mr. LANDRY—Is that in relation to the Drummond County Railway?

Hon. Mr. SCOTT—Yes, it is the exchange of traffic between the Intercolonial Railway and the Grand Trunk Railway under the original agreement.

On subclause 3 of clause 1:

3. The said arbitrators may adjudicate upon and decide any dispute or claim under the said agreements, or either of them, or arising out of any matter or thing which happened or was done at any time after the commencement of the proceeding for such reference, and before the first day of January, one thousand nine hundred and five, and which has been or may be brought before them by either of the said parties for adjudication.

Hon. Mr. FERGUSON—Why is the 1st of January mentioned? Would it not be better to say the 1st of July to bring their jurisdiction up to a recent date. The very difficulties and troubles they are adjudicating on may be continued from the 1st January up to the present time; is it not better that their jurisdiction should extend up to a very recent date.

Hon. Mr. SCOTT—It is to meet their own views. I do not think it would be wise to interfere. They ought to know best what is the proper course.

The clause was adopted.

On subclause 4:

4. Notwithstanding anything contained in section 13 of the Railway Act, 1903, any of the said arbitrators who has been or shall be appointed a member of the Board of Railway Commissioners for Canada may continue to act as such arbitrator until the conclusion of such reference and the making of the final award or awards thereon.

Hon. Mr. FERGUSON—Is there not some control with the Railway Commissioners? Can they not review what has been done by this board of arbitrators?

Hon. Mr. SCOTT—I do not think so.

Hon. Mr. FERGUSON—We are referring the difficulties respecting these railways to the Arbitration Board a year after the organization of the Railway Commission, and it is almost certain that we have made it to fit into the jurisdiction of the Railway Commission, and there might be an appeal to it. If so, Judge Killam would not be a proper person to hear an appeal from himself.

Hon. Mr. SCOTT—I do not find that there is any reference whatever to it. It is a very short Act appointing arbitrators who shall possess the powers of a superior court and may render their award at any time within three months after their final hearing, and this period may be extended by any judge of the Supreme Court of Canada. There does not seem to be any appeal. There are only four clauses respecting arbitration, the power of the arbitrators as to witnesses, the sessions, the clerk and the award.

Hon. Sir MACKENZIE BOWELL—But the hon. gentleman will see that the fourth subsection provides that, notwithstanding anything contained in section 13 of the Railway Act, any of the arbitrators appointed to the Board of Railway Commissioners may continue to act as arbitrator until the conclusion of the reference. What is there in clause 13 to prevent him acting that it is necessary to add this proviso to it?

Hon. Mr. SCOTT—Judge Killam had been appointed on this board, and he was also a chairman of the Railway Commission, and it was to legalize his action on the arbitration board, because a doubt had arisen as to whether he could be a member of that board and also a member of the Railway Commission.

Hon. Sir MACKENZIE BOWELL—What is the effect of clause 13 of the Railway Act?

Hon. Mr. SCOTT—Section 13 of the Railway Act reads as follows:

The commissioners shall devote the whole of their time to the performance of their duty under this Act and shall not accept or hold any office or employment inconsistent with this section.

The clause was adopted.

Hon. Mr. BAKER, from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

NORTHWEST TERRITORIES ACT AMENDMENT BILL.

SECOND AND THIRD READING.

Hon. Mr. SCOTT moved the second reading of Bill (160) An Act to amend the Northwest Territories Act.' He said: 'This Act becomes necessary inasmuch as we have established two provinces, Alberta and Saskatchewan, out of a portion of the Territories and Rupert's Land, and this makes provision for the government of the remaining portion. It authorizes the Governor in Council to appoint a commission and advisory board and so on, to pass ordinances and make provision for the government of the Territories outside of the two provinces.

Hon. Mr. LOUGHEED—Has my hon. friend any information as to the population of those unorganized districts over which this provisional government would extend.

Hon. Mr. SCOTT—I do not know, but it must be very sparse indeed.

Hon. Mr. LANDRY—It comprises all of Mackenzie.

Hon. Mr. SCOTT—The population in Mackenzie is sparse.

Hon. Mr. LOUGHEED—What is the purpose of passing elaborate legislation in view of the fact that these unorganized districts of the Northwest have been administered by the territorial government? It seems to me that they could have been provisionally administered by the governments of Alberta and Saskatchewan, providing a dividing line had been drawn running north and south between those two provinces. If so emasculated a form of government as the territorial form of government could administer the unorganized territories under the primitive machinery they had, it seems to me they could administer it now much more effectively and efficiently than this provisional government.

Hon. Mr. SCOTT—The subject was fully discussed by the members of the government, and the conclusions reached are now embodied in this Bill. It was thought better to have it governed by an independent commission instead of by the governments of Alberta and Saskatchewan.

The motion was agreed to, and the Bill was read the second time. The House resolved itself into Committee of the Whole on the Bill.

(In the Committee).

On clause 3,

Hon. Mr. LANDRY—How far north does Rupert's Land go?

Hon. Mr. TEMPLEMAN—To the North Pole.

Hon. Mr. SCOTT—This would include through the Arctic ocean.

Hon. Mr. LOUGHEED—What is my hon. friend's view of the westerly limit of Rupert's Land? There are no arbitrary lines to determine what is Rupert's Land in the Northwest Territories?

Hon. Mr. SCOTT—Rupert's Land was all the territory wherein there were rivers flowing into Hudson Bay, and it did not embrace all the Northwest Territories.

The clause was adopted.

On clause 8,

Hon. Mr. LOUGHEED—It seems to me that there should be some qualification as to the professional standing of the magistrates to be appointed. The Bill does not provide that they shall have any legal training, and it seems to me, as they are vested with a jurisdiction quite equal to that of a Superior Court judge and possessed of a jurisdiction to try capital offences, they should certainly be men of legal professional standing at a particular bar for a specified number of years.

Hon. Mr. SCOTT—That would involve appointing an official with a very high standing and certainly in the primitive conditions which exist in the northern country, a stipendiary magistrate ought to be quite equal to any litigation that might arise.

Hon. Mr. LOUGHEED—But I might point out to my hon. friend that where a man is being tried for a capital offence by one of the stipendiary magistrates, the matter is quite as important to him as it is to a man being tried for the same offence in any of the organized provinces. Consequently where so important and so large a jurisdiction is vested in an official, he should possess all the qualifications to deal with the matter.

Hon. Mr. SCOTT—I will call the attention of the Minister of Justice to the observation of my hon. friend. I do not think it was necessary when the Territories were first established that these officials should have legal attainments until the population went in. This refers entirely to a country where there is sparse population.

Hon. Mr. LOUGHEED—The original stipendiary magistrates, who were appointed for the Territories which we are now creating into provinces were all lawyers of some standing.

Hon Sir MACKENZIE BOWELL—Is it the Governor in Council in Ottawa who is to appoint the stipendiary magistrates?

Hon. Mr. SCOTT—The Governor in Council. This Bill relates entirely to the Territory outside of the new provinces, and it is the Governor in Council who will appoint the commissioner and any official who may

be appointed. I think clause 9 covers the point raised by the hon. gentleman.

Hon. Sir MACKENZIE BOWELL—The promise of the hon. Secretary of State to call the attention of the Minister of Justice to this clause—unless it be that he acts upon the suggestion made by the hon. gentleman from Calgary and appoints a legal man to act—will not amount to very much. There is no restriction as to the appointment.

The clause was adopted.

On clause 9,

Hon. Mr. LOUGHEED—It seems to me no good reason can be shown why the same procedure is not adopted in this Bill that was adopted in the early Northwest Territories' Act—that is having an appeal to the court. The appeal provided for in section 9 only extends from the decision of a stipendiary magistrate to a judge. My hon. friend will observe that the finding of a judge will be conclusive and final. It seems to me that that appeal certainly should be to the highest appellate court in one or other of the new provinces. Under the old Northwest Territories' Act, the appeal lay from the stipendiary magistrate to the Queen's Bench of Manitoba and that appeal continued for a considerable length of time until the organization of the Supreme Court. I would venture to say that the attention of the Minister of Justice should be directed to that fact.

Hon. Mr. SCOTT—I will mention the matter to him.

Hon. Mr. LOUGHEED—Because quite as important matters will arise in the unorganized districts as in the provinces.

Hon. Sir MACKENZIE BOWELL—It is really another illustration of the effect of bringing down these measures at this stage of the session. We might just as well take these Bills, hold them up and say: 'First, second and third reading.' For if an attempt be made to correct or make them workable in the manner suggested by the hon. gentleman from Calgary, we shall be told by the hon. Secretary of State, 'it is too late in the session to make any change, I will call the attention of the Minister of Justice to the matter.' That will have no effect whatever, and it is rendering legislation, as far as this Senate is concerned, a farce.

Hon. Mr. TEMPLEMAN—Carried.

Hon. Sir MACKENZIE BOWELL—That is just it—carried.

The clause was adopted.

On clause 11,

Hon. Mr. LOUGHEED—I would point out that it is going to be rather difficult to determine in the absence of witnesses if the testator wrote his signature.

Hon. Mr. POWER—In the province of Quebec a holograph will is good as to personal property.

Hon. Mr. LOUGHEED—A will is to be made valid nothwithstanding the fact that it is not witnessed. I fancy the draughtsman had in view that it should be valid although the witnesses had not signed it.

Hon. Mr. POWER—No. In England until William IV, a holograph will was good to convey personal property, and the hon. gentleman from de Salaberry says that in Quebec it is good to convey any kind of property.

Hon. Mr. LOUGHEED—But if nobody saw him sign it how are you going to establish it?

Hon. Mr. POWER—In a country like that it might be impossible to get witnesses.

Hon. Mr. THOMPSON from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

SOUTH SHORE AND QUEBEC SOUTHERN RAILWAY COMPANY'S BILL.

COMMONS' AMENDMENTS ADOPTED.

The House resolved itself into Committee of the Whole on the amendments made by the House of Commons to (Bill U) An Act respecting the South Shore Railway Company and the Quebec Southern Railway Company.

(In the Committee.)

Hon. Mr. BEIQUE—The Bill as passed by this House, provided merely for an ex-

tension of time for the building of the road. There was a Bill before the House of Commons, providing for the sale of railways which are under a receivership, and instead of passing that Bill which would have had a general application, this Bill was amended to enable the road which is under a receiver to be sold by the Exchequer Court. This I believe is a proper thing, because the road has been under a receivership for the last two years and the interest of the creditors demands that it be sold as soon as possible. The Bill provides that the sale by the Exchequer Court shall have the same effect as a sheriff's sale in the province of Quebec, it being a railway entirely in the province of Quebec. The Bill also provides for an extension of time. Having charge of the Bill I have no objection to clauses 1, 2 and 3, but I shall take exception to clause 4.

Hon. Sir MACKENZIE BOWELL—Does not this Bill interfere with the rights of creditors ?

Hon. Mr. BEIQUE—Clause 4 would, but I propose to have clause 4 struck out and another clause substituted.

Hon. Sir MACKENZIE BOWELL—In what way does the clause affect the creditors ?

Hon. Mr. BEIQUE—Clauses 1, 2 and 3 cannot interfere in any way with the rights of any third parties. It is only clause 4 to which I shall take objection in a minute.

On the 4th clause,

4. The creditors of the South Shore Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway and its accessories by preference to and before any other creditors ; and the creditors of the Quebec Southern Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway and its accessories by preference to and before any other creditors.

Hon. Mr. BEIQUE—I move that this clause be struck out because it would seriously affect vested rights of third parties. It is a clause which would have the effect of changing the relations of the creditors to one another.

Hon. Mr. CLORAN—How is that ?

Hon. Mr. BEIQUE—The road has been under a receivership and there was an amount of $16,000 which was borrowed by the receiver from a bank for the purpose of paying arrears of wages which had accrued at the time the road was placed under a receivership. This debt would be affected seriously ; it would rank only after all the creditors of the two roads. Not only that, other creditors, for instance Hanson Bros., would also be affected. I do not know how many creditors it would affect, so I propose to offer, as a substitute for that clause, the following :

4. In the distribution of the proceeds of the price of sale of said railways, or of either of them, the creditors thereof shall be paid in order of priority according to law, and any amalgamation, merger or sale of either of said railways which might exist shall not in any way defeat or prejudice any legitimate claim existing against either of said railways, previous to such amalgamation, merger or sale, or affect its priority.

When the Bill was amended in the House of Commons, I find that clause 4, to which I take objection, was approved of by the hon. leader of the opposition for the reason indicated in the following words used by him :

What you are endeavouring to accomplish is this, that the rights of the creditors of each road shall not be affected by any amalgamation made without their consent.

Hon. Mr. BRODEUR. Exactly.

Mr. R. L. BORDEN. That is proper legislation.

Then the clause was adopted, but I called the attention of Mr. Brodeur and of other parties interested in the Bill to the effect of the clause and it was admitted that it was not a proper provision. I agree with the object for which the clause was adopted, to wit, to prevent the amalgamation which was made contrary to the wishes of the creditors affecting in any way claims existing prior to the amalgamation.

Hon. Mr. CLORAN—I do not think this honourable House should accept the amendment without looking into the matter more thoroughly and examining both sides of the question. There are two sides to the question in this matter, and it is well that the interests of the creditors should be fully and plainly set before this honourable House. To my mind the fourth clause as drafted in the House of Commons covers the situation entirely, and contradicts plainly what the hon. senator has said to this House, that it interferes with the rights of the creditors of these companies. The language is so plain that he who runs may read. It is as follows :

4. The creditors of the South Shore Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway and its accessories by preference to and before any other creditors; and the creditors of the Quebec Southern Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway and its accessories by preference to and before any other creditors.

Where does this clause interfere with the rights of any of the creditors, whether a bank which loans $16,000, or Hanson Brothers who may have loaned money? This clause protects the bank as it protects all creditors. They are to be paid according to the date of the claim and according to law. If they are paid against the law the others have recourse. The creditors of the South Shore road have nothing to look for in the proceeds of the sale of the Quebec Southern, nor have the creditors of the Quebec Southern anything to look for in the proceeds of the sale of the South Shore. They are two distinct roads and two distinct classes of creditors; and the clause adopted by the House of Commons is the most just and clear of understanding, because the end of that clause reads as follows:

And the creditors of the Quebec Southern Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway.

I ask the hon. member for de Salaberry where he finds any element of injustice, anything lacking for the protection of the creditors? This law declares distinctly, plainly and fully, that the creditors of the South Shore shall be paid according to the date of their claim and according to law, and it adds that the creditors of the Quebec Southern shall be paid likewise. Now, the hon. gentleman comes in with a clause, for what purpose? To make the law more clear? No, to make it indistinct and dark, to give lawyers a chance to fight in the courts, and not for the protection of the creditors. If the hon. gentleman will accept two words in his proposition, I am prepared, and the friends of this measure are prepared to accept his amendment. His amendment reads as follows:

4. In the distribution of the proceeds of the price of sale of said railways, or either of them, the creditors thereof shall be paid in order of priority according to law, and any amalgamation, merger or sale of either of said railways which might exist shall not in any way defeat or prejudice any legitimate claim existing against either of the said railways previous to such amalgamation, merger or sale, or affect its priority.

Mark what is the opening here 'The creditors thereof'—the creditors of either railroad shall come in and take out of the common product of that sale, which they have no right to do. The creditors of the South Shore have no right to interfere with the creditors of the Quebec Southern; but his amendment although not saying so, leaves it open to that interpretation, and leaves it open to be fought out in the courts. I say make the law clear and plain, it can be easily done by inserting the word 'respective' in two places, so that it shall read that the 'respective creditors thereof shall be respectively paid.' I do not know if the object of the hon. gentleman is to compel this honourable House to give the creditors of one company a right to take part in the proceeds of the sale of another company. If that is the case it is a question of violating rights, a question of injustice and what is more, I am informed that the acceptance of his amendment will seriously affect the credit of Canada in the money markets of the United States. I am not an authority on that subject, but I state it here on the authority of many who deal in foreign money markets. So under the circumstances if the hon. gentleman will accept the amendment I suggest, I am prepared to accept his amendment; but otherwise I think this honourable House would be doing an injustice to the creditors of the road.

Hon. Mr. BEIQUE—I may say Mr. Brosseau who represents one of the largest creditors, the Hochelaga Bank, suggested that word but he agreed that it should be dropped when I called his attention to the fact that it would be affecting the rights of the creditors. We are not sitting here as a court of justice. We cannot pass upon the claims of creditors that are not before us? It is to be passed upon by the courts and every one should be at liberty to establish his right as it may appear, and that is why the words 'according to law' are used. The creditors will go before the courts and establish their claims and if there is a creditor who has a claim on both railways he will be paid out of the moneys of both railways. If there are creditors who have

claims on one railway only, then they will be paid out of the moneys of one railway. What right should we have now to pass upon claims of creditors who are not before us at all, and who have not been notified. It is a private Bill and the nature of the Bill has been changed at the last moment. For my part I would not associate myself as promotor of the Bill with any such legislation as has been suggested.

Hon. Mr. THIBAUDEAU (Rigaud)—Drop it then.

Hon. Mr. CLORAN—I fail to see how a gentleman of such legal acumen cannot understand the meaning of the clause from the House of Commons, which I think is as plain as A,B,C. The creditors of the South Shore Road shall be paid according to law; that is the clause sent up by the House of Commons. It is clear they cannot get paid otherwise than according to law. This House is not passing on their claims, because this House simply says that they shall be paid according to law.

Hon. Mr. LANDRY—What is the difference?

Hon. Mr. BEIQUE—As a matter of fact there are creditors of the two roads, and by a stroke of the pen you annul their claim.

Hon. Mr. CLORAN—Not at all. If I am a creditor of the South Shore for $50,000 and a creditor of the Quebec Southern for $50,000 when the Quebec Southern is sold am I to be paid my $100,000 out of the sale? Is that what the hon. gentleman wants? If so, it would be an injustice to give any creditor the right to go into the sale of another road and recoup himself. That is what the hon. gentleman's amendment would amount to. It is dark, it is deep-laid, it is a lawyer's amendment and my position on the floor of this House is to make the laws of the land as clear and as plain as possible and give as little latitude to the courts to interpret the laws as possible, to give no judge the right of interpretation when we on the floor of the House can make the law clear and plain. That is the object we have in passing laws, not to give the legal fraternity the right to swell up costs, not to place on the shoulders of the judiciary a burden which they sometimes refuse to assume. We have a chance to pass a law that is clear and distinct, doing no injustice, setting forth the fact that the creditors of one road shall be paid out of the proceeds of that road and that the creditors of the other road shall be paid out of the proceeds of the other road. I do not see how any senator can come before this House and ask us to pass a law that would be indistinct and unfair.

Hon. Mr. BEIQUE—The clause is quite clear if it is read.

4. The creditors of the South Shore Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway and its accessories by preference to and before any other creditors; and the creditors of the Quebec Southern Railway shall be paid in order of priority according to law out of the proceeds of the sale of the said railway and its accessories by preference to and before any other creditors.

This has clearly for effect the wiping out of creditors who are merely creditors of an amalgamation, creditors of both roads. Then the suggestion made by the hon. gentleman from Victoria (Hon. Mr. Cloran) which does not go as far as that, would go half way, but would have the effect by the use of the word 'respective,' of saying that the money of each road would be distributed and be paid in such and such a way as determined by this parliament. I say that is a matter which should be left to the courts to determine how they shall be paid. The amendment which I propose is that the creditors shall be paid as they appear according to law, and unless we decide to constitute ourselves into a court of law we cannot accept the suggestion which has been made. Therefore, I insist on my motion which has been agreed to by the creditors. It has been accepted by Mr. Brodeur who was the promoter of the Bill in the other House.

Hon. Mr. POIRIER—From what attention I could give to this Bill, my individual impression is that we had better leave it as it came to us from the other House. It is sufficiently clear. It has an air of innocence and looks like an honest Bill. I think we had better not meddle with it. No doubt the amendment moved by the hon. gentleman may be all right, but it seems to mix up what was otherwise distinct. It com-

plicates what was otherwise clear, it opens possibilities of loopholes where there was solidity before, so my individual impression is that the Senate should not accept the amendment of the hon. gentleman, but should leave the Bill an honest, simple Bill as it is. I think we will be doing—possibly remotely, but very possibly—injustice to some party by amending the Bill in the manner proposed. My individual opinion therefore would be to leave the Bill as it has been sent to us.

Hon. Mr. CLORAN—The hon. gentleman from de Salaberry says the two companies have been amalgamated. Has not the amalgamation of the two companies been contested in the courts ?

Hon. Mr. BEIQUE—No, it has not ; but by my amendment I declare that the claims of the creditors as they exist before the amalgamation shall not be affected by the amalgamation. I have gone to that extent to satisfy the hon. gentleman.

Hon. Mr. CLORAN—The hon. gentleman has not said that he would not accept my suggestion to insert the word 'respective.' Why would he not accept it ?

Hon. Mr. BEIQUE—Because it is substituting this parliament for the courts, and I know it would interfere with the vested rights of the parties. I am acting for the receiver. I know what I speak of ; I know the claims against the roads and it would seriously affect the rights of parties who are not before us.

Hon. Mr. CLORAN—Opinion is very largely divided on that, whether it would affect their rights or not.

Hon. Mr. BEIQUE—The hon. member has been told of certain things by parties——

Hon Mr. THIBAUDEAU (Rigaud)—And it is correct too.

Hon. Mr. BEIQUE—Neither the hon. member from Victoria nor the hon. member from Rigaud has had anything whatever to do with it. They are not interested parties and do not represent any of the creditors. I represent the main creditors ; I represent the receiver, and I declare to this House that my amendment is the proper way to frame the clause.

Hon. Mr. CLORAN—The hon. gentleman has just given to the House a reason why we should not take his suggestion in regard to this matter. He represents large creditors, perhaps that is his interest in proposing an amendment to the measure as it came from the Commons, an amendment which is not clear and which is liable to bring the matter before the courts. The clause as passed by the House of Commons covers all rights and protects all interests. It says the creditors of one company shall be paid by that company out of the proceeds of the sale of that road, and that the creditors of the other company shall be paid out of the proceeds of the sale of the other road. What I want to know is this: If I am a creditor to any extent in the South Shore, and I do not receive any money out of the proceeds of the sale of the road, am I entitled to look to the proceeds of the sale of the Quebec Southern to get paid, or vice versa? If that is the object of his amendment I say that it is not fair and just and I do not see why he does not accept the word 'respective,' because that is the whole sense of the situation. Creditors of one road shall be paid out of the proceeds of the sale of that road and creditors of the other company will be paid out of the sale of the other road, and that is the whole thing.

Hon. Mr. THIBAUDEAU (Rigaud)—The hon. gentleman from de Salaberry (Hon. Mr. Béique) states that he represents mostly creditors of the United Counties road. Of course, he represents the Bank of St. Hyacinthe, which is in for $16,000, and surely whatever he can get will be a benefit to his clients. It is perfectly absurd to provide that one road should pay the debts of the other. Let each road pay its own debts. This road owes about $80,000 and some other claims in addition. My hon. friend desires that his clients, the Bank of St. Hyacinthe, shall come in and obtain the balance out of the sale of that road after the $80,000 has been paid when they have no right to it. Surely this House is not going to give its sanction to the most odious measure ever passed, the most odious Bill ever concocted in this House.

Hon. Mr. BEIQUE—I should like to see what interest the hon. gentleman from Rigaud desires to protect. I would then be able to answer him. The difference between the

hon. gentleman or these gentlemen whom I see outside the bar of this House——

Hon. Mr. THIBAUDEAU—Order, order.

Hon. Mr. BEIQUE——who want to obtain an advantage over certain creditors and I ask if the amendment I propose has the effect of giving any advantage to any one creditor.

Hon. Mr. POIRIER—I rise to a question of order.

Hon. Mr. BEIQUE—My amendment is for the purpose——

Hon. Mr. POIRIER—The hon. senator called the attention of the chair to the fact that there were strangers in the House, which means that the sergeant-at-arms is to be called to empty the House and that every one should be ordered out. That is the effect of his remarks.

The CHAIRMAN—I have not heard that observation made.

Hon. Mr. THIBAUDEAU (Rigaud)—It was loudly made.

Hon. Mr. KERR (Toronto)—I can make a suggestion which perhaps would meet the whole case. The amendment proposed by the hon. gentleman from de Salaberry reads:

In the distribution of the proceeds of the price of sale of said railways or either of them, the creditors thereof shall be paid.

Hon. Mr. THIBAUDEAU (Rigaud)—Strike out 'thereof,' and we will admit it.

Hon. Mr. KERR (Toronto)—I suggest the following : 'Shall be paid in order of priority according to law, under the direction of the court.'

Hon. Mr. THIBAUDEAU (Rigaud)—'According to law' would mean the same thing as under the direction of the court.

Hon. Mr. KERR (Toronto)—Would it not appear that if the court found that there were some creditors of one road and some of another, and some joint creditors, that the court would direct according to what the equities would be, according to what the rights of what the parties would be. It would be a matter which could be disposed of by any officer of the court or any person interested conducting the litigation, but it would be done under the direction of the court. It seems to me that that would meet the case, and there would be no difficulty at all. The court would direct the way in which the money would go. It would be according to law and under the direction of the court. The funds would be conserved and if the hon. gentleman from de Salaberry would consent to that, I make the suggestion that it ought to meet the difficulty.

Hon. Mr. CLORAN—That does not meet the situation at all. The clause coming from the House of Commons covers that. It says that creditors shall be paid according to law—adding the words, 'under the direction of the court' is altogether superfluous. When you say a debt shall be paid according to law that means by the direction of the courts and it does not require to add those words. That does not make the clause any clearer. Does he mean as representing the interests of the creditors of this company, or one of these companies, to ask this House to allow a creditor of the South Shore or of the Quebec Southern to be paid out of the sale of a road in which he has no interest. Is that what he means? That is what the clause means.

Hon. Mr. BEIQUE—No.

Hon. Mr. CLORAN—And that is the very reason he will not accept the word 'respective.' We will accept his amendment—'in the distribution of the proceeds of the price of sale of said railways either of them, the respective creditors.' Does the hon. gentleman want the creditors of the Quebec Southern to be paid out of the South Shore? His clause says so, because he refuses to accept the word 'respective.'

Hon. Mr. DOMVILLE—He has no right to.

Hon. Mr. THIBAUDEAU (Rigaud)—He won't get it.

The House divided on the amendment, which was adopted on a division ; yeas, 16 ; nays, 15.

Hon. Mr. LOUGHEED, from the committee, reported that they had gone through the said amendments, and had agreed to the same, with one amendment to the first amendment.

Hon. Mr. CLORAN—I beg to give notice that when this Bill is up for third reading

I will move an amendment along the line I have suggested to-night.

Hon. Mr. LANDRY—The third reading has been passed. The Bill was sent to the Commons, amended there, and now we have discussed those amendments.

Hon. Mr. BEIQUE moved concurrence in the amendments.

Hon. Mr. CLORAN—I beg to move in amendment, seconded by the Hon. Mr. Thibaudeau (Rigaud) that the word 'respective' be inserted in the third line and 'respectively' in the fourth line, and that it be referred back to committee to make those changes.

The House divided on the amendment, which was lost on the following division.

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The amendments were concurred in.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (196) An Act in amendment of the Criminal Code, 1892. He said : This Bill has been very much discussed. It is the measure known as the Bill relating to Trading Stamps. It has been demanded by all the Boards of Trade in Canada, and, I am told, by nine-tenths of the merchants of Canada. It has been very much discussed in the press and hon. gentlemen know exactly the working of it. The best authorities say that it interferes very seriously with fair and honest trade.

Hon. Mr. McMULLEN—I have no objection to the portion of the Bill which deals with Trading Stamps. I am entirely in favour with it, but the last clause of this Bill alters a very important section of the Criminal Code, and I cannot understand how it has crept into this Bill. If hon. gentlemen will look at the last clause they will see that it reads thus :—

> Section 523 of the Criminal Code, 1892, is amended by inserting after the word "conviction", in the second line thereof, the words "at the option of the accused."

In order to give the House an idea of the serious alteration which it makes I will refer to clause 523 of the Criminal Code. It reads as follows :—

> 523. Every one is guilty of an indictable offence and liable on indictment or on summary conviction before two justices of the peace, to a fine not exceeding one hundred dollars or three months' imprisonment with or without hard labour who, wrongfully and without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do, or to do anything from which he has a lawful right to abstain :—
>
> (a) uses violence to such other person, or his wife or children or injures his property ; or
>
> (b) intimidates such other person, or his wife or children, by threats of using violence to him, her or any of them, or of injuring his property; or
>
> (c) persistently follows such other person about from place to place ; or
>
> (d) hides any tools, clothes or other property owned or used by such other person, or deprives him or hinders him in, the use thereof ; or
>
> (e) with one or more other persons, follows such other person, in a disorderly manner, in or through any street or road ; or
>
> (f) besets or watches the house, or other place where such other person resides or works, or carries on business or happens to be.
>
> R.S.C., c. 173, s. 12.

It is intended by this very innocent-looking clause at the end of the Bill to alter the whole proceeding of this section and make all the proceedings optional with the accused. If any person is guilty of any of those offences and declines to be tried by a magistrate or a justice of the peace, he can claim to be tried by a jury, and the result is that the police magistrate or the justice of the peace has no jurisdiction. He must consent to his being tried by a jury and all the police magistrate has to do is take his recognizance and security that he will appear at the court and be tried by a jury. Then we know perfectly well that out of twelve men it will not be very hard to get a mechanic or a couple of artisans close-

ly allied with the striking party, and when it comes to trial a conviction cannot be secured—you will have great difficulty in getting a verdict. I object to this clause of the Bill; it is foreign to the other portion of the measure, and how it found a place here I cannot understand. It appears to me that it has been quietly attached to the end of this Bill for a purpose, and as far as I am concerned I shall certainly oppose, to the extent of my power, the passage of that clause at every stage. I am entirely in favour of the rest of the Bill, but that particular clause I object to; and if the Bill is pressed I shall move that that clause be struck out. If I cannot accomplish anything else I shall move at the third reading that the clause be eliminated.

Hon. Mr. SCOTT—That will come up in committee. Why not move in committee?

Hon. Mr. McMULLEN—I am opposed to the principle of the Bill as far as that clause is concerned. I have no objection to the other portions of the Bill, but I do oppose that clause, because I say it is dangerous and will facilitate and encourage strikes. We will soon be as bad as they are in the United States; they cannot get a conviction there simply because their judges and magistrates are all elected. This will put us in a similar position.

Hon. Mr. POIRIER—That is all very well, but let us deal with it in committee.

Hon. Mr. BAKER—I do not propose to discuss the merits of the Bill; I merely call attention to the fact that the matter with which it deals has been the subject of legislation by the legislatures of Ontario and Quebec, and the matter has been brought before the Superior Court and the Court of King's Bench in Montreal in litigation between the parties interested. The Superior Court held that it was a matter within the jurisdiction of the legislature of Quebec and that it was properly before it. An appeal was taken to the Court of King's Bench, and that judgment was reversed, the Court of King's Bench holding that it was an act in restriction of trade, and therefore came within the jurisdiction of this parliament. More than that, it is known that the Bill which was introduced in the House of Commons by the Minister of Justice, and now comes here as a government measure, was condemned by the Minister at the time he introduced the Bill. It is a matter relating to the criminal law, which is specially within the jurisdiction of the Minister of Justice more than within the purview of any other of his colleagues; and under these circumstances, at this late stage of the session, it appears to me that it is utterly impossible that the Bill can be passed. It will be strongly opposed in this chamber as I am told it has been strenuously opposed in the courts; and, as I have just said, it is utterly impossible that the Bill can pass. Therefore I submit to the Secretary of State the propriety of withdrawing the Bill without further taking up the time of the Senate.

Hon. Mr. SCOTT—The government have adopted the policy of placing the Bill before parliament and asking parliament for its approval of the measure as one in the interests of the great majority of the mercantile community. As I am advised, it has been asked for by all the Boards of Trade in Canada.

Hon. Mr. SULLIVAN—I have asked several persons, especially women, about this Bill, and they say it is a fraud.

Hon. Mr. ELLIS—This may be a criminal measure but I think some good and substantial reasons should be given for the passing of such a law. Of course the government may decide that a certain thing is right and proper, but undoubtedly the Minister of Justice in bringing this matter before the other House showed that he was acting in a perfunctory way, because his observations clearly showed that he did not consider that what was proposed to be punished was criminal.

Hon. Mr. LANDRY—I would ask if the arrangement made at the beginning of this sitting should not be observed. We were to take the unopposed Bills first.

Hon. Mr. SCOTT—Every Bill has been opposed.

Hon. Mr. LANDRY—None of them has been opposed excepting the last Bill. The hon. minister must not forget this, that item 3 has been passed over for that purpose. We did not take up the Militia Bill because it was understood we were to proceed with the unopposed orders on the paper. There are items in the orders which are not op-

posed, and the hon. minister should take up those items immediately. If he will not do so, we will discuss this Bill ; and if he has any cause to complain he must blame himself.

Hon. Mr. BEIQUE—To those who have followed the proceedings in the House of Commons, it is plain that public opinion as expressed in that House demands the passing of this Bill. As far as the Boards of Trade are concerned, the opinion of the Boards of Trade, from one end of the Dominion to the other has been placed on record in the Hansard of the House of Commons. The resolutions passed by them were read in that House, and the principle embodied in the Bill has the approval of the Boards of Trade generally. The question is as to whether it is a criminal offence that this Bill deals with. For my part I do not hesitate to answer that question in the affirmative, because the trading stamp is nothing else but a device to impose on the person who conducts a trade by holding out to him the promise that if he purchases, then the vendor of the trading stamps will place canvassers on the streets for the purpose of enticing customers from others to purchase in his shop, and with a further threat that if he refuses to purchase the stamps that he will go and trade with his competitor and adopt such means to destroy his business. Surely this is a practice which is a crime, and for my part I have no hesitation in approving this Bill, and I think it should receive the sanction of parliament. Possibly it might have been worded differently, but the object of this Bill is not to prevent any legitimate trade, simply to put a stop to the practice I have described.

