OFFICIAL REPORT

OF THE

DEBATES

OF THE

HOUSE OF COMMONS

OF THE

DOMINION OF CANADA

FIRST SESSION—ELEVENTH PARLIAMENT

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1909

HOUSE OF COMMONS.

FRIDAY, May 7, 1909.

The SPEAKER took the Chair at Eleven o'clock.

REFUNDING FEES ON PRIVATE BILLS.

Mr. J. A. C. ETHIER (Two Mountains) moved 'That the additional charge levied by rule 88, section 3, subsection 3 on Bill (No. 135), from the Senate, for the relief of Hannah Ella Tompkins, and on Bill (No. 157), from the Senate, for the relief of John Dennison Smith, be refunded in accordance with the recommendations contained in the seventh report of the Select Standing Committee on Miscellaneous Private Bills.

Sir WILFRID LAURIER. I would advise my hon. friend not to press this motion to-day as I wish to look into the matter. There may be some objection to it.

Mr. SPROULE. I hope this motion will not be pressed. Under our rules ample notice is given to the world as to the time when these Bills should be introduced in order that the business of parliament may be proceeded with expeditiously. When such Bills are not introduced within the time limit there is a penalty of an additional fee provided, and if we remit the penalty it is better we should have no rule at all. If we once pass such a motion as this we will establish a bad precedent.

Motion allowed to stand.

CANADA SHIPPING ACT—AMENDMENT

Mr. J. W. EDWARDS (Frontenac) moved for leave to introduce Bill (No. 179) to amend the Canada Shipping Act.

Mr. BRODEUR. Explain.

Mr. EDWARDS. The amendment proposed by this Bill has been the subject of negotiations between the government of Ontario and the Dominion government, and of representations on the part of the Dominion Marine Association which represents practically all the vessel owners on the inland waters of Canada. By section 477 of the Canada Shipping Act there is a discrimination against vessels in the province of Ontario which appears to me, and to others who are more directly interested, to be entirely unwarranted and unjustifiable. The section referred to exempts the following vessels from the compulsory payment of pilotage dues:

1. Vessels employed in sailing from port to port in the same province.
2. Employed in trading between any one or more ports of the province of Quebec, New Brunswick, Nova Scotia, Prince Edward Island, and any other or others of them.
3. Employed in voyages between any port or ports of any of the said provinces and the port of New York or any port of the United States of America on the Atlantic north of New York, or employed in voyages between any port in any of the said provinces and any port in Newfoundland.

Previous to June of last year, by subsection 5 exemption was granted to vessels with a draft when loaded not exceeding 16 feet and employed exclusively in voyages between any port or ports on the great lakes or any of the waters connecting those lakes, and any port or ports on the river St. Lawrence or between any ports on the river St. Lawrence. In the last hours of last session this section was repealed at a time when the Ontario vessel owners were urging their claims to have Ontario put on an absolute parity with the other provinces. Why should a vessel sailing from Montreal to Sydney or Halifax or Newfoundland or New York be exempt from compulsory payment of pilotage dues, and the same vessel if beginning her voyage at Owen Sound, or Toronto, or Kingston, or Brockville or any port in Ontario be obliged to pay these dues? Another point which makes this proposed amendment all the more necessary is the working of by-law 25 of the Montreal Pilotage District which reads:

Every vessel liable to compulsory payment of pilot dues and moved into or out of the limits of the harbour of Montreal or from one point to another within the same shall pay such dues for the services of a branch pilot except in the case of vessels which are merely shifting their position at the wharf and attached thereto by their moorings.

Since Ontario vessels are the only ones obliged to pay pilotage dues under section

477 it follows that Ontario vessels alone come under the provisions of by-law 25, and therefore have to pay this additional tax from which the others are exempt. I wish to point out that notwithstanding this extra taxation and evident discrimination, the liability of the master or owner of the Ontario vessel is not lessened in the slightest degree, but on the contrary is emphasized. This is made abundantly clear by section 477 which reads:

Nothing in this part shall exempt any owner or master of any ship from liability for any loss or damage occasioned by his ship to any person or property on the ground either of such ship being in charge of a licensed pilot or of such loss or damage being occasioned by the act or default of a licensed pilot, or on any ground.

This section makes it clear that Ontario vessel owners are discriminated against and put at a disadvantage in the carrying trade. I therefore propose this amendment which by inserting the word 'Ontario' in subsection 2 of section 474 will place the province of Ontario on an equality with the other provinces and will relieve Ontario vessel owners from this unfair discrimination and unjust tax. I might add that I hope the Minister of Marine will take this up as a government measure. There are many interests that want this amendment carried, there is no politics in it at all, and I hope the minister will see his way clear to have the Bill passed even at this late hour of the session.

Mr. CONMEE. I wish to suggest to the hon. member that, as the Bill may not be reached this session, he could move an amendment to the Bill which the minister has on the Order Paper. I think the Bill is in the right direction, because it deals with a little hardship which the vessel owners of Ontario are complaining of, and I would like to see the minister embody its provisions in his Bill.

Mr. BRODEUR. As my hon. friend's Bill will not probably be reached this session, I may be permitted to inform him that an order in council has been passed lately, providing that vessels from Ontario coming through the Lachine rapids and moving into the harbour of Montreal shall not be obliged to pay entrance pilotage dues. This was done in order to meet a serious complaint made by the Dominion Marine Association. The reason why the legislation was passed was to improve the safety of navigation in the St. Lawrence, and it was done at the request of the Shipping Federation.

Mr. R. L. BORDEN. Is there power reserved in the statute to abrogate the regulations of the order in council.

Mr. BRODEUR. No. The dues were imposed by order in council. They are not embodied in the legislation itself.

Mr. EDWARDS.

Mr. CONMEE. Suppose a vessel passes through the Lachine canal, and not through the rapids, must its owner employ one of these pilots?

Mr. BRODEUR. The complaint was only in regard to the Lachine rapids.

Motion agreed to, and Bill read the first time.

YUKON ORDINANCES.

Mr. OLIVER moved that the House go into committee to consider the following proposed resolution:

Resolved, that the ordinances of the 9th day of March, 1908, intituled: 'An ordinance respecting the hearing and decision of disputes in relation to mining lands in the Yukon Territory,' and the ordinance of the 17th day of September, last, intituled: 'An ordinance respecting the imposition of a tax upon ale, porter, beer and lager beer, imported into the Yukon Teritory,' which were passed upon their respective dates by the Governor in Council, under the authority of section 16 of the Yukon Act, being chapter 63, R.S.C., 1906, copies of which ordinances, as well as the necessary order in council in each case, have been laid before this House, are approvd by this House, in accordance with the provisions of section 17 of said chapter 63.

Mr. R. L. BORDEN. I think it would be well for the minister to read the ordinances so that we may see them in 'Hansard,' and then let this resolution stand in order that we may consider them, as I do not understand that they have been printed.

Mr. OLIVER. They have been laid on the table of the House in accordance with the requirements of section 17 of the Yukon Act, but I do not think they have been distributed. The order in council of the 9th of March, 1908, is as follows:

The Governor General, in virtue of the powers vested in him by section 16 of the Yukon Act, chapter 63, Revised Statutes of Canada, 1906, and by and with the advice of the King's Privy Council for Canada, is pleased to enact as follows:—

The provisions contained in the order of the Governor General in Council of the 19th of February, 1907, whereby the Orders of the Governor General in Council of the 18th of March, 1901, and the 4th of June, 1902, being orders governing the hearing and decision of disputes in relation to mining lands in the Yukon Territory, were rescinded and certain other regulations substituted in lieu thereof, and in the order of the Governor General in Council of the 13th of July, 1907, whereby it was ordered that all unfinished cases pending in the Gold Commissioner's Court be transferred for adjudication to the territorial court, are hereby approved, ratified and confirmed.

The order in council of the 17th of September, 1908, is as follows:

Whereas by an ordinance of His Excellency the Governor General in Council, dated the

22nd day of June, 1904, being an ordinance respecting the importation into the Yukon territory, of malt and spirituous or intoxicating liquors or other intoxicants and the traffic therein, provision was made that ale, porter, beer and lager beer shall after the coming into force of that ordinance, be admitted free into the territory; and

Whereas on the 30th of July, 1908, the Commisioner in Council of the Yukon Territory expressed by resolution the opinion that it would be a wise and just policy to impose a fee of fifty cents per gallon on all porter, beer and ales, which may in the future be imported into the territory, but that such tax should only apply to foreign products and not to Canadian or British products;

Therefore His Excellency the Governor in Council, in virtue of the provisions of section 16, chapter 63, Revised Statutes of Canada, 1906, enacts as follows:—

That the ordinance of the 22nd June, 1904, respecting the importation into the Yukon Territory of malt and spirituous or intoxicating liquors or other intoxicants and traffic therein, shall be and the same is hereby amended by providing that on and after the 1st day of November, 1908, a tax of fifty cents a gallon be imposed upon all ale, porter, beer or lager beer imported into the Yukon Territory from any foreign country.

Mr. SPROULE. As that imposes a tax on imported liquors, should not that be done by a custom law rather than by the ordinance passed by the Yukon Council?

Mr. OLIVER. It is a special tax for the benefit of the local revenue of the Yukon Territory over and above the customs tax.

Mr. SPROULE. Would the province of Ontario have a right to impose a tax on imported foreign liquors in addition to the custom tax now levied, and have that ratified here?

Mr. OLIVER. That is a matter for consideration. The government passed this ordinance in the belief that it was a proper ordinance, and that, being in accordance with the wishes of the Council of the Yukon Territory it was sound public policy to do it. It may be a matter for argument whether it is a correct principle or not, either in law or in policy.

Mr. CONGDON. I desire to say a word merely in anticipation of what I think the Governor in Council will be asked to do a little later. The Governor in Council was asked by the Commissioner in Council of the Yukon Territory to pass the ordinance imposing a tax upon imported ale and beer; but it is one of the most unpopular measures in the Yukon, for the reason that it is felt that if men are going to indulge in intoxicating liquors, it is better that they should be permitted to indulge in the lighter liquors, and not compelled to pay increased prices for them, and I have no doubt that the Governor in Council will soon be asked by the Yukon Council to repeal the ordinance.

Mr. FOSTER. The point raised by the hon. member for East Grey (Mr. Sproule) seems to be a good point. The province of Ontario certainly has greater rights prima facie than a smaller division of the country like the Yukon Territory. It is an older and larger province and is more settled in its constitutional privileges and usages. Suppose the Ontario government were to introduce legislation or to pass by order in council a resolution imposing on all imported liquors which came to the border of the province a tax over and above what the Dominion customs tariff imposed upon them, I think it would cause a good deal of surprise and a good deal of question. This seems to be entering upon a course which might lead to any kind of customs imposition by any province of the Dominion, which would be absolutely opposed to that uniformity which the trade of the Dominion requires.

Sir WILFRID LAURIER. There is great force in the point raised by my hon. friend from East Grey, not, however, I think, for the reasons given by my hon. friend from North Toronto. The province of Ontario has no power to legislate at all in fiscal matters. The council of the Yukon territory is not a sovereign body, as the legislature of Ontario is within its own sphere; but that sphere does not include fiscal matters. The Yukon Council cannot legislate; it can only make suggestions. It has suggested that a tax should be imposed on certain beverages. The parliament of Canada alone can deal with that, and it may be that we cannot deal with it in the way suggested. I do not know that it can be dealt with in any other manner than by a tax Bill. I think the point is worthy of consideration.

Mr. R. L. BORDEN. It depends altogether on the terms of the statute under which the ordinance is made. It is entirely different, I think, in the case of a province. This has been done not by the Yukon council, but by the Governor in Council under the provisions of a statute of Canada. The provisions of that statute are very wide, and I am not at all sure, speaking from memory, that they would not embrace this ordinance. That depends absolutely on the terms of the statute. The question of policy which has been spoken of by the member for the Yukon (Mr. Congdon) is of course an entirely distinct question. As we have not the terms of the statute before us, and as the subject will require some discussion, I would suggest that the Minister of the Interior allow the matter to stand for the present,

and later on we can take it up in committee and discuss it.

Mr. OLIVER. As to the point raised by my hon. friend from East Grey, there is a special tax levied to-day, and it has been in existence ever since the organization of the Yukon Territory, upon spirituous liquors, I think $2 per gallon, for the benefit of the local revenue.

Mr. FOSTER. Is that on the sale of certain liquors?

Mr. OLIVER. No, on the importation. This proposal is simply to put beer on the same basis as spirituous liquors, except as to the amount of the tax levied. It is a tax levied for local revenue purposes, not by the local council, but by the parliament of Canada. Parliament being the paramount authority, we are asking it to take the action necessary to make the previous action of the Governor in Council effective. I move that the House go into committee on this resolution on Monday next.

Motion agreed to.

THE CIVIL SERVICE ACT.

Mr. FOSTER. Before the orders of the day are called, I would like to ask the Minister of Agriculture when he proposes to bring on his Civil Service resolution and the Bill to be founded thereon. I am a little anxious to have the minister say when, because the resolution has stood now for about two months, and it is being very sedulously circulated about the departments, whether by design or not I do not know, that the government do not care to bring it in because if they do Mr. Foster will block it; and I am receiving letters and requests from all sources asking me for heaven's sake not to block the Bill. Well, I never had any idea of blocking it. If any one has been blocking it, it has been the Minister of Agriculture, who for two months has had the way clear for it.