Hon. Mr. LOUGHEED—I disapprove personally of the trading stamp system, yet I am bound to take exception to the hasty legislation involved in this Bill. In the dying hours of the session we are asked to place on the statute-books not merely an expression of opinion, but a declaration having the force of law that that is a crime to-day which up to a few days ago, in fact for some years, has been looked upon as a legitimate business. The moral susceptibilities of the government seem to have become suddenly aroused to the fact that a crime is being committed in connection with a business which apparently has been successful for at least a decade and has extended its ramifications all over the Dominion. It seems to me a grave injustice is being done to those who have entered upon and are now conducting a legitimate business. As I understand it, a very large amount of money is invested in these trading stamps in the way of manufacturing different articles and in the distribution of their trading stamps. I am informed that several hundred thousand dollars have been invested in this particular business. It is idle to say that the manufacturing of these goods can be a crime. It is idle to say that the sale of these goods is a crime, but it seems that the fact of an association being had between the manufacturer of these goods and the retail dealer is to be constituted a crime. It requires a refined distinction, in my judgment, to conclude that this is a crime. There must be some moral, or immoral element in a transaction of this kind if we are to be sustained in establishing a code of criminal law. It seems to me it is a fallacy to suddenly come to the conclusion that because retail merchants or boards of trade may condemn a particular system of trading, that condemnation must necessarily constitute the system a criminal one. If we are to be sustained in building up a proper body of criminal law the immoral element, or the offence against morality must necessarily be clearly defined throughout that body of law. I have heard no analysis of this particular class of business which would appeal to my mind as satisfactory in establishing it to be a crime. I take the view that the matter comes within the jurisdiction of the provinces, and that the municipalities or other bodies charged with the work of local government have the right to say whether this class of business should be carried on within the community by license or otherwise or whether it should be suppressed. But that a class of the community should come to this parliament, three or four days before the closing of the session, and suddenly seek to impress on parliament that a business which had been a legitimate business for years past is a crime, and that the Minister of Justice, although introducing the Bill, should express his disapproval of it, is to my mind an extraordinary state

of affairs. Parliament would not be doing itself or the community justice to suddenly pass a law of this kind which would wipe out of existence a large commercial interest, representing many hundreds of thousands of dollars, without a little more mature consideration being given to the question. This is a matter which might very well be taken up next session, and considered in the various aspects in which it presents itself to our mind; and after mature deliberation we could deal with the question. In the meantime the courts of Ontario and Quebec will have disposed of the various controversial phases of the subject which have come before those courts, and parliament will be seized of information along the lines which I have indicated; and I have no doubt that the judgments of those appellate courts will throw light on the subject so that we may be able to deal thoroughly with it. I therefore, without expressing disapproval of the Bill, would be most emphatically in favour of its standing over until next session of parliament.

Hon. Mr. KERR (Toronto)—The hon. gentleman has expressed his disapproval of trading stamps, and I think has also gone further and said that the disapproval was more or less general throughout the community. We have as a fact the intimation that boards of trade have conveyed that impression, as well as experienced business men throughout the country, who have made known exactly what they object to and how strong their objection is to trading stamps. The argument is advanced that because it has not been an indictable offence——

Hon. Mr. LOUGHEED—It has not been an offence at all.

Hon. Mr. KERR (Toronto)—The argument advanced is because it has not been an indictable offence in the past, it should not be made one now. We all know that law, as applied to the conduct or relations of life, changes; there is that kind of accretion which has been found—the law growing stronger and stronger—to be able to deal with offences as from time to time they become offences. We know perfectly well there are many features connected with gambling of a speculative character, which are now punishable and indictable, which in former years were not. We all know that combinations against a fair sale of property were probably always considered so sufficiently tainted with fraud that a transaction or purchase based on them could be voided; but we know perfectly well also that in certain classes of cases criminal law has been applied, and the offence has been declared a criminal offence. The section of the statute which it is proposed to amend here is one of that class, where combinations against a fair sale are declared to be an indictable offence. It is proposed to amend that section and enlarge its operation so as to take in trading stamps. When the trading stamp business was in its infancy it probably did not do much harm, but with its growth and the extent to which it is taking hold of the people it is in its nature coming more or less to partake of a gambling character, and becoming unfair, unjust and unreasonable, and one which ought to be declared an unlawful interference with the ordinary channels of trade and buying and selling. As such the government after consideration determined to introduce this Bill, declaring that it is an indictable offence coming within the criminal code; and if the facts are as stated, if it is one which is making an inroad upon honest and fair dealing and creating an unhealthy relation between buyer and seller, then it is important that it should be stopped. The way which has been selected as the best method of accomplishing that is by bringing it within the criminal code and declaring it to be an indictable offence. The Bill is pretty plain as to its character. It does not interfere with an ordinary trade discount which is given by a merchant. It does not interfere with that which in ordinary buying and selling would be called a fair way of dealing—a man giving to his customers generally a discount for cash as compared with credit selling, but it does interfere with a man starting a system by which he will divert trade to a person or make a profit, instead of the customer getting the benefit of it, the customer getting the benefit nominally in a certain form but being in the dark as to what the benefit really is. Under the circumstances it appears to me that when a matter is brought forward by the government as an evil which should be stopped, and stopped in a sum-

mary way by aid of the criminal code, we ought not to hesitate about adopting it; and if so I do not think we should postpone our action.

Hon. Sir MACKENZIE BOWELL—I entertain the same views with respect to trading stamps as most people. I am not in favour of the system; but in looking at what has taken place in another Chamber, I find the Minister of Justice, who introduced this Bill, said it was a novel mode of legislation, and he goes a good deal further than that. He says: 'It must be admitted it is novel legislation,' and it is a novel sort of legislation to my mind from this standpoint; I think the company which carried on the trading stamp business was incorporated not only by the Dominion but by some of the provinces. We find the Dominion under the law which gives them the power to incorporate different companies to carry on business, issuing a charter to enable business of this character to be carried on, and then coming down immediately afterwards and declaring it a criminal offence. That I think, with the Minister of Justice, is exceedingly novel legislation; and if it be true, as is asserted that a large amount of money has been invested in order to enable the parties to carry on this business, it is questionable whether the summary manner in which it has been suggested to put down the system is fair and honest. If they have been acting under a charter obtained from the Dominion and charters obtained from provinces, it is a question whether it is fair and equitable to deal with them as this Bill proposes to do. In the face of that fact, should it be made a criminal offence to the extent of being punishable by imprisonment for one year and a penalty of $100 in addition? It does not strike me as being a fair and equitable mode of dealing with questions of this kind. It may be well, if deemed advisable, to annul these charters to which I have referred, and it would be proper if we desire to put down this class of trading to take a little time and pass a Bill making it illegal and a penal offence by which some penalty or fine might be attached; but in the meantime let the people engaged in the business, who have entered upon it lawfully and under authority of a charter, have sufficient time to at least close up their business. The question was put when this subject was under discussion elsewhere as to whether it would be considered a crime for a grocer to give to a customer a stamp upon purchasing an article, to be redeemable afterwards by himself, either in goods in his own shop or otherwise. That was declared by those advocating this measure and by the Minister of Justice not to be an illegal act, that it would be quite proper and within the law to give a purchaser a ticket in lieu of the 5 per cent or 10 per cent discount for cash and telling him that when he has secured a sufficient number of those tickets they will be redeemed in goods. But if the dealer gives the stamp with the understanding that another person shall redeem it, then it is a criminal offence and he is liable to be imprisoned. That is the proposed law. Now there are lawyers in the House and men of common sense. I ask do they see anything criminal in the granting of a stamp to be redeemed by another when it would not be criminal or illegal to give the stamp to be redeemed by himself. I must confess I cannot draw the distinction. I admit that the issuing of these stamps to a merchant when his neighbour refuses to deal in them might give one an advantage over the other, but is that an illegitimate mode of doing business? If it is, I suppose you could make it a criminal offence; but in ordinary business it would not be considered a criminal offence. While I am opposed to the system of trading stamps as a whole, I do not think it is of such an evil character as to justify legislation so stringent in its character as this. When we come to the last clause of the Bill to which the hon. member from Wellington has called attention, the House should be very careful about adopting it. It is an attempt to engraft an objectionable provision upon a Bill with which it has no connection whatever. It is an insidious attempt to make a change in the criminal law by which an object can be attained which cannot be attained now. If, as has been indicated by the hon. member from Wellington, a street riot occurs and some person's head is broken or property destroyed, street car windows smashed, cars thrown off the track and other damage committed, then if any person arrested for such an offence is brought before a magistrate, this clause would enable the

accused to say whether he should be tried summarily by a magistrate or by a jury.

The hon. gentleman has very correctly pointed out what the effect would be if that were adopted. Why should such a clause be added to an Act of this kind? It was only last session we passed an Act affecting the general principle, I forget what it was now, but there were three or four lines changing the Criminal Code by adding a third clause to it. The hon. Secretary of State admitted when he moved the clause that it was not relevant to the Bill which we were considering, and if we are to amend the criminal law in the mode indicated by this Bill, why not introduce it and let it be discussed and considered upon its merits? We could then enter into a full discussion as to the effect it would have upon trade and business generally, and upon the people who commit crime and destroy property in the manner indicated. But if any one has taken the trouble to read the debates in the Commons on this question, I think he will come to the conclusion arrived at by the Minister of Justice himself that it is novel legislation. We grant charters to carry on a business and a year afterwards, at the instance of those who are affected by it, we make the business a criminal offence and propose to send a man to jail and fine him a hundred dollars for carrying it on. If that is correct legislation, I must confess that I form a very erroneous view of our duties as legislators. If any Bill is introduced at the next session of parliament to put a stop to the supposed evil, if evil it be, it would receive the sanction and support of every member who has considered the question; but if the House is determined to carry this Bill now, do not let us add to it a clause amending the Criminal Code in a most important point. Being a government measure I suppose the government members will support it. At twelve o'clock at night, on the eve of prorogation, these Bills are laid before us; and as I have repeated three or four times in accepting them in the manner which we are obliged to follow, we become mere recording machines. We do not consider these question calmly and coolly as they ought to be considered, nor do we give that weight of thought and consideration to them that Bills of this character demand. If there is one thing more than another that will bring the Senate of Canada into contempt it is by adopting the principle we have followed for the last two days of having half a dozen Bills of the most important character brought down and swallowing them holus bolus without the slightest consideration. That is what we are doing with six or seven of the most important Bills which have passed the Commons this session involving millions of money.

Hon. Mr. McHUGH—A reference has been made by the leader of the opposition to the remarks of the hon. member from Wellington with reference to the third clause of the Bill. I do not know if this is the proper time to discuss the matter, but there was a time in the history of the world when trial by jury was denied the people, and I think evils existed under that system. The accused has the privilege of saying whether he shall be tried by one magistrate or two magistrates or by a judge or jury, even for the very greatest crime, where the liberty and life of men are at stake; and I never heard that any one would deny to a fellow-citizen who is charged with a crime the right to elect by what tribunal he shall be tried. Under this clause he is permitted to say whether he shall be tried by a judge and jury or by a magistrate who might not be very well versed in the law. I want hon. gentlemen to consider this matter. In a trial by judge and jury, the judge lays down the law to twelve sworn men, who pledge their oath that they will faithfully try the case, and they are either going to convict or acquit the party accused. I never heard the right denied to any person whose liberty was about to be taken from him to be tried by a judge and jury.

The law speaks of summary convictions, which means a trial before a judge and jury or two magistrates. I know that in the courts in our town they leave it to the accused to say whether he is going to be tried on summary conviction. He has the right of selection, but some other judges have interpreted the law differently, and this Bill is introduced to make the law plain, and it leaves it to the accused.

Hon. Sir MACKENZIE BOWELL—I should like to ask the hon. gentleman if I knocked him down on the street whether

the magistrate would not administer the law and punish me without going to a jury? The hon. gentleman said the right of trial by jury was never denied any one.

Hon. Mr. McHUGH—I said in the most important cases where life and liberty were at stake. The Magna Charta gives all men that right.

Hon. Mr. POIRIER—It was given them before that.

Hon. Sir MACKENZIE BOWELL—If I met the hon. gentleman from Lindsay on the street and knocked him down and he brought me before a magistrate, would the magistrate concede the right to me to be tried by a jury and not punish me summarily?

Hon. Mr. DAVID—That question comes before the committee. It is not necessary to discuss it now.

Hon. Mr. LANDRY—I ask the hon. leader of the House if he would be inclined to accept a motion to adjourn this debate?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—I am very sorry in commencing my remarks to state that the agreement betwen the hon. leader of this House and myself a few hours ago has not been fulfilled.

Hon. Sir MACKENZIE BOWELL—Hear, hear.

Hon. Mr. SCOTT—I beg my hon. friend's pardon. There was no agreement that would involve my ignoring this Bill. We have been taking the Bills regularly from the beginning. I suggested that we should take the unopposed ones. That was not agreed to by the members of the Chamber, and we have therefore taken them in rotation from the beginning.

Hon. Mr. LANDRY—I repeat what I have said. I regret that the agreement between the hon. gentleman and myself at the beginning of this sitting of the House has not been followed. We were discussing the third order of the day at the time, and that order still remains undisposed of. The hon. gentleman knows that it has not been discussed, and why has it not been discussed? Precisely because we agreed to call the unopposed Bills before passing to the measures that were opposed. That was the agreement and in consequence of that agreement the third order of the day the Militia Bill was allowed to stand, and we did not proceed with the discussion on it. My hon. friend must remember that when the House adjourned at six o'clock my hon. friend from Marshfield (Hon. Mr. Ferguson) was about to address the House on the Militia Bill. The discussion was adjourned until eight o'clock, and when we met again my hon. friend from Marshfield had the floor, but he did not proceed, and why? Because the hon. Secretary of State agreed to the proposition that I made, that the unopposed Bills should be taken first so as to give these measures a chance to be passed by the House of Commons. That was the agreement and I am proving the agreement by the fact that we passed over the third order of the day because a long discussion would take place on that measure, and because my hon. friend from Marshfield intended to answer at length the observations made in this Chamber by the Minister of Trade and Commerce (Hon. Sir Richard Cartwright). Is that not a fact?

Hon. Mr. THIBAUDEAU (Rigaud)—Yes.

Hon. Mr. LANDRY—I have refreshed his memory that an agreement was made; and if the agreement has not been carried out it is not our fault. He does not remember having made the agreement, but when an agreement is made it should be lived up to.

Hon. Mr. DAVID—Of all the Bills that have been introduced into this House, will the hon. gentleman tell me if there is one single measure that has been asked for by as many boards of trade as the present Bill? We have considered Bills which have not been asked for, but this one has been.

Hon. Mr. LANDRY—The hon. gentleman asked me if there is any Bill that has been asked for by the public more than this one. I never heard of any petition or any deputation asking the House to pass this measure. What took place in the cabinet I do not know.

Hon. Mr. DAVID—The hon. gentleman reads the papers?

Hon. Mr. LANDRY—Yes, but not all. I intend reading a book that my hon. friend

has written with reference to the Prime Minister. It has been very well spoken of in the papers, and I wish to congratulate the hon. gentleman on the sentiments he expressed in that book, although I have not read it. I know he has said a good deal in this chamber about the Prime Minister, but I want to know what he has written.

Some Hon. MEMBERS—Question, question.

Hon. Mr. LANDRY—What is the question ?

Hon. Mr. THIBAUDEAU (Rigaud)—Do not excite him.

Hon. Mr. LANDRY—This Bill is in amendment of the Criminal Code of 1892. Let us see what the principle of the Bill is. The first clause states that the Criminal Code of 1892 is amended by inserting the following subsections immediately after section 536. That section of the code deals with offences connected with trade and breaches of contract.

Subclause 1 reads :

Section 526a. The expression 'trading stamps' includes, besides trading stamps, commonly so called, any form of cash receipt, coupon, premium ticket, or other device designed or intended to be given to the purchaser of goods by the vendor thereof or his employee or agent, and to represent a discount on the price of such goods or a premium to the purchaser which is redeemable.

I suppose the hon. Secretary of State, who has charge of the Bill, will consider it his duty to give all the information so that the clause will be made clear when we go into committee.

Hon. Mr. DAVID—The hon. gentleman's conclusion is that the House will go into committee.

Hon. Mr. LANDRY—No. I said when we go into committee, which I think may be next year. I suppose everybody understands the clause which I have read. If not, it is because it is very obscure. A grocer or tobacconist may sell his cigars or tobacco with stamps in a different box or with wrappers which if returned entitle the purchaser to a certain discount or to a certain present. That is the same thing that is done with the trading stamps.

Subclause B, the second provision, states that the expression 'goods' means anything which is merchandise or the subject of trade or manufacture. That throws a great deal of light on the subject. Then subclause C reads as follows :

(c) The expression 'every one,' 'vendor,' 'purchaser,' 'merchant,' 'agent' or 'person' includes any partnership.

This first clause is what we call the interpretation clause. The Bill goes on to describe what the offence is. Every one is guilty of an indictable offence and liable to one year's imprisonment and to a fine not exceeding five hundred dollars—that is half of our surplus indemnity this year.

Hon. Mr. THIBAUDEAU (Rigaud)—This is all childish.

Hon. Mr. LANDRY—Subclause 2 of this Bill reads as follows :

2. Every one is guilty of an indictable offence and liable to one year's imprisonment, and to a fine not exceeding five hundred dollars, who, by himself or his employee or agent, directly or indirectly, issues, gives, sells or otherwise disposes of, or offers to issue, give, sell or otherwise dispose of trading stamps to a merchant or dealer in goods for use in his business.

I will not make any comment on this clause. We will discover the principle of the Bill by reading it over in its entirety.

Now here is something very serious :

Every one is guilty of an indictable offence and liable on summary conviction to a fine not exceeding $20 who, being a purchaser of goods from a merchant or dealer in goods, directly or indirectly receives or takes trading stamps from the vendor of such goods or his employee or agent.

What is the meaning of that clause? Suppose the minister from British Columbia (Hon. Mr. Templeman) has a daughter and she goes to a shop and buys an article and is given a trading stamp she may be prosecuted and if found guilty fined $20. Did the hon. Secretary of State ever imagine the position in which he is putting his colleagues by passing this Bill? One may be perfectly innocent of any intent to do wrong and yet by accepting a trading stamp become liable to this heavy penalty.

Hon. Mr. DAVID—Does not the hon. gentleman think that a fine also should be imposed upon a man who has no pity for his colleagues, who talks merely to kill time ?

Hon. Mr. LANDRY—The hon. gentleman has no right to assume that I am killing time.

Hon. Mr. KERR (Toronto)—It looks like it.

Hon. Mr. LANDRY—The hon. gentleman has no right to insinuate motives. I am here in the performance of my duty.

Hon. Mr. DAVID—It is a lesson to the government. It shows the necessity of bringing their Bills here in time so that no hon. member can, like the hon. gentleman from Stadacona, delay prorogation.

Hon. Mr. LANDRY—We agree upon that point; it is a lesson to the government that they should bring their Bills here in time. More than that, it is a lesson to my hon. friend the Secretary of State not to insist upon forcing Bills through the House without giving time for proper consideration.

Hon. Mr. SCOTT—We had hoped to have prorogation to-day, but of course all the Bills on the paper have to be disposed of.

Hon. Mr. LANDRY—If the hon. member wants that, he has the means of getting it. We made an agreement to which the hon. gentleman has not adhered.

Hon. Mr. SCOTT—I have done everything that is fair, but as I do not feel justified in keeping the House sitting and having this exhibition made I am willing that the debate shall be adjourned.

Hon. Mr. BEIQUE—I understand that the hon. member suggests that this matter be suspended for the time being and that the orders which are not opposed be passed.

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

The motion was agreed to.

MILITIA ACT AMENDMENT BILL.

THIRD READING.

The Order of the Day being called :

Resuming the adjourned debate on the motion of the Hon. Mr. Scott for the second reading of Bill (170) an Act to amend the Militia Act.

Hon. Mr. FERGUSON said : I regret that I have to proceed with the observations I intend to make on this subject in the absence of the hon. Minister of Trade and Commerce, because they are intended as a reply to his speech before six o'clock, and one of the reasons why I so readily consented to the laying over of that Bill was because I had hoped the hon. gentleman would be in the House this evening. I should prefer in his absence that the Bill be allowed to stand until to-morrow. It is not a very inviting hour of the morning to make remarks on a Bill of this kind, but if I were to discuss all the subjects that were referred to by the hon. Minister of Trade and Commerce, I fear that I would make almost as long a speech as we were assured the hon. member for Stadacona was going to make on another Bill. However, I shall confine myself to two or three points as to which I wish to place myself on record. My hon. friend the Minister of Trade and Commerce claimed a great deal of credit for the present government on account of sending the contingents to South Africa. I do not think the government, especially the premier, can claim very much credit, because he announced in an interview published in the 'Globe,' a couple of days before any action was taken to send the contingents, that there was no intention on the part of the government to do anything in the matter. Possibly the hon. Minister of Trade and Commerce knows how the hand of the Prime Minister was forced on that occasion. It may be that he was not one of those who were remiss in their duty in connection with that matter ; but certainly after the announcement of the premier, pointing out that they would only permit Canadians to volunteer at that time, it ill becomes the hon. gentleman to declare as he did in the House this afternoon that the government deserved credit for the course they pursued in that matter. However, that is not the worst of it The hon. gentleman went on to claim that the members of the government personally and individually had done wonderful things, that no less than seven sons of cabinet ministers were in the firing line in South Africa and that one of them was killed in battle. I know the son of the Minister of Militia was killed, but I think it was rather a Falstaffian statement on the part of the hon. gentleman when he said that seven sons of ministers were in the firing line in South Africa. I should like the hon. Secretary of State or some one who knows the families of ministers to tell me who these seven sons of ministers who were in the firing line of South Africa were. I think I would have no trouble in proving to the House how far

the statement is correct. I see the hon. member from Rothesay (Hon. Mr. Domville) has his pencil ready to take down the names of those who were in the firing line in South Africa.

Hon. Mr. DOMVILLE—They fought like men, and some of them died.

Hon. Mr. FERGUSON—I have no doubt if they were there they fought very well, but if they were not there it is reasonable to doubt whether they fought well or not. I think I could go over the list and my hon. friend can take down the names. First, how many sons of the premier were there. Perhaps we would save time if my hon. friend, who is a great military man himself and takes cognizance of everything in that line going on in Canada, and I dare say in the world at large, could tell us off-hand who were those seven sons of ministers who were in the firing line.

Hon. Mr. DOMVILE—I did not make the statement, and I am not interrupting the hon. gentleman.

Hon. Mr. FERGUSON—Perhaps he can give us the information.

Hon. Mr. DOMVILLE—I do not know.

Hon. Mr. FERGUSON—I doubt if the hon. Secretary of State knows either. I have no doubt whatever that this statement about the seven sons of ministers who were within the firing line of South Africa is something like Jack Falstaff's men in Kendal Green. The number was increased every time the story was repeated, and I have very little doubt from the mood the Minister of Trade and Commerce is in this evening that if he had got a little gentle friendly interruption such as my hon. friend is giving me just now, we would have got twenty-seven sons of ministers in the firing line in South Africa.

Hon. Mr. DOMVILLE—If the hon. gentleman would allow me to say one word, I never interrupted——

Hon. Mr. FERGUSON—I am very glad to have the hon. gentleman interrupt me. It was a very extraordinary statement on the part of the Hon. Minister of Trade and Commerce in the first instance that the government are entitled to any credit whatever in connection with sending the contingents to South Africa, in view of the fact that the premier declared through the Toronto 'Globe' that the policy of the government was that they should not send Canadian troops to South Africa, and in view further of the fact that they apologized steadily and continuously for a very considerable time at least, for allowing any Canadians to go, alleging that they simply went as volunteers and that the government had nothing whatever to do with it. Now the Minister of Trade and Commerce alleges that the government is entitled to very great credit for what they did on that occasion.

Hon. Mr. DOMVILLE—Hear, hear.

Hon. Mr. FERGUSON—Then the hon. Minister of Trade and Commerce went on to claim a great deal of credit for the government on account of British preference. What had this to do with the Militia Bill? I confess I do not know very well, but I have no doubt if the hon. Minister of Trade and Commerce were present, he would be able to show me what that has to do with increasing the number of the regular troops from two to five thousand. The Minister of Trade and Commerce is a very logical man, and I have very little doubt if he were present he would be able to show us the entire relevancy of that statement to the increase of the standing force of the Dominion. My hon. friend (Hon. Sir Mackenzie Bowell) has put a memo. in my hand which entirely proves the correctness of the statement I have made, that Canada moved very slowly and unwillingly—as far as the premier and cabinet were concerned—in the matter of sending a contingent to South Africa. Queensland made its offer to the imperial authorities on the 11th July; Victoria on the 12th July, the Straits Settlement on the 17th July, New South Wales on the 21st July, Hong Kong on the 21st July, New Zealand on the 22nd July, West Australia on the 5th October, Tasmania on the 9th October, South Australia on the 13th October, and the last of all the colonies in the empire to make an offer was Canada. That was done on the 14th October.

Hon. Mr. DOMVILLE—We were the second to send troops. Not only that, but while I do not want to put myself forward

in any way, our corps were the first to offer for service in the colonies.

Hon. Mr. FERGUSON—They were the last of all. I have given the exact dates.

Hon. Mr. DOMVILLE—My hon. friend is talking of the colonies as a whole. I think you will find the Eighth Huzzars made the first offer of any member of the empire to go to South Africa.

Hon. Mr. FERGUSON—It may be quite correct that individuals and individual corps made offers previous to that, but it was not what individuals did that the hon. Minister of Trade and Commerce spoke of, it was what the government did. We know there is plenty of patriotism in Canada, and not only patriotism, but as events showed, valour and the best fighting qualities. I am dealing entirely with the claim which the hon. Minister of Trade and Commerce made in this House that the government was deserving of a great deal of credit for what it did.

There is one other subject which I must briefly notice before I close my remarks and that is the hon. gentleman's claim to credit for the government because they brought about a preference for Britain. I remember very well that when Mr. Fielding announced this tariff he stated most distinctly that it was not a preference proposition at all, but a reciprocal tariff, or as Kipling put it, 'We favour those that favour us, said the Lady of the Snows.' It was a proposition to give a lower tariff than our regular normal tariff to countries whose average tariff was less than or equal to our own. That offer was open to all countries. The government were told at the time they could not do that, but they knew better; and the legal gentlemen in the government claimed that any fledgling lawyer ought to know that it was very easy of accomplishment, that they had only to go to England and it would be put into effect. Sir Charles Tupper told them that the Belgian and German Treaties were in the way and would have to be abrogated. He told them of the efforts that had been made in that direction, all of which had been resisted, and he told them further that the favoured nations' clause in Britain's treaties with other nations would also be in the way of carrying out any such policy as they have announced. But they knew better than Sir Charles Tupper, and they passed this reciprocity tariff of theirs, and many of the ministers went to England for the purpose of taking part in the proceedings of the jubilee year. The conference was held in London, and they met Mr. Chamberlain and other members of the British government and were told plainly that what they proposed could not be done, that it was impossible to put this reciprocity tariff in operation until the Belgian and German treaties were got out of the way. They were not satisfied, however, with this statement; they went to the Privy Council and were told substantially that Sir Charles Tupper and Mr. Borden and others, who had told them that the Belgian and German treaties were in the way, were right. What occurred later on? After the conference and after all the colonies were heard on the subject, Mr. Chamberlain made a speech to the delegates in that conference, and told them that although Canada had repeatedly demanded the abrogation of the German and Belgian treaties yet the British government had steadfastly declined, but that he had learned in the course of the conference that it was the unanimous desire of the colonies that the British government should give notice for the abrogation of the Belgian and German treaties. It was then, and not until then, that Mr. Chamberlain announced that such notice would be given.

I have no doubt that in the mood in which my hon. friend the Minister of Trade and Commerce was this evening, he would have claimed all the credit for the abrogation of the German and Belgian treaties, along with all the other matters that he claimed credit for,—the preference and other matters. We know what happened. It was due, not to any effort on the part of the government of Canada, not due to the fact of the reciprocity tariff we passed here, that the German and Belgian treaties were abrogated, but it was due to the action of the colonies in London, and when they became unanimous the British government decided to give notice for the abrogation of the treaties. But when that was settled Mr. Chamberlain informed Sir Wilfrid and his colleagues that there was another difficulty in the way. He pointed out to them what had been pointed out by our friends in opposition here, that even

after abrogating the German and Belgian treaties, the most favoured nation treaties which Britain had with a great many nations, were still in the way, that this interposed a still more serious difficulty, and that the only Bill that they could pass in the nature of the tariff which they called a reciprocal tariff was a British preference. They then found that all they had been doing, practically from the time their tariff went into effect, had to be undone, and steps had to be taken to make good to Germany and Belgium the duties collected from those countries in excess of those collected from other countries which had most favoured nation treaties with Great Britain. In the face of this evidence that the preference was a matter of accident, that the government fell into it as a pure accident, without any intention of ever establishing a British preference, but in a zig-zag way, looking at one object and hitting another, my hon. friend the Minister of Trade and Commerce this evening asked us to give the government a great deal of credit on account of the British preference. I know this subject must be of interest to other gentlemen. The Minister of Trade and Commerce must have thought it was interesting or he would not have referred to it as he did on the Militia Act and he must have seen the entire relevancy between the Militia Act and the subject of the preference. I was very much delighted to hear my hon. friend the Minister of Trade and Commerce lamenting over one of his party's lost opportunities. He said 'if we had been in power when the late government were in power, we could have made an arrangement of a trade character with the United States which would have been most beneficial to Canada and which would have cemented together the Anglo Saxon race all over the earth and it would have been a blessing to the whole world? My hon. friend lamented the fact that they were not in power at that time; but if they were not in power at the critical moment—that tide in the affairs of men or in the affairs of government which, taken at the flood, leads on to fortune—if they were not in power at that exact period with regard to the question of reciprocity with the United States, they were in power at a period when other opportunities presented themselves. The hon. gentleman was not very much stronger in pronouncing himself in years gone by in favour of commercial union with the United States or unrestricted reciprocity than he was with regard to changing the constitution of this honourable House. Yet he had an opportunity of doing that, but he did not take advantage of it. This honourable House still flourishes. I know that at a later period the hon. gentleman told us that he was going to leave the matter in the hands of Providence. It was very kind of the hon. gentleman—I am not going to discuss the doings of Providence in regard to this House. They have been very marked in a great many ways during the last few years—it is enough to cause a feeling of sadness and reflection to pass over our mind when we think of it. But what I do point out is the lost opportunity—lost because he has allowed it to be lost—which he has had for the last nine years to carry out the solemn promise that he would reform this House by changing the constitution of the Senate. I could point to several other lost opportunities the hon. gentleman and his friends have had. I might point to an opportunity for reducing the expenditure of this country from one to six million dollars. I think the hon. Minister of Trade and Commerce took a kind of mean between one and six million. The expenditure of this country on consolidated revenue in 1896 was about thirty-six million dollars, and including capital account it was about forty-one million dollars, but the hon. gentleman solemnly promised that if the people of this country would give him and his friends an opportunity, he would reduce this expenditure about three or four million dollars, and the former Minister of Justice, who has now passed away, indicated that the reduction would be six million dollars.

Hon. Mr. CLORAN—We did not know the country would develop as it did.

Hon. Mr. FERGUSON—There are a great many things the hon. gentleman did not know at that time, and a good deal he does not know now. But he did not put in a saving clause of any kind whatever. All he wanted was to have the opportunity. This extravagant, corrupt government, who were expending altogether on consolidated revenue and capital account $41,000,000 were an incapable lot, and if the Minister of

Trade and Commerce and his friends were only given a chance they would reduce that expenditure by three or four million dollars. We will ascertain to-morrow exactly how much they are expending this year and how far the Minister of Trade and Commerce is falling short of making use of this grand opportunity to reduce the expenditure of his country. The speech of the hon. gentleman opened up many other subjects, and I could point out many other lost opportunities of the government with regard to carrying out their promises. My hon. friend seemed to think the only difficulty in the way of bringing about the most happy state of affairs for the benefit of Canada, the empire and the whole Anglo-Saxon race, was that the late government did not drop out a little earlier and allow their opponents to get control of affairs away back in the years 1889, 1890 and 1891. It would have been very interesting if he had been a little more precise and if he had fixed the year in which he sighed because he had not the opportunity, because in one of those years I believe he was advocating commercial union with the United States—no custom-house between the North Pole and the Gulf of Mexico. And at another time he was advocating unrestricted reciprocity—and if the opportunity had come it would have been in the way of establishing unrestricted reciprocity between Canada and the United States. If the opportunity had come in any of those years the herculean efforts of the Minister of Trade and Commerce and my hon. friend the Secretary of State would have been devoted to bringing about free trade as it is in England. I must complain of the Minister of Trade and Commerce that he did not indicate to the House in which of those forms all the great blessings which he enumerated would have come to the people of the country. However, there was no doubt, in my hon. friend's opinion, that if they had been in power at that time they would have brought in some one of these measures ; any one at all, I presume, would have been sufficient to bring about a most happy state of prosperity, and to cement together the empire and the Anglo-Saxon community all over the world. The hon. gentleman appeared to have so much faith in any one of the various nostrums which he proposed that there does not appear to be any difference which one of them he advocated,—if they had not lost that opportunity of dealing with the trade question in 1888, '89, '90, and '91. The opportunity came a little later. when my hon. friends came into power, and they undertook to deal with the trade question ; but they forgot all about unrestricted reciprocity. They forgot all about commercial union with the United States. If I recollect aright, they had forgotten that before we went out of power. It was not altogether the fault of the miserable Tories who did not consent to die at the right time or to get out of office at the right time to suit them, because I remember a conference was held in this very city in 1893 and the wise men of the Liberal party gathered from all parts of this country. An important contingent came up from Prince Edward Island for the purpose of formulating a policy for the party. It appears that they had begun to lose faith in the nostrums that they had been propounding for some years, and they called their wise men together for the purpose of counselling which of these policies they would agree to accept and carry into effect when they would get into power. I suppose that is what they had in their minds when they came together. A gentleman turned up among the wise men on that occasion and said to them in effect : 'You have been a pack of fools.' Sir Oliver Mowat delivered a speech at that conference and a little pamphlet was published which I am preserving with care. It has often been referred to in the past, and will be referred to in the future.

Hon. Mr. CLORAN—Does the hon. gentleman think he is treating the House fairly in discussing these matters on the Militia Bill ?

Hon. Mr. FERGUSON—I have been following the Minister of Trade and Commence and would point out that he discussed the preference question in connection with this. The subject is a broad one which could be followed up with advantage. I read in the 'Globe,' the organ of the Liberal party——

Hon. Mr. CLORAN—Only sometimes.

Hon. Mr. FERGUSON—It is the organ of the party, but as the party wobbles the 'Globe' wobbles. It sometimes does not

wobble as quickly as the party changes its attitude, but it generally gets into line at last. The Toronto 'Globe' has some political biographies—it has announced that we are on the eve of very serious changes in our cabinet; that we are going to take our leave of the Secretary of State, that in September next he will retire from public life.

Hon. Mr. DOMVILLE—That is not right.

Hon. Mr. FERGUSON—I will say for my honourable friend that every hon. gentleman, be he Liberal or Conservative, will have a feeling of regret at parting with my hon. colleague from this House. We have had the pleasure of his presence with us since I was appointed in this chamber, and my hon. friend has been performing functions in this House, first as leader of the opposition for many years, and since that as an important member of the government, for a considerable part of the time leader of the government in this House. My hon. friend has not only proved himself a capable parliamentarian, but he has shown himself to be kind and courteous to the members of this House, and I am sure that I express the sentiments of the hon. members around me and those on the other side of the House, that if tomorrow or the day following when the Governor General comes down to prorogue parliament, my hon. friend takes his departure from this House and never meets us again, as the 'Globe' says—I may be wrong and I may have misunderstood the 'Globe.'—it may be that he is not going to retire from this House, but simply from the government, in any event there will be very serious changes—I desire to place on record—and I do it with all sincerity—the personal regard I entertain for the Secretary of State and my appreciation of his courtesy while I have been a member of this chamber.

Hon. Mr. ROSS (Halifax)—I think when the hon. gentleman from Prince Edward Island (Hon. Mr. Ferguson) goes home tonight and says his prayers, he will sleep very soundly and with a good deal of self-complacency after the attack he has made on the Minister of Trade and Commerce. The hon. minister is not quite as sound on his feet as the hon. member from Prince Edward Island, but when it comes to mental activity I think he is his equal in every respect. As a free trader—perhaps the only free trader in this chamber to-day—I rejoice at the benefit this country has received from the preferential resolution, and it has been a blessing to Canada as well as to the Empire at large. I always felt and still feel that we made too much boast of what we did in sending the contingent to South Africa. New Zealand with a population of less than nine-hundred thousand, did more than the Dominion of Canada and I think that the Dominion of Canada did no more than they should have done under the circumstances. I hope that there is not in this country a growing feeling in favour of anything like separation from the British empire; and I hope the day will be long distant when an idea of that kind will obtain ground in this House or in the Dominion at large. I was delighted to read a paragraph about Mr. Chamberlain in the newspapers and I will take the opportunity of reading it to the House. It is as follows:

> In his speech to the Canadian Manufacturers on the occasion of their visit to Birmingham, Mr. Chamberlain said:
>
> Only the other day I was reading some utterances of the Hon. Joseph Howe, of Nova Scotia, a man of great distinction, and I found to my shame that I did not know before that this scion of the British race fifty years ago, when we in this country were engaged in merely provincial affairs, was considering and setting before his countrymen of Canada the great object of preparing for the necessary union of the British empire in the future.

These were words that Joseph Howe, that great statesman, that great orator, the greatest man in Canada, uttered fifty years ago, and if hon. gentlemen will only take the time to go into the library here and read his speeches on the union of the empire they would find there a mine of thought and information superior to anything that can be got from any man in this House. This is from my good friend Howe with whom I had the honour of sitting in the legislature in Nova Scotia a long while ago.

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

The Bill was then read at length at the table the third time, and passed.

ALBERTA AND SASKATCHEWAN ROAD ALLOWANCES BILL.

SECOND AND THIRD READING.

Hon. Mr. TEMPLEMAN moved the second reading of Bill (195) intituled An Act re-

specting Roads and Road Allowances in the Provinces of Saskatchewan and Alberta.

He said: This Bill provides for the transference of the roads and road allowances in the two new provinces to the Crown in the right of the provinces instead of the right of the Dominion.

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

The Bill was then read a third time, and passed.

SECOND READING.

Bill (188) An Act respecting the Inspection of Water Meters.—(Hon. Mr. Scott.)

SECOND AND THIRD READINGS.

Bill (200) An Act respecting the Superintendent of Insurance and the Director General of Public Health.—(Hon. Mr. Scott.)

FALSE REPRESENTATIONS TO IMMIGRANTS BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (120) An Act respecting False Representations to induce or deter Immigration.

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

Hon. Mr. SCOTT moved the third reading of the Bill.

Hon. Sir MACKENZIE BOWELL—Has anything occurred to justify legislation of this kind?

Hon. Mr. SCOTT—From time to time instances have occurred.

Hon. Sir MACKENZIE BOWELL—I have seen grave charges laid at the door of Dominion immigration agents in London and other places in the old country, but I have yet to see evidence to justify such charges. On the contrary, the government agents in Europe have positively denied them. This is another evidence of the attempts made by labour unions and close corporations to prevent people coming to this country who might in any way interfere with their interests in Canada. I shall not oppose the Bill, but I think we ought to be very cautious how we lend ourselves to the clamour constantly going on throughout the country in reference to matters of this kind. We are spending millions of dollars now to induce immigrants to come to this country. Some will come and declare that they were induced by false representations to leave their homes and come to Canada. On investigation it will be found, in nineteen out of every twenty cases of the kind, that there is no foundation for complaint. There are some people who, if they do not find every thing just as they expected them to be are apt to growl and attribute improper motives. I know it has been claimed that mechanics have been brought to this country when there was no work for them to do. I know of men in the country where I live who had been weavers all their lives before coming to this country and it was always supposed that such men were of no use as settlers, yet some of those weavers have proved to be the most prosperous farmers in our part of the country. They came here poor, but they were industrious and sober and succeeded, as all such people will. I do not think we ought to pay much attention to such complaints. Immigrants may not be able to find employment immediately, in the occupations to which they were brought up, but there is plenty of work for everybody and it would be much better for them if they would go on farms. I could give a number of instances within my own knowledge of persons who refused to work at anything but the occupation to which they were trained, but that is not the kind of men we want in this country. We want men who are willing to earn their living at any occupation they can find. We have plenty of such people coming to Canada who are a credit to themselves and their families, and who will, in the course of time, be as prosperous as any people in the community. We should be cautious how far we go in listening to the clamour raised, sometimes by manufacturers and sometimes by the labour unions, in connection with this subject.

Hon. Mr. SCOTT—That is very often the case, but a very pitiable instance of misrepresentation occurred in Montreal four or five weeks ago where an Italian boss brought in about 100 men from the United States. They were stranded in the city and had to be taken care of ; and it was clear that they had been grossly deceived by false representations.

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

APPEALS FROM SUMMARY CONVICTIONS BILL.

SECOND READING.

Hon. Mr. SCOTT moved the second reading of Bill (66) An Act to amend the Criminal Code, 1892, with respect to appeals from certain summary convictions. He said : This Bill makes slight changes in the administration in the Criminal Code.

Hon. Mr. KERR (Toronto)—The Bill is designed to amend the law respecting appeals from convictions. At present any person who thinks himself aggrieved by a conviction may appeal to the court of general sessions. This limits it to cases where the judge sentences the offender to imprisonment.

Hon. Sir MACKENZIE BOWELL—Is that the Bill introduced by Mr. Porter in the Lower House ?

Hon. Mr. KERR (Toronto)—I do not know. The second part of it provides the manner in which the recognizances are to be entered into. At present the law provides that it may be done before a justice of the peace. This provides that it may be entered into at the Division Court.

Hon. Mr. McMULLEN—The first clause of this Bill is in my opinion objectionable. It enables any person who has been fined by a police magistrate to appeal to the county judge of the first court that is held in the section where the conviction has taken place. That virtually means that if a person commits an ordinary offence and is brought before a police magistrate and fined $10 or $20, he has an appeal from that to the county judge the first time he comes round on circuit. The result of this will be you will not get magistrates to act at all, because their decisions may be reviewed by the county judge.

Hon. Mr. KERR (Toronto)—The Bill is designed to prevent that. Now any one convicted can appeal ; this limits the appeal to cases in which there is imprisonment. Of course if there is an imprisonment and a man thinks he is wrongfully convicted, he should have a right to appeal.

The Bill was read the second time.

Hon. Mr. SCOTT.

BILLS INTRODUCED.

Bill (204) An Act to amend the Act respecting Judges of the Provincial Courts.—(Hon. Mr. Scott.)

Bill (203) An Act respecting annuities to certain privy councillors.—(Hon. Mr. Scott.)

The Senate adjourned until to-morrow at 11 a.m.

SENATE.

Ottawa, Wednesday, July 19, 1905.

The SPEAKER took the Chair at 11 a.m.

Prayers and routine proceedings.

ONTARIO AND MINNESOTA POWER COMPANY'S BILL.

THIRD READING.

Hon. Mr. McMULLEN moved the third reading of Bill (86) An Act respecting the Ontario and Minnesota Power Company.

Hon. Mr. YOUNG moved in amendment :

That the said Bill be not now read a third time, but that it be amended as follows :

Page 1, line 11.—Leave out from ' follows :— ' to the end of the Bill and substitute the following :—

1. The company may construct, develop, acquire, own, use and operate the water-power now or hereafter existing on the Rainy river at or near the town of Fort Frances, in the district of Rainy river, in the province of Ontario, and construct, develop, operate and maintain works, canals, raceways, water-courses, dams, piers, booms, dykes, sluices, conduits and buildings, in connection with the said power, including any increase of the said power on Rainy river by storage or other works on waters tributary to Rainy lake which the company now has or may hereafter have power to construct : Provided that no work authorized by this section shall be commenced until the plans thereof have first been submitted to and approved by the Governor in Council.

2. The company shall from the said water-power, including any increase thereof from time to time provide power or electrical energy for use on the Canadian side the international boundary line concurrently as it provides power or electrical energy for use in the United States, so that from time to time, except as herein provided, there shall not be less of the said power or electrical energy available for use on the Canadian side of the international boundary line than on the American side ; and, subject to the provisions of this Act, such power or electrical energy shall be delivered on the Canadian side as and when demanded.

3. The power-house, generators, transmitters, machinery, appliances and connections necessary for the delivery by the company of such power or electrical energy for use on the Can-

adian side of the international boundary line shall be on the Canadian side thereof.

4. In case of any dispute as to the price for power or electrical energy in use or to be provided for use upon the Canadian side of the said international boundary line, or the methods of distribution thereof, or the time within which or the conditions upon which the same shall be furnished for use, such dispute shall, notwithstanding the provisions of section 13 of the Railway Act, 1903, be settled by the Board of Railway Commissioners of Canada on the application of any user or applicant for power, or of the company, or of the town of Fort Frances.

5. No part of the power or electrical energy to be provided under this Act for use upon the Canadian side of the said boundary line shall be diverted to or used in the United States without the order of the said Board of Railway Commissioners made on an application of which two weeks notice in writing shall have been served upon the mayor and clerk of the town of Fort Frances, or, in the absence of either one of them, upon a member of the town council in his stead.

6. The said Board of Railway Commissioners shall have full jurisdiction to inquire into and hear and determine any application of the company for leave to make such diversion, and if, and so often as, it appears to the said board on such an application that there is not a reasonable prospect of the utilization within a reasonable time of power or electrical energy unemployed, though actually available for use, on the Canadian side of the international boundary line, the court shall make an order permitting the diversion of the whole or part of such unemployed power, or electrical energy, and may impose such terms and conditions, including the fixing of the time during which such diversion may continue, as the board may deem expedient.

7. The board may order and require the company or any person to do forthwith, or within or at any specified time, and in any manner prescribed by the board, so far as is not inconsistent with this Act, any act, matter or thing which such company or person is or may be required to do under this Act, and may forbid the doing or continuing of any act, matter or thing which is contrary to this Act; and shall have full jurisdiction to hear and determine all matters whether of law or of fact, and shall, as respects the attendance and examination of witnesses, the production and inspection documents, the enforcement of its orders, the entry on and inspection of property, and other matters necessary or proper for the due exercise of its jurisdiction under this Act or otherwise for carrying this Act into effect, have all such powers, rights and privileges as are vested in a Superior Court.

8. The practice and procedure under this Act on applications to the board shall be as nearly as possible that followed on applications thereto under the Railway Act, 1903, and otherwise shall be subject to the direction and control of the board.

Hon. Mr. McMULLEN—I am quite willing to accept the amendment as proposed.

Hon. Sir MACKENZIE BOWELL—Do I understand that the motion is to substitute as an amendment the Bill laid before us for adoption instead of the amendment made in committee and reported to the House?

Hon. Mr. YOUNG—Practically that is it. In other words I am moving that all the clauses be struck out after the preamble and substituting therefor the amendments of which I gave notice last night, which incorporate the agreement arrived at between all the parties interested, including the town of Fort Frances, and which I am advised have been distributed to the members of the House.

Hon. Sir MACKENZIE BOWELL—While I still hold the opinions I have expressed in reference to this Bill and the manner in which it was introduced. I am not prepared to give it any further opposition.

The motion was agreed to and the Bill as amended was read a third time and passed.

CRIMINAL CODE AMENDMENT BILL.

SECOND READING.

The Order of the Day being called:

Resuming the adjourned debate on the motion of the Hon. Mr. Scott for second reading of Bill (196) an Act for the amendment of the Criminal Code of 1892.

Hon. Mr. LANDRY—I take exception to that; this is not the second Order of the Day.

Hon. Mr. SCOTT—It was understood yesterday that this should be the second Order at this sitting.

Hon. Mr. LANDRY—There was no understanding.

Hon. Mr. TEMPLEMAN—The debate was only adjourned on that understanding.

Hon. Mr. LANDRY—According to the rules of our House that motion should be at the foot of the orders.

Hon. Mr. TEMPLEMAN—When the hon. gentleman proposed to adjourn the debate last evening, the Secretary of State consented on condition that it was made the first Order of the Day for this morning. Another hon. member suggested that the third readings take precedence of this, which was admitted. On that understanding the House consented that the debate should be adjourned. If that arrangement

had not been made, the debate would not have been adjourned.

Hon. Mr. POWER—I think it was the hon. gentleman himself who said that the third reading should take precedence of this.

Hon. Mr. LANDRY—Not on that Bill.

Hon. Mr. POWER—It was certainly stated by somebody.

Hon. Mr. LANDRY—I could not agree to that, and the proposition was not put by the Chair that this Bill should be the second order of the day. The adjournment of the debate took place, and immediately after the hon. member rose in his place and asked my hon. friend from Marshfield to proceed with the other Order of the Day. I appeal to the Speaker to say if he ever put the motion in the way that has been mentioned.

Hon. Mr. TEMPLEMAN—It was done by common consent.

The SPEAKER—I have no recollection of putting the motion that way, but I am informed that the entry was thus made. If the hon. gentleman objects to the minutes, then he should move to amend them.

Hon. Sir MACKENZIE BOWELL—Would it not be just as well to proceed with the other business, and consider this later on. I have no recollection as to what the agreement was at the time the adjournment of the debate was moved, but the practice in this House is to place an order of this kind at the foot of the list. In the House of Commons, as the hon. Minister of Trade and Commerce knows well, the government always take the responsibility and have the right of calling any order, particularly if it is a government measure. What has been the practice here I do not know. A question of this kind has not arisen in my experience in the Senate, and I am not prepared to give an opinion ; but the right has always been reserved to the government to call any order, and I see no reason why the same practice should not prevail here, although it has not been the practice in the past.

Hon. Mr. LANDRY—The motion put from the Chair was that the debate be adjourned, and the order should go to the foot of the list. If there has been any alteration in the minutes it was done without the consent and knowledge of the House.

Hon. Mr. TEMPLEMAN—I am within the judgment of every member of the House who was here last evening that when my hon. friend proposed the adjournment of the debate, the hon. Secretary of State agreed to that and said it would be the first order for to-day. Then an hon. member said that third readings should take precedence of this, and it was on that understanding that the debate was adjourned. Surely the leader of the government in this House, particularly in the dying hours of the session, has some right to say in what order the business shall be taken up. Now, it is the desire of the government that this Bill shall proceed. It was the desire of the government that prorogation should take place to-day, but due to what I regard as the unfair opposition of my hon. friend prorogation will not take place to-day. I am not very sure whether it will take place to-morrow or not. It will all depend on the course pursued by my hon. friend. The goverment desires that this Bill should pass and that it should be discussed and disposed of before any other Order of the Day is taken up. There are several important Bills to follow after this one is disposed of. If my hon. friend wishes to obstruct the business and delay prorogation two or three days, the responsibility must rest upon his own shoulders. The government have intimated their desire, and the majority of the House are in favour of the policy the government purpose to pursue, and if two or three members hold up the House the responsibility for the delay must be on their shoulders.

Hon. Sir MACKENZIE BOWELL—It will be just as well, and facilitate the business of the Senate much better, if the ministers will not hold out threats of that kind.

Hon. Mr. POWER—There is no threat.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman ought to know from his parliamentary experience that two or three members could keep the House sitting a fortnight longer if they chose. I do not say that anything of the kind will be done, but a covert threat is not at all in accordance with parliamentary practice, and the hon. gentleman had better not in future attempt to coerce the House as he attempted

to do in his remarks to-day. We would have got on with the business much more rapidly and pleasantly had the government adopted my suggestion, to get rid of all the other Bills and then take this one up. That would allow the other important Bills to go back to the House of Commons if they should require amendment. Like all the other members of the Senate, in this sweltering weather, I am very desirous to get through with the business and go home, but we are more likely to get through quickly if hon. gentlemen will refrain from throwing out threats.

Hon. Mr. TEMPLEMAN—I disclaim any intention of making a threat. If that meaning could be taken from anything I said certainly I did not intend it.

Hon. Sir MACKENZIE BOWELL—There was no difficulty in understanding it.

Hon. Mr. TEMPLEMAN—The hon. gentleman is willing at all times to read me a lecture and I am quite willing to listen, but I did not intend to utter a threat. I simply explained that if the House had to remain in session two or three days longer it would be in consequence of the unfair tactics of the hon. member from Stadacona.

Hon. Mr. CHOQUETTE—If we cannot agree upon the understanding of last night, we should at least accept the minutes. The clerk has made an entry that this Bill shall be taken up after the third readings. In a court of law the entry made by the clerk is law, and we ought to regard an entry in the minutes in the same way.

Hon. Mr. LANDRY—I rise to contest that. I say the clerk has no right to put anything in the minutes that was not put by the Chair. The Chair did not state that this was to be the first order after the third readings. I come now to the reference to third readings. That did not arise on this question at all, but the hon. Secretary of State, after the second reading of one of his Bills, moved that the third readings be the first order of the day. On that I rose and said such a motion was unnecessary, because by the rules of the Senate every third reading must be among the first orders of the day. The hon. member from Halifax may shake his head; I know what I said. My remark was that all third readings were first orders of the day.

Hon. Mr. POWER—The hon. gentleman from Stadacona appears to be under the impression that no other member of the House remembers anything correctly except himself; that if he happens to differ from all the other members as to what has taken place he must be right and all the others must be wrong. The hon. gentleman is as a rule pretty correct, but he is not always correct. In this particular matter the circumstances to which he referred may have occurred, but I am within the hearing of hon. gentlemen who also heard what took place, and I state most positively that the hon. Secretary of State asked to have a certain matter which was not a third reading put first on the Order of the Day; then it was said by some hon. gentleman—I thought it was the hon. member from Stadacona—that the third readings took precedence and that it was not a third reading the hon. Secretary of State spoke of. At any rate we have the minutes and we are bound to take them unless, as the hon. gentleman beside me says, the minutes are amended.

Hon. Mr. de BOUCHERVILLE—This is an extraordinary thing; we are quarrelling about what is on the Orders of the Day and nobody has seen them yet. How can we discuss this question until we get the Orders of the Day?

Hon. Sir RICHARD CARTWRIGHT—In the House of Commons the right of the government is undoubted, but I would suggest to the hon. leader of the opposition if there is any difference of opinion between hon. members on either side, that as I understand the habit and custom of the Senate it might very well be decided by a vote of the whole House. If the House orders a particular measure to be proceeded with, I think that it is clearly within their right. If my hon. friend from Stadacona chooses to dispute the position taken by my hon. friend the Secretary of State, he can refer it to the judgment of the House.

The SPEAKER—I have already decided that the minutes being as they are, the order was properly called by the clerk of the House, and if objection is taken to the minutes, then it can only be by motion.

Hon. Sir MACKENZIE BOWELL—Is it not unpardonable on the part of the printing office, with the facilities they have for print-

ing, that they could not turn out a couple of pages of minutes between four and eleven o'clock to-day. It is only another instance of the way in which this House is treated. I am not holding any official of the Senate responsible, but the clerk tells me that the Orders of the Day were sent to the printing office at four o'clock this a.m., and they were coolly told that they could not be sent up here until half-past eleven. It is not more than should occupy them an hour and a half, yet here it is nearly twelve o'clock and we have not received the minutes yet to guide us as to our proceedings.

Hon. Mr. LANDRY—I move that the Orders of the Day be read.

Hon. Mr. SPEAKER—The minutes were read as follows :

After debate,
On motion of the Honourable Mr. Landry, seconded by the Honourable Mr. Macdonald (Victoria), it was
Ordered, That further debate on the second reading of the said Bill be postponed until to-morrow, and that it do then stand as the first item on the Orders of that Day after third readings.

Hon. Mr. LANDRY—I appeal to the Speaker himself. I ask him if he put the motion in that form when he put it from the Chair?

The SPEAKER—I have already said that I have no recollection of the form of the motion. As to that I have to be governed by the minutes.

Hon. Mr. POWER—It was with the common consent of the House.

Hon. Mr. LANDRY—Such consent was never asked and I never gave such a consent. I asked the hon. Secretary of State to go on in the regular way with the Orders of the Day. He will not save time by the course he is taking. I have the floor and I intend to speak.

The SPEAKER—Does the hon. gentleman intend to make a motion against the minutes ?

Hon. Mr. LANDRY—Certainly I will make a motion. I move that the words in the motion conveying the idea that an agreement was made that this Bill should be the first on the Orders of the Day after the third readings, be struck out.

Hon. Sir MACKENZIE BOWELL—I remember very well hearing the words mentioned by the hon. member from Halifax but by whom they were spoken I do not know. It was not by myself, but I am not at all surprised considering the confusion that prevailed in this House last night at the time to which we are referring if the clerk was misled in making his entries. I remember very well my hon. friend moving the adjournment of the debate and what followed. The hon. Secretary of State then asked the hon. member from Marshfield if he was prepared to go on with the discussion of the Militia Bill and he said he was while regretting the absence of the Minister of Trade and Commerce. Then some confusion took place as to what the procedure should be in reference to this Bill to-day. A suggestion was made by somebody to proceed with the Bill and some one else suggested that the practice was that third readings should come first and there it seemed to me that the matter ended. If the Secretary of State had accepted my suggestion, we would have got through half the Bills by this time. I am not aware of any Bills except this one that are of a contentious nature or that there is likely to be a long debate upon. As intimated by the minister without portfolio, the government have a majority and can do as they like. I do not intend to offer him any advice, nor do I desire to read him or any one else a lecture, though he seems to think I want to lecture him. I merely stated what the practice of parliament was, and while the majority intimate that they will pursue a certain course, the hon. gentleman must remember that the minority have certain rights which may enable them to delay the prorogation. The hon. gentleman has told me two or three times that I am given to lecturing him. I have not done so ; I have merely stated what the practice of parliament is and the rights of the minority. I am quite convinced that when this question comes to a vote the government majority will carry it. I think even now if the hon. gentleman will go on with the other Bills and pass them we could take up this matter and deal with it more satisfactorily.

Hon. Mr. SCOTT—In all the years I have been in the Senate I have never yet heard it disputed that the government could take up

any Bill they named. If there were a number of private Bills on the paper and the government could by passing them over obtain an unfair advantage, it might be a question ; but there is only one private Bill and that is not likely to be proceeded with. Where they are all government Bills surely the courtesy of the Senate ought to give the government a right to proceed with such of their Bills as they think proper. I have never known it to be disputed. It is unfortunate that I should have to appeal to the majority to support such a reasonable proposition. While I was on the other side of the House I never knew a case of the government being interrupted in taking up any particular measure unless it was interfering with some private Bill which was entitled to precedence.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has forgotten his own record. He has forgotten that he and one or two others delayed prorogation two or three days simply because they wanted to defeat a measure before the House. We do not want to repeat that.

The Senate divided on the motion, which was rejected.

The Order of the Day being called a second time:

Resuming of the adjourned debate on the motion of the Hon. Mr. Scott for second reading of Bill (196) An Act for the amendment of the Criminal Code of 1892.

Hon. Mr. LANDRY said : The Bill now before us contains a very important principle. I do not oppose the Bill itself, but we have been told that the government will accept no amendments whatever at this stage of the session, and consequently, it is intended to pass this Bill with all its imperfections. I as one of the members of the Senate shall record my vote against the Bill. This Bill was introduced in the House of Commons early in the session. It could have been discussed and passed long ago and we should have had it in time to give it thorough consideration. Why was it delayed ? Because the promoter of the Bill knew that it was liable to undergo some very important changes, and it was kept back until now when it is brought to us in the dying hours of the session. I should be glad to see any improvement made in our Criminal Code, but this Bill contains such dangerous provisions that I think it should be rejected. This Bill is designed to make it a criminal offence to sell trading stamps, though that is at present a legitimate business. The company which deals in stamps is working under letters patent obtained from the government. One of the titles of the criminal code says that it deals with offences against religion, morals and public convenience. I have nothing to say with reference to any offence against religion, when we have just now before us the report of the special committee named to amend the Lord's Prayer. But has not my hon. friend who is amused by this title of the Criminal Code, the right, when we go into committee, to move an amendment declaring that every one would be guilty of a misdemeanour who would omit to recite the last three or four words of the Lord's Prayer.

Hon. Mr. CHURCH—I have better sense that that.

Hon. Mr. LANDRY—What would the hon. gentleman do ? Do nothing at all. If by doing nothing at all he is supposed to have better sense than those who did something, this government would be credited with having a good deal of common sense for they are doing nothing at all these days. Yesterday my hon. friend (Hon. Mr. Church) protested in very indignant terms against the suppression of these last few words in the Lord's Prayer.

Hon. Mr. CHURCH—Certainly.

Hon. Mr. LANDRY—Parliament might decide if we amend the Criminal Code that the suppression of these words might constitute a criminal offence. Parliament is asked to decree that the sale of a few trading stamps is a criminal offence, and as I said yesterday, if a young girl goes into a shop, buys a few articles, and puts them in her chatelaine bag, if she receives a trading stamp with the goods she is a criminal and may be brought before the court and sent to jail. We are asked to declare that a criminal offence.

Hon. Mr. CHURCH—I am not disposed to have my hon. friend put nonsense into my mouth. I spoke as I felt, and said I was under no compulsion to come in here and

hear the form of prayer recommended by the Committee if it did not suit me. The instructions in this House were to leave out certain portions of the prayers. I found no fault with that, but I have conscientious objections to eliminating any part of the Lord's prayer, and I stated my position briefly and was done with it. If I see fit to take up that question another session I will present it in another form. My hon. friend need not waste the time of this House alluding to a matter like that, and I will not consent to have him put in my mouth words which I never uttered.

Hon. Mr. YOUNG—What has the Lord's prayer to do with trading stamps?

Hon. Mr. THIBAUDEAU (Rigaud)—We French Canadians believe in the Lord's prayer, but the shorter you make it the better.

Hon. Mr. LANDRY—I think the same thing applies to this Bill, the shorter it is made the more acceptable it will be. I was simply speaking by analogy, and saying that if you have a right to declare one thing an offence you have a right to declare another thing an offence. If my hon. friend finds it absurd to take that stand then I have a perfect right to say it is nonsense to take the same stand in the other case. The government told us the other day that at this stage of the session it was impossible for the House to amend Bills because it meant that they would be killed. The government know very well that it is not killing the Bill when we move amendments to it. We know the intentions of the government. First of all, to choke off any proper discussion of that serious question. That is their policy. When the Autonomy Bill was before us, I took care to inquire of the government if we were allowed to make any changes and was answered that we were not, that the Bill was perfection, and every hon. member on the government side who spoke regarded the measure as perfect. No amendment or improvement could be dreamed of. We tried to improve the Bill but we were met by the majority who declared the Bill was perfect. I suppose they regard this trading stamp Bill as perfect also. The fifth title of the Criminal Code contains provisions concerning offences against the person and reputation. Could we not include here an amendment declaring it an offence to present this Bill now, because you are offending the rights of the party to whom you gave the letters patent for the sale of those stamps. But perhaps it might be better to put it under the following section :

No. 6. Offences against rights arising out of contracts, and offences connected with trade.

This brings us to the sections which are sought to be amended by this Bill.

In section 24 theft is defined. Section 25 deals with receiving stolen goods ; and section 26 declares what shall be the punishment for theft. Section 27 deals with obtaining property by false pretenses. Section 28 deals with fraud, false accounting of officials and so on. I think that the falsification of a document falls under this heading. A document which relates to an event which never took place should come under that heading, and should be a criminal offence also. If we have not the right in the House to obtain documents which are the real reproduction of the facts as they took place, if the documents should by the authority of the government be changed into other documents, then I think we have the right to punish those who falsify or who are accomplices in the falsification of such document. Then come robbery and extortion, burglary and housebreaking, then forgery and offences resembling forgery. Then section 33 relates to forgery of trade marks, and fraudulent marking of merchandise. Then come personation and offences relating to coin and counterfeit money ; then section 37 applies to mischievous acts.

Hon. Mr. MACDONALD (B.C.)—That applies to the hon. gentleman.

Hon. Mr. LANDRY—No, that is an attempt to commit arson. The definition of mischief is found in the present law, section 481 of the Criminal Code and reads as follows :

> Every one who causes any event by an act which he knew would probably cause it, being reckless whether such event happens or not, is deemed to have caused it wilfully for the purposes of this part.

That kind of mischief is divided by the law into different parts. There is the at-

tempt to commit arson, setting fire to crops, threats to burn, injury to poll books, threats to injure cattle, and so on. Under the title of 28, we find cruelty to animals, which has nothing to do with the question here, unless somebody is keeping a cockpit.

Hon. Mr. MACDONALD (B.C.)—That is very applicable.

Hon. Mr. LANDRY—To those who keep cockpits.

Hon. Mr. MACDONALD (B.C.)—The hon. gentleman is keeping us here a long time.

Hon. Mr. LANDRY—The hon. gentleman does not for a moment consider that the chamber is a barn and I protest against his insinuation that I am guilty of cruelty to animals.

Hon. Mr. MACDONALD (B.C.)—We are animals.

Hon. Mr. LANDRY—The law defines what an animal is. Then we come to the offences connected with trade and breaches of contract. It is to that sub-title that the present legislation is designed to be attached. What does this law say ? It is divided into two or three sections ; there is 526a and 526b and other subsections of the first clause, and then clauses 2 and 3. The definition says that a trading stamp may be a premium ticket or a receipt or coupon given to the purchaser by the vendor as a discount to the purchaser. This ticket is redeemable either

(i) by any person other than the vendor or the person from whom the goods have been bought or the manufacturer of the goods, or (ii) by the vendor or the person from whom he purchased the goods or the manufacturer of the goods, or in cash or goods not his property or not his exclusive property ; (iii) by the vendor elsewhere than in the premises where such goods are purchased, or which does not show on its face the place of its delivery, and the merchantable value thereof or is not redeemable at any time.

And so on. Before proceeding with the Bill I wish to call attention to the fact that the records of the House of Commons show that an amendment was moved to that definition in the House, and I observe they have substituted another paragraph for the one I have read. The hon. Minister of Justice moved the amendment. It reads as follows :

For paragraph (i) of paragraph (a) substitute 1. by any person other than the vendor or the person from whom he purchased the goods or the manufacturer of the goods.

Another amendment was moved to subparagraph (ii) as follows :

(ii) By the vendor or the person from whom he purchased the goods or the manufacturer of the goods.

I call attention of the House to the fact—and it is a very grave matter—that there is a marked difference between the Bill we have presented to us and the Bill passed by the House of Commons. I think it should be made a question of order, inasmuch as the Bill we have before us is not the one which passed the House of Commons. In the House of Commons they struck out the words ' or in cash or goods not his property or not his exclusive property ' in the 20th line of the Bill. However, we find them still in the Bill before us. I regret that the hon. leader of the House does not pay more attention to the grave statement that I am making and I think he ought to listen. I do not wish to interupt the conversation between the hon. Minister of Trade and Commerce and the hon. Secretary of State.

Hon. Mr. SCOTT—The hon. gentleman is not interrupting.

Hon. Sir MACKENZIE BOWELL—I should like to call attention to the statement made by the hon. gentleman from Stadacona. He says an amendment was made in the House of Commons, and he can prove it by the record. That amendment does not appear in the Bill before us. I think the hon. Secretary of State should pay some attention to that statement and ascertain whether it is really a fact.

Hon. Mr. SCOTT—I shall be glad to make the inquiry if the hon. gentleman will give me a memorandum.

Hon. Mr. LANDRY—It appears in parts of lines 18, 19 and 20 in the Bill before us. We are entitled to have the Bills introduced into this House in the shape in which they leave the Commons.

Hon. Mr. POWER—Would the hon. gentleman explain where the omission is ?

Hon. Mr. LANDRY—It will be found in paragraph (ii) of section (a) of clause 526A. I have explained the matter to the House twice already, and on reference to the records they will find that these words have been erased. The first section of clause 526 gives the definition of what is meant by

trading stamps. Now comes the clause of the Bill which makes it an indictable offence, punishable by imprisonment and fine, not exceeding five hundred dollars. to issue, give, sell or otherwise dispose of trading stamps to a merchant or dealer for use in his business. The offences may be the same, but they are dealt with in different manners. The second section of clause 526a deals with the offence of the vendor of stamps disposing of his goods to another merchant or dealer for use in his business. The third section deals with the offender who is not a manufacturer of trading stamps, but who sells or gives them away. It deals with the merchant who has purchased trading stamps from the manufacturer, and who, in doing his business, gives those stamps to the public. In his case the offence is punishable by a fine of two hundred dollars and six months' imprisonment. In the other case it is five hundred dollars or one year imprisonment. Then we come to the most objectionable clause in the Bill, and I appeal to hon. gentlemen to say whether we should permit such a provision to be enacted. The clause makes it an offence for any one to receive trading stamps from the vendor of goods or his employee or agent, and the offence is punishable by a fine not exceeding twenty dollars. We are asked to decree that a person who receives a stamp from a merchant as a premium, or as a discount, is guilty of an offence.

Hon. Mr. DAVID—Is the hon. gentleman acting on principle in this matter, or how is he acting ?

Hon. Mr. THIBAUDEAU (Rigaud)—Acting on principle and devotion.

Hon. Mr. LANDRY—I do not want to qualify my own actions. I will leave that to the hon. gentleman himself. I am trying to convince the government that they are doing an absurd thing when they are decreeing that any one receiving a trading stamp is making himself a criminal, and I ask hon. gentlemen if one of their children goes to a shop to buy ten cents' worth of candy and receives a trading stamp, are they willing to declare that that child is a criminal ? We are asked by this legislation to do so.

Hon. Mr. DAVID—Why does not the hon. gentleman move an amendment to the clause instead of making a very long speech ?

Hon. Mr. LANDRY—I have succeeded in opening the mind of my hon. friend, and I glory in that fact. He sees the danger of this legislation, and I am proud that I have accomplished that feat. I hope before resuming my seat to persuade the representatives of the government in this House to accept amendments that I shall propose. We are now debating the second reading, and I cannot propose an amendment. When the House is in committee I will move an amendment. In the meantime I am laying the facts before the House, and I want the House to understand the provisions of the measure. Will the government accept an amendment striking out that clause ?

Hon. Mr. SCOTT—No.

Hon. Mr. LANDRY—Then I must convince the government that they should accept. If the amendment is reasonable why should the hon. gentlemen not accept it?

Hon. Mr. DAVID—The more the hon. gentleman talks the less he will convince hon. gentlemen on this side of the House that he is right.

Hon. Mr. LANDRY—I am not trying to convince those who think I am right, but I want to convince those who think I am wrong, and I want to show them that it is a very objectionable piece of legislation and that it will be a stain on our statute book to declare it a criminal offence for a young girl to receive a green or red stamp from a vendor of goods when purchasing a box of candies. Could there be a more monstrous proposition? The government will not accept any amendment and what is our duty? Are we obliged to yield to the government's dictum and say : 'Oh, the government are powerful; they may impose any law they please on the country and we shall not protest.' I consider my duty is to protest, and I am doing so. I do not agree with the statement that we cannot improve Bills which come before us. The Bill is radically wrong. The government know that it is a bad Bill, but will not consider an amendment. The Minister of Justice, the guardian of the laws of the country, says that he will never take the Bill under his protection—he will not accept the paternity of the Bill. But as he was a member of the government and the government forced the Bill on the House, he was obliged to present it. Mr.