Sir WILFRID LAURIER. My hon. friend seems to be very careful of his reputation.

Mr. FOSTER. My reputation is all right. But there are some methods of political warfare that are not the finest in the world and this is one of them.

Mr. FISHER. If the hon. member for North Toronto were suffering the pains that I have been, he would have some reason for complaint.

Mr. FOSTER. I do not care how many pains you suffer.

Mr. FISHER. The matter stood over also in consequence of some objections the hon. member took to the form of the Bill—in which I concurred; as it requires a schedule of the classifications of the departments. The classifications of the departments have been ready for a long time; but the classifications of the Senate and the House of Commons are not yet ready, and until they are I cannot proceed with the Bill. I am waiting until they are completed.

Mr. FOSTER. Now we know where the difficulty is.

GOVERNMENT HARBOURS AND PIERS.

House again in committee on Bill (No. 89) to amend the Government Harbour and Piers Act.—Mr. Brodeur.

On section 1, lease of wharf and breakwaters.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). Some objection was raised to the first part of this section. The section is divided into two parts. The first part provides for the leasing of wharfs to any provincial government, municipal council, harbour commission, shipping company, railway company or other person. The second part deals with the rentals. From what I have seen of the discussion that took place, I do not know of any objection raised to this part of the measure. But there was objection to the first part. It is objected that no limit of time is fixed for these leases. I intend to meet this objection by an amendment providing that the leases shall be for terms not exceeding three years. It was objected also that there might be an injustice to other companies than the leasing company who desire to use the wharf. I may explain that the intention of the department is not to lease wharfs in cases where several shipping companies use the same wharf. But, where there is only one company mainly interested in the maintenance of the wharf, we provide for the leasing of the wharf to that company. In that way, a great deal of expenditure will be avoided, because lessee will make the necessary repairs. But to meet any objection I intend to propose that no lease shall be given until tenders have been publicly called for. There will be assurance in this that no undue advantage will be taken. Another objection raised was as to possible injustice to private parties using the wharf—that undue charges will be made. I intend to propose an amendment that the lessee shall charge the same rates as are provide for in the general order in council. We have regulations for the management of breakwaters, levees and wharfs provided under orders in council passed in 1889, 1892 and 1908, and the tolls on these

leased wharfs will be the same as under these general regulations. Fear was expressed also that the lessee would take advantage of private parties by preventing others having access to the wharf. There may be something in that objection, but I thought it could be met by ordering that the lessee shall not have the right to interfere with the public use of the wharf by any other company. In such cases, the wharfinger will have charge, and will decide how the wharf is to be used. On a previous occasion I explained the general object I have in view. The object is, where a wharf is used by only one company, to lease the wharf and force the company to take charge and make the ordinary repairs, thus relieving the government of a very great expense. For, of course, in many cases, we cannot make these repairs except at heavy cost, while those who lease and use the wharf might be able to keep the work in good repair at comparatively little expense. In the second section of the Bill, provision is made for the regulation of rates. I mentioned on a former occasion the difficulties we find in collecting these wharfage rates. The charges are very small. On referring to the regulations I find that the charges include, for instance, one cent per barrel for apples, two cents for 100 pounds of bacon, and so on. The wharfinger experiences great difficulty in collecting these rates. But by commuting the rates with the company by a lease under which they would give us a certain amount of money for the use of the wharf, we shall get a revenue while avoiding the heavy aggregate expense of these minor repairs.

Mr. SPROULE. The lessee, I presume, would charge the public the same rates that are laid down in the regulations?

Mr. BRODEUR. Yes. But the wharfage will be charged in the transportation rates. As it is to-day, the company charges a certain amount for transportation, and the wharfinger is supposed to collect the government fees for wharfage. It can readily be understood that it was very difficult to collect these small sums of five, or ten or fifteen cents, and therefore I think the method proposed under this Bill will be a great advantage.

Mr. SPROULE. The wharfinger will be nominated by the government?

Mr. BRODEUR. Yes.

Mr. FOSTER. Who will pay the wharfinger after you have leased the wharf?

Mr. BRODEUR. He is generally paid 25 per cent of the revenues of the wharf. We can pay him 25 per cent of the amount agreed upon with the lessee.

Mr. FOSTER. I am afraid the policy outlined is liable to great difficulty in the carrying out. The minister is going to avoid giving the lease at too cheap a rate by putting the lease up to competition. But, according to another part of his remarks he will not lease where there is more than one company using the wharf. If there is only one company, there will be only one tenderer and a public call for tenders, while nominally a protection, will be, in reality, of no advantage. I understand that it is not the policy to make any lease or arrangement where more than one company use the same wharf. But should a lease be granted under such conditions, I can understand that there would be constant cause for grievance. Suppose you have a wharf at which half a dozen companies are doing business; each of these concerns is quite willing to do business with the government, because the government is not a competitor with any of them and all are treated alike under the regulations. But will they find it equally pleasant to do business on a wharf where one company, and that a competitor, holds a lease, and, to a large extent has charge? I do not see that it is going to work out well. The principle of a public wharf is that it should be for the benefit of the public; and if you are going to make an arrangement by which one company or one set of persons have charge of a wharf and its revenues and everything else is to go to them, it is impossible to do that without producing a great deal of trouble and dissatisfaction. The minister urges that he does this because the wharfs can be kept in repair by these shipping companies at a much cheaper rate than the government can do it. That is an admission which the government ought to be in a position to minimize very much. If the government carries out this business on a business method, it ought to be able to repair wharfs nearly as cheaply as a company could. Then again there ought not to be any wharf built by the government that is not a public wharf where the people surrounding it have a right to go and come. You are putting them all under tutelage and supervision, and, to a certain extent, within the power of some one who owns the wharf by lease, or who rents it, and is the boss of it, with only the government wharfinger, who is to be a sort of referee, I suppose. The wharfinger would be a local man getting very little pay, who cannot be expected to be there and settle all grievances as they come up, to be on hand all the time, unless you pay him a pretty good salary. So you really have the company that rents it doing business with the people instead of having the people doing business with the government. I am

afraid that in the end the minister will find that financially it will not be of much benefit, and that on the ground of trouble in its operation, it will be subject to disadvantages and cause grievances, and I believe in the end will cause a reversal of the policy.

Mr. BRODEUR. I appreciate that there will be some difficulty in putting this project into execution. But my hon. friend who has been a Minister of Marine and Fisheries himself knows the difficulties of the present situation, he knows how difficult it is to collect wharfage rates on these wharfs. After having given a good deal of consideration to the matter I thought we might adopt these two plans I am proposing here. Perhaps they will not be successful, but I think they are worth trying, because the situation which exists to-day is an extremely difficult one. When we appoint as wharfinger a man in the locality, and every person who receives goods at that wharf is called upon to pay a small sum of money, 5 cents, 10 cents and so on, the wharfinger finds it almost impossible to carry out his instructions. I may say that in some cases we have not been able to get a wharfinger. In some cases where a wharfinger has resigned, we cannot get anybody to take his place. In some cases they have accepted the position, and after a little experience in collecting those small sums, and after having trouble with almost every one in the locality who uses the wharf, they have become disgusted and have resigned. The result is that to-day we have no wharfinger on some of the wharfs to collect the wharfage rates. Consequently some legislation has become necessary in order to meet the situation. I thought at one time of providing for a commutation of rates, that is, making some agreement with these shipping companies by which we would charge them a certain sum of money for side wharfage and top wharfage. I may say that we have done so already, although it may not have been strictly legal, with the Richelieu and Ontario Navigation Company in respect of three wharfs in the lower part of the St. Lawrence. We are now collecting on those three wharfs more than we are collecting in 25 or 30 other wharfs in the neighbourhood of the St. Lawrence, perhaps not quite so much. The result has been very satisfactory. The Richelieu and Ontario Navigation Company pays $1,000 for these three wharfs. And we have no trouble with them—they are the only company who uses the wharfs—without any trouble to our officers, without any trouble to the wharfinger there, we receive a check. Out of that check we pay 25 per cent to the wharfinger, and 25 per cent also on cargoes that are delivered there for some other companies. The plan works very satisfactorily, and we wish to take power to extend that plan and make similar arrangements with other shipping companies, My hon. friend comments on our decision to call for public tenders. Our intention was at one time to lease the wharfs only in places where there would be one company using them. The reason I ask for public tenders is that I do not wish the public to be taken by surprise, I want the public to know what we intend to do; and this notice will be given, not only to the shipping companies, but also to the general public. This provision is not in the Bill at present, but I intend to move an amendment in the following words:

Substitute for subsection 1 of section 1 the following:—

1b. If the minister deems it desirable to lease to any provincial government, municipal council, harbour commission, shipping company, or railway company, any wharf, pier or breakwater under the control of the minister, tenders by public advertisement for such lease shall be invited by the minister for a term not exceeding three years, and the Governor in Council may thereupon lease such wharf, pier or breakwater upon such terms and conditions as are agreed on: provided that nothing in this section shall interfere with the public use of the wharf, pier or breakwater; and, provided further, that the lease of such wharf, pier or breakwater shall not charge wharfage tolls or dues in excess of the tolls and dues established under the authority of this Act by the regulations for the government of breakwaters, piers or wharfs in Canada, as approved from time to time by the Governor in Council.

We think that with the section amended in this way, we shall be able to get some revenue out of these wharfs which we do not get to-day. It will give us an opportunity also of preventing large expenditures being made in repairs. My hon. friend says that the government should be able to make repairs as well as the shiping company. My hon. friend knows that when repairs of that kind are required we need to send an engineer to visit the works and report and all that causes expense. I admit that the wharfs will have to be inspected, but if the company is obliged to keep the wharf in ordinary repair the inspector will not have to visit so frequently.

Mr. FOSTER. Suppose when you lease one of these wharfs there is only one shipping company plying to it, but later on another company enters into business, then the lessee may say that the new company has no privileges there. The individual or company that goes into trade along a river or lake has naturally a right to look to the government wharf as being free to him as to every other person, but if you lease

that wharf it becomes to a certain extent a monopoly to the company in possession. The minister saw that he should omit the word 'person,' because in that case a wharf could be leased to a person who would simply farm out the taxes on every person who used that wharf, but the same principle exists even if you put it the other way. The present position is very bad and it might be made a good deal better if the department would put its foot down and make it understood that it was not doing things by favour, but that those wharfs cost public money and are a public privilege which the public should pay its small share for the enjoyment of. It that rule were lived up to the people would get used to it and they would not be pulling the coat tails of the member to get the wharfage dues removed or lessened. The existing system has arisen from our bad methods of administration and I do not say it is any worse under the present minister than it was before. Of course we are in a more difficult position now because we have built a great many of these wharfs where they never should have been built and that has multiplied the expense. The minister has, no doubt, thought over the matter more than I have, but it seems to me it is pretty full of difficulties. Unless the minister is sure of his ground and has taken good advice, he might let the Bill stand over for consideration, although if the minister thinks otherwise I do not press that view. Has the minister thought whether or not it is possible to make the carrier pay these dues upon the goods that he sends out from the wharf or brings in to the wharf, so that the department will not be compelled to try and collect dues on 100 or 200 little parcels.

Mr. BRODEUR. Yes, the second section of the Bill provides for commutation in that respect.

Mr. FOSTER. Does it provide that the payment of these dues shall be made by the shipping company, and not by the consignor or consignee?

Mr. BRODEUR. Yes.

Mr. FOSTER. That seems reasonable.

Mr. MARSHALL. I think the wharfage dues are always included in the transportation rate.

Mr. BRODEUR. No, at present the wharfinger has to collect these small fees on each parcel.

Mr. PARDEE. The member for North Toronto has pointed out that the original lessee of a wharf might obtain a monopoly if others entered into business after he obtained his lease and wanted accommodation at the wharf. I understand there is a provision in the Bill, or if not there ought to be, that every company should have the right to use the wharf so that no monopoly may be created. Of course there might be one portion of the wharf more favourable than another for mooring, but every one should have the right to use it under regulations to be fixed by the department.

Mr. SPROULE. Under the present system if I ship a consignment of plums, for example, from one of the harbours on the Georgian bay to Chicago, the shipper pays the wharfage dues, and if a merchant in Meaford receives a consignment of goods he pays the dues for the use of that wharf. It is the shipper who pays now whether he be a private individual or a company. The danger I see is that under the proposal of the minister he says to the lessee: 'Give me a certain sum as a commutation, and you can ship all the goods over that wharf that you like.' The shipper who enjoys that commutation is in competition with other shippers in the same business, and his lease puts him in the same position that the Standard Oil Company occupies in relation to other oil companies, because by having this commuted rate he may send out as large a quantity of goods as he likes over the wharf while every other shipper will have to pay the ordinary rate established by the government. I would suggest to the minister the desirability of providing that there shall be no discrimination in favour of one as against another, as is done in the case of the transportation of goods by railway.

Mr. FOSTER. Would not this be perfectly fair? As it is to-day, there is, we will say, a large shipper and a small shipper of apples and there is a stipulated wharf toll on every barrel.

Mr. BRODEUR. One cent per barrel.

Mr. FOSTER. The man who is shipping 1,000 barrels pays 1,000 cents, and the man who is shipping 10 barrels pays 10 cents to the wharfinger, and they are on a footing of equality. My proposition was that instead of the man who ships 1,000 barrels and the man who ships the 10 barrels paying the amount they at present pay, that very sum should be collected from the shipping company. Then there would be no discrimination, and the government would look to the company for the payment of the dues.

Mr. BRODEUR. The difficulty would be to keep track of the quantity shipped. The harbour masters are paid very trifling compensation and they could not be expected to be on the wharf all the time.

Mr. FOSTER. Does not each of these shippers make out a weigh bill for the freight in and out?

Mr. BRODEUR. We would require some one to supervise that. I thought the better way would be to ascertain the quantity of business done by the shipping com-

pany at the wharf and then stipulate a definite sum calculated on the amount of business transacted. That will cause us less trouble and we would certainly get some revenue under it which we do not get now. It has been suggested that these wharfs should be free, but for my part I think we should have some revenue from them. If the provisions in this Bill do not work out satisfactorily we may have to come back for new legislation. At all events it is absolutely impossible to carry out the law as it is at present and it is one of the things which has bothered me since I became minister. Efficient officers have considered this matter, and this legislation is the result of their experience and judgment.

Mr. MARSHALL. I am not yet clear as to this matter. If I ship canned goods, lake and rail, to Winnipeg and they go by way of Sarnia, who pays the wharfage on these goods?

Mr. BRODEUR. The shipper when he does pay it, but that does not often occur.

Mr. MARSHALL. We export a large quantity of goods, and I have always understood that where goods were shipped, lake and rail, the wharfage charges are included in the freight.

Mr. BRODEUR. The wharfage rates have always been paid by the individual importer or exporter.

Mr. CROSBY. As I understand it the government is trying to better control these wharfs and to get some revenue from them. It is said that while the government is going to lease the wharfs they are stil going to retain the wharfinger, and it does not seem to me that that would be necessary. If your wharfinger is not of any use under the present conditions why should you retain him? As to the wharfage rate you could have a top wharfage rate and a side wharfage rate, not controlled by the Governor in Council, but if there is any board of trade in the locality it should be controlled by that board of trade, or by the nearest board of trade to the particular wharf. You could provide that the wharfage should not be more than the maximum for top wharfage and side wharfage. Of course it is absolutely essential that these wharfs should always be for the use of the general public and should not in any possible way be exclusively for the use of the lessee. If the lessee of a wharf, having obtained the privilege should increase his business and should ship a greater quantity of goods over that wharf, so long as he pays the specific rate I do not think that would be any disadvantage to the government or to the locality. Possibly the merchant who is a neighbour of the lessee might be at a disadvantage, but at the end of three years he would have an opportunity of tendering in competition. It might be well to make the lease shorter than three years.

Mr. BRODEUR. My policy for the present would be to lease only in cases where there is no competition.

Mr. CROSBY. In any case where competition might be found to be keen the term of the lease should be made shorter. Now, as to repairing the wharfs, I cannot understand how you can ask the lessee of a wharf to keep it in repair. Your inspector might visit that wharf and he might report that certain repairs were necessary, but the lessee might not be of that opinion, and difficulty would then arise. I think the only proper way is for the government to let it be understood when tenders are asked for that the wharf would be kept in good condition by them. In some localities in the maritime provinces the teredo worm is harder on wharfs than in other localities, and it would be difficult for the lessee to estimate how much he would have to expend in repairs. Again, if we gave the lease for a long term the wharf might come back on our hands in very bad condition. It seems to me that it would be safer for the government and fairer to the community, that the government should keep the wharfs in proper condition. Then the government would be sure, when their engineer said that certain things were necessary to be done, that they would be done. With regard to the rates, there should be a maximum limit fixed by the government; otherwise the lessee might charge a rate which would be unfair. The rate might be governed by the nearest board of trade in the locality where the wharf is situated. Just as the duty on a suit of clothes is included in the price of the clothes, so the wharfage rates are always included in the freight charges of the railway or the steamship line that uses the wharf. If the government had a wharfinger, it could not have much of a check on the lessee; and as the wharfage dues would be payable to the government, I do not think they would be any more likely to be paid than they are now.

Mr. BRODEUR. I cannot agree with my hon. friend that the services of a wharfinger would not be required where there is a lease. It might be that some people other than the shipping company or the railway company would require to use the wharf, and there should be somebody there to collect the wharfage.

Mr. FOSTER. Do I understand the minister to say that after he enters into a contract to lease a wharf to one person,

another person can come and use that wharf without paying anything to the lessee?

Mr. BRODEUR. He will pay to the wharfinger of the government.

Mr. FOSTER. That is, the minister is going to lease the wharf, but is not going to give the privileges of it to the lessee. I supposed that the idea was to lease the wharf, provided that everybody who used it should pay a certain maximum rate which the lessee would collect.

Mr. BRODEUR. That is not the intention in all cases. In some cases we might provide that the lessee would have the exclusive use of the wharf and collect all the tolls, in which case we would not require a wharfinger. But I think it is good policy to have someone to look after the property of the government.

Mr. FOSTER. Yes, it gives you one more vote.

Mr. BRODEUR. I had not thought of that.

Mr. CROSBY. I cannot agree with that idea. That would be selling a privilege to a man who was going to ship over that wharf, it would not be leasing the wharf to him. If you are going to lease a wharf, lease it for so much money, restricting the lessee to a maximum rate and letting him make all he can out of it. You propose to sell to the man who is going to carry goods to and from that wharf the privilege of using it, and you are also going to pay a wharfinger. How much better able will you be to collect the rates under that condition than you are under the present condition? I think it would be better to lease the wharf to one person for a certain specified sum, and let him make all he can out of it, provided he could not charge more than a reasonable rate governed by the nearest board of trade in the locality where the wharf is situated. That seems to me to be the only way in which you can lease a wharf. If you did that, you would have to give to any carrier the same right and privilege that you granted to any other.

Mr. J. D. TAYLOR. I would like to ask the minister whether it is intended to make a scale of tolls applicable to all government wharfs throughout the Dominion, or whether there will be some free wharfs and some others on which tolls will be exacted?

Mr. BRODEUR. The policy of the government is to be applied to all the wharfs. I was simply explaining that in some cases it has been impossible, so far, to collect anything, and we expect by this change of policy to collect something.

Mr. J. D. TAYLOR. Then, there will be absolutely no exception? The reason I mention this is because in the riding of New Westminster during the last five years there have been built, for the first time in the history of our union with Canada, a number of government wharfs. Previous to that time we were under the necessity of contributing our proportion of the cost of building wharfs and maintaining them in other parts of the Dominion, and these were free to the users. No sooner were our wharfs constructed, however, than application was made to municipal councils in the riding to take them over and maintain them. The councils objected to that proposition on the ground that their people were being taxed for the maintenance of wharfs all over Canada. To my mind there is no more objection to the users of those wharfs helping to pay for their maintenance and support than there is to helping to pay for railways, canals, or other public services, provided that there is no discrimination between one part of the Dominion and another. But in New Westminster district there will be great objection to paying wharfage tolls to lessees, if we are to continue to pay for and keep up other wharfs over which the traffic is free. If a scale of tolls is established, that scale should be uniform all over the Dominion. There should not be one scale of tolls east of the Rocky Mountains and another and higher scale west of the Rocky Mountains, such as the government has sanctioned in the matter of railway rates, on the ground that we have more money and are better able to pay. We do not regard that argument as just or fair; in fact, we have a solemn agreement with the Dominion of Canada that we shall be as well treated as the people of other provinces, and I think we should enter a protest against any proposition that would cause us to pay higher tolls for the use of our wharfs than is paid for the use of the government wharfs anywhere else in Canada.

Mr. BRODEUR. I am surprised at the statements the hon. gentleman has made. There is nothing in the law or regulations making a difference between the rates on one side of the Rocky Mountains and those on the other side. The rates are the same all over the country. They have always been uniform, and they will be kept uniform.

Mr. J. D. TAYLOR. If the minister will permit me to interrupt him, that is not the statement I made. What I said was that in other matters there had been this discrimination—in the matter of railway tolls, for instance. We would object to pay on any higher scale than applied in other provinces.

Mr. GEO. TAYLOR I suggest that this Bill might stand over till next year until the minister takes charge of all the goernment wharfs in the country. I understand that some of them are now under the Department of Public Works and that we collect no tolls on them, and some of them are under the Department of Marine and Fisheries. I think the minister should have some official to visit all the wharfs in the country, take stock of them, and bring in a report, and then adopt a comprehensive business plan of dealing with all the wharfs, with a uniform scale of charges.

Mr. BRODEUR. I want to get this legislation passed in order to have all the wharfs now under the Department of Public Works transferred to my department, and then we shall be in a position to carry out the suggestion of my hon. friend. I am beginning with this legislation, which I think will prove to be somewhat successful. My hopes may not be realized, but as soon as it is passed, the intention of the Minister of Public Works is to transfer to my department all the wharfs which are under the control of his department, and then we will try to put in execution the policy now adopted. But if we have the wharfs transferred without having this legislation, the situation will not be very much improved.

Mr. GEO. TAYLOR. This legislation will not transfer the wharfs. I think we should have a report from some officer showing what wharfs the country owns. Then we can form some estimate of what the revenue will be. For instance, who owns the wharf at Hull, and what revenue is derived from it? Is it under the Department of Public Works or under the Marine Department?

Mr. FOSTER. It ought to belong to the Department of Militia, according to the definition of the hon. member for Nanaimo (Mr. Ralph Smith), because it is one of the frills.

Mr. BRODEUR. I have a list of the wharfs from which we have collected some revenue, and I do not see it mentioned among them. I cannot say whether it has been transferred to my department or not.

Mr. GEO. TAYLOR. That is what we ought to know. Here is a wharf costing $100,000 or more, right under the minister's eyes, and he does not know whether it belongs to his department or to the Department of Public Works, nor does he know what revenue it yields—or, rather, according to him, no revenue is received. I understand that there is a wharf at Canning, N.S. Which department does it belong to, and what is the revenue?

Mr. BRODEUR. I do not see the Canning wharf among those from which revenue was drawn last year. I suppose it has not been transferred.

Mr. GEO. TAYLOR. That shows the necessity of doing business on business principles. Would any man, owning a lot of wharfs all over the country, go on without an inventory of the property and a statement of what it was bringing in? Before the minister asks for legislation, he should have the wharfs transferred to his department, then have a proper inventory made of the properties, what each cost, what revenue it is yielding and what revenue ought to be got from it. Then he can ask for legislation to authorize him either to lease to a company or to manage the property under uniform charges.

Mr. BRADBURY. When this matter was before the House on a former occasion, I called attention to the fact that we had a large dock at Selkirk which must have cost a lot of money. I think it is under control of the Public Works Department. But, in effect, it is controlled by one or two lumber companies, and is at times so blocked that it is of no use to anybody else. I ask the minister whether, if this legislation was passed, this wharf would be affected. I presume that it would be, and that it will be managed in a different way from what it is to-day. Though there has been so large an expenditure of public money on this dock, it is used at the present time exclusively, or to a very great extent in the interests of one large company. There are times when, from end to end, it is piled with lumber, and a man cannot walk along it in safety. There is a wharfinger I know, and I understand that he gets $300 a year, but I cannot find anything in the public documents to indicate that he is paid by the government. I sincerely hope that this block or wharf will be kept clear of an obstruction and that it will be managed in the interest of the public and not in the interest of any one or two companies.

Mr. BRODEUR. I have no particular information with regard to that wharf. It is probably one of those in which there has been—I admit it—no very rigid administration. The Bill I am now proposing is for the purpose of introducing a more active administration of these properties. I have asked the Minister of Public Works, and he is agreed, that all the wharfs under control of the Public Works Department shall be transferred to the Marine and Fisheries. Then we will proceed to lease them and commute the rates, or, in other cases, collect the wharfage direct, especially where several companies use the same wharf. In the case mentioned by my hon. friend (Mr. Bradbury), tenders will probably be asked for the leasing of the wharf. But, if there

are several companies using the wharf, I will not advise that course in such cases.

Mr. LOGGIE. Is it intended that the carrier should add the wharfage toll to his freight charge? For instance, a carrier takes a barrel of flour from a city and carries it up the river, say, fifty miles. Will the waybill show 25 cents for freight, and one cent or two cents for wharfage, thus using the carrying company as a means of collecting the wharfage instead of leaving it to be collected by the wharfinger? I realize what the minister has said as to the difficulty of getting the wharfinger to attend all the time for the small commission he gets, and I sympathize with the minister in seeking to overcome that difficulty. But, inasmuch as these wharfs are built in the interest of the public at large, there does seem to be a feeling on the part of the public that the use of a wharf by an individual to receive a small parcel from a common carrier should not be the occasion for making a charge. It is well to bear in mind, also, that we have expended a very large amount on the canals of this country, and these canals are free for the public. It seems to me we go a little far in undertaking this means of collecting the wharfage. At any rate, if the common carrier will pay a side wharfage for laying his boat at that wharf, that would be a much more reasonable way to collect revenues from the wharf than if the farmer or small mehchant in a country place has to pay a top wharfage for the delivery of a barrel of apples or a small box of hardware. If the minister will assure us that he will charge the transportation company a nominal but reasonable amount, based, I should say, on their turnover or earnings—say one or two per cent—I think that will be reasonable enough. But this should be taken out of the earnings of the carrier rather than out of the people to whom the freight is deliver ed. I would not like to have it said that we would not let a barrel of flour be delivered without paying tribute of a cent or two to the government. At the same time, I think it quite reasonable that the carrier pay for the privilege of laying his boat beside the wharf and delivering freight to the consignee. But I venture to suggest to the minister not to collect wharfage from the individual who receives freight, in the country districts at any rate. It is a different thing when you come to a city where millions of feet of lumber go over a wharf. It is a reasonable proposition to charge for it there.