Borden stated in the discussion in the other House that he saw the Minister of Justice was against the Bill, and Mr. Fitzpatrick said: 'You know I am introducing the Bill on behalf of the government.' I say the Bill contains a vicious principle, and if you want to make it an offence to issue trading stamps you must remember that there are acquired rights which should be considered by the government. Those people who are dealing in trading stamps have obtained a patent from the government and have been incorporated. They are doing what they consider right and should not be dealt with in this way. The government say it is, in the interests of the country. Is it in the interest of the country to make it a crime to receive these stamps when the government themselves have given these companies permission to issue trading stamps? A memorial giving the history of those trading stamps has been submitted to Sir Wilfrid Laurier, Prime Minister of Canada, and to the government of Canada on behalf of an advertising company in answer to an application made by certain traders for legislation prohibiting the use of trading stamps and cash receipts and declaring their use criminal. There were two questions submitted to the government by this memorial. The first was the question of the legislative authority to deal with this subject. The memorial states that the question is sub judice, and they claim that no Act of parliament should be passed before that question is settled by the courts. In the second place they deal with the merits of the question itself. The principal point for us is the first question. We know that in Ontario an Act was passed by the legislature of that province, 1st Edward VII, chapter 26, under section 26 of which by-laws may be passed by the councils of cities and towns. Under that Act each town and city has the power to pass by-laws for prohibiting the giving, selling, distributing or receiving of trading stamps, coupons or other similar devices, and for prohibiting the giving selling, or dealing therewith by any person, firm or corporation engaged in trade or business. It is further provided that no such law shall apply to any merchant or manufacturer who places in or upon packages of goods, or delivers to the purchaser goods sold or manufactured by him tickets or coupons to be redeemed by such merchant or manufacturer either in money or merchandise. The constitutionality of that Act of the legislature of the province of Ontario has been maintained by a judgment rendered upon a reference to the Court of Appeal in Ontario. So that seems to put the question into the hands of the provincial government, and the only way that the government found to put this question into our statutes was to declare it a criminal offence. We know that the legislature of this Dominion has jurisdiction in criminal matters, and it is for this reason that such legislation is proposed with regard to trade just for the purpose of making it a criminal offence for your child to go into a store and receive a stamp. I move the adjournment of the debate.

Hon. Mr. SULLIVAN—When will the hon. gentleman be graciously pleased to permit this session of parliament to be closed?

Hon. Mr. LANDRY—That is the question.

Hon. Mr. SCOTT—I will move that the second reading of Bill (196) be the first order at the next sitting of the chamber.

Hon. Mr. LANDRY—I accept that suggestion.

The motion was agreed to.

A QUESTION OF PRIVILEGE.

Hon. Sir RICHARD CARTWRIGHT—I desire to make a little explanation before the House adjourns. I am informed that a statement that I made yesterday on a matter of some importance was disputed.

Hon. Mr. LANDRY—Will the hon. gentleman——

Hon. Sir RICHARD CARTWRIGHT—Order, order.

Hon. Mr. LANDRY—I have a right to say that it is one o'clock.

Hon. Sir RICHARD CARTWRIGHT—I have a right to speak, and will speak.

Hon. Mr. LANDRY—The hon. gentleman has no right to speak.

Hon. Sir RICHARD CARTWRIGHT—The statement I made was disputed in this chamber yesterday, and I desire to say that whoever raised the dispute was considerably in error. I stated that seven sons of ministers had been in the firing line in the war in South Africa and I will state now who they

were : Two sons of Sir Henri Joly, two of my own, one son of Sir Frederick Borden, one son of Hon. Mr. Dobell and one son of my colleague Sir Alphonse Pelletier, ex-Speaker of the Senate and Privy Councillor.

Hon. Mr. LANDRY—Oh, oh. He was not a member of the cabinet.

Hon. Sir RICHARD CARTWRIGHT—He was a Privy Councillor and a colleague of my own.

SECOND SITTING.

The SPEAKER took the Chair at Three o'clock.

Routine proceedings.

Hon. Mr. SCOTT moved :

That from now until the end of the session rules 41 and 70 be suspended in so far as they refer to Bills which may come before this House.

Hon. Sir MACKENZIE BOWELL—Is not that asking too much ? Measures may come before us of which we have no notice yet and to which some members may have serious objections, and these rules will be the only way of stopping what might be regarded as objectionable legislation.

Hon. Mr. SCOTT—There are no other Bills to come from the House of Commons. If there is any particular Bill that it is the sense of the House should be postponed until another sitting I am always willing to meet the wish of the House.

Hon. Sir MACKENZIE BOWELL—With that declaration from the Secretary of State, that it will apply only to measures before the House, I have no objection.

The motion was agreed to.

GRATUITIES TO MESSENGERS.

MOTION.

Hon. Mr. MACDONALD (B.C.) moved :

That the caretakers of the Senate reading room and the assistant clerk in the Stationery Department, be paid one hundred dollars each in recognition of their services during the present long session.

Hon. Mr. YOUNG—I have no desire to say anything against the officials mentioned in this motion, but I desire to point out that if you single out by a resolution of this kind one or two faithful servants and leave out many others who have an equal claim for consideration, manifest unfairness will result. To my mind the proper way to dispose of these matters is to deal with them through the committees. We have had from time to time reports from these committees and it would be far better in the interest of fair-play and justice that all the officers should be considered together. Since this motion has been put on the order paper, others in the service of the Senate have requested me to move a similar resolution on their behalf, and I have declined to do so. In all fairness at this stage we should adopt some system, some policy by which every servant of the Senate would receive justice and fair-play, instead of dealing with isolated cases. I do not wish to reflect in the slightest degree on those mentioned in the resolution, but as a matter of principle we should not adopt this patch-work method of dealing with officers of the House.

Hon. Mr. SULLIVAN—I wish to say with regard to these gentlemen named in the motion that it embraces the whole class. There are others who are equally worthy of an increase. I suppose the contagion of so many increases has affected them all.

Hon. Mr. POWER—This matter was really decided by the House when it dealt with the last report of the Committee on Internal Economy and Contingent Accounts. It will be remembered that at that time a strenuous effort was made on behalf of the assistant postmaster, who is a zealous officer and much more entitled to some bonus than either of the gentlemen referred to in this motion. It was decided at that time by a large majority that there should be no increases during the present session ; that the committee charged with the duty would, at the beginning of next session, undertake to deal in a systematic way with all the servants of the House. With respect to these caretakers of the reading-room, I wish to make one observation ; for a number of years during my early experience in this House there was only one caretaker for the reading-room, and that caretaker was an old man. For several years before the present caretaker was installed, the caretaker was an old man named Gilbert and before

him a gentleman named Taylor, also an old man ; yet they were able alone to do all the work, and I venture to say do it much better than it is done now. Under the circumstances, there is no reason whatever for singling out these officers for special treatment.

Hon. Mr. LANDRY—I take this occasion to call the attention of the House to this fact, that the committtee has decided to classify all our employees next year. A measure should be brought in at the beginning of next session, or a report of the standing committee, preparing a scale for advancement, and in that way we will have peace. It will work automatically, and when a man deserves promotion he will get it.

Hon. Mr. YOUNG—And on that report base a Bill.

Hon. Mr. LANDRY—Yes.

Hon. Mr. SCOTT—The sense of the House seems to be against the motion, and I think the hon. gentleman had better withdraw it.

The motion was withdrawn.

CRIMINAL CODE AMENDMENT BILL.

DEBATE CONTINUED.

The Order of the Day being called:

Resuming the further adjourned debate on the motion of the Hon. Mr. Scott for the second reading of Bill (196) An Act in amendment of the Criminal Code of 1892.

Hon. Mr. LANDRY said: When this House rose at one o'clock I was just preparing to examine the position those trading stamp companies occupy in Ontario and Quebec. The following memo. has been furnished:

The Traders Advertising Company have the honour to submit, for the consideration of His Majesty's government: (1) That the question of the legislative authority to deal with the subject is still sub judice, and that no Act ought to be passed by the Dominion parliament until it is settled; and (2) That upon the merits, the business carried on by means of trading stamps is a perfectly straightforward, honest business, which ought not in any event to be interfered with.

(1)—The question is undecided as to legislative authority.

In Ontario.—In Ontario the matter stands thus: An Act was passed by the provincial legislature, 1 Edward VII., chapter 26, section 26, under which by-laws may be passed by councils of cities, towns and villages, 'For prohibiting the giving, selling, distributing or receiving of trading stamps, coupons or other similar devices, and for prohibiting the giving, selling, or dealing therewith by any person, firm or corporation engaged in trade or business.'

'No such by-law shall apply to any merchant or manufacturer who places in or upon packages of goods, or delivers to the purchasers of goods sold or manufactured by him, tickets or coupons to be redeemed by such merchant or manufacturer, either in money or merchandise.

The constitutionality of this Act of the legislature has been maintained by a judgment, rendered upon a reference, by the Court of Appeal of Ontario.

In Quebec.—An Act was passed in the province of Quebec, 3 Edward VII., chapter 39, almost identical in terms with that passed by the province of Ontario, giving power to municipalities to prohibit dealing in trading stamps. Under the provisions of this Act the council of the city of Montreal and the council of the city of Quebec passed by-laws which, upon contestation, have by two judgments of the Court of Appeal been declared ultra vires, the Act itself being held to be unconstitutional.

We have, therefore, the Court of Appeal of the province of Ontario holding the provincial legislation to be intra vires, and the Court of Appeal of the province of Quebec holding the contrary, by two judgments.

The city of Montreal has appealed to the Supreme Court of Canada, and it is submitted that until the judgment of the final Court of Appeal is obtained, which will be at latest before another session of parliament, His Majesty's government ought not to have been asked to bring in the legislation suggested.

(2)—There is nothing wrong in the business of trading stamps.

It is respectfully urged upon the government that, unless there be something wrong in the business itself as carried on, legislation should not be asked to suppress it. Trade is continually seeking new channels, and traders are adopting new methods. Almost every new development in trade has been met by impassioned demands to the legislature that it should be suppressed. So that every effort has been made by means of cumulative taxation, &c., to suppress the modern departmental store, upon the pretext that departmental stores disorganize trade and ruin the small trader. In rendering the judgment of the Court of Appeal for the province of Quebec, in April last (1905), the chief justice, Sir Alexander Lacoste, describes the business of the Traders Advertising Company in the following terms:

'This is the way the trading stamp commerce, which the city by-law has prohibited, is being carried on:

'A person or a company, who is generally designated under the name of 'advertiser,' gives stamps to certain traders of his selection which these latter give to customers who buy for cash.

Each buyer, therefore, receives an amount in stamps equivalent to the amount of his purchase. The trader pays to the 'advertiser' 5 per cent of the amount of stamps which he has given to his customers, in return for which the 'advertiser' advertises the trader's store, and redeems the stamps, stating at the same time that stamps are given at that store. The cash buyer, as soon as he has $100 worth of stamps, calls upon the 'advertiser' who gives him an article worth from $4 to $5. Every one evidently is satisfied with the transaction. It

is true that trader pays 5 per cent. of his cash sales to the 'advertiser,' but in return he reaps the benefit of the advertising and the redemption of the stamps.

'The buyer, over and above what he pays for, receives stamps with which he may procure an article worth from 4 to 5 per cent. The proprietor of the stamps thus disposes of his goods and also benefits of a number of stamps which are not redeemed.

'This system is in vogue in the United States, and in our province it has reached considerable proportions. The trade of those who give stamps has increased, whereas that of those who do not do so, has diminished.

'A number of people see in this system a disorganization of business. This is why a certain number of traders have addressed themselves to the legislature to obtain a law prohibiting it.

There is nothing in this kind of commerce which is, in itself, immoral or against public order. It is a means of advertising where, as I have said, every one finds benefit.

The practice among traders of giving some advantage or inducement to customers in order to secure their business, has long been in vogue. Some grant a cash discount, others have added something in the way of a premium, &c. The latter finds more favour with the public than even the cash discount, people preferring to have something in kind, as an object of furniture or of decoration, as a result of their cash dealing. The natural outgrowth of this system was that there should be some central store or depot where these articles could be procured, as it was most inconvenient, if not impossible for individual traders to devote the necessary space or the time to this feature of their business. The coupon system followed, and it developed into the trading stamp system as the most convenient for all concerned. The Traders' Advertising Company gives its stamps to the retail trader, whether he be grocer, boot and shoe dealer, baker, or engaged in any other trade. The trader pays to the Company five per cent of the face value of the stamps ; i.e., for stamps having a face value of $100 the trader would pay $5. The customer can procure the same stamps from the butcher, baker or grocer, and thus can complete a book representing $100 worth of cash purchases. He can then go to the depot or store of the Traders' Advertising Company and purchase any article up to $5. The company dealing in a very large way can itself purchase at the very lowest rates, and can give better value for the $5 than can be obtained in the ordinary shops. The company also can contract for advertising in a large way and thus can advertise all the shopkeepers who give trading stamps more effectively than they themselves could. The advantages and profits to the several parties concerned in the transaction may then be stated as follows :—

1. The retail purchaser for cash, obtains what is equivalent to a discount, or obtains an extra inducement to trade for cash in a form that is evidently attractive, or the business could not have grown to its present proportions. The stamps are principally used by traders dealing in staple goods, the prices of which are perfectly well known to the consumers, so that the retail trader could not recoup himself at the expense of his customer by adding to the price of his goods. And it is here to be observed that not a single complaint comes from the consumers or the purchasing public. The system has been in operation for a long time and has shown marvellous growth, there being now in the city of Montreal upwards of 30,000 customers asking for and receiving trading stamps. The people wish to deal in this way, or they would not do so, and no one comes forward to say that he has been deceived, or that he is not entirely satisfied with the articles he has received from the company, or that he has any fault whatever to find with the system. It is a safer and more wholesome method for the purchasers to buy for cash than to run bills.

2. The retail trader in return for the advantage which he gives to his customers by giving them the trading stamps, has the advantage of the extensive advertising of the company, and in addition he reaps the great benefit of carrying on his business on a cash instead of a credit basis. In proportion as the trading stamps are used he is relieved from the exposure to bad debts.

3. The Traders Advertising Company reaps its profit in the large business it is able to carry on in the articles purchaseable by the trading stamps, and incidentally reaps some profit in interest owing to the time which elapses between the delivery of the stamps to the trader and the redemption of the stamps from the customers.

There is no element of chance in the business, for each customer knows exactly what he can procure with the stamps, nor is there any possible deception, for each customer can ascertain beforehand what he can obtain when his book of stamps is full.

The only complaint comes from traders who do not choose to give their customers this or any other similar advantage. 'A' complains that 'B' is taking away his customers simply because 'A' is unwilling to give his customers some additional benefit or inducement to trade with him.

There is nothing in the world to prevent these disgruntled traders from doing as we are informed was done in Winnipeg, associating themselves together, having a central depot of goods and issuing their own trading stamps. It is said a disorganization of trade results from the use of these stamps. The disorganization results purely and simply from the fact that certain traders rigidly refuse to adopt new and ingenious methods of attracting trade. The first advertisers must have quietly disorganized trade in their locality.

Curiously enough no one seems to see anything wrong in a trader giving a stamp when he sells his goods, provided he redeem that stamp himself. Both the Ontario Provincial Act and the Quebec Provincial Act declare it to be perfectly lawful for any trader to give a stamp, provided he redeem it himself, and throughout the United States, wherever it has been sought by legislation to suppress the trading stamp system, a distinction has always been made between a trader giving a stamp to redeem himself and giving one which is equivalent to an order upon a third person for the goods. What possible distinction in morals can be drawn between these two cases it is difficult to say. The only difference is that one is much more convenient than the other. As the trading stamp business is an American development, it is appropriate to refer to American authorities.

In New York, in the case of the People vs. John Dycker (72 App. Division 308) the Court said :

'The prohibitive part of section 335a aims at the practice of issuing trading stamps that are to be redeemed by any other person than the merchant who distributes them, or the manufacturer of the goods sold. Just what there is in the thing prohibited differing from the thing expressly authorized that makes it inimical to the public welfare and general safety, does not appear.'

In Rhode Island, where a similar Act was declared unconstitutional in a case of the State of Rhode Island vs. Benjamin Dalton (48 L. R. A., 775), the court said :

'It is to be observed that the Act does not prohibit the vendor himself from giving, or "throwing in" as it is sometimes termed in common parlance, some other article in addition to that sold, but only prohibits the seller from giving anything in the nature of a check or order upon some other person which shall entitle the holder thereof to obtain from some other person some article of merchandise, in addition to the thing sold. In other words, the Act recognizes the right of a person to give away an article of merchandise in connection with, and as an inducement to the making of a sale of some other article, but provides, in effect, that the giving of such additional article must be done by him directly, and not through a third person. We fail to see that there is any substantial difference in principle between the two methods, or that either bears resemblance to a lottery.'

'The thing sought to be accomplished by the vendor is the sale of goods by means of the inducement held out to the purchaser in the form of a premium ; and if he may himself give and deliver the premium, as he clearly may, he may also give it through a third party.'

'For, as already intimated, it can make no possible difference that the article given away with the sale is delivered to the purchaser by a third person instead of the seller himself. We think it is clear that such a proposition is an unwarranted interference with the individual liberty which is guaranteed to every citizen, both by our state constitution and also by the fourteenth amendment to the constitution of the United States.

Also in Vermont, in the state of Vermont vs. Walter B. Dodge, (76 Vermont Reports), the language of the court was to the same effect :

'It only prohibits the seller of the property from giving a stamp or coupon which entitles the purchaser to receive and demand property from the third party, and the delivery of goods, wares and merchandise upon such stamps or coupons. The seller is still at liberty to give such stamps or coupons redeemable by himself in property and payable in cash by a third party. In principle there is no substantial difference in the two methods. They both accomplish the same results, and in neither method is there an element of chance. The Act, in effect, makes it lawful for a merchant to give a trade stamp redeemable by himself in cash or merchandise, and by a third party in cash, and it makes it unlawful for him, under like circumstances and conditions, to give the purchaser a trade stamp which is redeemable in some well defined article by another merchant. This is equivalent to declaring that a man shall not give an article as an inducement to a buyer to purchase another article, for it can make no possible difference that the article given with the sale is delivered to the purchaser by a third party instead of the seller himself.

The Traders' Advertising Company cannot ask His Majesty's government to read numerous reported cases dealing with the question of trading stamps. The decisions are all referred to in the American and English Encyclopedia of Law (2nd Ed. Vol. 28, p. 442) where the following statement of law is given, based upon the numerous decisions to which reference is made :

'Trading stamps, within the meaning of statutes and decisions regulating the subject, are tickets, coupons, or similar devices which a merchant gives, without extra charge, to a customer, in connection with and on account of his purchase, and which are redeemable in some article or articles of value either by the merchant himself or by a third party who has contracted with the merchant so to do.

'The decisions are practically unanimous in holding that a statute which makes it unlawful for the vendor of goods to give away to the purchaser, at the same time and as a part of the same transaction, any stamp, coupon, or other device which will entitle him to receive from the vendor himself or from any other person or corporation a certain well-defined additional article, is an unwarranted interference with individual liberty, and violates the fourteenth amendment to the constitution of the United States, and similar personal rights clauses in the state constitutions. The article procurable by the stamps being definite and certain, the transaction contains no element of chance, does not offend the public morals of the community, and consequently is not prohibitable in the proper exercise of the police powers of the state. It can make no difference whether the stamps are redeemable by the selling merchant or a third party, the third party being in effect, no more than the agent of the merchant from whom the original purchase was made.'

Upon the whole it is respectfully submitted that no valid reason whatever has been shown why parliament should be asked to pass an Act suppressing a business which has been entered into in good faith and carried on honestly and successfully. Parliament is asked to limit the individual capacity to contract, and to prohibit a business in which a large amount of capital has been bona fide invested, and this prohibition is asked in the interest of certain traders who refuse to accommodate themselves to methods which have met with general popular favour. The 30,000 customers in Montreal, and proportionate numbers in other places, wish to continue this method of business which the courts of law have uniformly declared to be untainted by any immorality, and not in any manner subversive of public order.

Yesterday I heard an hon. member say that he wanted to vote for a Bill on account of its innocent appearance. That was the Bill relating to the South Shore Railway to which my hon. friend from de Salaberry (Hon. Mr. Beique) moved an amendment. One of our friends would not accept that, and wanted to allow the Bill to pass the Senate without amendment because it had an innocent appearance. I suppose this measure has an innocent appearance, coming from the House of Commons. Notwithstand-

ing that innocent appearance the amendment of my hon. friend from de Salaberry was carried, and I rejoiced that it was carried. I voted for it because I had confidence in it. We should give the same justice to the people who have the coupon system as to the trading stamp company. Why make a discrimination? This Bill has not an innocent appearance and the clause that I read shows that it is not as innocent as hon. gentlemen suppose. We should not enact hasty legislation, because we are really interfering with provincial rights, and here in this House we have all the apostles of provincial rights and I am sure all these members will be united and refuse to consent to the measure being passed in its present shape. If the companies which are carrying on the business of trading stamps, which have received from the Department of State the right to do business all over this country, do not comply with the law or with the restrictions that might have been imposed upon it by their letters patent, let the government sue those companies and bring them within the law—put an end to their business, but if these people are doing a legitimate business why should we prevent them from going on with it? If the public interest requires that those companies should be abolished altogether, let the government take the proper proceeding and do it in a legitimate way, compensating them for the loss of the privileges which they have obtained under their letters patent. I know that expropriation is a proceeding which comes in conflict with private rights and that private rights must give way before public necessity. But wherever the state steps in and expropriates the law says they must compensate. That is a sound principle which should not be forgotten in the present arrangement. Have we anything in this law protecting or compensating these people for the rights we take away from them when we make it a crime to sell trading stamps? No, nothing of the kind. I say it is against all the principles of justice. What is liberty? Is it the freedom to do what one pleases? No. The individual owes certain duties to society and the performance of those duties restricts in a certain manner his own freedom. If public interest demands that legislation, I know that private interest must yield to public interest, but if public interest necessitate that legislation why do not the government treat the company the same way they would a private individual when they expropriate his land in the public interest? Why do they not recoup the company? We have issued letters patent giving them permission to use trading stamps. They are acting in a legitimate manner in carrying on the business of trading stamps, and we are going to declare that they are guilty of a crime if they continue the business for which we have given them a charter. They have gone to very heavy expense in their business and should be treated with justice. I have stated that I considered this Bill contained a monstrous clause which made it a criminal offence for a young girl to receive a trading stamp. What has been the argument against that contention? It is said: 'If the Bill becomes law there will not be any more of these sales so that that clause is useless.' Well, if the clause is useless, why not expunge it? I do not think the argument is a very convincing one, or one that will persuade us to withdraw our opposition. I have understood—although I may be under a false impression—that there would be some amendment in committee, and if so, we might come to an understanding? But if the government has decided not to allow any amendment, I do not see the utility of the Senate. Why are we here? Is it to swallow the Bills sent to us from the Commons, or is it to study and endeavour to improve them in the public interest? Are we not entitled to study the measures that come before us in order to ascertain if they are in the public interest. If we have no duty to perform, why does the Senate exist? Is that the reform which was promised by hon. gentlemen on the other side of the House when they were in opposition, when they said they would reform the Senate? Did they mean that they would have a Senate which would be disposed to accept every measure presented to them without discussion? If that was the reform anticipated by the hon. gentlemen, what is the meaning of the word reform? Are we simply here to be voting machines to please the government? If the government are greatly interested in this Bill, they must desire to improve it. I say that they are

courting suggestions so that it may be improved in order to serve the public interest. I hope the hon. gentleman will confess that the Senate has something more to do than simply accept legislation from the House of Commons without even reading or discussing it, or without improving it if improvement is possible. I thought the government this afternoon would be in a position to give some explanation in regard to the question I raised before the adjournment, in reference to the differences which exist as between the Bill presented to us and the Bill as it came from the Commons, why the amendment that was carried in the Commons was not put in the Bill. We have no explanations at all. I propose this evening to repeat in French the remarks I have been making in the English language and those who do not understand French will be punished for refusing the French language in the Territories, and will have an opportunity of studying the language in those few hours. I see my hon. friend from Mille Iles is quite agreeable to that proposition.

Hon. Mr. DAVID—I do not think it would do credit to our language to use it for such a purpose.

Hon. Mr. LANDRY—What is the purpose ?

Hon. Mr. DAVID—Of talking to no purpose.

Hon. Mr. LANDRY—Not at all. I convinced the hon. gentleman that clause 1 was a bad clause; he admitted that. If I take another day to convince him that the next clause is a bad one, I will have gained my point.

Hon. Mr. DAVID—I said it could be discussed in committee. I said that there might be something in the clause, but I did not say more than that.

Hon. Mr. LANDRY—If the hon. gentleman said he thought there was something in the clause, I should like to know what it is that is bad in the clause—there is something that is against every principle of justice. The hon. gentleman did not say all that he intended, but I am sure that I convinced him that the clause was bad, and he knows that the clause is bad. He will not deny that either in French or English.

Hon. Mr. DAVID—I will explain the clause when we go into Committee of the Whole. If the hon. gentleman wants to force me to speak, I will not speak.

Hon. Mr. LANDRY—The hon. gentleman is speaking to say that he will not speak. Perhaps when I am speaking in English I do not show all the ugliness of the clause, but when I come to speak in French, before going into Committee of the Whole, I will make myself more clear, and perhaps the hon. gentleman will better understand what I mean. The Bill which is now before us contains another clause, 520b, which reads as follows :

> Any executive officer of a corporation or company guilty of an offence under subsection 2 or subsection 3 of the next preceding section who in any way aids or abets in or counsels or procures the commission of such offence, is guilty of an indictable offence and liable to the punishment stated in the said subsections respectively.

That is the punishment which is meted out to any accomplice in the action that is condemned by law. That is the consequence of the provisions of subsections 2 and 3, as enacted before. Then 2 declares :

> This Act shall not apply to any trading stamp issued by a manufacturer or a vendor before the first day of November, 1905.

This Act declares that it is criminal to do such a thing, but it will be criminal only on the 1st day of November. The crime will commence only on the 1st day of November. If I understand the language of the clause the Act shall not apply to any trading stamp issued by a manufacturer or vendor until the 1st of November, but it will apply to other persons. Am I to understand that the manufacturer or vendor of the trading stamps will be permitted to go on with his business up to the 1st day of November ?

Hon. Mr. SCOTT—From my reading of it I drew that interpretation, but it is not for me to interpret it. I understand they have up to the 1st November to sell stamps.

Hon. Mr. LANDRY—It says this Act shall not apply to any trading stamp—it will not apply to the stamp. Will it apply to the manufacturer or to the vendor ? Will it apply to the person who buys the stamp—the purchaser ? This clause does not exempt the purchaser ; the application is made to the stamp itself. I think the clause should be amended if you want to at-

tain the object you have in view. You do not protect the purchaser. He becomes a criminal. The clause should be amended. In its present form it means nothing, or it means anything; it is a monstrosity. I now come to the memo. submitted on behalf of those who wish to abolish trading stamps. It is as follows:

We beg to submit very briefly to the members of parliament of the Dominion of Canada, the following facts concerning trading stamps:

Why do we ask the Dominion government to pass at the present session a law prohibiting the use of trading stamps, coupons and all similar devices?

Because provincial laws already enacted are being contested before the courts.

Because the trading stamps companies have stated their intention to bring their case to the Privy Council, should they be unsuccessful before Canadian courts. This means one, two or more years delay, during which time they will be permitted to carry on their nefarious business.

Because provincial governments have only the power to impose a fine which is not sufficient.

Because the House of Commons alone has power to amend the Criminal Code.

Because trading stamps and similar devices are based on a theory that proves to be a failure in practice.

Extract from American and English Encyclopedia of Law, volume 28 (second edition), page 443, reads as follows:

'In the district of Columbia it was held that such an enterprise is demoralizing business, and generally illegitimate, and that it is competent for Congress to prohibit same by legislative Act.' Further it is said: 'When the stamps given by the vendor of goods to the purchaser thereof are redeemable in an article or thing which is uncertain, undetermined or unknown to the purchaser of the goods at the time of the purchase, there is present an element of chance which appeals to the gambling instinct and the prohibition of such a transaction is clearly a valid exercise of legislative power.'

New scheme.

As this scheme of trading stamps is somewhat recent in our country, and that no legal books of ours mention its meaning, we beg to quote the definition given by the American and English Encyclopedia, volume 28, page 442, which reads as follows, and which is quite in accordance in theory, at least, with the claim of the trading stamps companies.

What is a trading stamp in theory?

'In the greater number of trading stamp schemes which have been the subject of litigation, it seems that the stamps are sold to the merchants at a certain sum per hundred by a person or corporation whose business it is to furnish them. Only certain merchants, by preconcerted agreement, may purchase these stamps, and in consideration of the purchase thereof it is the duty of the trading stamp company to distribute to the homes of the community books explaining the trading stamp scheme, giving the names of the merchants from whom the stamps may be had, and containing space in which the stamps are to be pasted and thus collected. The merchants give the stamps to their customers in quantities according to the amount of goods purchased, and with the stamps, when a certain number has been collected, the holder may obtain from the trading stamp company his choice of certain articles, to which his number of stamps may entitle him according to the offer previously made.

What are trading stamps in fact, in reality, in practice?

In fact, trading stamps are little squares of coloured paper representing each, ten cents of purchase.

In fact, trading stamps are sold to the retail merchants at the rate of half a cent each, or $5 for a thousand little square papers.

In fact, trading stamps, thus purchased, are given by the retail merchant to the customers with every ten cents of goods purchased.

In fact, trading stamps are redeemable only by the person or company that issue them.

In fact, trading stamps are issued by any persons or companies, whether they have capital or not.

In fact, trading stamps have been and are being issued in quantities amounting to many hundred thousands of dollars.

In fact, trading stamps are paid for by the retail merchants, cash on delivery.

In fact, trading stamps are redeemable only in quantities representing one hundred dollars worth of goods purchased.

In fact, trading stamps as an inducement for the customer to deal for cash only, are a failure. Because retail prices are fixed on a cash basis.

In fact, trading stamps are not an advertising medium, since any one can make use of them, and moreover, the merchant has to advertise that he is giving stamps.

In fact, where is the guarantee to the retail merchant who paid cash for these little square papers, that they will ever be redeemed?

In fact, where is the guarantee that trading stamps will be redeemed, at a value equal to the amount paid for by the retail merchants?

In fact, where is the guarantee to the public, to the gatherers of trading stamps, to the poor families, who must accumulate one hundred dollars worth of them, that they will ever be redeemed?

In fact, where is the guarantee that the companies issuing stamps will be still in a position to redeem them when called upon?

In fact, in case of the companies' bankruptcy would the merchant who distributes those stamps be liable for same as endorser?

In fact, a trading stamp is a device by which the public has but very little for nothing, the trading stamps companies a great deal for nothing, and the retail merchant nothing for his good money.

What is understood by the expression 'trading stamps'?

The expression 'trading stamps' as we understand it, must include, besides those little square papers, any form of cash receipts, coupons or premiums, given or supposed to be given as a gift discount or as an inducement of trade, and which is redeemable.

Our contentions.

Our contentions are not to take away the liberty of the individual, but simply to prevent the speculation on the discounts.

We desire that every merchant be fair and square in his dealing.

We are of opinion that if a merchant can afford to give one, two or five per cent discount to his customers, we would like him to do so in a way that will deceive no one. If he prefers to give a discount under the form of a coupon or cash receipt, we insist that he should put on the face of it, his full address, the actual value thereof, redeemable on demand and only on the premises where the goods were sold.

What necessity is there that a merchant should be compelled to give his customers a ticket or coupon whose value is uncertain, unknown and undetermined, and that the holder of such a ticket should be compelled to run miles and miles to have them redeemed in any kind of goods whose value is also uncertain, unknown and undetermined.

If a purchaser of goods has placed his confidence in his dealer, why should he be directed to a stranger to obtain the value of his discount ?

As we have demonstrated beyond the shadow of a doubt that an urgent need exists, we pray the Dominion parliament to put a law in force at once.

Any further information will be cheerfully given on application by the undersigned.

Taking up the reasons given, let me tell you that the first one is a very fair reason why we should not pass this law. Here is a man vested with certain rights ; he goes to the courts. Some decide against him and some in his favour ; and at the present moment that company is before the Supreme Court and because they have stated their intention to have a final decision in the case given by the Supreme judicial authority, we are told, 'You must not let them do so. You must interfere. You must come in with special legislation that will deprive them of their right to appeal to the highest tribunal of the land.' That is an absurd reason ; no one with common sense will accept that as a good reason.' Then what is the third reason ? Because provincial governments have only the power to impose a fine, which is not sufficient. What is the weight of that reason ? Does it destroy the rights of the company ? It might set forth the insufficiency of the power of the local legislature, but it does not attack in any way the rights of the company or of any company or of any man or individual who might operate under the laws passed by the provincial government or by this government. This is no reason at all. They want you to interfere, to have special legislation, because the provincial government can impose a fine only. What are you doing here by this legislation ? You are imposing a fine of five hundred dollars upon the manufacturer, two hundred dollars upon the vendor and twenty dollars upon the purchaser. If that third reason given by those who submitted that petition to us is a good one what they claim cannot stand. Why refuse to recognize provincial legislation because a fine is imposed, when you are asking for Dominion legislation which enacts a fine also to meet the cases ? The fourth reason is that the House of Commons alone has power to amend the criminal code. Well, if the House of Commons has power to enact the criminal code, is that a reason to enact this law ? The House of Commons has power to do many other things. Is that a reason for depriving people of their rights if they have any ? The courts are here. If the company do not comply with the laws of the land, if they do something which is an infringement against the laws of the land, they are amenable; but you tell us that because the Dominion of Canada is the only power to amend the criminal code, we must rob those people of their rights, and enact the monstrous proposition that a child buying one single stamp from any manufacturer is liable to a $20 fine or 15 days imprisonment, not even knowing the law. The answer may be that everybody is supposed to know the law. Yes, everybody is supposed to know the law, but the section which I have read just now from the criminal code surrounds the commission of an offence with such circumstances that it becomes very hard to commit such an offence. The section reads as follows :

> Every one is guilty of an indictable offence and liable on indictment or summary conviction before two justices of the peace to a fine not exceeding two hundred dollars or three months imprisonment with or without hard labour, who wrongfully, without lawful authority, with a view to compel any other person to abstain from doing anything which he has a lawful right to do or to do anything from which he has a lawful right to abstain.

All these circumstances must accompany the commission of the crime as defined in section 523. But when you come to section 526 you make a crime of the simple act of receiving a trading stamp from the manufacturer or vendor, without putting in the words, 'who knowingly commits that offence.' The good faith of the person will not prevent the commission of the crime or the punishment thereof ; there is no re-

striction at all, there is no qualification whatever. Anybody who commits the crime of buying that stamp will be amenable to the courts, may be prosecuted in the criminal courts and may be sentenced to jail or to pay a fine. Then the fifth reason is :

Because trading stamps and similar devices are based on theory that proves to be a failure in practice.

I have cited already decisions given in the United States, in Vermont, Virginia, Massachusetts, and New York showing what the law says on that subject, the judgments of the courts being that there was nothing of a gambling system in it, and that there were no elements of chance. What is the chance ? A man goes into a shop, buys five or six dollars' worth of goods and receives a discount in the form of a trading stamp.