But when you come to these outlying wharfs in small places, I think the better way would be to treat the matter as side wharfage. Then there is another reason. Suppose a regular carrier charges a small wharfage, how is the small wharfage to be charged on the man who receives his goods by a special commerical schooner? Suppose a schooner lands at a wharf and puts out a box of hardware or a barrel of apples and goes away, who collects that wharfage? There is no contract made with the carrier in that case. Thus you are discriminating in favour of the man who places his goods on the wharf, not by a regular carrier, but by a special carrier, on a special occasion as it were. You see therefore that the carrier collects wharfage on his contract; you contract with him for the use of the wharf for $25, and you allow him to collect fees from the receiver of the goods who deposits them there while the other man who gets his goods by schooner and has no lease from the government, gets his goods free—unless you make the corporation or carrier that has the lease, the wharfinger and give him the right to collect all wharfage. Unless you make him the wharfinger, you are discriminating in favour of those who receive goods per schooner. My idea would be to make the carrier pay the side wharfage and let the public at large receive the goods wharfage free especially in the country districts; it may be difficult in large cities. In Campbellton, for example, you have a wharf over which millions of feet of lumber pass, with a revenue of several thousand dollars a year. That is another case.

Mr. MARSHALL. Where goods are shipped by water does not the receiver settle for the freight before he receives his goods?

Mr. LOGGIE. Yes, he does.

Mr. MARSHALL. The wharfage is included, so there would be no hardship.

Mr. LOGGIE. There would be a hardship in this way. If you add so much for wharfage, if the corporation or steamboat company, for example, says: We have no objection to give $25 for the use of the wharf per year, we use the wharf, but we are not going to charge our customers who receive goods any more than if we did not pay the $25.

Mr. MARSHALL. Why do we ship by water? Is it not because we get better rates?

Mr. LOGGIE. No, it is because we have no other means of communication. I have in mind districts where there is no rail communication, and more than that, where the trade is hardly sufficient to keep up a steamboat service, and in this way you are adding to the burdens on this wharf of those who receive the goods, or of the carrier, as the case may be; unless you make it a naminal figure. If you make a nominal charge for side wharfage, and do not go to the receiver for toll, that is another ques-

tion. I think if there is to be a charge, let it be a charge for side wharfage, something that will help keep the wharf in repair.

Mr. PUGSLEY That is the object of the Bill.

Mr. LOGGIE. Then it meets with my concurrence. But I do not think it is fair to collect wharfage from the goods that are carried by a regular transportation company, and allow some other company, who has a schooner for example, to land goods free of wharfage. If you cannot collect wharfage now by a wharfinger then it would be impossible to collect it in the case of a schooner landing a small parcel.

Mr. CROSBY. Would it not be better to lease the wharf with all the rights to one man.

Mr. LOGGIE. It is not practicable to do the thing in any other way. But I think there would be this objection: There would be a feeling on the part of the public that some people were getting the use of the wharf free, whereas this company would come in and say to their neighbour who happens to get goods by a schooner competing with a steamboat company: 'Well, you must pay wharfage to us.'

Mr. CROSBY. You would have to pay that wharfage any way. Suppose you leased it to a company and they put a wharfinger on, they would have to pay him any way.

Mr. LOGGIE. My opinion is that you don't need a wharfinger, you don't get enough money out of it to pay a wharfinger. Deal directly with the transportation company and charge them a reasonable annual sum for side wharfage, and let the public have the benefit of receiving goods without wharfage charge—unless there is suffiicient export business to warrant a charge, as in the case of Campbellton.

Mr. H. H. McLEAN. I do not quite understand the provisions of this Bill. Is it the intention of the minister to exact tolls for top wharfage? There are two classes of tolls collected on wharfs, side wharfage and top wharfage. I want to direct the attention of the minister to the position of wharfs in New Brunswick. Wharfs in rivers there have been built partly at the expense of the Dominion government and partly at the expense of the provincial government and the present Minister of Public Works has constructed certain wharfs and paid the whole cost thereof. These wharfs cost anywhere from $2,000 up These wharfs cost anywhere from $2,000 up to $5,000, and in the past wharfage has not been collected. Now you can see the difficulty that would arise. For example, a wharf is constructed by the Dominion government in the river St. John, a wharf that has cost from $2,500 to $4,000. How could you exact top wharfage from the farmers when, right alongside, there is a wharf owned half by the Dominion government and half by the provincial government on which no top wharfage is exacted? I think the principle should be laid down that on these small wharfs in the rivers no top wharfage should be charged the farmers, and in that case the Bill would need to be amended so that in making the lease that provision should be inserted. I hope the minister will consider this suggestion, and will not enforce this new tax on the farmers using these small wharfs.

Mr. BRODEUR. It is not the intention to increase the rates charged before; quite the reverse. I do not know whether they pay them or not, even now.

Mr. H. H. McLEAN. At present, as I understand, the minister has power to collect top wharfage on government wharfs in the river St. John.

Mr. BRODEUR. If these wharfs are under the control of the Department of Marine and Fisheries, we have certainly the right to collect top wharfage and side wharfage rates.

Mr. H. H. McLEAN. I would remind the minister that in the past these top wharfage rates have never been collected. I can point to one wharf owned by the Department of Marine and Fisheries where top wharfage has never been collected from the farmers who have been using it. He can understand also that when wharfs are owned partially by the Dominion and partially by the provincial government tolls are not exacted. If the wharf is built by the Dominion government, costing say the small sum of $1,500 to $2,500—top wharfage should not be exacted from the farmers using these wharfs. Some one has said that the same scale of fees should be charged on all wharfs for top wharfage. That would be manifestly unfair. Here is a wharf in the city of St. John built in a tidal harbour that has cost $50,000 or $60,000; and here is a wharf built in the river St. John that has cost $1,500 or $2,500. Why should the same rate of side wharfage or top wharfage be charged in both cases? I should say it would be unfair to have only one exact scale in force in such cases.

Mr. BRODEUR. I understand that other gentlemen desire to speak and as the House is going on with other business at three o'clock I move that the committee rise, report progress and ask leave to sit again.

Mr. GEO. TAYLOR. Next session.

Progress reported.

At one o'clock, House took recess.

The House resumed at 3 o'clock.

SUPPLY—HOURS OF LABOUR FOR WORKING MEN.

Mr. FIELDING moved that the House go into Committee of Supply.

Mr. ALPHONSE VERVILLE (Maisonneuve). Mr. Speaker, before you leave the Chair, I would like to bring before the House a question of vital importance which is now being discussed all over the civilized world, and which I think should be discussed in this parliament of Canada.

The question I want to refer to is the restriction of hours of labour. I will endeavour to prove during this discussion, in all its features, the intellectual, physical and moral effect of shorter hours of labour on our working people. I will also demonstrate its effect upon production, its effect on consummation, and its effect on the financial as well as on the labour market.

If we go back to ancient history we can see by Professor Thorold Rogers that restriction of hours was an acute question amongst the English artisans as far back as the fourteenth and fifteenth centuries. But it is not necessary to go that far back, as we have enough examples in this century, which is called the labour and social century. The question of questions in connection with any proposed reduction of hours of labour, is the question of the probable efficiency of the working people. If short hours means short product they would mean short profit and short wages, too; and good wages are at present as essential to the improvement of most of the working classes as more leisure. But shorter hours may not in reality mean shorter product, for they may so better the quality of labour that as much is done in the short as was in the long day. The pith of the question of shortening hours is how far a further reduction of hours of labour may be reasonably expected to be attended with a like result. As there is different opinion on that point it will be useful to examine the recorded experience of previous reductions in the length of the working day, and mark the diversity of the sources from which the compensating improvements in the labourers' personal efficiency that accrued. If these resources remain largely unexhausted, and if shorter-hour experiments already prove that they may be successfully utilized to balance lost time, then there would seem no reason why history should not repeat itself on the present occasion. The first experience of a reduction of hours has been very varied. Some manufacturers found it advantageous from the introduction, and some reported a decrease in production for the first few months of the first year, but eventually the favourable experience became general, either because the shorter hours had time to tell on the vital and mental energies of the workman, or because employers had one after another discovered the secret which some of them had discovered at the outset of making up for the diminution of working hours by improved facilities in their work. In the case of shortening the very long hours the result was often a surprisingly large immediate increase, as an effect of the mere relief from physical exhaustion. Let us see what the managing partner of a large Massachusetts cotton mill told the Labour Commission in 1883:

> When he reduced the factory hours fifteen years before from thirteen to eleven he found that with the same machinery the production of print rose from 90,000 to 120,000 yards a week, and the Middlesex Company, of Lowell, Massachusetts, on making a still greater reduction from thirteen hours to ten hours twenty-five minutes in 1872 found that by increasing the speed of their machinery so as to make as many revolutions in a day as before, and replacing female labour by male to a very slight degree, 3½ per cent, their product increased by 290·117 pieces, or about £135,000 worth in the year, and the earnings of their work people by 57 per cent.

But, instances of such great increase are rarely met with. What is very common on all occasions of hour shortening is the obtaining of a slight increase either immediately, or after six or twelve months' trial.

On the whole the general impression left on the sufferers by such a change has not been felt to any degree in comparison to the increase above mentioned. The world possesses very abundant experience of shorter hours and its experience has been entirely the same in England, in America, in France, in Holland, in Switzerland and in Austria.

The first great reduction of hours was the reduction in the English textile trade by the Ten Hours Act of 1847 and it was then regarded not merely by employers but by its warmest promoters as a leap in the dark, yet statistics prove that production has suffered, if any, to a very slight degree. It is an acknowledged fact that the shortening of hours some 50 years ago, instead of decreasing the business of employers has been the means of bettering their conditions, not to speak of the labour side of the question at all. At present would it be possible to return to the old system of 11 or 12 or 13 or 14 hours a day? Would the employers if it were offered to them accept such a proposition? Surely not. In this century every one is looking to have some part of the 24 hours which compose the day to rest, to educate himself, and to work.

It would probably interest the House to

quote some remarks of well known gentlemen on their appreciation of a shorter work day. Mr. Chamberlain related an experience of his own firm in his speech in the House of Commons in England on Mr. Le Leakes Mines Eight Hour Bill in March, 1892:

When I was in business, said he, (I am speaking of twenty years ago), my firm was working under great pressure twelve hours a day. Shortly afterwards the Factory Acts were applied to Birmingham, and we reduced the hours to ten a day. Sometime later we voluntarily reduced the hours to 9 a day, after the experiment at Newcastle of a nine-hour day. We were working self-acting machinery. All the workman had to do was to feed the machinery and see the fires were kept in order. In this case if in any, the product should be directly proportioned to the number of hours worked. What is the fact? When we reduced the hours from twelve to ten, a reduction of 17 per cent, the reduction in the production was about 8 per cent, and we again reduced the hours from ten to nine, a reduction of 10 per cent, the reduction of production was 5 per cent.

It will be observed that there was here apparently no speeding of the machinery nor any other change in the arrangements of the work, but that the whole difference is due to the increase in the personal efficiency of the workman under the influence of the shorter hours. It will be observed that the degree in which this personal improvement is effective did not decline with the successive reductions, but is quite as high, or rather a little higher proportionately in the second reduction than in the first. The same results are reported from America. Mr. Pratt, of Pratt & Co., says that in his rolling mill in Buffalo, when the hours were shortened from ten to nine in 1876 on account of bad times he found that the same number of men performed the same amount of work in nine as they did in ten, especially during the short days of winter. If we seek information from experienced men, we know that the shortening of hours has been an incitement to promptness at the hour of beginning work, and as less time is lost consequently production costs less, and the men are in better health. I might cite the experience of large industries as to reduction of hours.

If we take the report of Messrs. Short Bros., in Sutherland, when they established a reduction of hours at the same time as their neighbours, Messrs. Allan & Co., they have precisely the same story to tell. After eight weeks trial, they write Mr. Hadfield, that they are already satisfied the new arrangements of hours will not increase the cost of production, that they have every reason to believe that the production will be greater; that the week before they wrote, their wages bill was higher than it had been any week during the previous year, showing that the men were working better and more regularly; that they had scarcely one absentee under the new arrangement, whereas under the old system 20 per cent of their men lost the first quarter every morning. Some of those who have given evidence as to the result of a shorter work day have not agreed, and some go as far as to condemn even the good result obtained by others, but should we be guilty of denying to hundreds and thousands of working men the right of reasonable leisure because a few employers will not believe a thing possible which is being done every day.

Have the employers of this country ever granted a restriction of hours willingly? if so they are so few that they are not mentioned in any labour literature that I have seen so far. It has been obtained in most cases from the result of a struggle between employers and employees which we can avoid by legislation.

In the spring of 1894, the English government, showing for once an enterprise above that of private employers, established a restriction of hours, by way of experiment, at the cartridge factory at Woolwich arsenal and although no details of the results of that experiment have been published, it is understood that as much and even more work was done by the men after the reduction of hours than was done before it. At any rate the experiment proved so successful that the late Mr. Campbell-Bannerman to whom the credit is due announced in parliament on the 5th of January in reply to John Burns the intention of the War Department to adopt a shorter work day as a general rule in all the public ordnance factories.

The United States has given us numerous examples of restriction of hours from ten to nine and from nine to eight.

In 1868 shorter hours were introduced by law in the United States, but the superintendents of the works immediately reduced the men's wages to correspond by paying them at the old rate per hour. This was done in the Springfield Armoury amongst other places. The New York 'Tribune' quotes the first report of the Commandant of the Armoury as in the effect of the new experiment. He states that file workers managed to make under the old tariff of wages quite as much per day under the short hours as under the long hours system, and that he believed the workmen had worked harder and more faithfully under the short days system than under the long hours. The foreman of the milling department reported on August 17, 1868, that the average earnings of 1,212 pieces of work under the long hours system in the month of June previous was $2.60,

whereas in July, under the short hours system, they earned $2.88 per day. In other words, they did considerably more work in short hours than they used to do in long hours.

The following states in the United States have enacted legislation for the restriction of hours in some form: Arizona, Arkansas, Alabama, Colorado, Delaware, Georgia, Idaho, Indiana, Kansas, Maryland, Minnesota, Montana, New Mexico, New Hampshire, North Dakota, Ohio, Oklahama, Porto Rico, South Carolina, Tennessee, Utah, Washington, Wisconsin, Nebraska, Nevada, California, Connecticut, District of Columbia, Hawaii, Illinois, Iowa, Louisiana, Massachusetts, Missouri Michigan, New York, New Jersey, North Carolina, Oregon, Pennsylvania, Rhode Island, South Dakota, Texas, Virginia, West Virginia, Wyoming.

Something has been done in this country in respect of shorter hours of labour. This government has established, not only in principle but in practice, a shorter work day in the National Printing Bureau. By an order in council of April 8, 1896, an eight-hour day was established, to take effect on May 1 of the same year.

Now, we might deal to some extent with the question of how this principle came into operation in a country which is often set as an example. The country I have reference to is Australia. Let us see how it was introduced in Victoria. During the gold fever of 1856 a large number of people immigrated to Australia, and from their experience in the mother country they were bound to have legislation passed in that respect, which they did, but not without a large amount of opposition; and the reasons then given were in exactly the same form as they are to-day, although no solid reasons were advanced to prevent it. I will acknowledge that for four years speeches were made and conferences given to if possible educate the masses, not the workers, as they were already in possession of the knowledge of the necessity of such a law. But the other classes of the community, who were looking at such a law as a socialistic measure, and even the promoters, were uneasy as to the result. But after it came in force, in 1885, in Melbourne, its inauguration was celebrated by a large parade, after which a large banquet was given at which Sir Henry Locke, then governor, was invited to speak. He recalled the great act in favour of humanity, saying that the eight-hour day had done more good and had such a good moral effect on the citizens that in the near future Australia would be set as an example in its labour conditions.

We know that the same government legislated in the same direction in 1890, 1896, 1897 and 1898, extending the law over more industries.

Let us look at the result of the reduction in some of Victoria's trades. The iron trades employed in the Australian Steam Ship Company's works, got a restriction of eight hours per day in 1858, on condition of accepting a proportional reduction of wages; but after a year's trial the company found that between the better work they obtained during working hours and the saving of gas, oil or other items of expense, they could afford to pay the men the old rate per hour, and did so. It seems an obvious conclusion that when so many establishments have found the way to make short hours pay in the face of the overwhelming competition of their long-hours neighbours, there can be no essential reason why the rest should not make short hours pay likewise.

Short hours are sometimes pronounced to be a fruit of high wages; the working man, it is said has merely got rich enough now to prefer an hour's ease to an hour's pay. The successful workman of modern times has shortened his day of labour for the same reason, exactly as the successful merchant devotes less time to business after he has made his competency, because it is human nature to become less willing to work hard when there is less necessity for doing so. But it is also true that in some large industries in some of the large cities, in our country, they are now endeavouring to shorten the hours of labour and are willing to lose the difference in wages, as it has become necessary for those working people to have more rest, as they rightly claim, for to better their physical and moral condition.

Artisans, mill hands and others seem generally to prefer greater ease to greater wealth, thus proving that the painfulness of labour varies so rapidly as easily to over balance the gains of utility.

The same rule seems to hold throughout the mercantile employments. The richer a man becomes the less does he devote himself to business, as it is proved every day by numerous examples. A successful merchant is generally willing to give a considerable share of his profits to a partner or to a staff of managers and clerks rather than bear the constant labour of superintendance himself. There is also a general tendency to reduce the hours of labour in mercantile offices due to increased comfort and opulence.

This may be called theory, and it may be said it is not in accordance with the historical facts, but nevertheless it is proved by the history of ancient and modern times that work-people will prefer more ease to more wealth. But in accordance with the standard of requirements constantly rising, it has been necessary for them to look for

a living wage and consequently they have to work harder in short hours and earn as much money, so as to balance the difference in hours.

It may be said that granting a shorter work day in Canada at this time would mean to paralyze the output of some of our industries. But the worthy persons who are taken in with this fallacy forget the fact, which is the key to a right understanding of this subject, that the general demand for commodities cannot outrun the general production of commodities, because they are really only the same thing in a different aspect.

It may be said work people are endeavouring to restrict production by shorter hours of labour. It is impossible for any one to believe that such is the case as labour is not looking for a decrease but for an increase in wages, and if that was the case, instead of making more work for the unemployed in proportion to the restriction, they would have really, in that proportion, made less work for the employed, as the natural effect of restricting production would be to lower wages not to raise them.

I claim that the prosperity of the working classes as well as the prosperity of the world itself lies in the abundance and not in the scarcity of things it produces, provided however that hours of labour be based on such production so as to equalize both powers.

If production is over and above the consumption, as it is at present, thus increasing the number of unemployed, then the labour must be pressed. We may be asked: 'When will you stop? When you have shorter hours, you will want still shorter houre.' The very same question was asked in 1847 at the introduction of the 10-hours' law, and the answer is the same as then: shortening of hours was necessitated by over-production.

Let us take the principle of government interference.

Principles are always deduction from sequences of facts. The facts of the history of government development lead the philosopher and the man of common sense alike to hold the following beliefs:

The freedom of the individual to pursue his own interest as he will, must be respected. Where conflict of interest arises, 'common good' takes precedence over the desire of the individual.

This is the basis of justice, the teaching of humanity, the ground of patriotism. But let the government here recognize a moral limit and not invade to degrade the manhood of the least number.

Law must be guided by experience. In some the policy of 'laissez faire' must be corrected by such interference as experience has taught will result in greater benefit to the community.

And what has experience taught? The Duke of Argyle put the outcome most concisely when he said: 'The two great discoveries of this country are (1) the advantage of freedom in trade and (2) the necessity of restriction of labour.

We are here especially concerned with the second of these discoveries.

Supposed labour to be left unrestrained what would be the natural course of the life in industry.

Competition between producers encourages all possible reduction of cost. This tends to reduce wages, to increase the use of child labour, to perpetuate long hours of labour, &c.

A few unscrupulous employers resorting to such oppressive methods are able to force others to adopt the same policies.

The interests of the employing classes range themselves against those of the operative classes. In the struggle which results from this antagonism, the employer has the advantage of position to force his own terms of contract upon the labourer. He has in his hand an accumulated capital which is equivalent in power to effective organization.

These industrial conditions, left to take their own course, react upon the home and general social surroundings of labour to force down the workers' standard of living. This is an injury which no community can afford to tolerate, and it is a good reason for shortening hours of labour and thus balancing both powers.

The proofs that the work day should be shortened lies also on accidents occurring every day and at what times? We see from statistics furnished by the Jesuits in Germany where the 12-hours' day is set as a maximum, the following table of accidents that happen per hour in all the industries of that country where the working people commence at 6 in the morning and stop at six at night.

6 to 7	435	per hour.
7 to 8	794	"
8 to 9	815	"
9 to 10	1.069	"
10 to 11	1,598	"
11 to 12	1.590	"
12 to 1	*587	"
1 to 2	745	"
2 to 3	1,037	"
3 to 4	1,243	"
4 to 5	†1,178	"
5 to 6	1,306	"

*And some manufacturers stop 11.30.

†That is after a rest for lunch and many are then gone.

These figures prove that long hours of labour tell on the workers to the largest extent.

Then it is easy to see that the hours and

general condition of labour are such as to cause great wear and tear on body or mind or both and to lead to a low standard of living.

While it is proven that, under the short hours system, men work harder while they are at work than they do under the long hours system, it is then true that short hours and hard work impose less strain on the body than the long hours and dawdling, especially if the ten hours are passed in a hot or dusty or poisoned atmosphere such as many trades are obliged to work in. Then the increased exertion during working hours has always been balanced and more than balanced by the restorative effects of a longer period of repose or recreation in good air. While the men do as good a day's work as they did before, they improve in health and vigour, and such is corroborated by managers and over-lookers of some large institutions. There is more happiness in common, and in most cases the change is cited as an example which brought the change in conditions of modern times.

We must consider that human labour is not a marketable commodity like a bale of cotton or a ton of pig iron, though it is often treated as such. Fortunately on all sides we are rapidly awakening to a recognition of this fact. Far too many masters in all departments of trade and commerce fail to give sufficient thought to this most important subject.

They seem to forget that their employees are not mere machines but sentient human beings, with hopes and fears, aspirations and all the attributes which are common to mankind.

When a man is put at a machine, he should not be regarded by his employers as a part of it, but the human nature and the aspirations of a man should still be recognized. It is rightly claimed that the shortening of hours would lead to improvements, mental and physical. Any reform by which such change or improvement is effected, relating to some millions of human beings in this country alone, is not to be lightly put on one side or trifled with. If effected and if even a partial accomplishment of the end in view can be attained, the raising of such a considerable portion of the community must be of the highest benefit to the nation as a whole. If one rich man spends $1,000 dollars in luxuries, the purchase of these probably does not assist the trades that confer most benefits, but on the other hand, if we have 1,000 workers, each spending $1 it is more than probable that the turnover of the latter would stimulate trade of a nature that is most lasting and certain, and by so doing the community at large would derive large benefits from it. Objections of all sorts have been made and are still made against short hours, and one of them is if you give more time to men you will give them more time to spend their money. What are the reasons for such objections? I hope we are not willing to regard ourselves as inferior to other nations. Then where are the figures, where are the statistics, to prove that if you give more ease to a man he will ill-use it? It is known that our working classes have intelligence enough, instead of spending their money in the manner stated, to be temperate and—many are teetotallers—and so to make conditions better, as regards themselves, their wives, families and homes.

Let us look ten years back and compare the conditions then and to-day. Are the army of workers in a less fit position to exercise their right to-day than they were then? The worker is now in a better position, he earns more money and works shorter hours. He can buy the commodities of life. He can live in a better ventilated house and in better surroundings. He can have more pure air, he can cultivate his mind, he can teach his family that rightful ambition is not forbidden but is permitted by the natural course of events. He can build his own home and have more comfort and become an honoured citizen. But it may be said: 'As long as the working men have attained all these things, we do not see any reasons to bring this question for discussion here in the House for they have attained all this by natural means.' But this has been the fruit of short hours and better wages, and the large masses who are looking for, and hoping to receive the same treatment as their fellow-workers are demanding a restriction of hours. Any one who has travelled over Canada and who has taken the trouble to observe conditions, has really seen that shorter hours are inevitable sooner or later; it has to come through the constant pressure from those directly interested by their labour and those directly interested by their profits.

The same people are demanding shorter hours demanded a Department of Labour, a fair-wage schedule, abolition of the sweating system, abolition of child labour, better protection in manufacture, better sanitary conditions, technical education, investigation of labour trouble, and so many other things—the same people that are accused constantly of working against the prosperity of the country.

It is proved also that shorter hours will give more time to men to make plans for their own improvement. If they had more leisure they in this country would do the same as in other countries—the time would be well spent. We would see more people in libraries and reading rooms.

If we are justified in expecting the gift

of leisure to spread an active desire for mental improvement, we are even better justified in expecting this spread of mental improvement to result in many substantial gains in industrial efficiency. We have seen employers remarking a certain quickening of intelligence in their men immediately after the shortening of hours. The faculties which seem to have been torpid and wandering under the long hours concentrated themselves with more purpose and interest in their work and produced better results.

Why should workers work less hours? Because the man is looked upon as a machine and under the present condition he is nothing else from the employers' standpoint. You will start a machine at 7 a.m., stop for an hour for oiling and cleaning, and work until 6 p.m. But the human machine is duly responsible to his family, he has to meet his obligation, he has to school his children, clothe and nourish them, pay his rent out of the petty earnings sometimes received for such a work. In his old age not much more is done for him than for the material machine. The piece of old iron may be re-cast and something done with it, but the man generally is thrown in the scrap-pile of society. As a machine he has been of great use and profit to his employer but, notwithstanding all that, the steel is worn out and he is dealt with as an old tool. During his life of labour he may have worked ten hours or more a day. If he is in a destitute position the fault may lie in the lack of education, but what time did he have to educate himself; what time did he have to educate his family? It may be said that he should have had done it in evenings. But when fourteen hours of a man's day are taken by his work is it reasonable to believe that such can be done? The strain on his body is sometimes nothing to the strain on his brain. He never knows whether he will work to-morrow, he never knows whether he will live very long under the same roof with his family as he may be compelled to seek employment elsewhere. It may be that one of his family is on a sick bed, crying for better provision than usual. It may be that he is under the grinding of many more causes of daily worry. Still his energy is all taken up by his work. Then, is it possible for a human being to last any length of time under such conditions? These are to-day's reasons which will be repeated to-morrow and with some addition, and so on until such a time as the machine is partially or completely worn out. If a part of the human machine breaks or is out of order, does the employer contribute to repair the weak or broken part? No, but he will do it for his material machine as it represents a certain capital and to replace it a certain amount of money must be spent. But he the human can be replaced an hour after the breakage without any cost to the employer, which is most generally done, and still we say, why should we shorten the hours of labour? Because of the present long-hour day many are unemployed and the man on the street fixes the wages paid to the man at work. Labour-saving machinery has increased the producing capacity of the workman who, in justice, should be afforded leisure. Shorter hours would give greater opportunity for social and educational development.