Hon. Mr. DAVID—It is not a chance if we are obliged to listen to all those things.

Hon. Mr. LANDRY—The hon. gentleman is not obliged to listen. He can turn right round and go out. If he considers it beneath his dignity he may retire. I call attention of the Chair to the fact that there is not a quorum in the House.

The SPEAKER—There is a quorum.

Hon. Mr. LANDRY—Oh, they are coming in now. The trading stamps are simply a device resorted to by tradespeople, in these days of sharp competition, to promote the sale of their goods. It does not differ from any ordinary business except in the method of advertising and in lawful trade inducements. It is true this method of doing business may enable a trader to do more business than he otherwise would, and more than his competitor across the street, who does not choose to incur the expenditure incident to advertising. But this furnishes no reason for prohibiting the business. This memorandum says that those trading stamps are based on a theory which proves to be a failure in practice. In order to prove that it points out that this scheme of trading stamps is somewhat recent in our country, and that no legal books of ours mention its meaning. When the merchants sell their goods they distribute their stamps to the purchasers. The purchasers then go to the place where the stamp company keep their goods, select the goods they prefer, and pay for them with these stamps. If that is the way it is worked out, it does not seem to me that this Bill should be opposed on the ground that trading stamps are based on a theory which appears to be a failure in practice. It is not because it is a failure in practice that we are asked to pass this legislation. It is because it is not a failure that parties who are opposed to it combine and come here asking for this legislation. If it is a failure in practice why is its prohibition asked for ? There are still more reasons given in this memorandum. What are trading stamps in reality, in practice ? This question is put in the memorandum. Trading stamps are little squares of coloured paper, each one representing a 10c. purchase. The memo. says : 'Trading stamps are sold to the retail merchants at the rate of half a cent each, or five dollars for a thousand little square papers.'

These companies have always the articles in stock to redeem those coupons—watches, albums, furniture or anything you like—purchased out of the capital of the company. The assertion that trading stamps are issued by persons in business whether they have capital or not is not a very strong reason. It is not very material whether they have capital or not. Trading stamps have been issued in quantities amounting to many hundred thousand dollars. That may be so, but it simply proves that the business is flourishing. Those stamps are given only when a cash payment is made where the merchandise is sold. Some merchants will allow five per cent off if you pay cash, and some 10 per cent. What is the difference between that discount and giving you a paper which entitles you to the same amount in a present ? I move the adjournment of the debate.

Hon. Mr. SCOTT—And this debate will be the first order.

Hon. Mr. LANDRY—I accept that.

The motion was agreed to.

The Senate adjourned till 8 p.m.

THIRD SITTING.

The SPEAKER took the Chair at Eight o'clock p.m.

Routine proceedings.

CRIMINAL CODE AMENDMENT BILL.

DEBATE CONCLUDED.

Hon. Mr. LANDRY—Before proceeding with the debate on the important Bill we were discussing at the last sitting, I have a proposition to submit to the government; and I submit it with the hope that it will be accepted so that we may come to an understanding. The proposition is this: to strike out the words in the 2ud clause 'by a manufacturer or vendor,' so that the clause will read:

> This Act shall not apply to any trading stamp issued before the first day of November, 1905.

That would settle the whole question. If the hon. gentleman does not desire that, he might include with the manufacturer and vender the Trading Stamp Company. We want to include the stamp company with the others.

Hon. Sir MACKENZIE BOWELL—Or say this Act shall not take effect until the 1st November.

Hon. Mr. LANDRY—If this proposition is accepted, the parties will bind themselves in honour not to offer any further opposition in either House.

Hon. Mr. YOUNG—If my hon. friend had accepted the amendment I suggested he would have had a much better clause.

Hon. Mr. SCOTT—Mr. Wilder, a gentleman deeply interested in this Bill called me aside, and in discussing it I said to him I thought he had up to the 1st November—that sales of stamps up to that time were allowed. He said, 'if that is the case I am quite ready to acquiesce.' 'Well,' I said, 'I am not giving that as a professional opinion. I have read the Bill very carelessly, but according to my reading of section 2, it applies to the stamps rather than the individuals issuing them, and provides that any stamp issued before the 1st November may be redeemed at any time thereafter,' but I said 'you had better consult the Minister of Justice.' He said, 'if that opinion is accepted I am quite content to wind up the business on that basis.' I said, 'you must not accept my opinion as final, because I have not had an opportunity to critically examine the Bill and had nothing to do with the drafting of it.' I do not know whether he has succeeded in seeing the Minister of Justice. Since coming to the Chamber I find there is an eminent counsel here who does not place that interpretation on the Bill. Probably he has given the subject more thought than I have, and therefore I do not pronounce an *ex cathedrà* opinion upon it. I simply say, without carefully considering it, that I think they have up to the 1st November to sell stamps and that any stamps sold up to that date could be redeemed at any time thereafter. That is my reading, but I am told that it is not the correct interpretation.

Hon. Mr. LANDRY—It is because there are such doubts as to the interpretation of this clause that I desire to remove those doubts by striking out the words 'by a manufacturer or vendor,' or by adding the words 'The Trading Stamp Company.' I think that is really the idea of the Bill, but the clause is framed in such a way it is difficult to give it an interpretation.

Hon. Mr. SCOTT—I am not in a position really to accept such an amendment, because I did not draft the Bill.

Hon. Sir MACKENZIE BOWELL—I should like to have the opinion of the hon. gentleman from de Salaberry (Mr. Beique.) To my mind the object of the clause is that the law shall not take effect until the 1st November. Was that the intention of the government when introducing the Bill, and if so, would it not be well to make it plain and simply say that this Act shall not take effect until the 1st November? From the confidence I have in the ability of the hon. gentleman from de Salaberry (Hon. Mr. Béique), I have asked his opinion. Does not this give permission to the vendor and the manufacturer to deal in stamps until the 1st November? If it does, then the contention of the gentlemen who are opposing this Bill is met; if it is not and it is not intended to bring the Bill into operation before the 1st November, let it be made plain.

Hon. Mr. BEIQUE—My reading of the Bill is to this effect: that the word 'vendor' in clause 2, refers to 'vendor' in paragraph (a) of the Bill where you find

> The expression 'trading stamps' includes, besides trading stamps commonly so called, any form of cash receipt, receipt coupons, premium

ticket or other device designed or intended to be given to the purchaser of goods by the vendor thereof.

It refers to the vendor of the goods and therefore clause 2 of the Bill is clearly to this effect, that the Bill takes effect as far as the Trading Stamp Company is concerned from the passing of the Bill, but delay is given until 1st November to the vendor of the goods. There are persons who have bought the trading stamps, who have them in stock, and they are allowed until the 1st November to give them to their customers, and their customers can either, before the 1st November or any time after the 1st November, call on any of the parties who have issued trading stamps before the passing of the Bill to redeem them.

Hon. Mr. SCOTT—On reading it again, I quite concur in the opinion expressed by my hon. friend.

Hon. Mr. LANDRY—If my hon. friend concurs in that opinion, then clause 2 does not apply to the company.

Hon. Mr. KERR (Toronto)—It applies to the company. I think that while the interpretation that has just been given may be put upon it, there is another interpretation to be given, and that is that the vendor in this case is a vendor within the meaning of subsection (c), which is as follows :

The expression 'everyone,' 'vendor,' 'purchaser,' 'merchant,' 'agent,' or 'person' includes any partnership or company or body corporate.

And therefore it would read this way :

This Act shall not apply to any trading stamp issued by a manufacturer or any partnership company or body corporate, &c.

If that interpretation is put upon it, which I think may fairly be done, it does not make much difference one way or the other, as to what we are here considering. It may make a difference to Mr. Wilder whether he can continue his business from now to November or not. That is a matter on which he must take his risk, but it protects everybody else. I think it protects Mr. Wilder or the company, though I do not wish to be bound by that opinion, because I have not considered it more than casually. I think it is open to the two interpretations. It certainly is open to the interpretation put upon it, that everybody but the trading company can use the stamps up to the 1st November, but that after that they cannot be used by anybody. It may mean that the Trading Stamp Company may go on using them. The difficulty is just this, the Bill cannot go back with an amendment. We have to dispose of it and send it back without alteration. If we return it with an amendment the debate might go on there as it has gone on here. The Trading Stamp Company can take their chances, as to whether they should issue more stamps in the meantime, but the holder of the stamps can in the meantime use them.

Hon. Sir MACKENZIE BOWELL—I would suggest that the Bill be allowed to receive its second reading and be referred to committee. Then on reaching that clause give time to the Secretary of State to consult, as he intimated he would, the Minister of Justice upon that point. My hon. friend (Hon. Mr. Landry) is afraid that it will prevent him from completing his speech, which he says is not half finished yet. I have suggested to him that if an amendment is not made to read so that it is clearly and distinctly understood, he has the right and privilege to go on with his elaborate argument afterwards. It is quite evident from the remarks of the hon. Secretary of State, who has been practising law for more than half a century, that he differs from the hon. gentleman from de Salaberry (Hon. Mr. Béique) and the hon. gentleman from Toronto (Hon. Mr. Kerr) whose interpretation is somewhat in the line of mine. Surely the government should word it in such a way as to make it possible to understand it, in order to avoid difficulty and lawsuits in the future. If the hon. gentleman will accept that suggestion, we may go on and complete the other business of the House.

Hon. Mr. SCOTT—I would not be in a position to make promises as to what may be done at the third reading. All I can say is that I will consult the Minister of Justice and the Premier about it and see if they are disposed to make any such arrangement.

Hon. Sir MACKENZIE BOWELL—What I ask is, would you consent to go into committee, pass the Bill up to that clause and

let that stand until you can consult the Minister of Justice ?

Hon. Mr. SCOTT—I find that all the discussion and the different opinions expressed with reference to this Bill, leave me no option in the way of making suggestions as to a compromise. That would be absolutely impossible. I am not in a position to do it. There are various interpretations placed on the Bill, and I am not now in a position to say what interpretation is correct. Those who are behind the Bill and are most interested in doing away with the selling of stamps, put the liberal interpretation upon it. I put the question, 'Are you willing, as far as you can control, to accept that interpretation ?' and they said they were.

Hon. Sir MACKENZIE BOWELL—What interpretation ?

Hon. Mr. SCOTT—The interpretation that the Bill would not be operative in any sense until the 1st November. They put that view upon it. I, of course, do not concur in the opinion that they are right. However, they say they are willing to act in that spirit. If they are, no harm will be done. Mr. Wilder would be quite satisfied if he had a margin up to the 1st November, but I could give him no assurance ; nor can I make any change in the Bill that would make that more definite and positive. There is another objection to its going back to the House of Commons, for reasons which I need not here explain.

Hon. Mr. WOOD—If the parties are practically agreed upon that point it appears to me the Bill might go through without alteration. If the hon. Secretary of State representing that side of the House, and the leader of the opposition representing this side of the House, should both express the opinion that that is what the Bill meant, showing on the records of this parliament what the intention of parliament was in passing this Bill, it appears to me that the courts would interpret it according to what was the plain intention expressed by the leaders of the House in passing the Bill.

Hon. Mr. SCOTT—I would not like to state professionally that that would be my absolute opinion. What I would say is the persons who are endeavouring to have the system done away with, those who are behind this Bill—they are represented here by important members, manufacturers and merchant associations—say that is the view they are willing to act upon, that practically the Bill will be inoperative until the 1st November. All I can say is I should hope that they would adopt that interpretation, as they profess to be willing to do now. Of course we are not controlling them, but I presume it is the best that can be done under the circumstances.

Hon. Mr. PERLEY—Is not the English language clear enough to frame a clause to express that ?

Hon. Mr. SCOTT—I did not frame this Bill. We have to deal with it as it is, unfortunately. Circumstances are such that we cannot make changes in it.

Hon. Mr. EDWARDS—A gentleman who is a member of the House of Commons, and who represented the parties in Montreal and has had more to do with it than anyone else, says that the interpretation stated is the interpretation he puts on the Bill, that in no respect is it to be operative before the 1st November.

Hon. Sir MACKENZIE BOWELL—I would advise my hon. friend to accept that statement, with the statement of the hon. Secretary of State, that the Bill is not to become operative in any respect until the 1st November, and let it go on record, and in case any difficulty should arise in the courts, that could be pleaded as a justification for the course the parties were pursuing.

Hon. Mr. LANDRY—If I understood my hon. friend from Russell (Mr. Edwards) aright, the explanation he gave a moment ago was the explanation he was authorized to give by Mr. Gervais, one of the members from Montreal, and that is the interpretation which Mr Gervais himself puts on the Bill. I heard the hon. gentleman say so in the presence of Mr. Gervais, who is just behind the curtain, and the Hon. Mr. Gervais nodded his head to signify that it was the interpretation. I want the hon. gentleman to say that he was authorized to give that interpretation to the clause—that it would not be in operation before the 1st November. Is that it ?

Hon. Mr. EDWARDS—I was authorized by the gentleman just mentioned to make the statement

Hon. Mr. CHOQUETTE—Mr. Gervais himself told me that the intention of the Bill was that it should not be in operation before the 1st November.

Hon. Sir MACKENZIE BOWELL—I have just spoken to that hon. gentleman, and he assures me that that is not only their interpretation of the law, but that he on behalf of those who are promoting the Bill will act in accordance with it.

Hon. Mr. LANDRY—I am very glad that this agreement has been made in the interest of the parties, but I am very sorry for the House, because you are depriving yourselves of the most valuable part of my speech.

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

The House resolved itself into Committee of the Whole on the Bill.

(In the Committee.)

On subclause 4 of clause 1,

Hon. Mr. LANDRY—I move that this clause be struck out.

Hon. Mr. SCOTT—I am not in a position to agree to striking it out. There is a great difference of opinion about it, and I am told the House of Commons would dissent from it. It was first taken from a Bill Mr. Guthrie introduced.

Hon. Mr. LANDRY—That is clause 3. I am speaking of subclause 4 of clause 1.

The clause was adopted,

On clause 3,

Hon. Mr. McMULLEN—This clause was not part of the original Bill. I consulted the Minister and he tells me that it was not intended that this should form part of the Bill. It was added in the Commons, but the Justice Department has no desire to adhere to it and is willing that it should be struck out. I am in favour of the trading stamp law but I am opposed to tacking on to the end of the Bill a provision of this kind. An understanding has been arrived at that this clause should be dropped.

Hon. Mr. LANDRY.

Hon. Mr. YOUNG—No.

Hon. Mr. CLORAN—It would jeopardize this Bill to adopt your amendment.

Hon. Sir MACKENZIE BOWELL—No.

Hon. Mr. CLORAN—I understood no amendment could be made to this Bill. Although this clause was improperly inserted in the Bill, it has received the sanction of the House of Commons and it might jeopardize the Bill if we struck it out because it would have to be referred back to the Commons for reconsideration and the matter would be opened up again in the House of Commons, which we want to avoid. If any injustice results it will be easy to remedy it next session.

Hon. Mr. LANDRY—I think the hon. gentleman is quite right. We should not make any alteration in the Bill, but let it go. I suggest that we amend our rules and provide that from four days previous to prorogation the Senate shall have no right whatever to amend any Bill which comes before it.

Hon. Mr. POWER—In the opinion of most lawyers this clause is not necessary, because the theory of the law is that the choice of being tried summarily or by a jury rests with the accused and not with the court. I do not think it was necessary to include the provision in the Bill, but inasmuch as it has been put in, if we were to strike it out it would leave the impression that the accused had not the right, and I think it would be undesirable to expunge it. This is aimed at a certain class of offenders ; they are not a class I have very much sympathy with, but the right to be tried by his fellows is supposed to be one of the inalienable rights of a British subject, and I do not think this House should do anything to put that right in doubt.

Hon. Sir MACKENZIE BOWELL—I take objection to the reasons advanced for not amending the Bill. If the doctrine which has been propounded just now in reference to amending a Bill and considering a Bill in this House is to be the rule, the sooner we adopt the suggestion of my hon. friend from Stadacona the better. If the principle is that when Bills are brought from the House of Commons, even at this late stage of the session, we are to be told

that we cannot make any amendment or even suggest an amendment, because it might jeopardize the Bill if it has to go back to the Commons, that is tantamount to an abrogation of our functions in toto. That is really the position in which the gentleman who takes this ground places the Senate. The general principle of being tried by jury in serious matters is no doubt a correct one. It is the inalienable right of a British subject to be tried by his peers, but there is no man in this House or in the country who knows better than the hon. gentleman from Halifax that there are scores of offences—I was going to say crimes—committed that are dealt with exclusively and entirely in a summary manner by a magistrate ; and the only question at issue, if we are to argue this question, is as to whether the offences to which this amendment would apply are among those which should be dealt with summarily by a magistrate. If we adopt the broad principle laid down by the hon. gentleman from Halifax, you must readjust and amend all the clauses of the Criminal Code. We all know that for ordinary offences a man appears before a magistrate who disposes of the case. In many other cases a little more serious the police magistrate, who as a rule is an experienced lawyer—I am speaking of the province of Ontario just now—deals with the question. I do not want to be offensive, but it strikes me as utterly absurd to lay down the broad principle proposed in this clause. It is a repetition of what took place during the last session, of tacking on the bank Bill an amendment to the Criminal Code. The clause is just as irrelevant to the Bill which we are considering as one thing possibly can be irrelevant to an other. I do not think there is any doubt that, and I certainly understood the hon. Secretary of State was inclined to that view, and was willing to drop this clause. I have not the slightest fear or apprehension that if you drop the clause and the measure is sent back to the Commons, they are going to reject the Bill altogether. The feeling is too strong in that House in favour of the Bill to adopt such a proceeding, and lose all that the merchants and others who are demanding the Bill expect to obtain by it. I am quite sure if that was struck out the Bill would be passed, and that would be an end of it. I would say that if they refused to pass the Bill as amended, and it came back immediately with that proposition, I would be ready to say at once, 'Well, as the Commons refuse to accept it, the Senate had better recede from their amendment.' I merely throw out that suggestion in case the difficulty should arise.

Mr. McHUGH—I spoke for a few minutes on this question last night, and made the statement that it was in order to make the Criminal Code clear that this amendment was made. As that was simply the opinion of a layman, I am glad to see that it was backed up by the hon. gentleman from Halifax. In these cases the judges hold that the accused has the right to select what court he shall go before, but there are some police officers in this country who are not lawyers, and who have taken upon themselves to say that the magistrate trying the case has a right to decide for the accused. I think we ought to make the law clear. The crimes for which these penalties are imposed, come under the Conspiracy and Protection Act passed in England in 1875. Hon. gentlemen will find it is a copy of a provision in that Act, which was an enlargement of the Labour Union Act of that country. The offences are under clause 7 of that Act, and I say it is only making the law we have to-day clear, that there may be but one opinion upon it when any person is on trial for any crime of the nature mentioned.

Hon. Mr. BEIQUE—To my mind this clause is in the right direction. As the law stands on the statute-book, the option is given to the accused to ask for a summary trial, and my only regret is that the principle of this law is not made more general. It would tend to reduce the cost of administration of justice because it would tend to avoid trial by jury, which is very expensive. The law should facilitate matters where the prisoner is willing to be tried in a summary manner ; as a rule they would rather be tried by a judge who has a legal training, than go before a jury. Last session I prepared a Bill to extend that principle to a number of cases as far as it could be extended, but my suggestion was not favourably received. I am

therefore altogether in favour of the principle which is embodied in this section, and I propose next year to make the attempt again of suggesting the application of the principle to other cases. I desire to add one word in answer to what the hon. leader of the opposition has said. As far as I am concerned, when I make up my mind to accept this Bill as it comes before us, it is not because I am satisfied altogether with the drafting of the Bill. I am not satisfied with the wording, I am satisfied with the principle embodied in the Bill and I believe that the principle is supported by the country at large. The people demand the immediate passage of this Bill, and if it has not been put in more appropriate language, and if it has been enacted in the House of Commons at this late day in the session, that is not our fault nor the fault of the promoters of the Bill. It is due to a number of circumstances which we cannot control, and which the government themselves were unable to control. This, to my mind, is complete justification for my supporting the Bill in the form in which it appears, in order that all parties dealing in these stamps may have proper warning. If they go on with that kind of business they will do it at their risk and peril. If the Bill proves to be defective, then parliament next session will see that the arm of the law is made long enough to reach the guilty party.

Hon. Mr. CLORAN—The hon. leader of the opposition is a little astray in regard to the right of the accused to elect by what tribunal he shall be tried. There is scarcely a case where the prisoner has not the right to be tried by a judge if he wishes. There are only two cases where a man has not the option to be tried by a judge, and those cases are treason and murder. In charges of forgery, violence, or incendiarism. the party has a right to be tried before a jury. Those are the facts, and my experience in that matter has been quite extensive. I have been informed by the gentleman who is the father of the Bill, and who deserves a great deal of credit for the way he has managed it, that it would be a dangerous thing to accept the amendment, and he would not be agreeable to it, nor would it be agreeable to the Commons to consider it now.

Hon. Mr. BEIQUE.

Hon. Mr. POWER—I think the hon. gentleman who moved the amendment, and also the hon. leader of the opposition, indicated that this clause was tacked on and did not really form part of the Bill, but if hon gentlemen look at the title of the Bill, they will see that it is an Act in amendment of the Criminal Code. Under that title this clause comes in very appropriately.

The motion was declared lost.

The clause was adopted.

Hon. Mr. EDWARDS, from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

INSPECTION OF WATER METERS ACT.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (188) An Act respecting the inspection of water meters.

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—It is a curious thing that the government should take hold of this matter. Should it not be dealt with by the municipality?

Hon. Mr. SCOTT—No. It is placing the matter under the control of the Inland Revenue, the same as the inspection of gas is under the Inland Revenue Department.

On clause 2,

Hon. Mr. SCOTT—I wish to strike out this clause and insert a clause which I have prepared.

Hon. Mr. LANDRY—I oppose that amendment because it is going to jeopardize the Bill and it will not be accepted in the House of Commons. By amending the Bill we are inaugurating a new policy. It is an outrage.

Hon. Mr. SCOTT—The city of Winnipeg asked for some changes in the Bill, and the measure will have to take its chances in the other House.

Hon. Sir MACKENZIE BOWELL—Does this Bill permit the government to appoint employees of the Department of Inland Revenue as inspectors of meters under the Act without examination ?

Hon. Mr. SCOTT—I presume they must be examined. The object is to inspect the meter and see that it is kept in order.

The clause was adopted.

Hon. Mr. CHOQUETTE, from the committee, reported the Bill with amendments, which were concurred in.

Hon. Mr. SCOTT moved that the Bill be read a third time.

Hon. Sir MACKENZIE BOWELL—I desire to compliment the Senate on the thought and study they have bestowed on this scientific Bill. I am sure there can be no errors in it after what has occurred in the Senate; and it is a matter for congratulation that we have devoted so much attention and thought to this matter. Let us hope that all Bills that come before us in future will receive the same thought and consideration, and if so it will not be necessary to make any amendments for ten years to come.

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

CRIMINAL CODE, 1892, AMENDMENT BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (66), An Act to amend the Criminal Code, 1892, with respect to appeals from certain summary convictions.

Hon. Mr. SCOTT—The object of this Bill is to give an appeal in Ontario to the Division Court instead of to the General Sessions of the Peace in all cases under the Summary Convictions Act except 'when the conviction adjudges imprisonment only.' This is done by clause 1 of the Bill. The other clauses of the Bill merely make changes in the procedure which are necessitated by this provision of clause 1. For instance, clause 2 makes special provision for the district of Nipissing, where the appeal is to be to the nearest division court in the county of Renfrew. Clause 3 makes the necessary provision as to notice, and clause 4 makes provision as to bail.

The change proposed has been advocated strongly for some time past by Judge Fraleck of Hastings and others, and it undoubtedly will result in a great simplification and cheapening of appeals in the cases to which it applies.

Hon. Sir MACKENZIE BOWELL—Probably the Bill is all right.

Hon. Mr. McHUGH—I am very much afraid that if this Bill becomes law it will seriously interfere with the duties devolving upon police magistrates and magistrates generally. In trivial cases where a man is brought before a magistrate and tried summarily, if he is not satisfied he has an appeal to the county judge, and the result will be that magistrates will refuse to try cases at all if their decisions are to be reviewed and all the witnesses have to be brought back and examined again. I am afraid it will interfere with litigation.

Hon. Mr. MACDONALD (B.C.) reported the Bill without amendment.

The Bill was read a third time and passed.

SENATE AND HOUSE OF COMMONS BILL.

THIRD READING.

The House resolved itself into Committee of the Whole on Bill (202) An Act respecting the Senate and House of Commons.

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—Is there any alteration in the reference to the 15 days' grace ?

Hon. Mr. SCOTT—No, it still continues.

Hon. Mr. ELLIS—I should like to ask the Secretary of State what the position of the leader of the opposition would be. He is to get a salary. Will he have to resign his seat and be elected again ?

Hon. Mr. SCOTT—No, he receives an addition to his indemnity.

Hon. Mr. THIBAUDEAU (de la Vallière) reported the Bill without amendment.

The Bill was then read a third time and passed.

SUPREME AND EXCHEQUER COURTS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (205), An Act to amend the Supreme and Exchequer Courts Act.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

Hon. Mr. MACDONALD (B.C.)—I am very glad the British Columbia judges have been remembered at last. I have been pressing the matter for years and years. I think the governor of that province should have his salary increased to ten thousand dollars, but I am very glad the judges' salaries have been raised. The salaries of the judges in Quebec and other parts of the country were raised, and now they receive a nice salary. I congratulate the government on the action they have taken in this matter.

Hon. Mr. SULLIVAN—There is a great deal of difference in those salaries. There is no judge in Quebec receiving less than $5,000. There are 84 judges in Ontario and 43 in Quebec. The amounts are $291,000 for Ontario and $261,000 for Quebec. If you strike an average it would realize about $6,000 for a Quebec judge and $3,000 for an Ontario judge.

Hon. Mr. CHOQUETTE—We have no county judges in Quebec.

Hon. Mr. SULLIVAN—That makes a difference. I do not know what the examinations may be. I do not say it is wrong, but a great discrepancy exists. Our judge has been clamouring of late, and that is the only reason I am speaking of the matter to show that I had his case in mind. The salary of our county court judges is $2,500; after a certain number of years it is raised to $3,000. I do not know that they can go above that, and it is hardly fair. I do not think there is that difference in the examinations nor that difference in the standing which should cause this great discrepancy to exist. I do not know whether there is any means of overcoming this difficulty, or whether it would be necessary to cut down the number of judges in Ontario. I presume the law is much the same in both provinces, with the exception of the city of Quebec. Whether that assumes to require a greater degree of intellect or a more profound knowledge of law I cannot tell you, but as they appear to the ordinary layman I could not see any preponderating difference which would make a difference of even $100. Although I make these remarks I would also mention the high opinion I entertain of the judges of Quebec. But I say this discrepancy exists and it is a great discrepancy, and should be remedied if possible. I am speaking on behalf of our judges, who are unsurpassed by any judges for learning and devotion, and no one has laid any complaint against them. I regret that no Ontario lawyer, or gentleman connected with the judiciary is here to lay the case before the Senate. Of course there is no use in my speaking, but I put my views on record as a layman, knowing the judges of both provinces. I do not criticise any of the other provisions, but it is a pity that a measure expending half a million dollars annually should not be scrutinized with more care and a stronger desire to arrive at a conclusion which would equalize the salaries of the judiciary according to their legal and general qualifications.

Hon. Sir MACKENZIE BOWELL—There is no advantage in continuing the discussion to-night, but there is a great deal of force in what the hon. gentleman says with reference to the payment of judges and the relative position of judge in Quebec and our county court judges in Ontario. There are many Superior Court judges in Quebec occupying positions not so responsible, and whose duties are not as great as the county court judges in Ontario. We discussed the matter fully at a former session of parliament, when it was shown that really many judges in the province of Quebec, owing to the system that prevails there, have comparatively little or nothing to do, and they receive their salaries on account of the position they hold, being Superior Court judges. Take the county of York: we have a senior and a junior judge. There is a riding of 120 or 130 miles long, and 30 miles wide. However the litigation, owing to the prosperous state of the country, is not as great as formerly. When I spoke of the prosperous state of the country my hon. friend smiled and nodded his head with approval. I think I could tell him why it was prospering, and if I did I would tell him it is not owing to the policy he or his government is pursuing. There is no objection to our expressing opin-

ion in this matter although we could not make a change if we desire to do so.

Hon. Mr. SULLIVAN—In York county the judge begins at a salary of $2,900. Are all judges restricted as to outside duties ?

Hon. Mr. SCOTT—Yes, that provision will apply to all. They will have to resign the chairmanship of insurance companies or any other position of that kind.

Hon. Mr. YOUNG, from the committee, reported the Bill without amendment.

The Bill was then read a third time and passed.

CUSTOMS TARIFF, 1897, ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (190) An Act to amend the Customs Tariff, 1897.

He said : A few changes were made in the tariff during the present session. The first one refers to wine. We receive very few articles from South Africa, while they give us a preference. In giving them a preference in return they suggested that probably the only article they would send us would be wine, and their wine was a little stronger than the wines of France, and they are allowed to run up as high as 40 per cent of spirit in proof.

Hon. Mr. SULLIVAN—That is a great deal.

Hon. Mr. SCOTT—Then the next item is a reference to rolled oats. There is a slight change in the duty on dry white lead, and there is some provision in regard to the importation of Portland cement. The changes are very minor.

Hon. Mr. CHURCH—Is it not against the provisions of the Scott Act to give a preference to strong wines ? It would not affect me very much because I do not drink wine.

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

The House resolved itself into a Committee of the Whole on the Bill.

(In the Committee.)

On the 1st clause,

8a. Wines of all kinds, except sparkling wines, containing not more than forty per cent of spirit of the strength of proof, whether imported in wood or in bottles (six quart or twelve pint bottles to be held to contain a gallon), when the produce or manufacture of any British colony or territory in the South African Customs Union Convention, twenty-five cents per gallon.

Hon. Sir MACKENZIE BOWELL—Is it not strange that the wine from the colonies of South Africa should be put on a better footing than the wines from other British colonies. The reason given seems to me an extraordinary one and can hardly be in the interest of the teetotaller. The Secretary of State tells the committee that the wines of South Africa are stronger than the light wines from the Rhine or from France, and in order to create a trade in South Africa strong wines they reduced the duty upon them by increasing the strength. Now can the hon. Secretary of State tell me why the wines of Australia are not placed in the same position as South African wines?

Hon. Mr. SCOTT—Because Australia has not given us the preference. It is open to Australia to get the same advantage by giving us the same advantage.

Hon. Sir MACKENZIE BOWELL—We are not dealing with the question of preference at all.

Hon. Mr. SCOTT—South Africa gives us a preference. They are buying a great deal from us and we wanted to give them some advantage. They said, we can send nothing to Canada that we know of except wine, and our wines are stronger than those that are now on the customs tariff, 25 or 30 per cent of spirit. They wanted the wines further up, to 80 per cent of spirit. As they said, they were giving us considerable advantage in their market and we are selling a good deal in South Africa now, we thought we should give them this preference. It will make a good appearance and we are not likely to take much from them.

Hon. Sir MACKENZIE BOWELL—That is an admirable argument. We are told by the hon. Secretary of State that they adopt this policy because it has a good appearance.

Hon. Mr. SCOTT—It was the only article they were likely to send us.

Hon. Sir MACKENZIE BOWELL—I do not find fault with any change in the tariff which will cultivate trade with our own colonies, but if my opinion is of any value, the Australian wines are of much better

quality than the South African wines. I remember the late Cecil Rhodes, when he was in London, speaking of this question and advising the use of light French wines, because the South African wines were not fit to drink. The wines of Australia were quite to the contrary. We have imported a large quantity of light wines from Australia. They have been used here at the club, and judges of wines pronounce them good. I have Australian wines in my cellar that I bought nine years ago, and Sir Julian Pauncefote, when lunching with me here, said the Australian hock was equal to the best European hock. I mention that to show that in our dealing with our colonies we should be as liberal as possible.

Hon. Mr. SCOTT—No doubt of that.

Hon. Sir MACKENZIE BOWELL—I approve of any policy which will increase the trade with other portions of the empire, and I hope the government will go still further with that policy. Why is the duty increased on rolled oats? It is a protective policy, I suppose?

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—It is all right.

On items 3 and 4 :

3. Item 158 in the said schedule is amended by striking out the words 'white and'

4. The following items are inserted in the said schedule immediately after item 158:—

'158*a*. Dry white lead, thirty per cent ad valorem.

'158*b*. White lead ground in oil, thirty-five per cent ad valorem.'

Hon. Sir MACKENZIE BOWELL—These clauses affirm strongly the principle of protection and come admirably from a free trade government. Of course they meet with my warm approval.

Hon. Mr. TEMPLEMAN—Ever since the late government was in power, and long before, the duty on white lead, of which there was none made in Canada was 5 per cent—a mere nominal duty. The duty on pig lead, the raw product from which white lead is made, was 15 per cent. This was a very serious and inconsistent condition of the tariff. Due to the bounty given by this government for the protection of lead ores in British Columbia, we are now producing probably twenty thousand tons of pig lead per annum; and up to the present time, notwithstanding this very large product of pig lead, the white lead which is the lead for paints, has been imported from the United States subject to a duty of 5 per cent, whereas the raw product for making that white lead was subject to a duty of 15 per cent. This was an inconsistency in the tariff, and the government thought it was only proper to adjust the anomaly by increasing the duty on white lead. My hon. friend will be glad to know that the policy of the government including a bounty on lead has not only revived the lead idustry of British Columbia, but has been the means of establishing a large corroding works in the city of Montreal where all the white lead used in paints in Canada, some 6,000 or 8,000 tons per annum, will in the future be manufactured. This industry was established by the manufacturers of white lead with the tariff as it stands, but they certainly expected that the duty on leads would be made consistent with the duty on other imported articles, which has been done.

Hon. Mr. WOOD—Could the hon. gentleman inform us whether the paints which are made in this way are sold as low in the market as the imported paints, and if the quality is as good ?

Hon. Mr. TEMPLEMAN—The paints will be made from lead manfactured in the country. I believe the very best white lead in the world will be made from the lead of British Columbia in the city of Montreal, and that in the future the paints made from Canadian lead will be much better than the lead paints sold in the past. There has been no change in duty in the case of mixed paints. The manufacturers of mixed paints do not ask for or insist upon any higher tariff in respect of their product.

Hon. Mr. WOOD—If the facts are as stated, I understand the effect of this change will be to enable the Canadian manufacturers to produce an article quite equal to the imported article, and at as low a price, which is certainly another instance of the advantage of protective duties in fostering and encouraging native industries of this kind.

Hon. Sir MACKENZIE BOWELL—I must express my very great pleasure at hearing the protective speech made by the hon. gentleman from British Columbia an erst-

while free-trader. I was aware, from reading the reasons given by the Finance Minister, why this change was made, and I was going to ask the question whether the duty on paints manufactured in this country, the groundwork for which is white lead, is sufficiently high to enable the trade to continue to manufacture paints. I presume it will be for this reason—the only reason, I think, that can be given—the duty on paints is 35 per cent. The argument we have always used in favour of protective duty has been that unless white lead is produced in Canada trough the protection which is given it, the manufacturers have to use the imported article, and it would be a disadvantage to them if the paint does not bear a higher duty than the white lead. It will have this effect, I am satisfied : the white lead manufactured in Canada will be of a superior quality, being unadulterated, to that which is imported, and consequently even if it costs the consumer a little more it will be cheaper in the long run. I again congratulate the government as having become as strongly protectionist as we were, and a little stronger. Our policy was to put a low duty on white lead in order that the manufacturers of articles produced from white lead might produce it as cheaply as possible. Now you have given a high bounty on this article, adopting a policy which you condemned strongly when you were in opposition. In addition to that, you increased the duty, giving them a combination of protection in the way of bounties and duties. So long as it has for its object the development of the industry it has my most hearty approval, though I do not often agree with the government.

Hon. Mr. EDWARDS—If it is any gratification to my hon. friend from Belleville. I will reiterate the statement I have so often made, that I am absolutely opposed to all protective duties.

Hon. Mr. LANDRY—Will the hon. gentleman vote against the Bill ?

Hon. Mr. EDWARDS—If my hon. friend will move against it, I will support him.

Hon. Sir MACKENZIE BOWELL—That is not fair. My hon. friend who is a protectionist cannot be expected to move a free trade motion in order that the hon. gentleman who is a free trader might support it. If he wants to put his views on record he should move himself, but I find that while he always speaks from conviction, he votes for the policy he condemns.

On the 5th clause,

187. Cement, Portland and hydraulic or water lime, in barrels or casks, the weight of the package to be included in the weight for duty, twelve and one-half cents per one hundred pounds ; in bags, twelve and one-half cents per one hundred pounds together with twenty-five per cent ad valorem on the bag.

Hon. Mr. SCOTT—The change is this ; the bags were coming free and it was found that it was giving a preference to cement coming from the United States over cement coming from Great Britain or Belgium, and therefore it was thought only fair to put a duty on the bag.

Hon. Mr. EDWARDS—It is something like the duty the United States placed on the cans containing lobsters.

Hon. Sir MACKENZIE BOWELL—This is a step in the direction of a protection to the bag manufacturers in this country.

Hon. Mr. SCOTT—We thought the Yankees ought not to have an advantage over the Belgians and the Englishmen. The cement comes in bags from the United States and in barrels from Europe.

Hon. Sir MACKENZIE BOWELL—But the barrel, being the package, is not dutiable ?

Hon. Mr. SCOTT—No.

Hon. Sir MACKENZIE BOWELL—Then this is a protection to the bag manufacturers. Will the hon. gentleman tell me whether the barrel which contains the cement is included in the weight on which duty is charged, or whether it is the cement alone ?

Hon. Mr. SCOTT—The package is included. As the law stands it is all to the advantage of the manufacturer in the United States, and it was to equalize it that the change was made.

Hon. Mr. POWER—I think the actual practical effect of this change is to make cement imported from the United States cost the consumer in this country considerably more. The duty on bags comes to something very considerable.

Hon. Mr. DOMVILLE—All protection does that.

Hon. Sir MACKENZIE BOWELL—It is a departure from the general principle of adding duty on the weight of the article. The old law was that the packages were made dutiable, and that was repealed by Sir Leonard Tilley or Mr. Foster. Now you calculate the weight of the barrel or cask with the cement for duty and then you put a duty on the bags, and put on a duty of 12½ cents per hundred pounds together with 25 per cent ad valorem on the bags. This is a departure from the principle advocated by hon. gentlemen opposite in the past. They always condemned specific duties as being monstrous in character; I always supported them. Now, in addition to weighing the material contained in the bag they have to ascertain the value of the bag. You will give a great deal of trouble to the customs officials, and I am quite satisfied there will be plenty of trouble over the value of the bags. It would have been much better to have thrown the bag and the cement into the scale and charged a duty on the whole. However, I am not objecting; I am only explaining what the effect will be.

On the 6th clause,

455. Settlers' effects, viz.:—Wearing apparel, books, usual and reasonable household, furniture and other household effects; instruments and tools of trade, occupation or employment, guns, musical instruments, domestic sewing machines, typewriters, bicycles, carts, wagons and other highway vehicles, agricultural implements and live stock for the farm, not to include live stock or articles for sale, or for use as a contractor's outfit, nor vehicles nor implements moved by mechanical power, nor machinery for use in any manufacturing establishment; all the foregoing if actually owned abroad by the settler for at least six months before his removal to Canada and subject to regulations by the Minister of Customs: Provided that any dutiable articles entered as settlers' effects may not be so entered unless brought by the settler on his first arrival, and shall not be sold or otherwise disposed of without payment of duty until after twelve months actual use in Canada.

Hon. Sir MACKENZIE BOWELL—What is the change?

Hon. Mr. POWER—The change is the introduction of this sentence:

All the foregoing if actually owned abroad by the settler for at least six months before his removal to Canada.

Why should a settler be obliged to own the article for six months before he removes here? If he chooses, two or three months before coming, to purchase certain effects such as are mentioned here, why should he have to pay duty on them? Supposing he buys a suit of clothes, under this amendment, if he bought it three months before coming to Canada, he would have to pay duty on it. I think it is highly objectionable.

Hon. Mr. ROSS (Halifax)—It is to prove that the articles have been in use. If you are going to reduce the time, they might buy new articles that had not been in use at all.

Hon. Sir MACKENZIE BOWELL—If the hon. member from Halifax would look at the very first words of the clause, he would see that it includes wearing apparel, consequently if he bought clothing before removing here, he would not be asked about it. The provision making the time six months is a very wise one if you carry out the principle of protection. Under the old law the policy of a term of ownership only extended to certain articles. My hon. friend who was collector of customs will recollect that—pianos and such articles as that. Unless that provision was made, a person might buy a piano and enter it as effects, and evade the duty in that way. The six months' prohibition is a still greater protection in one respect, and more liberal in another.

On the 9th clause,

9. Section 18 of the said chapter 11 of the statutes of 1904 is amended by inserting, after the word 'production' in the fourth line, the words 'or from any British country.'

Hon. Sir MACKENZIE BOWELL—The object of this clause I believe is to cultivate a trade with Newfoundland in the article of molasses.

Hon. Mr. SCOTT—Yes.

Hon. Sir MACKENZIE BOWELL—Under the old Act molasses could be entered at a certain rate of duty when imported directly from the country of production. This extends the clause and gives the same rights and privileges to the importer of molasses if it is brought from the country of production to Newfoundland and from Newfoundland imported into Canada.

Hon Mr. SCOTT—That is the point.

Hon. Sir MACKENZIE BOWELL—I am glad to see this policy. I have given a good deal of thought to that Newfoundland question and I wish to express my approval of the course that has been pursued, although I do not think the authorities of Newfoundland deserve any consideration. They have in every way possible frustrated trade with Canada, and no man knows that better than the hon. gentleman opposite to me (Mr. Ross, C.B.) from his experience while he was Collector of Customs at Halifax. From communications that have been exchanged with these gentlemen we have always experienced the same difficutly in trying to open up trade with them. In fact they went so far as to demand and collect duties in Canadian territory up the Labrador Straits, and were not satisfied until we built them lighthouses in their territory, because they refused to do it, in order to assist navigation. So far as my experience goes they have acted towards Canada in every respect in anything but a friendly spirit. If we can cultivate their trade and get them to have a better opinion of Canada, I shall be very glad.

Hon. Mr. SULLIVAN, from the Committee, reported the Bill without amendment.

The Bill was then read the third time and passed.

THE SUPPLY BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading (Bill 206) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 30th June, 1905, and the 30th June, 1906.

He said: It is usual simply to give a resume of the figures, and I am glad to have an opportunity of stating exactly what the Supply Bill contains. For this year on Consolidated Revenue Account the first estimate was $58,000,000; the next $8,000,000 and the last $294,000, making a total of over $67,000,000. On capital account, in the three estimates the total was $15,000,000, making altogether $82,000,000, the total amount voted by parliament. That would be in excess of last year's vote. I will just give the figures: Increase on consolidated revenue account, $5,000,000; on capital account, $2,000,000; making altogether an increase on capital and consolidated revenue account of $7,900,000. Of course the amounts are never wholly spent. There is always a considerable amount left over for public works not carried on and other items.

Hon. Mr. LANDRY—But on the other hand there are supplementary estimates for last year. This year we have voted in that way $3,547,000. That is not included in the estimate of the hon. gentleman; and it was not in the estimates of last year.

Hon. Mr. SCOTT—I presume it was. This is made up by the Finance Department.

Hon. Sir MACKENZIE BOWELL—It is useless to discuss this question, and I do not purpose doing so further than to call attention to the increased expenditure of the country. The answer to that has always been that it is a growing time. If there is any evidence of the growth of this country presented to its people that is more convincing than another it is the advance of about 50 per cent in the expenditure, including capital, in the last nine years. The hon. gentleman and the late Minister of Finance, Sir Richard Cartwright, were horrified at our extravagance. They used to go through the country telling the people that they were ground to death by taxation. The Premier and the late Mr. Mills told the people of Ontario that if they came into power they would reduce the expenditure by three to four million dollars per annum, that so extravagant were the old Tories that they were ruining the country. We have evidence in the estimates before us of the manner in which those promises have been carried out. I do not intend to deal with that subject any further, no possible good can result from it; but there is one point to which I desire to call the attention of my hon. friend from Wellington (Mr. McMullen). I remember hearing his sonorous voice sounding for hours in the House of Commons in condemnation of violations of the Civil Service Act. I ask him to look at the last supplementary estimates presented to us, and observe that in nearly every item in which an increase of salary is proposed to be paid to the civil service, these convenient words are used, 'notwithstanding anything in the Civil Service Act to the contrary.' Has the hon. gentleman changed his opinions on that subject? It would be much better to repeal the Civil

Service Act altogetner than to continually violate it in this way. My experience has been that applications for positions in the Civil Service are as numerous as blackberries in June, and the applicants are quite willing to come in at any rate which will secure a situation, but after their appointment they never cease using all the influence they can bring to bear on the government to increase their salaries.

There are men in the civil service who can scarcely be paid too highly for their services. Their ability, their talent, their assiduity in the performance of their duties, and the interest they take in the management of their departments, make them invaluable; but there are many who come as late as possible in the morning, and go away at the earliest possible moment in the afternoon, and howl from January to December for an increase in salary. The object of the Civil Sevice Act was to prevent these constant increases of salaries, until civil servants had earned an increase by attention to their work. I admit there are cases in which men have proved themselves invaluable in the positions they held and who deserve recognition, and this is the only way to get over the Act, but these violations have become so numerous that it renders the Act valueless. It renders the Act which was placed on the statute book for the purpose of regulating the salaries and protecting the ministers against constant applications, of no effect. However, the House of Commons having affirmed this, we must accept it; whether it will ever be remedied or not I do not know. Certainly no one can expect a reform until the government changes, and the sooner that is done in this respect the better for the country.

Hon. Mr. ROSS (Halifax)—In his own experience, has not the hon. gentleman found in the custom houses officers who never passed the Civil Service Act, who are as competent for their work as if they had done so?

Hon. Sir MACKENZIE BOWELL—I have, but that is not the point I was discussing. I was speaking of the restriction placed on the government in the advancing of salaries. I quite agree with the hon. gentleman that there are many men in the customs service designated preventive officers who do not require any examination. It may be an indirect evasion of the Act, but many a man has been appointed a preventive officer in the manner indicated by the hon. gentleman and been found very valuable, who could not have passed an examination.

Hon. Mr. McMULLEN—I admit that the Civil Service Act should be recast. My hon. friend will no doubt remember that during the incumbency of the government of which my hon. friend was a distinguished member, no less than two commissions were appointed to investigate and report upon the best method of securing an efficient civil service staff both in the inside and outside service. After an extended investigation a report was handed in, and I regret to say that the government never carried out a single recommendation of that commission. Had the government adopted the recommendation that was submitted, we would have got over the difficulty that is here set out, increasing salaries notwithstanding anything contained in the Civil Service Act. Hon. gentlemen during their incumbency continuously violated the law, and I admit I found fault. I drew attention to the reports of the several commissions recommending that the civil service should be placed under the control of a Board to be appointed, including heads of departments, with power to arrange with regard to salaries and everything connected with the service. That recommendation was never carried out, although there was a great deal of money spent upon that commission. The hon. gentleman did the very thing the present government are doing,—granted increases in violation of the civil service law. I should like to see that Act recast so that the civil service could be dealt with on equitable terms, recognizing able and efficient service, and also recognizing cases where very large salaries are paid to some servants who do not render ten cents of labour for every dollar they draw. I should like to see those things adjusted. I hope the government will undertake to recast the Civil Service Act and put it upon a proper basis under a Board of Commissioners so that efficiency will be recognized. I have not the slightest doubt that very great improvements can be made in the civil service.

With regard to my attitude in the past when I challenged expenditure in the House of Commons, I admit that I tried to discharge my duty in that respect. The reason I found fault with the increasing expenditure in those days was that we were expending every year more than the revenue of the country and building up a public debt. We have a very different position of things now. We have a respectable surplus, the government have plenty of money and it is their duty in proportion to the revenue of the country to provide for the public necessities. When a man's income increases he can always find a means of laying it out to improve his own comfort and the comfort of his family ; and it is the same with national matters. The condition of the country is very prosperous, the revenue is buoyant and increasing every year. It is not the duty of the government to gather taxes from the people and hoard it up in the treasury. It is their duty to provide for the necessary services of the country. No country on the face of the earth has developed more rapidly in a desirable direction than Canada in the last ten years. I hope it will continue to develop in that way, and as long as the government spend the money prudently in the development of the country it will be well spent.

Another point my hon. friend referred to is the fact that many civil servants are no sooner appointed than they begin to demand increases of salary. That is unfortunate, and I should like to see a law in the statute-book to provide that every one in the Civil service must depend entirely on the recommendation of the deputy head for increases, instead of writing to members of parliament and to friends worrying and teasing all his relations to make demands in his favour for an increase of salary. All that should be abolished, and we should have a law prohibiting any civil servant from exercising any influence whatever to secure an increase. Every man should be given to understand that he must depend upon his own personal record in the department, and that he would get only the advancement to which he is entitled. Every minister is bothered with letters from all directions urging and pleading for increases to the clerks in his department. It must take up half a minister's time answering such letters. I should like to see all that abolished and every civil servant required to depend on his own efficiency and the recommendation of the deputy head for promotion.

Hon. Sir MACKENZIE BOWELL—The winding up of my hon. friend's speech is admirable. He does not seem to know that those are the regulations which are supposed to govern the civil service in Ottawa at the present time. They were framed by the Treasury Board and were adopted by Order in Council, and have existed for years and years. They may continue to exist for the next fifty years. so long as departures from the law continue such as those to which I have called attention. All a minister has to do when he is asked to make an appointment of an unqualified person, is to say, 'you have not passed the examination, and you cannot get it.' and if appealed to for an increase, to reply, 'the law says you shall have a certain increase every year, and when you reach the maximum you can be promoted.' All that is now provided for in the law, but no attention is paid to it. I do not say that our government was free from blame in this respect, but I say the present government has not only duplicated, but quadrupled the evil. You never saw an estimate brought down during the administration of the Conservative government with so many items in violation of the Civil Service Act as you find in the estimates of this year. As I have explained, circumstances arise in which it is desirable and justifiable to use these words, 'notwithstanding anything in the Civil Service Act,' but it is only in such cases that it should be done.

Here is the same old story about Rideau Hall.

Hon. Mr. McMULLEN—Hear, hear.

Hon. Sir MACKENZIE BOWELL—I dare say my hon. friend has heard of Rideau Hall. I am not finding fault with placing Rideau Hall in a proper state to be the residence of the Governor General, but why did not the government, after the fire took place, come to the conclusion to build a new residence which would be a credit to the country, instead of going on year after year, as we have been doing for the last thirty years spending hundreds of thousands of dollars on that old shack. I do not know whether my hon. friend who is a resident

of Ottawa and a member of the government, has called the attention of his colleagues to this question; but it has been mooted over and over again. The expenditure of half a million in putting up a residence which would be creditable to the country and fit for the Governor General would be an actual saving in the long run. In these estimates we have sixty or seventy thousand dollars appropriated for the purpose of making improvements, not for the purpose of keeping it up—that is additional—and I suggest to my hon. friend that before this money is spent it would be well to decide upon getting a proper residence. I can tell him where they can get one. They could pull down that old shack and put up a building that will be suitable for the Governor General. Let us have an end to such large expenditures for these large improvements. I think the country would justify them in doing that, and I am quite sure parliament would give its approval.

The motion was agreed to and the Bill passed through its final stages.

THE SENATE DEBATES.

REPORT OF COMMITTEE ADOPTED.

Hon. Mr. BEIQUE moved the adoption of the report of the Standing Committee of Debates and Reporting of the Senate. He said: The first item recommending the payment to Holland Brothers, is based on the fact that they have to keep a staff during the adjournments of this House from time to time, making it very hard on them, especially when the session is prolonged, and the volume is not very large. This report was unanimously adopted by the committee. A like report was made two years ago and adopted by the House. The next item is in relation to the special reporter. A weekly arrangement is made with him for the ensuing session, but it is an agreement which could be put an end to on one week's notice. This is the usual report which is always adopted at the end of the session. The third item recommends the payment of $100 to each of the French translators of the Debates, Messrs. Bouchard and Chapman. Mr. Bouchard is a very old employee, and has been in the service for many years, and has a salary of $1,300. Mr. Chapman receives $1,100, and they are doing the work very efficiently and properly. They are almost up to date in the translation of the debates and the committee unanimously came to the conclusion that a bonus of $100 to each would be fair. There was almost a promise last year that the question of placing our employees on a scale, would be carried out this year, but as it has been postponed until next session, the committee thought it would not be dealing properly with these employees if we did not recommend these bonuses.

Hon. Mr. CLORAN—Has the attention of the hon. gentleman been called to a decision in another place in a matter identically the same as he is proposing? I understand a decision was given by the premier of the country that committees had no right to make such recommendations.

Hon. Sir MACKENZIE BOWELL—The hon. gentleman has not been here long enough, or has not studied the question of how our contingencies should be disposed of.

Hon. Mr. CLORAN—It is the same thing.

Hon. Sir MACKENZIE BOWELL—In the House of Commons, it is quite a different thing. There is a certain appropriation placed annually at the disposal of the Senate to be used as the Senate thinks proper. That is the sum out of which these moneys are paid. I do not find fault with the report. I have been of the opinion for two or three years that the expenditure of money for the press reports of the proceedings of this chamber is simply money thrown away. I want it distinctly understood that I find no fault with the reporter. I am quite satisfied with his work, having gone up into the clerk's room and looked into the reports which he has prepared. He gives a very fair synopsis of what takes place, but I should like to ask any hon. gentleman who has taken the trouble to look at the newspapers, what kind of reports have been published.

Hon. Mr. LANDRY—There are none.

Hon. Sir MACKENZIE BOWELL—We go to the expense of furnishing them with a synopsis of the proceedings of the Senate. It is sent away to the leading newspapers in Toronto and Montreal and other cities, where the night editor

puts his pencil through it. A debate lasting four or five hours in the Chamber, is condensed into a dozen lines. I do not find so much fault with that, but in the manipulation of the report which is sent to them, the essential points made by the speaker are left out, and in too many cases he is made to appear like an ignoramus. The reports appearing in the 'Globe,' 'Mail,' 'Gazette' or 'Citizen' do not give the slightest idea of what takes place here. It would be better to have no report at all than reports of that kind. If the newspapers desire a report of anything that is done here, let them send their own reporters or go without it. We are just as well with no reports at all as we are with the mutilated reports which are published at present. I attribute the fault altogether to the newspaper offices and not to our reporter. My own view of it is that the sooner we cut off that report, the better it will be for the Senate. It may be we are getting rid of a good servant, but that has nothing to do with it. We are dealing with public money, and if we are receiving no return for what we spend, I cannot for the life of me see why it is continued.

Hon. Mr. TEMPLEMAN—When an hon. member who engages the attention of the House pretty frequently, takes the ground that the reports of our debates as prepared by the newspaper reporter do not fulfil the requirements or do not answer any good purpose, I think it is quite competent for one who occupies very little time in addressing the House to coincide with him. I heartily concur in the views expressed by the hon. leader of the opposition. I think we can discuss this question without reflecting on the gentleman who does the reporting.

Hon. Sir MACKENZIE BOWELL—I did not do that at all.

Hon. Mr. TEMPLEMAN—I am bound to say that, as far as I have seen the reports, they are excellent but it seems an extraordinary thing that a deliberative assembly of this kind should have to pay a reporter for furnishing a synopsis of our proceedings to the newspapers. My hon. friend the leader of the opposition and I myself are newspaper men and it seems to me utterly ridiculous that we should contribute any sum of money whatever to prepare reports of the proceeding of this Senate for the use of the newspapers of Canada. If they are not worth reporting then do not report them. If they are worth reporting let the newspapers send their own men and report the proceedings. If they are not anxious to do that, then we might facilitate the publishing of the Debates a little more rapidly, and they could use the official report. It would be considered a most extraordinary thing if the House of Commons had to adopt our method of getting their proceedings before the public of Canada, or if any of the provincial legislatures had to resort to such a method. It is absolutely ridiculous. It seems to me that when the Senate adopted that method it could not have been reported for a long time, and was very anxious to get its name in the press of the country. If the proceedings are worth reporting they will be reported by the newspapers of the country, and I think the newspapers would not go very long without having a reporter of their own here to report our proceedings, because they cannot ignore what takes place in the Senate. The recommendation to re-engage Mr. Holmden for next year I shall vote for heartily, but we ought next session to reconsider what we have been doing in this respect. I do not think it reflects very much credit on the Senate that we have to pay a man to report our proceedings for the newspapers.

Hon. Mr. CHURCH—I have taken very little time in discussing matters in this chamber. I have often been tempted to speak, but refrained from doing so because the great question we had at issue did not affect the province to which I belong, and I am proud to say we have not had heretofore so much of the race and religious feeling displayed in my province as has been exhibited in parts of the Dominion further west, because we agree to differ; and as the hon. gentleman from Shediac (Hon. Mr. Poirier) said the other night, we get along very nicely without having any cast-iron law as regards the great question of education. I agree with the hon. leader of the opposition, in regard to the subject now before the Senate, and I also agree with the remarks made by the hon. gentleman from Victoria (Hon. Mr. Templeman). The first session I was here the question of free trade and protection

was discussed in the chamber, and I made a few remarks. Anybody who knows anything about me knows that I am not a protectionist in the sense in which the question has been discussed in the last few years. Well, somebody—I suppose it was this same reporter to whom reference has been made—had me standing in my place in the Senate as a protectionist, when I am the very reverse. That statement—diametrically opposed to what I did say—was published in the 'Morning Chronicle' in Nova Scotia, and I never succeeded in getting the matter put right until I wrote a letter to the editor of the 'Chronicle' and told him it was very hard, particularly for a man who did not care to see his name in print, who did not discuss matters much,—but who had his feelings and views, nevertheless,—that he should be reported in that manner. That is the only way I could set myself right. I agree with what the hon. minister has said. Why have not the newspapers, the great organs of this country, sufficient enterprise to have good reporters here, who could give us a fair digest of the proceedings of this House? Talking about the circulation of the 'Hansard,' I should like to ask how many people read it? Not one in five hundred looks at the copy of the Debates, but every man in the country reads his newspaper and if the newspapers had enterprise enough to give a fair report what took place in our chamber, the Senate would not be as much misrepresented as it is. As a member of this body, I very often feel indignant at the remarks made about us. I came here supposing I was coming among a party of old men in their dotage who could not discuss public questions; but I find men here of calibre, of common sense and practical ability, who are the equals and peers of the members of the other House, and we should not be misrepresented before the country. So far as I, a young member of the Senate, am concerned, I intend hereafter to maintain the dignity of the Senate, even if I have to take my pen and write myself. I think a better system should prevail.

Hon. Mr. POWER—This discussion, or something like it has taken place on various occasions before. The theory that our proceedings should be interesting enough to induce the newspapers of the country to send reporters to report them, has been laid down on several occasions, but for some mysterious reason the newspapers will not send their men here; and it was with a view of bringing our proceedings before the eyes of the public that the system which has been in operation now for some years was adopted. It appears now that it is not satisfactory. This discussion and the experience for the last few years suggests to me the question, is it not time that we changed our 'Hansard' system altogether?

Hon. GENTLEMEN—Hear, hear.

Hon. Mr. POWER—And that we adopted the system which prevails in the United States, England, and Australia, that there should be one staff of reporters for both Houses, and that the reports of the debates of the two Houses should appear in the same 'Hansard. In that way each day's debate in the Senate would appear in 'Hansard' the following morning just as the House of Commons debates appear, in the same form and in the same pamphlet. In that way we would secure what we have been anxious to secure, more general reading of the debates of this House, and we would have altogether a better system. I should not advocate anything which would result in anything like unfairness or hardship to the gentlemen who have been doing our reporting for a number of years, but I think really that we should adopt the same system which prevails in other English-speaking countries, and that we should have one report, which should embrace the debates of both Houses. I trust the committee of next year may see their way to take some steps in that direction, and I am satisfied if that were done our reports would be more extensively read than at present, and the public at large would know more of what we are saying and doing.

Hon. Mr. EDWARDS—A statement which appeared in a prominent Toronto paper a few days ago causes me to make a few remarks. I am sorry I have not the paper to read to the House, but it reflected very considerably upon this body, stating that the Senate was practically useless in so far as dealing with Bills and legislation generally was concerned. This House, as is well known, is a revising body primarily in so far as legislation is concerned, and I

will say from my own experience, having been in parliament for some years, that during my term in the Senate we have had Bills submitted for revision which I, personally, was very sorry to see coming from any legislative body, and but for the existence of this branch of parliament, a very great injury would have been done to private interests in Canada in many instances. For that reason I firmly believe that this Senate exists in the very best interests of Canada, and I am sorry indeed that the newspapers of Canada do not take more cognizance of the very efficient work done here.

Hon. Mr. SULLIVAN—I simply wish to say that it is the fault of the Senate. No amount of effort on the part of this Senate will make our proceedings more interesting to the public. If the press do not wish to report the proceedings of this body, it shows we are not up to the mark. If it were possible to initiate legislation here and bring forward measures then it would make a difference, but being intended merely to revise measures which pass the House of Commons, the people do not take much interest in the Senate. After three months debate on the Autonomy Bill in the Commons, what part of the public are likely to read the opinions of the Senate ? Very few do it. But all this should not endanger the position of the gentleman who is reporting. He has done his duty and I think he should be rewarded, and not interfered with.

The motion was agreed to.

JUDGES OF PROVINCIAL COURTS ACT AMENDMENT BILL.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (204) An Act to amend the Act respecting the Judges of Provincial Courts. He said : This Bill deals with the judges of the higher courts of the various provinces, and also with the district judges of the province of Quebec and the county judges of Ontario. This matter has been very fully discussed in the public press, and I think it was the universal consensus of opinion that the proposal to increase salaries to the extent set forth in the Bill is a very fair and proper one. Some judges in Ontario complain that their salaries will be less in future under this Bill than they have been in the past. It appears that in Ontario the practice has been that the judges are allowed $100 for each court. There are about nine different districts allotted to each judge half-yearly, representing about $1,800 a year. That allowance has been cut off by this measure, and they simply receive their actual living and travelling expenses. A judge attending the Ottawa court would be here perhaps six days. His expenses would be $40, $50, or $60, instead of $100. There is also a provision that the judges are not to sit on boards. They are not to take positions outside of those immediately connected with the duties in the court. I presume some of them have had an allowance as chairman or as members of various insurance boards and trust boards. However, it was thought very much better that they be required to give up the positions they have held of that nature.

Hon. Mr. LANDRY—In that case, would it not be just to fix a date for that provision to be enforced ? Certain judges, if I understand, are engaged in occupations where they might require a little time to sever their connection.

Hon. Mr. SCOTT—You cannot interfere with that.

Hon. Mr. LANDRY—Can we make no change in this Bill ?

Hon. Mr. SCOTT—No, it is a money Bill.

Hon. Mr. LANDRY—Could the last clause be altered in any way ?

Hon. Mr. SCOTT—Oh, yes, if there was a reason for the change ; if the proposition appealed to members of the Senate as worthy of adoption.

Hon. Mr. LANDRY—In so far as it does not affect at all the revenue of the country.

Hon. Mr. BEIQUE—The hon. gentleman took the other side of the question.

Hon. Mr. LANDRY—I beg pardon ; I did not take the other side of the question, and the hon. gentleman does not understand the question yet. I am asking if we could amend or alter the clause which would not change in any way the financial provisions of the Bill. I am answered yes. What the hon. gentleman alludes to is a change that was made in this House, which altered

the financial conditions of the Bill. That is not the same case. I know the case the hon. gentleman is alluding to. In that particular instance the money clauses of that Bill were changed by this House, which we had not a right to do. But I am putting another question, and the position I take today is that we have a right to amend any clauses which are quite independent of money matters, and we have done it more than once on other occasions. If the Bill comprises money matters and contains no clauses which we could alter, then we do not need to go into committee, but if there are clauses which might be altered, we could go into committee.

Hon. Mr. DOMVILLE—We have an Equity judge in our province who receives $1,000 as a judge in Equity, and as judge of the Admiralty court. How would he be affected by the Bill ?

Hon. Mr. SCOTT—They are not disturbed. I think, as a rule, the Admiralty court judges receive $1,000 extra under this Bill.

Hon. Sir MACKENZIE BOWELL—As the hon. Secretary of State has been discussing the general principle of the Bill, in relation particularly to increases of salary, and has referred to the 7th clause, I may say that unless it is intended to amend the clauses, it may be just as well discussed now as in committee. The question in my mind is as to how far the 7th clause goes. It goes too far or else not far enough. The clause reads :—

7. No judge mentioned in this Act shall, either directly, or indirectly as director or manager of any corporation, company, or firm, or in any other manner whatever, for himself or others, engage in any occupation or business other than his judicial duties but every such judge shall devote himself exclusively to such judicial duties.

The clause is clear enough so far as relates to acting as directors or managers of any corporations. That will include the directors or managers of life, fire, and trust, and loan companies, and banks. Could a judge carry on a farm under that clause ? Does that clause prevent a judge from acting as a commissioner appointed by the government ?

Hon. Mr. SCOTT—Yes, it would.

Hon. Sir MACKENZIE BOWELL—I am glad to know that, because Mr. Justice Britton was taken from the Bench, sent to the Yukon and kept a month or two in the investigation of the Treadgold concession. Then we had Chancellor Boyd and Chief Justice Falconbridge engaged in a semi-political investigation for the province of Ontario. I understand my hon. friend to say that the judges are precluded from acting on these commissions.

Hon. Mr. SCOTT—That was the design and intention when the clause was discussed.

Hon. Sir MACKENZIE BOWELL—I am glad to hear that. If my hon. friend from Marshfield were here I should compliment him on the result that has followed the motion which he made a couple of sessions ago.

Hon. Mr. TEMPLEMAN—This is the result of his speech.

Hon. Sir MACKENZIE BOWELL—I know that he was complimented by the judiciary, and by many judges who were opposed to appointment on these commissions, for the speech he made and for the research which he displayed in that matter. I want to call the attention of hon. gentlemen to a point that is perhaps of some importance, that while I think every citizen of Canada who has given this matter any consideration will approve of the clauses which prevents the judges from occupying positions similar to those to which I have referred, there are many judges holding positions, on boards of loan companies, for instance, who have been there for 15 or 20 years and have a very large interest in them, and to prevent them from continuing there will, I am informed, actually reduce their incomes. Take the case of Chief Justice Meredith of Toronto. He is allowed $1,000 from the Ontario government. That allowance was, I am informed, in direct violation of the law. When attention was called to it, Sir John Thompson said he did not like to inferfere with the appropriation which had been made by the government of Ontario, but he intended in a short time to increase the salaries of the judges, and when the salaries were increased this allowance would be cut off. That $1,000 is cut off not only from that judge but from all other judges in Toronto and the travelling allowances are cut off to a certain extent. They are prevented from earning any

money by being directors of companies, and I have a telegram from Sir William Meredith, sent to a member of the Commons, which reads as follows :—

'Hope provision as to judges will not prevent judge heretofore appointed being director of Life companies. Several Ontario judges are on such boards and in England the same occurs. Will derive no benefit from increase if I must give up my directorship of North American Life.'

And he mentioned some other companies. There is no doubt that in a case of that kind, where a judge is deprived from earning anything on these boards and loses the $1,000 from the Ontario government, the increase of $2,000 will be of no advantage to him at all. On the contrary, he will lose by it. I may say that he was offered certain commissionerships, and believing that judges should not accept commissions such as had been accepted by other judges, he declined to accept. There is a judge in Montreal in precisely the same position, and his salary will be decreased by this measure. I do not say that the clause should be struck out. I think it is a very valuable clause, and in the right direction, but under the circumstances the question is whether it should come into force immediately. Time should be given to the gentlemen to wind up the business in which they have been engaged in the past in connection with these corporations ; or perhaps we should increase their salaries a little more. The object of the government is a worthy one. They increase the salaries for the purpose not only of preventing but rendering it unnecessary for judges to accept positions outside of their judicial duties. Does that clause apply to county court judges ?

Hon. Mr. TEMPLEMAN—Yes.

Hon. Sir MACKENZIE BOWELL—And if they are included, I repeat that it meets my fullest approval ; but the points to which I have called attention are certainly worthy of consideration.

Hon. Mr. SULLIVAN—The county court judge in the city where I reside stated that he could not live on the salary of $2,500 which he was receiving, and that therefore the judges had to engage in other businesses.

Hon. Mr. SCOTT—I assume it will form the subject of discussion between the Minister of Justice and the judges, as to when it will come in force.

Hon. Sir MACKENZIE BOWELL—That simply means, 'Live horse and the grass will grow.' The attention of the Minister of Justice has been called to it already and it is a question whether he will change it next year ; but if you do change it, I hope it will be in the direction of increasing the salary and not permitting the judges to act on commissions.

The motion was agreed to, and the Bill was passed through its final stages.

PRIVY COUNCILLORS ANNUITIES ACT.

SECOND AND THIRD READINGS.

Hon. Mr. SCOTT moved the second reading of Bill (203) An Act respecting annuities for certain Privy Councillors.

The motion was agreed to, and the Bill passed through its final stages.

QUESTION OF PRIVILEGE.