It would raise the standard of living, upon which prosperity depends.

It would help the tax-payers by putting the tramp to work.

It would promote spirit which is lacking in over-worked people.

It would give men a chance to get acquainted with their families.

It would promote temperance by removing the desire for stimulants which come from long hours of labour.

It would make better citizens by giving the citizen more time to understand his duties.

Another reason, and of the highest importance in respect of restriction of hours of labour, is the woman and child labour.

It is not my intention to dwell at any length on that subject at this time. I hope it will be treated in a masterly way by some of the hon. members in this House. However, I am in duty bound to say a few words so as to permit other members to put before the House the necessity of restriction of hours, especially on that line. Have we ever stopped to consider that the child who works in the industries is to be the man or woman of to-morrow? Have we ever considered that they are to build the future generation? Have we ever considered that on them lies the responsibility of the growing of a strong nation? Have we ever asked ourselves whether we have acted in a spirit of progress in favour of our future generation?

Where is the hon. member of this House, either in his quality of member of this council of the nation or as citizen, who can say that he has done all he can to alleviate the sorrows and misery of thousands of women and children who are constantly wearing their life away in industry?

I am sorry to say that so few of our men in the economic world are giving enough time to even think of the condition of such a life.

Alongside of what we may call individual duty there is also a social duty, and I hope that in the near future we will have the government dealing on all such social questions and that a certain percentage of the members of this House will devote a few hours weekly to study this great question, which is the question of the day.

Mr. G. A. TURCOTTE (Nicolet). In rising to speak on this question, I do not intend to detain the House at any great length, but simply to add a few observations to the elaborate and brilliant speech of my hon. friend (Mr. Verville). The speech which has been delivered by the labour member in this House is of such ability as to fully demonstrate what education may perform in the working portion, or labour classes of the community, and to what a high grade of development that class may attain in favourable circumstances. I sincerely congratulate the hon. member for the remarkable way with which he has treated the subject interesting us presently.

I am happy and proud in addresing the House to-day, that it should be on a question of such importance and that I should be called to support the eight hours' movement, a labour problem which is stirring all socially to improve the welfare of thousands of people, the labourers, who are the fulcrum of democracy. I have drawn, in my youth, from the source of paternal education, the knowledge and love of sound democracy, and I am happy, I again say, to do perhaps something in its favour. The eight hours' movement directly results from the growing prosperity and intelligence of manual workers throughout the civilized world; it is no new fad of a few agitators, it is rather a recurrence to a state of things which prevailed in early ages and as far back as the 13th and 14th centuries. England, more advanced in her industrial development, has done a great deal to meet the new problems of modern times, and presently the eight hours' movement is agitating alike England, the western part of the continent of Europe, and the United States. The whole current of thought that led to the great French Revolution was one of hatred and bitter hostility to the tyranny of the past. Everywhere men saw the possibility of a new and wider field opening before them; everybody had in his heart that profound hope which awakes courage and burned with eagerness to break the inherited chains of despotism. This great social commotion was morally felt through the whole world, and its consequence was that more freedom and large concessions were bestowed on humanity in general and on the labouring classes in particular. From that day democracy felt in its bosom a sense of vigour, and the great voice of the people was heard over all others, claiming redress for long standing evils and asking for more protection and welfare.

England has done a great deal in favour of workmen, and a complete, minute and voluminous code for the protection of labour now exists in that country.

The eight hours' labour question, Mr. Speaker, has been dealt with from a statistical and economical standpoint, and I will only say a few words in this direction, my intention being to view the theory of shorter hours in another aspect, just as important, in my way of thinking, that of upholding or raising the workmen by way of education and by giving them a larger share of rest, comfort and liberty.

The question before the House is an economic experiment in this country, as it demands only that this reform be applied to the government's servants, and I am of opinion that the Liberal party would give an instance of great interest in the labouring classes in adopting it, and would raise a general cry of satisfaction among thousands forming the grand army of toilers. But of course there is another side to the present debate, a counterpoise, and this brings the question to its real point. The action of the government in favour of shorter hours would, there is no doubt, widely open the door to a demand for legislation in favour of generalizing the system, and then would appear the formidable forces of manufacturers and industrials. Capital and labour would be then in presence and would fight a great battle.

The hon. member from Maisonneuve (Mr. Verville) has proved satisfactorily that capital had nothing to lose by the reduction of labour hours. Numerous experiments have shown that production did not diminish at all, nor cost of production increase; that prices had in no case been affected, or the volume of trade reduced by the adoption of shorter hours of labour. In some cases a reduction of profits had taken place, but this must be attributed to the fact that business rivals were left free to work longer hours. In no case does the adoption of the eight-hour day appear to have been followed by any economic disaster

The fact is asserted by the highest authorities in economy, that successive reductions of the hours of labour, which this country has witnessed, have been attended, after a very short interval, by a positive general increase in individual productivity, and in many cases it has been found that the workers did more in ten hours than their predecessors in twelve. The possibility of maintaining the total amount of the product, notwithstanding a reduction of working hours, may seem most incredible to many, but it is nevertheless proved by too much evidence to allow of doubt. In the face of experience and probant testimony from all parts of the world, it seems no longer possible to infer, on purely theoretic grounds, that the product must necessarily be diminished by a further shortening of the working day. Mr. John Ray, an eminent writer, who is very

frequently quoted in questions of this kind, has put forth the probable consequences of reduction of hours in a very exhaustive article in the 'Contemporary Review' of October, 1891, in which he points out that the present very long day in many trades and occupations is a product mainly of this century, the fruit of the factory system which the industrial revolution brought in its train.

For the last sixty years, he says, we have been slowly learning the lessons that the prolongation of working hours, which was nearly eating the heart out of the labouring manhood of England, was, from the standpoint of the manufacturer's own interest, a grave pecuniary mistake.

He then goes on to give copious evidence from actual experiments, that a workman can do as good work in eight hours as in nine or ten or more; and he argues that the sources from which the compensating progress in the labourer's personal efficiency had proceeded in previous experience and are still far from being exhausted. Among the sources which he mentions are the increased energy, contentment, and intelligence of the workman, the saving of time lost through sickness, unpunctuality and the breaks for meal times.

One may ask, Sir, how it is that shortening the hours of labour does not affect productivity. It is because shorter hours tell on the vital and mental energies of the workmen, who soon discover the secret of making up for the diminution of work hours by improved arrangements of the work.

The main point in connection with any proposed further reduction of the hours of labour is the question of the probable effect of the change in the personal efficiency of the workpeople. If productivity was to be lessened by short hours, profits and wages would also be lessened; and good wages are quite as necessary to the improvement of the working class as more leisure. But then shorter hours may not in reality mean shorter product, for they may so better the quality of labour that as much is done afterwards in the short day as was done before in the long one. A French manufacturer once said to M. Guizot, one of France's most renowned historians and statesmen: 'We used to say it was the last hour of labour that gave us our profit, but we have now learned it was the last hour that ate up our profits.' This admission, it seems to me, is most significant and most conclusive.

The majority of writers on this economical subject agree that the eight hour movement ought to obtain a legal recognition of the general social interest in every labour contract, and it is generally admitted that no other power but parliament can secure an effective reduction.

It seems to me that the questions now under consideration, if it comes to a favourable conclusion, would be, on the part of this Liberal government, a generous as well as an inviting effort towards securing a general settlement of this most interesting and important subject; and is it not the duty of the state to set an example in this present occasion?

It is not in the scope of my remarks to go further in the direction of giving an economical demonstration of the eight hour system, but if we admit, as the available evidence and sound reasoning in political economy make it most reasonable to believe, that the eight hour day of labour has no blight to cast on the economic prosperity of the working class or of the nation at large, while it will be certain to contribute greatly to the moral and social elevation of both, then it is the task of those who stand at the head of the people as leaders, to see that the great class of toilers be protected, either by means of concessions from employers, or through the trade union agency, or by means of legislation.

We must bear in mind that human society is a moral body which has a heart as well as the individual; so says Victor Cousin. Generosity, goodness and fairness, consequently are expected to be found in every political organism.

I will now, Sir, attempt to view in a few words the question of shorter hours of labour from another aspect; that of building up the welfare of the manual labouring class by giving it time and leisure to benefit from education, making each man, as much as possible, a better, if not a competent judge of the great questions that parliament has to decide. Every man in the country is virtually called to share in the work of government. But are the men thus called upon to rule capable of understanding the task set before them? All well-thinking and experienced public men will unanimiusly answer that a very large number of our labouring fellow citizens are not, under present industrial conditions, capable of forming a fair, conscientious and accurate opinion on the point at issue. And where is the remedy to the evil, if not in the raising of the intellectual capacity of the electorate! An eight hours day will give more daily leisure to the bulk of voters and thousands of working men will have the opportunity of becoming competent for their duties of citizenship.

Let us not forget that the ruling power lies in the greater number who thus become the real masters of the country when the ballot day arrives, and it is necessary to educate such masters by giving them all possible opportunities of thinking of and learning the important liabilities incumbent on their supreme prerogatives. The workingmen are not mere machines to be used, I could say illused, till they are completely

ruined and then cast away, no, they are human beings with hopes dear to them and fears, legitimate aspirations, sentiments, and all are the attributes which are common to mankind.

In this country, Sir, when human energy has come to be of such a whirling activity, when aspirations towards wealth, comfort and enjoyment have become, in individuals as well as in all classes of society, a passionate flight carrying away humanity to a more perfect state of things, it must be remembered that one of the most promising expectations regarding the future conditions of the human race is the true improvement of man.

Now the toilers being the largest portion of the community must be looked after in the direction of giving them certain hours of liberty that they will be induced, in the course of time, to devote to instruction. In so acting they will raise their moral, intellectual and physical standing. In their leisure hours, they will also be able to indulge in a more intimate intercourse with the higher and more refined classes of society, and they will derive from it great benefits for themselves, as well as for the community at large. This may appear to be a Utopia to those who have no faith and no hopes in this democratic doctrine, but I am not of that number, and I sincerely believe that, sooner or later, the ideas that I now advocate will be a great factor in the building up of the national advancement of all civilized countries. I do not think to stray when I submit that the future progress of the world rests mainly on the more or less good will of legislators to incite education in the lower classes. Let the toiler know the great lessons of hygiene, let us teach him the duties of a leader in his family, let us impress on his mind the knowledge proper to a citizen and let us urge him to make it a point to perform faithfully and scrupulously what is to be expected from a member of the sovereign. To arrive at this, Sir, it is of absolute necessity that a new horizon be opened before the working classes, that hours of rest and liberty be granted to them during which they will be in a position to consider and to understand that their energies must not be directed only in the way of becoming more skillful workmen, but that it also belongs to them to become useful and able citizens and men in the widest acception of the word. The free hours given to the working man will awaken in him new faculties and this will be all to the advantage of the social body. And when the day comes during which thousands of workmen stand before the ballot box to cast their vote, the country will have the guarantee that the judgment rendered by this great portion of the community is one given by men able to discriminate with a sound mind and a cultivated intellect the great political questions debated before them. In a country like ours, having a political organization counterdrawn on the English constitution, the most admirable of all constitutions in the world, I venture to say that it is of very great importance that the people be induced to self-government either in the individual sphere, or in the domain of the family or that of the work shop, or in the intercourse between citizens. Every man ought then to be guided by principles involving regard for the dignity of man, this meaning to do nothing against the liberty of the citizen and to love his country.

These are, Sir, sound democratic principles that the boy should learn at school, for their knowledge will become more and more necessary as time goes by, witnessing the great economical evolution of society as a whole.

Generalizing the right of vote as it is done to-day, and extending it more and more to the masses, is assuredly handing the power to the people at large and what will be the consequence of this when difficult political problems are left to be discussed, weighed and decided without appeal by a majority of electors ignorant and having no idea of what is put before them.

The duties of an elector have to be learned and it is absolutely necessary that the man who votes should know what he has to do, so that his action be of some advantage to him and to his country. Ignorant, we believe everything and any party can lay hold of us and make us blind partisans; educated, a man considers and thinks before depositing his ballot in the ballot box, he knows what he is doing, and consequently acts as a true citizen.

Any attempt to better the condition of the labouring classes which does not ultimately raise their standard of comfort and enlarge their intellectual capacity, will be useless, and any cause which stands to lower it, should, if possible, be removed.