Hon. Sir MACKENZIE BOWELL—With the indulgence of the Senate, I desire to take this opportunity of making a personal statement. Considering the length of time I have been in parliament, and the time and attention I have given in the way of assisting in administering the affairs of this country, and in the way of opposing measures which I did not believe to be beneficial, and considering also the fact that I am likely to become a pensioner, I have decided to retire from the arduous duties which I have sought in the past to perform. I notice by the public press that my hon. friend opposite is to join the annuitants. Whether he will be sent to Chelsea hospital or not I do not know, but I have made up my mind, if I live to attend another session, to take a seat in the rear as soon as one is vacant, and let some younger man occupy my present position as leader of the opposition. I am quite sure those who know me will give me credit for taking this course, through what I believe to be a sense of duty to myself and the party to which I belong. I do not wish to be understood for a moment as taking this step because of any want of confidence in the policy of the party to which I have belonged from boyhood up to the present time. In fact, the older I grow and more experience I acquire, the more strongly am I convinced of the correctness and righteousness of the policy of the Conser-

vative party; and I congratulate the government for having, in connection with the tariff, followed to a very great extent in the footsteps of their predecessors. Had they carried out the pledges which they made to the people, I have not the slightest doubt that the country would not have been in the prosperous condition in which it is to-day. That opinion has been expressed very often. It is not a new idea, but there is no doubt of its correctness. We have had evidences to-night of the conviction of the hon. gentlemen opposite of the necessity of continuing our policy, in order to build up the industries of the country. I hope I may be able in the future to devote as much time and attention to the business of the Senate as I have in the past, but I desire to be relieved of the responsibility and constant attention which must be given to public matters by a member leading the opposition in this House. I do not pretend to assert or suppose that the duties pertaining to the position which I have held for the last eight or ten years on this side of the House, are anything like onerous as those which pertain to the leader of the opposition in the House of Commons; but I do find—and any one who succeeds me will find, and the hon. Secretary of State, from the position that he holds, knows—that it requires constant study and attention to post one's self, if I may use that expression, in the proceedings of the Senate, so as to deal with them intelligently, and in a manner they should be dealt with. Knowing that to be the fact, and feeling that at my age the time has arrived when I may be fairly relieved by those with whom I have acted, I trust I shall part company with those to whom I am opposed in a friendly and kindly spirit such as has been extended to me ever since I have been in this position. It is useless to say that we have not come into conflict very often, and when the blood is up we sometimes use words to each other which upon a moment's reflection, we would wish we had not used. In political strife and battle we are very apt to address to each other language which we would not use in social circles, but as soon as the House rises we forget those little—not animosities—but exhibitions of temper which may have characterized our proceedings at times. I do not know that this statement of mine is necessary. I have been seeking an opportunity to take this course for the last four or five years, and I have always met with a positive refusal and denial on the part of those with whom I have been associated. The same course has been pursued towards myself on the present occasion, but I have become stubborn enough to determine to follow the inclinations and bent of my own mind at the present moment. I apologize to the House for making the statement, but I think it is just as well that the House should know that in future some other hon. gentleman will occupy the seat which I have occupied, and I am quite satisfied there is ability and talent enough on this side of the House to perform the duties pertaining to the leader of the opposition, with much more ability than I have shown in the past, or could possibly show.

Hon. Mr. SCOTT—The hon. gentlemen on this side of the House have no right to even express an opinion as to the selection of the hon. Senator who will lead His Majesty's Opposition in this chamber. Speaking, however, for myself, and I am quite sure for those who are associated with me—we all regret that the hon. gentleman should decide at the present time to retire finally from the position that he has so ably filled in the past. There are very few—I might say very, very, few—hon. gentlemen in the chamber who are as familiar as the hon. gentleman with the past history of Canada, and the policy which has been pursued by the different governments that have been in power in Canada for the last forty years, and that is invaluable in connection with the discharge of the duties pertaining to the position he has held. We all recognize the ability with which the hon. gentleman has led the Opposition in this House and we are glad to know that his mental vigour is quite equal to what it has been in the past. We all appreciate, however, that what he says in reference to the labour of preparing for intelligent criticism of the measures which come before the chamber is quite true. There is really more labour and study about it than most men who are not familiar with all the circumstances would suppose, because in the variety of Bills which come before this chamber, one has to look up the

changes which are proposed, and consider the policy which it is proposed to adopt, and the variety of subjects entails considerable study. I am quite sure that I express the views of hon. gentlemen in this House when I say that I hope that my hon. friend is not really serious in his proposal to withdraw from the leadership of the opposition.

Hon. Mr. DOMVILLE—Hear, hear.

Hon. Mr. SCOTT—I doubt if the hon. members around him will consent to it. He has made some reference to articles which appeared in the press with reference to my retirement and to the retirement of one or two other gentlemen. The first I heard of my proposed retirement was in the newspapers. How it originated I do not know. I do not think it was from any official source. I merely desire to make this statement in order that my friends may recognize that I have no immediate intention of resigning, unless the government desire me to withdraw. The premier has at any time the right to ask the resignation of any member of the government. Until that day comes, I do not know that I shall be disposed to resign while my health is good, and while I feel equal to the duties required of the leader of the government in this House. Fortunately, they are not very heavy. The kind consideration of those with whom we are associated in this chamber makes the work comparatively light, and in view of that fact I should hope that, for the present. my mental and physical vigour would be equal to the position for another year or two.

The Senate adjourned until two o'clock, p.m., to-morrow.

SENATE.

Ottawa, Thursday, July 20, 1905.

The SPEAKER took the Chair at Two o'clock.

Prayers and routine proceedings.

THE PROROGATION.

The Senate was adjourned during pleasure.

After some time the Senate was resumed.

His Excellency the Right Honourable Sir Albert Henry George, Earl Grey, Viscount of Howick, Baron Grey of Howick, in the County of Northumberland, in the Peerage of the United Kingdom, and a Baronet; Knight Grand Cross of the 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 that,—'It is His Excellency's pleasure that they attend him immediately in the Senate.'

Who being come, with their Speaker,

The Clerk of the Crown in Chancery read the Titles of the Bills to be passed, as follow :—

An Act respecting a patent, No. 69772, of the Underwood Typewriter Company.

An Act respecting the Huron and Erie Loan and Savings Company.

An Act respecting certain patents of the Underwood Typewriter Company.

An Act to amend the Act respecting the incorporation of live stock record associations.

An Act respecting the Farmers' Bank of Canada.

An Act respecting the Ontario, Hudson's Bay and Western Railway Company.

An Act respecting the Interprovincial and James Bay Railway Company.

An Act respecting the Edmonton, Yukon and Pacific Railway Company.

An Act respecting the Great Northern Railway of Canada.

An Act respecting the Vancouver and Coast-Kootenay Railway Company.

An Act respecting the Kaslo and Lardo-Duncan Railway Company.

An Act to incorporate the Fessenden Wireless Telegraph Company of Canada.

An Act respecting the Ottawa Electric Company.

An Act respecting the Ottawa and New York Railway Company.

An Act respecting the Northwest Coal and Coke Railway Company, and to change its name to 'The Great West Railway Company.'

An Act to amend the Act respecting the Royal Military College.

An Act for the relief of Philip Vibert.

An Act for the relief of George Pearson.

An Act respecting the inspection and sale of seeds.

An Act to incorporate the Northwest Telephone and Telegraph Company.

An Act to incorporate La Compagnie du chemin de fer électrique de Trois-Rivières, St. Maurice, Maskinongé et Champlain.

An Act to incorporate the Title and Trust Company.

An Act respecting the Dominion Atlantic Railway Company.

An Act respecting the Manitoulin and North Shore Railway Company.

An Act respecting the Algoma Central and Hudson Bay Railway Company.

An Act respecting the Port and Pilotage District of Quebec.

An Act respecting certain patents of the Ideal Manufacturing Company.

An Act respecting Gillies Brothers, Limited.

An Act to amend the Government Railways Act.

An Act to incorporate the Monarch Bank of Canada.

An Act to incorporate the Sterling Bank of Canada.

An Act to amend the Act of 1899 respecting the city of Ottawa.

An Act to amend the Acts respecting Naturalization and Aliens.

An Act respecting the Grand Trunk Pacific Railway Company.

An Act respecting the James Bay Railway Company.

An Act to amend the Act respecting the Canadian Yukon Western Railway Company.

An Act to amend the Census and Statistics Act.

An Act respecting certain patents of David Thomas Owen.

An Act respecting a certain patent of the Metal Volatilization Company.

An Act respecting the Canada Central Railway Company.

An Act respecting the Brandon, Saskatchewan and Hudson's Bay Railway Company.

An Act for the relief of Isaac Pitblado.

An Act to amend an Act respecting certain patents of William A. Damen.

An Act respecting the Canadian Northern Railway Company.

An Act to incorporate the Edmonton Boom Company.

An Act to incorporate the Provident Financial Association, Limited.

An Act to amend the Bank Act.

An Act to amend the Dominion Controverted Elections Act.

An Act to amend the Northwest Irrigation Act, 1898.

An Act to amend the Seamen's Act.

An Act to amend the North-west Territories Representation Act.

An Act to provide for the Regulation of Wireless Telegraphy in Canada.

An Act to amend the Revised Statute respecting the salaries of certain public functionaries and other annual charges on the consolidated revenue.

An Act respecting the Pacific Bank of Canada.

An Act respecting the St. Maurice Valley Railway Company.

An Act respecting the Vancouver, Victoria and Eastern Railway and Navigation Company.

An Act respecting L'Union Saint Joseph de la cité d'Ottawa, and to change its name to L'Union Saint Joseph du Canada.

An Act respecting the Joliette and Lake Manuan Colonization Railway Company.

An Act to amend the Grain Inspection Act as regards the selection of commercial grades and samples.

An Act to amend the Inland Revenue Act.

An Act to amend the Land Titles Act, 1894.

An Act to amend the Franchise Act, 1898.

An Act to incorporate the International Bridge and Terminal Company.

An Act for the relief of Agnes Hedevig Helga Salusbury Trelawney.

An Act respecting the salary of the First Minister.

An Act to establish and provide for the government of the Province of Alberta.

An Act to establish and provide for the government of the Province of Saskatchewan.

An Act respecting the powers of the Harbour Commissioners of Montreal.

An Act to amend an Act respecting an Arbitration between His Majesty and the Grand Trunk Railway Company of Canada.

An Act to amend the Act respecting the Northwest Territories.

An Act to amend the Militia Act.

An Act respecting Roads and Road allowances in the provinces of Saskatchewan and Alberta.

An Act respecting the Inspection of Water Meters.

An Act respecting the Superintendent of Insurance and the Director General of Public Health.

An Act respecting False Representations to Induce or Deter Immigration.

An Act in amendment of the Criminal Code, 1892.

An Act to amend the Criminal Code, 1892, with respect to appeals from certain summary convictions.

An Act respecting the Senate and House of Commons.

An Act to amend the Supreme and Exchequer Courts Act.

An Act to amend the Customs Tariff, 1897.

An Act to amend the Act respecting the Judges of Provincial Courts.

An Act respecting Annuities for certain Privy Councillors.

An Act respecting the South Shore Railway Company and the Quebec Southern Railway Company.

An Act respecting the Ontario and Minnesota Power Company, Limited.

To these Bills the Royal Assent was pronounced by the Clerk of the Senate in the following words :—

'In His Majesty's name, His Excellency the Governor General doth assent to these Bills.'

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor General, as follows :—

'May it please Your Excellency :

'The Commons of Canada have voted the 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 His Majesty certain sums of money for the public service of the financial years ending the 30th June, 1905, and 30th June, 1906."'

Then, after the Clerk of the Crown in Chancery had read the Title of the Bill,

The Clerk of the Senate, by His Excellency's command, did thereupon say :—

'In His Majesty's name, His Excellency the Governor General thanks His Loyal Subjects, accepts their benevolence, and assents to this Bill.'

After which His Excellency the Governor General was pleased to close the First Session of the Tenth Parliament of the Dominion with the following Speech :—

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In relieving you from this laborious and long protracted session, I desire to express my hearty congratulations on the passage of the two important measures providing for the entry into the confederacy of the provinces of Alberta and Saskatchewan.

The unparalleled increase in the population during the last three years, of the areas the new provinces embrace, affords the strongest evidence that at no distant date they will be the homes of many millions of prosperous and contented people.

The fair prospect of an unusually abundant harvest, not alone in the three prairie provinces, but also in other parts of this wide Dominion will, I trust, under a kind Providence, be fully realized, justifying the hope that the stream of immigration now flowing into the Dominion will continue for many years to come, adding wealth to this highly favoured land.

The addition to the number of the permanent force which you have authorized will enable my government to relieve the taxpayers of the United Kingdom from the burden of keeping up the garrisons at Esquimalt and at Halifax.

It is very gratifying to note that the revenue of the Dominion continues to maintain the high level it had reached two years ago, thus enablig my government to meet the increased expenditure chargeable against consolidated revenue, leaving a surplus to apply on capital account.

The numerous private Bills for industrial objects to which I have assented point to the existence of many new enterprises.

Gentlemen of the House of Commons :

I thank you, in His Majesty's name, for the supplies you have so liberally voted.

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

In returning to your several homes, allow me to express the hope that you will find abundant evidences of the growing prosperity, and that before we meet again at another session some progress may have been made in the work of constructing the National Transcontinental Railway so soon to become a necessity for the transportation of the annually increasing products of the West.

The Speaker of the Senate then said :

Honourable Gentlemen of the Senate :

Gentlemen of the House of Commons :

It is His Excellency the Governor General's will and pleasure, that this Parliament be prorogued until Tuesday the twenty-ninth day of August next, to be here holden, and this Parliament is accordingly prorogued until the twenty-ninth day of August next.

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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; Amd., Amend; Amt., Amendment; Amts., Amendments; B., Bill; B.C., British Columbia; Can., Canada or Canadian; Cl., Clause; Com., Committee; Co., Company; Consdn Consideration; Cor,, Correspondence; Dept., Department; Govt., Government; His Ex., His Excellency the Governor General; H. of C., House of Commons; Incorp., Incorporation; Inq., Inquiry: Man., Manitoba; 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; Prov., Province; Ques., Question: Rem., Remarks; Rep., Reported; Ret., Returned; Ry., Railway; Sel., Select; 6 m. h., 6 months hoist; Withdn., Withdrawn.

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(C) An Act for the Relief of Clara Bidwell McDermot (Mr. Young). Int., 34 ; 2nd R.*, 100 ; M. to adopt rep. of Div. Com., (Mr. Gowan) rem., Mr. Power, Mr. Kirchhoffer, M. agreed to on div.; 3rd R.*, 309 ; R.A., 348 (c. 121).

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(G) An Act respecting the Western Alberta Railway Company (Mr. Lougheed). Int., 67 ; 2nd R.*, 163 ; 3rd R.*, 260 ; R.A., 348 (c. 176).

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(V) An Act respecting a Patent No. 69,772 of the Underwood Typewriter Co. (Mr. Kerr, Toronto). Int., 202 ; 2nd R.*, 209 ; 3rd R.*, 269 ; R.A., 935 (c. 168).

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(8) An Act to amend the Mounted Police Act, 1894 (Mr. Scott). Int., 33 ; M. 2nd R., rem., Mr. Scott, 42 ; Mr. Landry, Mr. Scott, Mr. Macdonald (B.C.), Sir M. Bowell, Mr. Wilson, 43 ; Mr. Lougheed, Mr. Power, Mr. McMullen, M. agreed to, 44 ; in Com. of

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the Whole, on cl. 1, rem., Mr. Scott, Mr. Poirier, Mr. Macdonald (B.C.), replies, Mr. Scott, rem., Mr. McMillan, Mr. McMullen, Sir M. Bowell, 46 ; Mr. Scott, Sir M. Bowell, Mr. Power, Mr. Wilson, Mr. McMillan, 47 ; B. rep. without amt. (Mr. Lougheed), 48; 3rd R., 59 ; R.A., 325 (c. 24).

(10) An Act respecting Labour Union Labels : Int., 85 ; 2nd R. postponed, 208. M. 2nd R., Mr. Davis, 317 ; rem., Sir R. Cartwright, Mr. Power, Mr. Davis, Mr. Ferguson, Mr. McMullen, 318 ; Mr. Casgrain (de Lanaudière), Mr. Sullivan, Mr. McSweeney, Sir M. Bowell, 320 ; Mr. Loughedd, Mr. Cloran, 321 ; Mr. Power, Mr. Cloran, Mr. Power, 322 ; Mr. Macdonald (B.C.), 323 ; Mr. Sullivan, Mr. Gibson, 324; deb. adjd., 325 ; M. to postpone deb. (Mr. Casgrain, de Lanaudière), rem., Mr. Davis, Mr. Frost, M. agreed to, 336 ; deb. resumed, rem., Mr. Gibson, 340 ; M. to adj., deb. (Sir R. Cartwright), M. agreed to, 342 ; rem., Sir R. Cartwright, M. for 2nd R. agreed to, 365 ; B. dropped, 451.

(11) An Act respecting the Columbia and Western Railway Company (Mr. Kirchhoffer). Int., 33 ; 2nd R.*, 70 ; 3rd R.*, 105 ; R.A., 325 (c. 82).

(12) An Act respecting the Ottawa Electric Company (Mr. Lougheed). Int., 229 ; M. 2nd R. (Sir M. Bowell), rem., Mr. Scott, Sir M. Bowell, Mr. Power ; M. agreed to, 260-261 ; 3rd R.*, 422 ; R.A., 935 (c. 140).

(13) An Act respecting the Atlantic, Quebec and Western Railway Company (Mr. Fiset). Int., 33 ; 2nd R.*, 70 ; 3rd R.*, 86 ; R.A., 325 (c. 59).

(14) An Act respecting the Molsons Bank (Mr. Owens). Int., 85 ; 2nd R.*, 88 ; 3rd R.*, 144. R.A., 325 (c. 124).

(15) An Act to incorporate the St. Mary's and Western Ontario Railway Company (Mr. McMullen). Int., 33 ; 2nd R.*, 70 ; 3rd R.*, 105 ; R.A., 325 (c. 155).

(18) An Act respecting the Ottawa, Northern and Western Railway Company (Mr. Edwards). Int., 33 ; 2nd R.*, 70 ; 3rd R.*, 105 ; R.A., 325 (c. 142).

(19) An Act to incorporate the Calgary, Red Deer and Battleford Railway Co. (Mr. Ross). Int., 94 ; 2nd R.*, 100 ; B. rep. from Com. on Rys., 144 ; M. (Mr. Young), pt. of order, Mr. Landry, 144 ; rem., Mr. Young, 2nd pt. of order, Mr. Landry, rem., Mr. Young, Mr. Power, Mr. Macdonald (B.C.), Mr. Lougheed, 145 ; rem., the Speaker, Mr. Young, Sir M. Bowell, Mr. Power, ruling, the Speaker, 146 ; M. 3rd R., Mr. Young, 179 ; M. to amend Mr. Lougheed, 179 ; deb. adjd., 181 ; deb. resumed, rem., Mr. Davis, 192-196 ; Mr. Sullivan, Mr. McMillan, Mr. Davis, 196 ; Mr. Davis, Mr. Macdonald (B.C.), Mr. Lougheed, 197 ; Mr. McMullen, Mr. Landry, Sir M. Bowell, Mr. McMullen, 199 ; Mr. Landry, Mr. Davis, Mr. Wilson ; amt. rejected, c. 21, n. c., 33 ; 3rd R.*, 200 ; R.A., 325 (c. 67).

(20) An Act to incorporate the Moosejaw and Edmonton Railway Co. (Mr. Ross). Int., 131 ; 2nd R.*, 163 ; rep. from Com. (Mr. Casgrain, de Lanaudi(re) with amt., 202-3; 3rd R.*, 209 ; R.A., 325 (c. 130).

(22) An Act respecting the Calgary and Edmonton Railway Company (Mr. Lougheed). Int., 48 ; 2nd R.*, 66 ; 3rd R.*, 86 ; R.A., 325 (c. 66).

(24) An Act respecting the Kootenay, Cariboo and Pacific Railway Company (Mr. Bostock). Int., 48 ; 2nd R.*, 121 ; 3rd R.*, 163 ; R.A., 325 (c. 115).

(25) An Act respecting the Walkerton and Lucknow Railway Company (Mr. McMullen. Int., 48 ; 2nd R.*, 66 ; 3rd R.*, 86 ; R.A., 325 (c. 175).

(26) An Act to incorporate the Sovereign Fire Insurance Co. of Canada (Mr. Kerr, Cobourg). Int., 85 ; 2nd R.*, 100 ; rep. from Com. on B. and C. (Sir G. Drummond) with 1 amt ; on M. Mr. Kerr (Cobourg) amt. concurred in, 121 ; 3rd R.*, 144 ; R.A., 325 (c. 159).

(27) An Act respecting certain Patents of the Facer Solid Steel Car Wheel Company, of Perth, Limited (Mr. Frost). Int., 59 ; 2nd R.*, 66 ; 3rd R.* (Mr. Young) 203 ; R.A., 325 (c. 91).

(28) An Act to incorporate the Northwest Telephone and Telegraph Company (Mr. Watson). Int., 344 ; 2nd R.*, 372 ; 3rd R.*, 422 ; R.A., 935 (c. 136).

(29) An Act respecting the Canada Southern Bridge Company (Mr. Kerr, Toronto). Int., 48 ; 2nd R., 64 ; 3rd R.*, 105 ; R.A., 325 (c. 70).

(30) An Act respecting the Canada Southern Railway Company (Mr. Kerr, Toronto). Int., 48 ; 2nd R.*, 64 ; 3rd R.*, 105 ; R.A., 325 (c. 71).

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(31) An Act respecting the Canada and Michigan Bridge and Tunnel Company (Mr. Kerr, Toronto). Int., 48 ; 2nd R.*, 64 ; 3rd R.*, 105 ; R.A., 325 (c. 69).

(32) An Act to incorporate the London and St. Clair Railway Company (Mr. Casgrain, Windsor). Int., 48 ; 2nd R. with rem., 64 ; M. agreed to ; 3rd R.*, 86 ; R.A., 325 (c. 118).

(33) An Act respecting certain patents of Jean Effront (Mr. Casgrain, de Lanaudière). Int., 85 ; 2nd R.*, 88 ; 3rd R.*, 203 ; R.A., 325 (c. 89).

(34) An Act respecting the Nicola, Kamloops and Similkameen Coal and Railway Company (Mr. Kerr, Toronto). Int., 86 ; 2nd R.*, 88 ; M. 3rd R., Mr. Kerr (Toronto), rem., Mr. Wilson, reply, Mr. Kerr (Toronto), M. agreed to, 105 ; R.A., 325 (c. 134).

(35) An Act to incorporate the Georgian Bay and Seaboard Railway Company (Mr. Power). Int., 48 ; 2nd R.*, 66 ; 3rd R.*, 86 ; R.A., 325 (c. 95).

(36) An Act to amend the Railway Act, 1903 (Mr. Scott). Int., 88 ; M. 2nd R., rem., Mr. Scott, Mr. Macdonald (B.C.) 94 ; M. agreed to, 94 ; in Com., rem., Mr. Scott, Mr. McMillan, Mr. Lougheed, Mr. Scott, Mr. McMullen, 97 ; Mr. Landry, 98 ; on sub-cl. (c) of cl. 3, rem., Mr. Lougheed, Mr. Scott, Mr. Landry, cl. adopted ; B. rep. from Com. without amt. (Mr. Baird) ; 3rd R.*, 98 ; R.A., 325 (c. 35).

(37) An Act to amend the Quebec Harbour Commissioners Act, 1899 (Mr. Templeman). Int., 48 ; M. 2nd R., with rem., Mr. Templeman, M. agreed to, 64 ; 3rd R.*, 70; R.A., 325 (c. 33).

(39) An Act respecting the Niagara, St. Catharines and Toronto Railway Company (Mr. Kerr, Toronto). Int., 270 ; 2nd R.*, 287 ; 3rd R.*, 339 ; R.A., 348 (c. 132).

(40) An Act respecting the Niagara-Welland Power Co. (Mr. McMullen). Int., 71 ; 2nd R.*, 88 ; 3rd R.*, 122 ; R.A., 325 (c. 133).

(41) An Act respecting the Regina and Hudson Bay Railway Co. (Mr. Watson). Int., 94 ; 2nd R.*, 100 ; 3rd R.*, 163 ; R.A. 325 (c. 153).

(42) An Act respecting the Vancouver, Westminster and Yukon Railway Company (Mr. Templeman). Int. 67 ; 2nd R.*, 70 ; 3rd R.*, 105 ; R.A., 325 (c. 173).

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(43) An Act respecting the Lake Champlain and St. Lawrence Ship Canal Co. (Mr. Cloran). Int., 94 ; 2nd R.*, 100 ; 3rd R.*, 163 ; R.A., 325 (c. 116).

(45) An Act respecting the Grand Trunk Railway Company of Canada (Mr. Young). Int., 270 ; 2nd R.*, 287 ; 3rd R.*, 287 ; R.A., 326 (c. 75).

(46) An Act respecting the Canada Atlantic Ry. Co. (Mr. Young). Int., 2nd R.*, 272 ; 3rd R.*, 287 ; R.A., 326 (c. 50).

(48) An Act respecting the Toronto and Hamilton Railway Company (Mr. Kerr, Toronto). Int., 67 ; 2nd R.*, 95 ; 3rd R.*, 105 ; R.A., 325 (c. 163).

(49) An Act respecting the Century Life Insurance Co. (Mr. Templeman) ; int., 131 ; 2nd R.*, 163 ; 3rd R.*, 247 ; R.A., 325 (c. 80).

(50) An Act to incorporate the Calgary and Battleford Ry. Co. (Mr. Young). Int., 94 ; M. 2nd R.*, 144 ; 3rd R.*, 209 ; R.A., 325 (c. 65).

(51) An Act respecting Contracts for Government Works (Mr. Scott). Int., 86 ; M. 2nd R., rem., Mr. Scott, Mr. Macdonald (B.C.), Mr. McMullen, Mr. Scott, Mr. Landry ; M. agreed to, 88 ; in Com. of the Whole, rem., Mr. Scott, Mr. Macdonald (B.C.), Mr. Lougheed, 95 ; rep. from Com., without amt., Mr. Kerr (Toronto), 96 ; M. 3rd R., rem., Mr. Scott ; M. agreed to, 96 ; R.A., 325 (c. 7).

(52) An Act to amend the Franchise Act, 1898, (Mr. Scott). Int., 556 ; 2nd and 3rd R.*, 750. R.A., 936 (c. 13).

(53) An Act to amend the Act respecting the Department of Railways and Canals (Mr. Scott). Int., 86 ; M. 2nd R., rem., Mr. Scott, Mr. Macdonald (B.C.) ; M. agreed to, 88 ; in Com. of the Whole, rem., Mr. Scott, Mr. Lougheed ; rep. from Com., Mr. Casgrain (de Lanaudière) ; 3rd R.*, 96 ; R.A., 325 (c. 37).

(54) An Act to amend the Public Works Act (Sir Richard Cartwright). Int., 86 ; M. 2nd R., rem., Mr. Scott, Mr. Landry, M. agreed to, 89 ; in Com., rem., Sir R. Cartwright ; rep. from Com. (Mr. Baker) without amt. ; 3rd R.*, 96-97 ; R.A., 325 (c. 32)

(56) An Act respecting the Canadian Pacific Railway Co. (Mr. Watson). Int., 94 ; 2nd R.*, 100 ; 3rd R.*, 163 ; R.A., 325 (c. 73).

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(57) An Act to incorporate "La Compagnie du chemin de fer électrique de Trois-Rivières, St. Maurice, Maskinongé et Champlain" (Mr. Legris). Int., 163; 2nd R.*, 248; 3rd R.*, 422; R.A., 935 (c. 167).

(58) An Act respecting the Canadian Northern Railway Company (Mr. Frost). Int., 270; 2nd R.*, 287; 3rd R.*, 501; R.A., 936 (c. 72).

(60) An Act to incorporate the Algoma Copper Range Railway Company (Mr. Davis). Int., 229; 2nd R.*, 248; 3rd R.*, 305; R.A., 326 (c. 54).

(61) An Act to incorporate the Lebonk and Thunder Bay Railway Co. (Mr. Frost). Int., 121; M. 2nd R. (Mr. Young), rem., Mr. Landry, Mr. Scott, Mr. Young, M. agreed to, 144; 3rd R.*, 209; R.A., 325 (c. 117).

(62) An Act respecting the Edmonton, Yukon and Pacific Ry. Co. (Mr. Young). Int., 270; 2nd R.*, 287; 3rd R.*, 397; R.A., 935 (c. 88).

(63) An Act to incorporate the Brantford and Woodstock Ry. Co. (Mr. Power). Int., 163; 2nd R.*, 202; M. 3rd R. (Mr. Power), rem., Mr. Kerr (Toronto), 290; Sir M. Bowell, Mr. Kerr (Toronto), Mr. de Boucherville, M. in amt., 6 m. h., Mr. Kerr (Toronto), pt. of order, (Mr. Landry), ruling, Mr. Speaker, 293; inq. (Mr. Watson), reply, Mr. Speaker, rem., Mr. Wilson, 294; Mr. Edwards, 297; Mr. Béique, 298-299; Mr. Watson, 299; Mr. Kerr (Toronto), Mr. Watson, Mr. Kerr (Toronto), Mr. Landry, Mr. Macdonald (P.E.I.), 300; Mr. Scott, Mr. McGregor, 301; Mr. Scott, Mr. David, Mr. Kerr (Toronto), Mr. Landry, Mr. Speaker, 302; Sir M. Bowell, Mr. Landry, Mr. Kerr (Toronto), amt. rejected on div., c. 8, n. c. 23; M. agreed to, rem., Mr. Kerr (Toronto) 303; Mr. Watson, Mr. Kerr (Toronto), Mr. Wilson, Mr. Landry, Mr. Speaker, Mr. Kerr (Toronto), 304; R.A., 326 (c. 63).

(64) An Act respecting the Central Counties Ry. Co. (Mr. Edwards). Int., 229; 2nd R.*, 248; 3rd R.*, 305; R.A., 326 (c. 78).

(65) An Act respecting the James Bay Ry. Co. (Mr. Ellis). Int., 273; 2nd R.*, 305; 3rd R.*, 477; R.A., 936 (c. 110).

(66) An Act to amend the Criminal Code, 1892, with respect to appeals from certain summary convictions (Mr. Scott). Int., M. (Mr. Scott), rem., Sir M. Bowell, Mr. Landry, M. agreed to, 820; M. 2nd R., Mr. Scott, rem., Mr. Kerr (Toronto), Mr. McMullen, M. agreed to, 894; in Com., rem., Mr. Scott, Mr. McHugh; B. rep. from Com., Mr. Macdonald (B.C.); 3rd R.*, 919; R.A., 936 (c. 10).

(68) An Act respecting a Patent of the Paper Goods Co., Ltd. (Mr. Kerr, Toronto). Int., 121; 2nd R.*, 144; 3rd R.*, 203; R.A., 325 (c. 146).

(69) An Act to establish and provide for the government of the province of Alberta (Mr. Scott). Int., 517; rem., Mr. Scott, Mr. Lougheed, 519; Mr. Scott, Mr. Ferguson, 520; Sir M. Bowell, Mr. Kerr (Toronto) 521; Mr. Kerr (Toronto) 522; M. 2nd R., with rem., Mr. Scott, 556-560; Mr. Macdonald (B.C.), Mr. Scott, Sir M. Bowell, Mr. Scott, 561; Mr. Sullivan, Mr. Scott, 562; Mr. Scott, 563; Mr. Sullivan, Mr. Landry, Mr. Scott, 565; Mr. Landry, Mr. Scott, Mr. Miller, Mr. Scott, 566; Mr. Perley, Mr. Robertson, Sir M. Bowell, Mr. Scott, 567; Mr. Landry, Mr. Macdonald (B.C.), Mr. Scott, Mr. Bernier, Sir M. Bowell, 568; Sir M. Bowell, 569-580; M., in amt., 6 m. h. (Sir M. Bowell), rem., Mr. Béique, Sir M. Bowell, Sir R. Cartwright, 580; Sir R. Cartwright, 581-585; rem., Mr. Landry, 585-600; pt. of order, Mr. Kerr (Toronto), ruling, Mr. Speaker, 600; rem., Mr. Landry, 601; deb. adjd., 602; deb. resumed, Mr. David, 603; Mr. Landry, Mr. David, 605; Mr. Perley, Mr. Landry, Mr. David, 606; Mr. Landry, Mr. David, 607; Mr. McMillan, 610; Mr. Power, 613; Mr. McMillan, Mr. Frost, 614; Mr. McMillan, 615; Mr. Cox, Mr. McMullen, 617; Sir W. Hingston, 620; deb. resumed, Mr. Lougheed, 620; Mr. Power, Mr. Béique, Mr. Lougheed, 621; Mr. Scott, Mr. Lougheed, 625; Mr. Kerr (Toronto), Mr. Cloran, Mr. Davis, Mr. Lougheed, 629; Mr. Young, Mr. Scott, Mr. Lougheed, 630; Mr. Béique, Mr. Lougheed, 634; Mr. David, 637; Mr. Lougheed, 638; Mr. Kerr (Cobourg), Mr. Lougheed, Mr. Davis, 640; Mr. Lougheed, Mr. Davis, 653; Sir W. Hingston, 655; deb. adjd., 661; deb. resumed, rem., Mr. Macdonald (B.C.), 665; Mr. Miller, 667; Mr. Coffey, 672; Mr. McMillan, Mr. Coffey, 673; Sir M. Bowell, 675; Mr. Coffey, 676; Mr. Béique, 676; pt. of order, Mr. de Boucherville, Mr. Béique, 677; Mr. Speaker, Mr. Ferguson, Mr. Béique, Mr. de Boucherville, 678; Mr. Sullivan, Mr. Béique, Mr. Speaker, Mr. Béique, 679; deb. adjd., 680; deb. resumed, rem., Mr. Béique, 680; Mr. Lougheed, Mr.