Our constitution confers to the people the great and sublime mission of ruling by suffrage, and it is of vital importance that this people, in the hands of whom the destiny of the country is entrusted should be qualified by education to perform this sovereign duty. It should be the effort of every nation to secure, as far as possible, good and contented citizens; and forces which contribute to this in any way should not be disregarded. The nation feels a direct interest in securing the advancement of the health and education, and the morality and well-being of the whole community. The improvement of the labouring classes has now become a matter of fundamental interest to every nation, as regards its supremacy as a nation. It will be to the nation which builds up, by a wise policy in

this direction, an honest, sturdy, self-reliant and intelligent class of labourers, that the prize of industrial supremacy will come. In just so much as each individual labourer creates wealth more than he consumes, does he increase the wealth and prosperity of his country. Civilization and progress to-day, more than ever, rest on the integrity and welfare of the family. Home comforts and home life must be given to the workers so as to render indissoluble the ties of family formed by the intimate and unremitting intercourse of the father with the children. Family is the most admirable of all government, and it is in its bosom that children, the citizens of to-morrow, must learn the lessons of wisdom and experience, and well understand that the prosperity of society is based on that of the family. The father is the natural teacher at home, and it is to better fulfil his duty as such that he claims a few hours of rest and liberty. Let us have the 'eight hours labour' reform as advocated in this House to-day, and sooner or later it will come to have such a beneficial effect on public opinion, it is my firm belief, as to impress on our legislative powers the conviction that it is of sound politics to have all toilers of this country benefit by it. Such liberal legislation would secure for millions of tired workers an hour or two of leisure otherwise spent in toil; it would enable many, who would otherwise have plodded the daily round of monotonous labour, to obtain access to some share in that larger life from which they are now relentlessly excluded; it would protect the future generations of the race from physical degeneration or mental decay; it would make brighter the lives of those who have toiled, and then a large class amongst us might have education, and holidays, and culture.

In concluding, I claim for the hard working class, standing as a very essential part of our social organism, its share of a beneficial and philanthropic legislation. I am advocating the cause of those who labour, toil and moil and suffer day after day, and ask for them their legitimate, although small, portion of what is enjoyed largely by those more fortunate. Let us bear in mind, I would humbly submit, that it is the duty of those now in power, not only to legislate on actual questions interesting presently the community, but, that it is also of vital importance to all, that legislative action be taken to prepare the future welfare of the people at large, and the question now under consideration is such as to be the foundation stone in the future building of more favourable, larger spirited and democratic legislation. To us it belongs to prepare the future; it will be what we will have made it ourselves.

When we first meet with the labourer in history, he is a mere serf, but this condition did not last and was doomed, by its very nature, to vanish. After centuries of everlasting efforts and of hard struggle, the labourer was delivered from the stigma of legal inferiority and won freedom. But, I am sorry to say that the workmen of the twentieth century are still slaves; in some respects they are not under lash of unmerciful masters, it is true, but there are serfs through the exigencies of the present conditions of labour, in many cases. Thousands of children of our working fellow citizens, in most of our large cities, have never yet seen their father by daylight. To the eyes of those little ones, the father is no better than serf, having no time to devote to home functions and paternal duties. Are we justified in calling right this condition of industrial life? Let us bear in mind that the social body has no better guarantee of its future improvement than the proper intellectual and moral training of children in the family bosom.

Improve the educational standard in the people and we will have better citizens, capable of judging the merits of their claims and their duties. In the spread of education, evils of all kinds are, if not annulled, considerably reduced. Let brain come to the front and we will find men well informed of the laws regulating social and industrial conditions; violence and disorder will disappear, we will see the ultimate adjustment of many industrial difficulties and come to the solution of most of the labour problems. Capital and labour will arrive mutually to better understanding and the great commotions that shake the social structure now and then in its very foundations, will be avoided.

Pasteur, the immortal Pasteur, one of the most surprising geniuses that humanity has ever produced, whose intellect seems to have been more directly enlightened by a divine ray of wisdom and knowledge, be it said to the glory of France, Pasteur's contention is that peace and science will triumph over war and ignorance; that all nations will unite and act in concert not to destroy and to ruin, but to build and to improve, and that time to come will belong to those who will help in raising the labouring classes by way of giving them educational advantages, and to those who will alleviate the sufferings of mankind. Labour has the undeniable right to be treated at least as well as any other source of power. Let us then set an example and give the first impulse in the direction of shortening the hours of labour so as to offer to the working people facilities for attaining to intellectual enlightenment.

This step towards real progress is undoubtedly a part of the Divine economy by which a new factor would be added to the evolution of humanity towards its industrial as well as intellectual development.

Little has been done up to the present, time, in favour of the lower classes, compared with the considerable and important legislation passed by parliament in the way of endowing capital and the higher classes of the community. However I must say that the Liberal party has done a great deal more in that direction than our friends of the opposition when in power, and I am particularly pleased in availing myself of this opportunity of congratulating the Hon. Minister of Labour (Mr. Lemieux) for having erected on a broad basis of justice, a tribunal where industrial conflicts can be settled and where labour and capital can meet and come to terms.

I fully understand that the eight hour agitation may be rather premature, and may be a source of difficulties to the government, its present bearings on production and wages being matters of serious study and discussion. But the economic current which it indicates is a sure guarantee of its coming sooner or later to a favourable issue, and Liberalism, I venture to say, would inspire a strong feeling of admiration and attachment to those who have partly in their hands the destiny of Canada, if shorter hours of labour were granted.

Mr. GIRARD (Chicoutimi and Saguenay). (Translation.) Mr. Speaker, the question brought up by my hon. friend from Maisonneuve (Mr. Verville) is indeed one of the most important which this House can have to deal with, since every country in the world is up against that labour question which at times shakes society to its very foundations.

My hon. friend is a mechanic by trade, and as president of the labour congress, and a member of this House, from a constituency wherein the labour vote has a controlling influence, he may justly claim to be the representative of the Canadian labour element. His experience is great, his information large, and his opinion consequently must carry great weight with his hearers who have not so thoroughly gone into the study of the question. Accordingly, I am sure the government have listened to his remarks with becoming respect. However, I understand he is particularly anxious to have his views discussed; for thereby will there be greater light thrown on the subject and will the class of men whose interests he champions obtain a greater measure of assistance and justice. I listened with great attention to the speech so well prepared which he has just delivered. My turn of mind and my requirements put me in sympathy with his views, and I am ready as he is to make the sacrifice of my interests for the sake of improving the condition of the working classes of this country. I deplore myself, as he does, and as they do, the errors and unfairness of capalists; I hate, as he does, and as they do, the idea of being another man's slave, the servant of a fellow man endeavouring to get out of me as much as he can; I deplore, as he does, and as they do, the state of things whereby I am doomed to be a pauper during my life time, while next to me extravagance is making a foolish display of luxury, oftentimes the result of graft, of lawlessness, even of crime, all things which from time to time cause a feeling of revolt, a desire of asserting one's rights, with, as a final result, in the near future possibly, a world-wide disaster.

Society is by degrees getting out of kelter, and it does not seem as though the Creator in his impenetrable wisdom had wished that there should exist such a wide gulf between the various classes of men as is found to-day between an oppressive millionaire and a miserable pauper, his victim. Therefore an effort should be made to restore society to its normal state without, of course, doing away with that diversity of conditions, inseparable from the social life of human beings associated for a common object, dealing fairly between themselves, helping one another as brothers and fellow workers should do, and seeing to it that every one gets his share of the good things of the world as remuneration for his quota of intelligence, energy and labour. Such is the aim of the member for Maisonneuve, and I say it is sublime and patriotic. One way of dealing fairly with the working men, he says, would be to shorten the hours of work. In support of that contention he supplied well prepared data, and suggested that the principle might be applied to begin with in connection with public works paid out of the public chest, that is in part out of the pocket of the working-man himself.

Mr. Speaker, I am myself a working-man. I worked by the day, ten hours a day, at a salary of 80 cents a day, and I worked as a farmer on my farm. I worked also in factories. Many factories have I visited and I know farm work as a practical farmer must know it. I am also acquainted with lumbering and the work of the shantyman; I have been at various periods of my life employer as well as employee. My father was a working-man himself, a farmer all his life. My connections and my experiences are those of working-men, and I have the honour to represent here a community made up for the most part of farmers, intermixed with quite a number of shantymen and mill men, the majority of whom are in close sympathy with me and I with them, as in honour bound.

In the course of the last twenty years I spent in public life, I have often heard that great labour problem dealt with by various persons, in all stations and classes of society. Quietly, and for my own per-

sonal satisfaction, I studied that problem and I consider it my duty, Mr. Speaker, to state my views on the matter at this critical period of our political history. If it be intolerable for the workingman to remain the dumb servant of capital, it is to my mind just as intolerable that honestly earned capital should be made the slave of its servant. If it be unfair that the workingman should be deprived of what is righteously coming to him, it is equally unfair that capital should be compelled by a man or a body of men to pay for that labour an exorbitant price. There is, then, or there should be a neutral ground where both parties can meet as friends. Would the granting of the eight hours' day solve the difficulty ? I do not believe it ; I am even inclined to think that it would make things worse.

Manual labour is not exhausting; it is a necessity of our condition, and we should accept it submissively. Please bear in mind that farmers work from ten to fifteen hours a day; and in support of my previous statement, I may add that farmers on an average live longer than any other class of society. So I say that a long day's work is not a factor of physical degeneracy. Besides, to my mind it is entirely misleading to say, whatever statistics you may have in support, that a man, or machinery, can accomplish more in eight hours' than in ten hours' time. The result would be an increase in the cost of production, and necessarily an increase in the price of commodities of all kinds.

Now, if there are in the world products whose selling price varies greatly and fluctuates in sympathy with market quotations, there are others whose value varies little, as a rule. I mean farm products. Were we to create a condition of things, whereby the cost of production of these farm products may be possibly largely increased, while on the other hand, market quotations remain unaltered, very soon we would be face to face with a serious crisis thoughout the world. For the farming population represent the majority of the country, represent the most important and the most useful of industries, and if we compel farmers to restrict their efforts to supplying their own wants, what will become of the country? It is an utter impossibility for the farmer to get as much work, not to speak of more work, from a man working a smaller number of hours; accordingly, the cost of production will increase too rapidly and his business will be imperilled.

It is contended that the eight-hour rule will not be applicable to farming, that it will be applied only as regards public works. But once the door is opened, where shall we stop? Why should not the same privilege be claimed in other quarters? To my mind, this proposal is a dangerous one, and should be considered with a cool head and great caution by all working-men as well as public men.

Of course, there are exceptions to all rules; certain kinds of work cannot by common consent, be performed for ten or eight hours in seccession. Such cases are known, recognized, and nobody thinks of applying to them another rule. The child who is not fully developed should, when called upon to work for a living, or as a help to his family, be protected against protracted exertion which might break down his constitution. So also, the young woman should be protected against excessive labour until she has acquired her full developement. All are agreed as to that. But, as regards a fully developed man or woman, why should they not be let free to use their own judgment in the matter and exert themselvs to the full limit of their power? Instead of endeavouring to have a general shortening of the day's work, why not lay down as a rule that, the work being paid so much an hour, whoever is anxious to work longer hours will be free to do so. A strong and healthy man will work longer hours; he will earn more money, there will be greater inducement for him to exert himself, his family will be benefited thereby, and everything will go on more smoothly. Farmers work ten or fifteen hours a day and live older than others who work less.

The labouring man, in the workshop, or elsewhere, like the sturdy farmer, led onward by his strong common sense and his fondness of comfort, will work longer hours without impairing his health and with profit for his future. Then, the price of labour being established at its real value per hour, the capital, whether agricultural or manufacturing, will have its share of justice and the equilibrium will be thoroughly established in the cost of living. No more strikes, with their financial disasters and their accompanying scenes of more or less sinister nature; no more of those continuous recriminations which too often bring trade to a standstill and indirectly paralyze business?

Supposing the value of this idea to be acknowledged, who shall determine the price of labour?

Why, simply a labour commission, composed of able men taken from all classes of the community, where the workmen will be represented. This commission, holding permanent session, each year, revising its schedules of the value of labour, which would be accepted by all interested parties, would govern labour, untrammelled by political control, and would deal fairly with all classes of the community.

Mr. Speaker, such is, to my mind, the only way to give justice to the working-

man—to leave him just what he is; a servant—but at the same time to ensure his freedom by leaving him sole master of the employment of his time. Now, let us enact laws to make work as agreeable as possible; let the workshop be built according to the most up-to-date plans from a sanitary point of view; built so as to afford protection against accidents; let us compel corporations to pay wages regularly to working men from one to four times a month, so as to avoid—that which unfortunately happens too often—the withholding for months of salaries which are already too small, with the object of declaring dividends; let the workmen's salary be by law thoroughly secured by first mortgage, as a first lien, day after day, upon the product of their labour; whether movable or immovable property; without the present formalities which now cause heavy losses of the hard-earned salaries of honest workmen and fathers of families; let all the highway robbers who are selling on the streets, in the newspapers or otherwise, by means of false prospectus, bogus values or watered stocks, be unmercifully jailed; let an honest margin of profit be secured to manufacturing capital, and then let the workman be admitted to divide with his employer; let an income tax be levied; let corporations and individuals be compelled to give annually to auditors appointed by the government, free access to their books, and let these auditors, after giving the employers their legal profits, apportion the workman's share and that of the people, and from that moment the war against capital, which is so intense and so spiteful to-day, will be brought to an end and the different classes of the community will deal with each other in a friendly spirit.

The great fortunes, the suddenness of which cause such rancour in the country, all necessarily come from the same source: the public funds. The indebtedness of the country figures up to hundreds of millions of dollars, and will soon be greatly increased. Take away from the circulation the whole amount, even if you lay aside the disbursement of the annual revenues, and where would our millionaires be? Since wealth is based on public money, it is therefore absolutely fair that the government and the community should have an adequate share of its profits which only exist through a concurrence of energy and good will which they themselves have directed, in which case the poor would be less poor, the rich would be as well off probably, and the community at large would be more evenly balanced.