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Béique, 681 ; Mr. McMillan, Mr. Béique, 684 ; Mr. de Boucherville, 688 ; Mr. McDonald (C.B.), Mr. Scott, Mr. Power, Mr. McDonald (C.B.), 691 ; Mr. Bernier, 692 ; M. to amend cl. 17, with rem., Mr. Perley, 715 ; rem., Mr. Power, 722 ; Mr. Macdonald (B.C.), Mr. Power, 724 ; Mr. Landry, Mr. Power, 726 ; Mr. Macdonald (P.E.I.), Mr. Power ; deb. adjd., 731 ; deb. resumed, rem., Mr. Macdonald (P.E.I.), 732; Mr. Sullivan, 738 ; Mr. Poirier, 742 ; Mr. Mitchell, 744 ; Mr. Bolduc, 745 ; Mr. Ferguson, 747 ; Mr. Cloran, 749; amt. rejected (c. 17, n. c. 33); M. for 2nd R. agreed to, 750; M. (Mr. Scott) that Hse. go into Com., rem., Sir M. Bowell, M. agreed to, 770; in Com., on 3rd cl., M. to amend, Mr. Bolduc, rem., Mr. Scott, 770 ; Mr. Landry, Mr. Béique, Mr. Bolduc, Mr. Power, 771 ; Mr. Bernier, Mr. Cloran, Mr. Béique, Mr. Landry, Mr. Bolduc, 772 ; Mr. Landry, Mr. Scott, Mr. Landry, Mr. Wilson, Mr. Dandurand (Speaker), 773 ; Mr. Lougheed, Mr. Dandurand, 776 ; progress rept. (Mr. Ellis), 777 ; deb. on 3rd cl. resumed, Mr. Béique, 777 ; Mr. Bolduc, Mr. Landry, 778 ; Mr. Scott, 779 ; Mr. de Boucherville, Mr. Bernier, Mr. Béique, 783 ; Mr. Landry, 784 ; Mr. Scott, Mr. Landry, Sir M. Bowell, 785 ; Mr. Davis, Sir M. Bowell, 786 ; Mr. David, 788 ; Sir M. Bowell, Mr. David, 789 ; Mr. Landry, 790 ; Mr. Sullivan, 791 ; amt. rejected on div., 792 ; on 4th cl., rem., Mr. Davis, cl. adopted, 792 ; on 6th cl., rem., Mr. Scott, Mr. Landry, cl. adopted, 793. on 13th cl., M. to amend, Mr. Lougheed, with rem., amt. rejected on div., 793 ; on sub-cl. 4 of 16th cl., Mr. Bernier, Mr. Scott, Mr. Davis, Sir M. Bowell, 793 ; Mr. Cloran, Sir M. Bowell, cl. adopted, 794 ; on 17th cl., M. to amend (Mr. McMillan), with rem., 794 ; Mr. Coffey, 795 ; Mr. McMillan, Mr. Landry, 796 ; Mr. McHugh, 797 ; Mr. Coffey, Mr. Landry, Mr. Coffey, 798 ; Mr. Cloran, 799 ; amt, rejected, 813; M. to amend, Mr. Landry, rem., Mr. Scott, Mr. Landry, 813 ; amt. rejected on div., rem., Mr. McMullen, Mr. Landry, 814 ; M. to amend, Mr. Perley, amt. rejected on div., 815 ; rem., Sir M. Bowell, 815 ; M. to amend, Mr. Bernier, amt, rejected on div., 815 ; M. to strike out 17th cl., Mr. Lougheed, M. rejected on div., 815 ; on sub-cl. 3 of 17th cl., M. to amend, Mr. Landry, amt. rejected on div., 815 ; on 24th cl., rem., Mr. Davis, 815 ; Sir M. Bowell, 816 ; Mr. Davis, Sir M. Bowell, Mr. Davis, Sir M. Bowell, cl. adopted, 817 ; B. rep. from Com., Mr. Ellis, 817 ; M. 3rd R. (Mr. Scott), M. to amend, Mr. Perley, rem., Mr. Landry, Mr. Béique, Sir M. Bowell, 821 ; Mr. David, 824 ; rem., Mr. Bolduc, pt. of order, Mr. Landry, rem., Mr. Young, Mr. Macdonald (P.E.I.), amt. rejected on div., (c. 3 ; n.c. 40) 825 ; M. to amend (Mr. Bolduc), rejected on div., (c. 8, n.c. 36) 825 ; M. to amend (Mr. Landry), 826 ; rem., Mr. Macdonald (B.C.), Mr. Béique, amt. rejected on div.. (c. 8, n.c. 34), 829 ; M. to amend (Mr. Bernier) rejected on div., M. to adj. deb. (Mr. Lougheed), 829 ; deb. resumed, M. (Mr. Lougheed) to amend, 836 ; amt. rejected (c. 14, n.c. 33), 837 ; rem.. Mr. Choquette, 837 ; Mr. Sullivan, 844 ; Mr. Landry, Mr. Sullivan, 845 ; M. (Mr. Lougheed) to strike out 17th cl., 845 ; amt. rejected (c. 8, n.c. 35) ; M. for 3rd R. adopted, 846 ; R.A., 936 (c. 3).

(70) An Act to establish and provide for the government of the province of Saskatchewan (Mr. Scott). Int., 517 ; M. 2nd R. (Mr. Scott) ; M. agreed to on division, 750 ; in Com., rem., Mr. Landry, Mr. Scott, B. rep. from Com. (Mr. Ellis), 817 ; M. 3rd R. (Mr. Scott), rem., Mr. Lougheed, Sir M. Bowell, M. agreed to ; R.A., 936 (c. 42).

(71) An Act respecting the Great Northern Railway of Canada (Mr. Power. Int., 273; 2nd R.*, 305 ; 3rd R.*, 397 ; R.A., 935 (c. 99).

(73) An Act to incorporate the Montreal, Quebec and Southern Railway Company (Mr. Casgrain, de Lanaudière). Int., 163 ; 2nd R.*, 202 ; 3rd R.*, 305 ; R.A., 325 (c. 128).

(74) An Act respecting the Medicine Hat and Northern Alberta Railway Company (Mr. Davis). Int., 163 ; 2nd R.*, 202 ; 3rd R.*, 260 ; R.A., 325 (c. 122).

(75) An Act respecting the Battleford and Lake Lenore Railway Company (Mr. Davis). Int., 273 ; 2nd R.*, 305 ; 3rd R.*, 316 ; R.A., 326 (c. 60).

(76) An Act respecting the Red Deer Valley Railway and Coal Co. (Mr. Kerr, Cobourg). Int., 98 ; 2nd R.*, 121 ; 3rd R.*, 163 ; R.A., 325 (c. 152).

(78) An Act respecting the McLeod, Cardston and Montana Ry. Co. (Mr. Watson). Int., 121 ; 2nd R.*, 144 ; 3rd R.*, 209 ; R.A., 325 (c. 119).

(79) An Act respecting the Toronto, Hamilton and Buffalo Ry. Co. (Mr. Kerr, Toronto). Int., 270 ; 2nd R.*, 287 ; 3rd R.*, 311 ; R.A., 326 (c. 165).

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(81) An Act respecting the Ottawa River Ry. Co. and to change its name to the Central Railway Company of Canada (Mr. Domville). Int., 273 ; 2nd R.*, 305 ; M. 3rd R. (Mr. Domville), M. to amd. (Mr. Owens), rem., Mr. Davis, Mr. Owens, Mr. Power, Mr. Owens, Sir R. Cartwright, Mr. Owens, amt. agreed to, 3rd R., 316 ; R.A., 348 (c. 79).

(82) An Act to incorporate the Annuity Co. of Canada (Mr. Davis). Int., 163 ; 2nd R.*, 209 ; 3rd R.*, 247 ; R.A., 325 (c. 55).

(83) An Act respecting the Alberta Ry. and Irrigation Co. (Mr. Watson). Int., 273 ; 2nd R.*, 305 ; 3rd R.*, 339 ; R.A., 348 (c. 52).

(84) An Act respecting the Huron and Erie Loan and Savings Co. (Mr. Coffey). Int., 273 ; 2nd R.*, 305 ; 3rd R.*, 350 ; R.A., 935 (c. 105).

(85) An Act respecting the Bay of Quinté Ry. Co. (Mr. Kerr, Cobourg). Int., 121 ; 2nd R.*, 144 ; 3rd R.*, 209 ; R.A., 325 (c. 61).

(86) An Act respecting the Ontario and Minnesota Power Co. (Mr. McMullen). Int., 202 ; 2nd R. postponed, 229 ; M. 2nd R. (Mr. McMullen), rem., Sir M. Bowell, M. agreed to, 286 ; M. to concur in amts. (Mr. McMullen), rem., Mr. Wilson, Mr. Young, Sir M. Bowell, 856 ; Mr. Kerr (Toronto), Sir M. Bowell, 857 ; Mr. Kerr (Toronto), Mr. Béique, Mr. McMillan, 858 ; Mr. Scott, Mr. Ferguson, 859 ; Mr. Scott, Sir M. Bowell, Mr. Power, 860 ; Mr. Kerr (Toronto), Mr. Church, Mr. Landry, 861 ; Mr. McMullen, Sir M. Bowell, 862 ; Mr. Ferguson, Mr. Young, 863 ; Mr. Ferguson, Mr. Power, Sir M. Bowell, Mr. Béique, 864 ; Mr. Scott, Sir M. Bowell, 865 ; Mr. McMullen, Mr. Kerr (Toronto), Sir M. Bowell, 866 ; Mr. Macdonald (B.C.), Mr. Wood, Mr. Speaker, Mr. Béique, Sir M. Bowell, 867 ; Mr. Kerr (Toronto), Sir M. Bowell, amts. concurred in, 868 ; M. 3rd R. (Mr. McMullen), M. to amend (Mr. Young), 894; rem., Sir M. Bowell, Mr. Young, M. agreed to, 895 ; R.A., 936 (c. 139).

(87) An Act to incorporate the International Bridge and Terminal Company (Mr. Kerr, Cobourg). Int., 202 ; 2nd R. postponed, 229 ; M. 2nd R., and rem., (Mr. Kerr, Cobourg), rem., Sir M. Bowell, Mr. Scott, Mr. Forget, Mr. Scott, M. agreed to, 286 ; 3rd R.*, 680 ; R.A., 936 (c. 108).

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(88) An Act to incorporate the Athabaska Northern Railway Company (Mr. Kerr, Cobourg). Int., 163 ; 2nd R.*, 202 ; 3rd R.*, 260 ; R.A., 325 (c. 57).

(89) An Act respecting the Monterey Electric and Gas Company, Limited, and to change its name to "Monterey Railway, Light and Power Company" (Mr. McMillan). Int. 121 ; 2nd R.*, 144 ; 3rd R.*, 209 ; R.A., 325 (c. 126).

(90) An Act respecting the Esquimalt and Nanaimo Railway Company (Mr. Templeman). Int., 273 ; M. 2nd R., with rem., Mr. Young, 305 ; rem., Mr. Scott, Mr. Speaker, Mr. Young, Mr. Templeman, Mr. Young, 2nd R. postponed, 306 ; petition presented, rem., Mr. Templeman, Mr. Power, 307 ; Mr. Young, Mr. Landry, Mr. Young, Mr. Landry, Mr. Templeman, 308 ; 2nd R.*, 311 ; 3rd R.*, 311 ; R.A., 326 (c. 90).

(91) An Act respecting the Timagami Railway Company, and to change its name to The Ontario Northern and Timagami Railway Company (Mr. Davis). Int., 202 ; 2nd R.*, 229 ; 3rd R.*, 260 ; R.A., 325 (c. 161).

(92) An Act respecting the Ottawa and New York Railway Company (Mr. McSweeney). Int., 342 ; 2nd R.*, 365 ; 3rd R.*, 422 ; R.A., 935 (c. 141).

(93) An Act respecting the Grand Council of the Catholic Mutual Benefit Association of Canada (Mr. Coffey). Int., 131 ; 2nd R.*, 202 ; 3rd R.*, 247 ; R.A., 325 (c. 77).

(94) An Act respecting the Brockville, Westport and North-western Railway Company (Mr. Frost). Int., 121 ; 2nd R.*, 144 ; 3rd R.*, 209 ; R.A., 325 (c. 64).

(95) An Act respecting Gillies Bros., Limited (Mr. Frost). Int., 131 ; 2nd R.*, 163 ; 3rd R.*, 449 ; R.A., 936 (c. 96).

(96) An Act respecting the Montreal and Southern Counties Railway Company (Mr. Davis). Int., 202 ; 2nd R.*, 229 ; 3rd R.*, 260 ; R.A., 325 (c. 129).

(97) An Act respecting the Kingston and Dominion Central Railway Company, and to change its name to the Dominion Central Railway Company (Mr. Frost). Int., 273 ; 2nd R.*, 306 ; 3rd R.*, 339 ; R.A., 348 (c. 86).

(98) An Act to incorporate the Imperial Guarantee and Accident Insurance Co. of Canada (Mr. Kerr, Cobourg). Int., 131 ; 2nd R.*, 163 ; 3rd R.*, 247 ; R.A., 325 (c. 107).

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(99) An Act to incorporate the Title and Trust Company (Mr. McHugh). Int., 273 ; 2nd R.*, 317 ; 3rd R.*, 428 ; R.A., 935 (c. 162).

(100) An Act respecting the Guelph and Georgian Bay Railway Company (Mr. McMullen). Int., 202 ; 2nd R.*, 229 ; 3rd R.*, 260 ; R.A., 325 (c. 101).

(102) An Act respecting a Patent of the Gold Medal Furniture Manufacturing Company, Limited (Mr. McMullen). Int., 229 ; 2nd R.*, 247 ; 3rd R.*, 269 ; R.A., 326 (c. 97).

(103) An Act respecting the Richmond and Drummond Fire Insurance Company (Mr. Kerr, Cobourg). Int., 269 ; 2nd R.*, 287 ; 3rd R.*, 311 ; R.A., 326 (c. 154).

(104) An Act respecting the Northern Bank (Mr. Watson). Int., 273 ; 2nd R.*, 306 ; 3rd R.*, 307 ; R.A., 326 (c. 135).

(105) An Act to incorporate the Ontario Fire Insurance Co. (Mr. Kirchhoffer). Int., 163 ; 2nd R.*, 202 ; 3rd R.*, 247 ; R.A., 325 (c. 137).

(106) An Act respecting the Dominion Atlantic Ry. Co. (Mr. Power). Int., 273 ; 2nd R.*, 307 ; rep. from Com., with amts., Mr. Casgrain (de Lanaudière), amts. concurred in, 366 ; 3rd R.*, 386 ; R.A., 935 (c. 85).

(107) An Act respecting a certain Patent of Céleste Joly (Mr. Lougheed). Int., 273 ; 2nd R.*, 306 ; 3rd R.*, 311 ; R.A., 326 (c. 112).

(108) An Act to incorporate the Canadian West Life Insurance Co. (Mr. Kerr, Toronto). Int., 273 ; 2nd R.*, 306 ; 3rd R.*, 316 ; R.A., 326 (c. 74).

(109) An Act respecting the Hudson Bay and Pacific Ry. Co. (Mr. Young). Int., 163 ; 2nd R.*, 202 ; 3rd R.*, 260 ; R.A., 325 (c. 104).

(110) An Act respecting the Toronto and Hamilton Ry. Co. (Mr. Kerr, Toronto). Int., 270 ; M. 2nd R., inq., Sir M. Bowell, rem., Mr. Kerr (Toronto), 286 ; M. agreed to, 287 ; 3rd R.*, 339 ; R.A., 348 (c. 164).

(111) An Act to incorporate the Saskatchewan Bridge Co. (Mr. Ross). Int., 270 ; 2nd R.*, 287 ; 3rd R.*, 311 ; R.A., 326 (c. 157).

(112) An Act respecting the Hamilton, Galt and Berlin Ry. Co., and to change its name to the Hamilton, Galt and Guelph Ry. Co. (Mr. McMullen). Int., 273 ; 2nd R.*, 306 ; 3rd R.*, 339 ; R.A., 348 (c. 102).

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(113) An Act respecting the Ontario Hudson Bay and Western Ry. Co. (Mr. Kerr, Toronto). Int., 273 ; 2nd R.*, 306 ; 3rd R.*, 339 ; R.A., 935 (c. 138).

(114) An Act respecting the Manitoulin and North Shore Ry. Co. (Mr. Kerr, Toronto). Int., 344 ; 2nd R.*, 372 ; 3rd R.*, 400 ; R. A., 935 (c. 120).

(115) An Act respecting the Grand Trunk Pacific Ry. Co. (Mr. Watson). Int., 451 ; M. 2nd R., Mr. Watson, rem., Mr. de Boucherville, Mr. Watson, Mr. Kerr (Toronto), Mr. de Boucherville, Sir M. Bowell, 457 ; Mr. Watson, Mr. de Boucherville, M. agreed to, 458 ; M. to suspend rules, Mr. Watson, objection Mr. de Boucherville, rem., Mr. Scott, Sir M. Bowell, Mr. Macdonald (B.C.), 458 ; Mr. de Boucherville, Mr. Kerr (Toronto), M. dropped, 459 ; B. rep. from Com. (Mr. Casgrain, de Lanaudière) ; M. 3rd R. (Mr. Watson), rem., Mr. Kerr (Toronto), Mr. Watson, 488 ; Mr. Gibson, Mr. Kerr (Toronto), 489 ; Mr. Power, Mr. Kerr (Toronto), Mr. Gibson, 490 ; Mr. Gibson, Sir M. Bowell, 491 ; Mr. Ferguson, Mr. Kerr (Toronto), 492 ; Mr. Power, Sir M. Bowell, M. agreed to, 493 ; R.A., 936 (c. 98).

(116) An Act respecting the Algoma Central and Hudson Bay Ry. Co. (Mr. Kerr, Toronto). Int., 344 ; 2nd R.*, 372 ; 3rd R.*, 400 ; R.A., 935 (c. 53).

(117) An Act to incorporate the Athabaska Ry. Co. (Mr. Ross). Int., 202 ; 2nd R.*, 229 ; 3rd R.*, 260 ; R.A., 325 (c. 58).

(118) An Act respecting the Alberta Central Ry. Co. (Mr. Watson). Int., 163 ; 2nd R.*, 202 ; 3rd R.*, 260 ; R.A., 325 (c. 51).

(119) An Act to incorporate the Edmonton Boom Co. (Mr. Ross, Regina). Int., 451 ; M. 2nd R., Mr. Young, rem., Sir M. Bowell, Mr. Young, Mr. Kerr (Toronto), Mr. Davis, M. agreed to, 459 ; 3rd R.*, 477 ; R.A., 936 (c. 87).

(120) An Act respecting false representations to induce or to deter Immigration (Mr. Scott). Int., rem., Mr. Scott, Sir M. Bowell, Sir R. Carwright, 768 ; 2nd R.*, 893 ; M. 3rd R. (Mr. Scott), rem., Sir M. Bowell, Mr. Scott, 893 ; M. agreed to, 894 ; R.A., 936 (c. 16).

(121) An Act to amend the Act respecting the Packing and Sale of certain Staple Commodities (Sir R. Cartwright). Int., 131 ; 2nd R.*, 202 ; in Com., rem., Sir R. Cartwright, Mr. Macdonald (B.C.), Sir M

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(123) An Act respecting the Board of the Presbyterian College of Halifax (Mr. MacKeen). Int., 270 ; 2nd R.*, 287 ; 3rd R.*, 311 ; R.A., 326 (c. 149).

(124) An Act respecting the Farmers' Bank of Canada (Mr. McMullen). Int., 273 ; 2nd R.*, 306 ; rep. from Com. (Sir G. Drummond) with amt., 3rd R.*, 336 ; R.A., 935 (c. 92).

(125) An Act to incorporate the Crown Casualty Co. of Canada (Mr. Lougheed). Int., 269 ; 2nd R.*, 287 ; 3rd R.*, 311 ; R.A., 326 (c. 83).

(131) An Act respecting the Vancouver and Coast-Kootenay Ry. Co. (Mr. Young). Int., 328 ; 2nd R.*, 339 ; 3rd R.*, 397 ; R.A., 935 (c. 171).

(132) An Act to amend the Government Railways Act (Mr. Scott). Int., 451 ; M. 2nd R., Mr. Scott, 456 ; rem., Mr. Macdonald (B.C.), M. agreed to, 457 ; in Com., on 4th cl., M. to amend, Mr. Young ; M. agreed to ; on 5th cl., rem., Mr. Ferguson, 470 ; rem., Mr. McSweeney, Mr. Ferguson, Mr. Power, 471 ; Sir M. Bowell, Mr. Scott, Mr. Ferguson ; B. rep. with amdts., Mr. Kerr (Toronto) ; 3rd R.*, 472 ; R.A., 936 (c. 36).

(134) An Act to incorporate the Provident Financial Association, Ltd. (Mr. Casgrain, de Lanaudière). Int., 342 ; 2nd R.*, 365 ; 3rd R.*, 461 ; R.A., 936 (c. 151).

(139) An Act respecting the Vancouver, Victoria and Eastern Ry. and Navigation Co. (Mr. Templeman). Int., 517 ; M. 2nd R., with rem., Mr. Templeman, 542-3 ; Mr. Landry, 543 ; Mr. Templeman, Sir M. Bowell, Mr. Macdonald (B.C.), 544 ; Mr. Wilson, 545 ; Mr. Church, Mr. Watson, M. agreed to, 546 ; 3rd R.*, 555 ; R.A., 936 (c. 172).

(140) An Act respecting the Northwest Coal and Coke Ry. Co., and to change its name to the Great West Ry. Co. (Mr. Perley). Int., 328 ; 2nd R.*, 365 ; 3rd R.*, 422 ; R.A., 935 (c. 100).

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(141) An Act respecting the Kaslo and Lardo-Duncan Ry. Co. (Mr. Templeman). Int., 328 ; 2nd R.*, 339 ; 3rd R.*, 397 ; R.A., 935 (c. 113).

(142) An Act for the relief of Edward Norman Lewis, a member of the House of Commons (Mr. Scott). Int., 273 ; M. 2nd R., with rem., Mr. Scott ; M. agreed to, 307 ; rep. from Com. (Mr. Ellis) ; 3rd R.*, 317 ; R.A., 348 (c. 19).

(147) An Act to amend the Seamen's Act (Mr. Scott). Int., 517 ; M. 2nd R., with rem., Mr. Templeman, 546 ; rem , Mr. Lougheed, Mr. Templeman, Sir M. Bowell, 547; M. agreed to, 548 ; in Com., rem., Sir M. Bowell, Mr. Templeman, Mr. Macdonald (P.E.I.), Mr. Templeman, 548 ; Mr. Macdonald (P.E.I.), Mr. Church, Mr. Wood, Sir M. Bowell, 549 ; Mr. Templeman ; B. rep. from Com., Mr. Ellis, 3rd R.*, 550 ; R.A., 936 (c. 40).

(148) An Act to amend the Act respecting the incorporation of Live Stock Record Associations (Sir R. Cartwright). Int., 328 ; 2nd R.*, 339 ; 3rd R.*, 371 ; R.A., 935 (c. 21).

(151) An Act respecting L'Union St. Joseph de la Cité d'Ottawa, and to change its name to L'Union St. Joseph du Canada (Mr. Edwards). Int., 473 ; 2nd R.*, 476 ; 3rd R.*, 620 ; R.A., 936 (c. 170).

(156) An Act to amend the N.W.T. Representation Act (Mr. Scott) 2nd and 3rd R., 550 ; R.A., 936 (c. 28).

(159) An Act to amend The Dominion Controverted Elections Act (Mr. Scott). Int., 501 ; M. 2nd R. (Mr. Scott), rem., Mr. Lougheed, Mr. Scott, M. agreed to, 515 ; in Com., rem., Mr. Scott, Mr. Lougheed ; B. rep. from Com. (Mr. Wood), 3rd R.*, 542 ; R.A., 936 (c. 8).

(160) An Act to amend the Act respecting the Northwest Territories (Mr. Scott). Int., 715 ; M. 2nd R., Mr. Scott, rem., Mr. Lougheed, 871 ; Mr. Lougheed, Mr. Scott, M. agreed to ; in Com., rem., Mr. Lougheed, Mr. Scott, 872 ; Sir M. Bowell, Mr. Lougheed, Mr. Power ; B. rep. from Com., Mr. Thompson, 3rd R.*, 873 ; R.A., 936 (c. 27).

(161) An Act to amend the Northwest Irrigation Act, 1898 (Mr. Scott). Int., 501 ; 2nd R.*, 515 ; in Com., rem., Mr. Scott ; B. rep. from Com., Mr. Béique, 3rd R.*, 542 ; R.A., 936 (c. 26).

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(162) An Act to amend the Land Titles Act, 1894 (Mr. Scott). Int., 540 ; M. 2nd R., Mr. Scott, rem., Mr. Lougheed, Mr. Scott, M. agreed to, 554 ; 3rd R.*, 750 ; R.A., 936 (c. 18).

163) An Act to amend the Census and Statistics Act (Mr. Templeman). Int., 501 ; M. 2nd R. (Mr. Scott), rem., Mr. Ferguson, Mr. Scott, 515 ; Mr. Ferguson, Mr. Lougheed, Mr. Templeman, Sir M. Bowell, 516 ; Mr. Templeman, Sir M. Bowell, Mr. Macdonald (P.E.I.), Mr. Church, M. agreed to, 517 ; 3rd R.*, 517 ; R.A., 936 (c. 6).

(168) An Act for granting to His Majesty certain sums of money for the public service of the financial years ending respectively the 30th June, 1905, and the 30th June, 1906. Int., M. 2nd R., with rem., Mr. Scott, Sir M. Bowell, 345 ; Mr. Scott, 347 ; M. agreed to ; R.A., 348 (c. 1).

(169) An Act to amend the Act respecting the Royal Military College (Mr. Scott). Int., with expln., 399 ; M. 2nd R., with rem.; M. agreed to, 428 ; in Com., rem., Mr. Scott, Sir M. Bowell, Mr. McMullen, Sir R. Cartwright ; B. rep. from Com., Mr. Ellis ; 3rd R.*, 450 ; R.A., 935 (c. 39).

(170) An Act to amend the Militia Act (Sir R. Cartwright). Int., 556 ; rem., Mr. Scott, 846 ; Sir M. Bowell, 847 ; Sir R. Cartwright, 852 ; M. to adj. deb., Mr. Ferguson, 854 ; rem., Mr. Scott, Sir M. Bowell, 855 ; deb. resumed, rem., Mr. Ferguson, 887 ; Mr. Domville, Mr. Ferguson, 888 ; Mr. Domville, Mr. Ferguson, 889 ; Mr. Ross (Halifax), M. for 2nd R. agreed to ; 3rd R.*, 892 ; R.A., 936 (c. 22).

(171) An Act respecting the Port and Pilotage District of Quebec (Mr. Scott). Int., 428 ; M. 2nd R., with rem., Mr. Scott, rem., Mr. Macdonald (B.C.), 450 ; rem., Mr. Macdonald (B.C.), Mr. Scott, Mr. Ferguson, Mr. Power, M. agreed to, 451 ; in Com., rem., Mr. Scott, Mr. Macdonald (B.C.), Mr. Scott, Sir M. Bowell, 453 ; Mr. Scott, Mr. Macdonald (B.C.), Mr. Gibson, 454 ; Mr. Scott, Mr. Gibson, Mr. Casgrain (de Lanaudière), Sir M. Bowell, 455 ; Mr. Ferguson, Mr. Casgrain (de Lanaudière), Mr. Scott, Mr. Power, 456 ; B. rep. from Com.

(173) An Act respecting the St. Maurice Valley Ry. Co. (Mr. Mitchell). Int., 476 ; 2nd R.*, 495 ; 3rd R.*, 555; R.A., 936 (c. 156).

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(175) An Act respecting the Pacific Bank of Canada (Mr. Templeman). Int., 473 ; 2nd R.*, 476 ; B. rep. from Com., Sir G. Drummond, 554 ; 3rd R.*, 555 ; R.A., 936 (c. 145).

(176) An Act to amend the Inland Revenue Act (Mr. Scott). Int., 493 ; M. 2nd R., Mr. Scott, 513 ; rem., Mr. Macdonald (B.C.), Sir M. Bowell, 513 ; Mr. Lougheed, Mr. Power, Mr. Scott, 514 ; M. agreed to, 515 ; in Com., rem., Mr. Scott ; B. rep. from Com., Mr. Baker, 3rd R.*, 540 ; R.A., 936 (c. 17).

(181) An Act to amend the Bank Act (Mr. Scott). Int., 476 ; M. 2nd R., Mr. Scott, rem., Mr. Ferguson, 477 ; Mr. Scott, 479 ; Mr. Ellis, Mr. Edwards, 480 ; Mr. Edwards, Mr. Gibson, 481 ; Mr. McMullen, 482 ; Sir M. Bowell, 483 ; Mr. Edwards, Mr. de Boucherville, 484 ; Mr. Edwards, Mr. de Boucherville, Sir M. Bowell, Mr. Gibson, Mr. Kerr (Toronto), Mr. Macdonald (B.C.), Mr. Ferguson, 485 ; Mr. Power, Mr. Ellis, M. agreed to, 487 ; M. to refer to Com., Mr. Scott ; rem., Sir M. Bowell, 487 ; Mr. Scott, M. agreed to, 488 ; in Com., rem., Mr. Scott, 540 ; Mr. Scott, Mr. McMullen, Mr. Sullivan, 541 ; Mr. McMillan, B. rep. from Com., Mr. Wilson ; 3rd R.*, 542 ; R.A., 936 (c. 4).

(186) An Act to provide for the regulation of Wireless Telegraphy in Canada (Mr. Templeman). Int., 517 ; M. 2nd R., Mr. Templeman, with rem., M. agreed to, 550 ; in Com., rem., Mr. Ellis, Mr. Scott, Mr. Templeman, 550 ; Mr. Lougheed, Mr. Ellis, Mr. Scott, 551 ; Mr. Scott, Mr. Lougheed, Mr. Templeman, Mr. Landry, Sir M. Bowell, Mr. Casgrain (de Lanaudière), 553 ; Mr. Béique, Mr. Macdonald (P.E.I.), Mr. Landry, Mr. Templeman, Mr. Scott, Mr. Power, Mr. Templeman, 553 ; B. rep. from Com., M. Church, 3rd R.*, 554 ; R.A., 936 (c. 49).

(188) An Act respecting the Inspection of Water Meters (Mr. Scott). Int., 750 ; 2nd R.*, 893 ; in Com., rem., Mr. Macdonald (B.C.), Mr. Scott ; M. (Mr. Scott) to amend 2nd cl., rem., Mr. Landry, Mr. Scott, Sir M. Bowell, 918 ; amt. adopted ; B. rep. from Com. (Mr. Choquette) ; 3rd R., rem., Sir M. Bowell, 919 ; R.A., 936 (c. 48).

(190) An Act to amend the Customs Tariff Act, 1897 (Mr. Scott). Int., 854 ; M. 2nd R., rem., Mr. Scott, Mr. Church, M. agreed to ; in Com., on 1st cl., rem., Sir M. Bowell, Mr. Scott, 921 ; Sir M. Bowell ; on 3rd and 4th cl., rem., Sir M. Bowell, Mr. Templeman, Mr. Wood, 922 ; Sir M.

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(192) An Act respecting the powers of the Harbour Commissioners of Montreal (Mr. Templeman). Int., 620 ; M. 2nd R. (Mr. Templeman) 868 ; in Com., rem., Sir M. Bowell, Mr. Templeman, B. rep. from Com. (Mr. Frost) ; 3rd R.*, 869 ; R.A., 936 (c. 23).

(193) An Act to amend the Revised Statutes respecting the salaries of certain public functionaries and other annual charges on the Consolidated Revenue (Mr. Templeman). Int., 517 ; 2nd and 3rd R.*, 554 ; R.A., 936 (c. 20).

(195) An Act respecting roads and road allowances in the provinces of Alberta and Saskatchewan (Mr. Templeman). Int., 715 ; 2nd R., 892 ; 3rd R.*, 893 ; R.A., 936 (c. 38).

(196) An Act in amendment of the Criminal Code, 1892 (Mr. Scott). Int., 715 ; M. 2nd R., Mr. Scott, rem., Mr. McMullen, 879 ; rem., Mr. Baker, Mr. Scott, Mr. Sullivan, Mr. Ellis, Mr. Landry, 880 ; Mr. Béique, Mr. Lougheed, 881 ; Mr. Kerr (Toronto), 882 ; Sir M. Bowell, 883 ; Mr. McHugh, Sir M. Bowell, 884 ; Sir M. Bowell, Mr. Landry, Mr. Scott, Mr. David, 885 ; Mr. Landry, Mr. David, 886 ; Mr. Landry, Mr. Scott, deb. adjd., 887 ; deb. resumed, rem., Mr. Landry, Mr. Scott, Mr. Templeman, 895 ; Mr. Power, Mr. Landry, Mr. Speaker, Sir M. Bowell, Mr. Templeman, Sir M. Bowell, 896 ; Mr. Templeman, Mr. Choquette, Mr. Landry, Mr. Power, Mr. de Boucherville, Sir R. Cartwright, Sir M. Bowell, 897 ; Mr. Speaker; M. that Orders of the Day be read, Mr. Landry, rem., Sir M. Bowell, Mr. Scott, 898 ; M. rejected, 899 ; rem., Mr. Landry, Mr. Church, 899 ; Mr. Landry, 900 ; Sir M. Bowell, Mr. Landry, 901 ; Mr. David, Mr. Landry, 902 ; deb. adjd., 903 ; deb. resumed, rem., Mr. Landry, 905 ; Mr. David, Mr. Scott, Mr. Landry, 909 ; deb. adjd., 912 ; deb. resumed, rem., Mr. Landry, Mr. Scott, Sir M. Bowell, Mr. Béique, 913 ; Mr. Kerr (Toronto), Sir M. Bowell, Mr. Scott, 914 ; Mr. Scott, Mr. Wood, Mr. Edwards, Sir M. Bowell, Mr. Landry, 915; Mr. Edwards, Mr. Choquette, Sir M. Bowell, Mr. Landry, M. for 2nd R., agreed to ; in

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(199) An Act to amend the Act respecting the arbitrations between His Majesty and the Grand Trunk Ry. of Canada (Mr. Scott). Int., 715 ; 2nd R.*, 870 ; in Com., rem., Mr. Scott, 870 ; Mr. Ferguson, Mr. Scott, Sir M. Bowell, Mr. Scott, B. rep. from Com. (Mr. Baker) ; 3rd R.*, 871 ; R.A., 936 (c. 15).

(200) An Act respecting the Superintendent of Insurance and the Director General of Public Health (Mr. Scott). Int., 767 ; 2nd and 3rd R.*, 893 ; R.A., 936 (c. 46).

(201) An Act respecting the salary of the First Minister (Mr. Scott). Int., M. 2nd R. (Mr. Scott), rem., Sir M. Bowell, Mr. Ferguson, 830 ; Sir M. Bowell, 831 ; Mr. Ferguson, M. agreed to ; 3rd R.*, 832; R. A., 936 (c. 12).

(202) An Act to amend the Act respecting the Senate and House of Commons (Mr. Scott). Int., M. 2nd R., (Mr. Scott), rem., Mr. Ferguson, 832 ; Mr. Scott, Sir M. Bowell, Mr. Scott, Mr. Macdonald (B.C.), Mr. Wood, 833 ; Mr. Domville, Mr. Cloran, Mr. Power, Mr. Lougheed, 834 ; Mr. Scott, M. agreed to 835 ; M. (Mr. Scott) to refer to Com. of Whole, rem., Mr. Landry, Mr. Scott, Mr. Poirier, 835 ; Sir M. Bowell, Mr. Davis, Mr. Mitchell, 836 ; in Com., rem., Mr. Macdonald (B.C.), Mr. Scott, Mr. Ellis ; B. rep. from Com. (Mr. Thibaudeau, de la Vallière) ; 3rd R.*, 919 ; R. A., 936 (c. 43).

(203) An Act respecting annuities to certain Privy Councillors (Mr. Scott). Int., 894 ; 2nd and 3rd R.*, 933 ; R.A., 936 (c. 30).

(204) An Act to amend the Act respecting Judges of the Provincial Courts (Mr. Scott). Int., 894 ; M. 2nd R., with rem., Mr. Scott, rem., Mr. Landry, 931 ; Mr. Domville, Sir M. Bowell, 932 ; Mr. Sullivan, Mr. Scott, Sir M. Bowell, M. agreed to ; 3rd R.*, 933 ; R.A., 936 (c. 31).

(205) An Act to amend the Supreme and Exchequer Courts Act (Mr. Scott). Int., 854 ; 2nd R.*, 919 ; in Com., rem., Mr. Macdonald (B.C.). Mr. Sullivan, Sir M. Bowell, 920 ; Mr. Sullivan, Mr. Scott ; B.

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(206) An Act for granting to His Majesty certain sums of money for the public service for the financial years ending respectively 30th June, 1905, and 30th June, 1906 (Mr. Scott). Int., 854; M. 2nd R., with rem., Mr. Scott, rem., Mr. Landry, Sir M. Bowell, 925; Mr. Ross (Halifax), Sir M. Bowell, Mr. McMullen, 926; Sir M. Bowell, 927; M. agreed to; 3rd R.*, 928; R.A., 936 (c. 2).

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