I, therefore, most respectfully submit to the premier and this House that the best means to bring about a practical and fair settlement of the labour question would be the appointment of a labour commission and the abolition of day labour by the enactment of the laws to which I have just referred.

By doing so the Dominion government and parliament will certainly make a great stride towards ensuring the solid progress of the country and will give a great example to other countries.

Hon. RODOLPHE LEMIEUX (Minister of Labour). Mr. Speaker, at this stage of the session I do not intend to make a long speech on the very important subject which has been brought to our attention this afternoon by the hon. member for Maisonneuve (Mr. Verville), who so ably represents the labour classes in this parliament. I must congratulate the hon. member upon his excellent speech on the subject of an eight hour day on government works. I am well aware that in the month of September last, the Trades and Laobur Congress of Canada, over which the hon. member presided, adopted a resolution in favour of the principle he has propounded this afternoon. But, Mr. Speaker, let me say at once that whilst that principle appeals to the sympathy and the deep sense of humanity and social justice in every one of us, I find that there are some very grave difficulties in the way of bringing about the happy state of things which my hon. friend has advocated. Unquestionably the duty of parliament, as representing the nation, is to increase as much as possible the pleasures of the home life of every workingman and to multiply his opportunities for study, self-improvement and rest. In that connection I may recall to the House that some years ago the Department of Labour, when that department had been in existence only a few months, instituted an investigation, under the Royal Seal, on the labour problems in the province of British Columbia, and that as a result the report of the Deputy Minister of Labour, Mr. Mackenzie King, now a member of the House of Commons, highly recommended the adoption of provincial legislation in favour of shorter hours in the British Columbia mines. I am pleased to state that the province of British Columbia has adopted that legislation, and that in the mines of that great province, one of the richest in the British empire, an eight hour law prevails to-day. The same is true in the province of Alberta, where valuable coal mines have recently been opened up. But in this country, as in other countries, this question is still in the experimental stage. It has been adopted in certain industries. In nearly all the states of the American Commonwealth also there exists an eight hour law, but it has been limited to certain indus-

tries. For instance, in some of the western states, it has been adopted in irrigation works; in the mining states it has been adopted in the mines; and so on. In some of the large manufacturing states it has been adopted, but only for certain large industries. Farm work and domestic service, as a rule, have been excepted. It is true, there is also on the federal statute book of the United States an eight hour law; but from what we know in the Department of Labour it is hardly enforced. It is enforced in those states where it dove-tails, so to speak, with the state legislation. By the Bill introduced by my hon. friend last year, which he has been obliged to drop this year, and which I understand he intends to propose next year——

Mr. R. L. BORDEN. Is it expected that he will press it next year with the same vigour that has distinguished him this year and last year?

Mr. LEMIEUX. My hon. friend knows that many public Bills have been dropped this year. For many obvious reasons, the hon. member for Maisonneuve has not been able to press this Bill, as he would have liked to press it; but I will take my share of the responsibility for that. and my hon. friend will pardon me if I enter into a personal explanation. When the hon. member for Maisonneuve was ready at the beginning of the session to introduce his Bill, I unfortunately was unable to be present owing to the illness of my son; and I may tell my hon. friend that this is no excuse invented for the present hour. I can assure my hon. friend that on two or three different occasions the hon. member for Maisonneuve was obliged to let his Bill stand on the Order Paper because I was away on account of illness in my family. I am sure that my hon. friend will accept my word; I would not have ventured to make this personal explanation if I were not sure that he would do so. In fact, I may say that it is through my intervention that my hon. friend has been able to bring up the question to-day in another form.

Mr. MADDIN. May I ask the hon. member if it was due to his absence from the House that this Bill was not pressed during the last session, which lasted eight months, during which this Bill was on the Order Paper in the name of the hon. member for Maisonneuve.

Mr. LEMIEUX. My hon. friend knows full well that the hon. member for Maisonneuve is the President of the Trades and Labour Council, a very important body, and that he himself, at the last congress at Halifax, moved a resolution in favour of an eight hour law. His views on the subject are well known, and if through accident or otherwise he has been unable to press his Bill before the House, I think my hon. friend should not take advantage of that fact. This, at any rate, is a very small point, and I do not think we should stop to consider it. I say this with all due consideration to my hon. friend's objection.

Mr. VERVILLE. If the hon. minister will allow me? If I did not bring that Bill up during the eight months session of last year, it was simply because, like a good many other public Bills on the Order Paper, it was not reached. and I am in the same position this year.

Mr. LEMIEUX. At all events it must be admitted that my hon. friend from Maisonneuve (Mr. Verville) can have no political advantage to gain either by promoting or not promoting this matter this session.

Mr. HENDERSON. The minister, no doubt, means that as there is no election at hand, there can be no political advantage in pressing forward the Bill now.

Mr. LEMIEUX. I hardly think that inference is a fair one. If my hon. friend from Maisonneuve were actuated solely by political motives, he would have promoted his Bill very assiduously last session. But he is acting from a humanitarian point of view, and it is from that point of view that I commend his conduct.

Mr. BARR. Will the hon. minister assist him to pass the Bill next session?

Mr. LEMIEUX. I do not think I should be asked to commit myself in advance to supporting any Bill before I have had the opportunity of examining it. When I see the Bill next session, I will give my opinion on it unless some other hon. gentleman should have the good fortune to be Minister of Labour in my place.

Mr. MADDIN. Does the minister mean to say that during the two sessions this Bill has been on the Order Paper and during the discussions and consultations he has had with the hon. member for Maisonneuve, he never saw the Bill.

Mr. LEMIEUX. I have seen the Bill as it was framed last year and this year, and I may say at once that, as drawn, I would not support the measure, but I say that it is legislation well worth studying and investigating. My hon. friend, I am sure, would not rush into the acceptance of any legislation unless he felt quite safe in concluding that it was proper legislation to adopt. The principle involved is a very good one, but there are objections to the proposition of my hon. friend. He intends asking, by the Bill which he proposes to introduce next session, the enactment of an

eight hour law on all government contracts; but it is a matter of common knowledge that the labour organizations, and especially the Trades and Labour Council, will not stop there. They not only ask an eight hour law on government contracts but, by resolution adopted at the last meeting held in Halifax, they asked that that principle should also be extended to all individual contracts. Suppose we were to adopt an eight hour law in government contracts, that would be at once in conflict with provincial legislation as it stands. We could only pass such legislation as regards government works, because individual contracts come within the definition of civil rights,which are under the exclusive jurisdiction of the provinces. But what is the position at present? In my opinion the stand taken by the Labour Department in enforcing what is called 'the fair wages clause, is the most rational that can be taken under the circumstances and under our constitution. According to that clause, in every contract and schedule prepared by the officers of the Department of Labour is inserted the condition that the contractor shall pay the wages and adopt the number of working hours current in the district in which the contract is being executed. So that if in any one of the provinces, for instance in the province of Manitoba, the eight hour law were introduced by the legislature, the Department of Labour would insert in any Dominion contract in that province a schedule compelling the contractor to pay the rates of wages and agree to the working hours current in that province. So that our fair wages clause in all Dominion government contracts would agree with the provincial legislation as regards hours of labour and rates of wages. With the exception of the mines in British Columbia and Alberta where the eight hour system is in force, there is no province which has adopted that system, but there are customs which prevail in one province and another. In some, according to climatic conditions, workingmen labour only nine hours per day. In others they work ten and in others eleven. In certain seasons of the year, the men work seven and eight hours and in others nine, ten and eleven hours. So that, by means of our fair wages clause, we can always suit Dominion government contracts to the circumstances existing in the different provinces. Whereas if we were to adopt legislation forcing Dominion contractors to adopt the eight hour system, we would be in conflict with usages and customs which exist in the different provinces. I claim that it is better to continue the present system of a fair wages clause and not to adopt a rule which would create serious industrial disturbances and perhaps industrial conflicts in some portions of the country. Let me give an instance.

I see the Minister of Public Works (Mr. Pugsley) in his place. He knows that dredging work is very common in the several provinces of this young country. We are building up our ports and are especially attracted toward the adoption of a proper scheme of transportation facilities. Now, dredges are being built everywhere; the dredge has become a great instrument of our future prosperity. Take the case of the Polson Iron Works—(I do not know if they are still in existence; I know I visited these works some years ago). We all know that into the construction of a dredge enter many parts, hundreds of parts small and great, and that hundreds of men are employed in the construction of one of these great machines. Suppose that the Minister of Public Works gives a contract to the Polson Iron Works for the construction of a dredge. The Polson works employ several hundred men. In the same factory, in the same shop, you will have ten or twenty shifts of men, some of them working on the several portions of the government dredge, and some of them working on other individual contracts. Will you not cause friction, will you not cause heartburnings, will you not cause, in the long run, serious industrial disturbances, if you have working side by side two shifts of men, one working for eight hours and the other for ten and eleven hours, at the same rate of wages?—for I do not suppose that my hon. friend (Mr. Verville) from the Trades and Labour Council anticipates that the wages will be decreased. Mr. Speaker, there is another consideration: Shall we introduce in this country an eight-hour law and expect to maintain the same rate of wages? I know that the labour unions will say: 'Shorter hours, better men, better skill, better help.' True. But the man who pays will say: 'Shorter hours, less work; less work less pay.' A measure such as the one contemplated by my hon. friend, if enacted, would naturally tend to restrict, and restrict very seriously, the supply of labour. If the prevailing day of ten hours were suddenly reduced to eight, it would be tantamount to cutting off one-fifth of our labour force, so far as our productive capacity is concerned. Estimating our population at 7,000,000, of whom, let us say, 1,000,000 are working people, it would be on a par with a proposal to deport 200,000 of our population. It seems difficult to understand how we can reconcile such a step with the immigration policy of the government which for years has been steadily directed toward getting people on the land.

Now, as regards this question of the rate of wages, although as I stated a moment ago, nothing is said on this point by my hon. friend from Maisonneuve, it goes without saying that one of the principles of organized labour is that the eight-hour day shall carry with it the same rate of wages

as is paid under the longer hours. If the employer who is at present getting nine hours' labour per day out of his men suddenly finds himself compelled to give them the same wage for a day of eight hours, it means that for the same money he is only getting eight-ninths as much productive labour as before. In other words, the cost of his productive labour is increased eleven per cent. In the case of the employer who is at present working his men ten hours a day, it means an increase in the cost of productive labour of twenty per cent. This constitutes a serious increase in the cost of production of any manufactured article, or in the cost of any public work. And, in the case of manufactured articles, it must inevitably be reflected in a marked advance in the price charged to the consumer. On this point, is it fair, in this country, where our winter is long and where, so to speak, our manufacturers and our working men are handicapped by it, that we should enact legislation which, for all the year round, would restrict the hours of labour to eight? I am only putting the question. I have not gone very deeply into the subject, but I say that in this young country of ours, where all our energies are bent on building up our industries, handicapped as we are by that long winter, it would not be fair to enact shorter hours of labour. Our railway construction, our canal construction, the different industries of the country would suffer too much by such an enactment.

Another consideration and I am done. I said a moment ago that if we were to adopt such legislation—and I am one of those who think that the proposal is worth inquiring into, and I hope it will be inquired into—we should be placing our producers in an unfair position in competition with the producers of other countries. We are competing with countries where labour is notoriously cheap. Sooner or later—and I think sooner rather than later—we shall probably be competing against Asiatic races, notably China and Japan, in the process of manufacturing. Then, I say, Sir, would it be fair to either the manufacturer or the consumer of this country to be thus handicapped? For those considerations, Mr. Speaker, I believe that the question needs to be studied very carefully, and we must be satisfied with leaving it in its experimental stage for some years to come. Certainly, the principle involved in the measure propounded by my hon. friend for Maisonneuve must appeal to every man with a heart, to every man who is imbued with humanitarian sentiments. But as I have said, there are very strong objections from a business point of view to the adoption of that system, also from a national point of view. I think that the provinces have enacted the proper legislation to protect working-men in the shops and also child labour. Public opinion will always compel the great industries to give shorter hours, such as the mining industries in British Columbia and in Alberta. Public opinion can always be relied upon to compel the operators to adopt a proper system. But I say again, from a national point of view, from a business point of view, there are serious objections to the adoption in its entirety of the principle laid down at the last meeting of the Trades and Labour Council. I sincerely believe that a remedy has been found in the legislation I mentioned a moment ago, which was adopted by this parliament in 1900. I refer to the fair-wage clause proposed in this House by my predecessor Sir William Mulock, which has been inserted in every government contract since then, and has worked wonderfully well.

Mr. J. D. TAYLOR (New Westminster). I am reminded at the present time of the trite saying that 'fine words butter no parsnips.' I am sure that those who have at heart the best interests of the working classes in this country will be disappointed at the pronouncement we have just heard from the minister in charge of the Department of Labour, and which seems to indicate that so far as this government and the ruling party are concerned, we can expect from them no encouragement of the eight-hour movement. For myself I am free to say that I am in hearty sympathy, not only with the principle, but with the practice, of the eight-hour day. I think it well becomes this parliament to set an example to private employers of labour all over Canada, as they have done already in inserting in government contracts the clause which the Minister of Labour has mentioned. Still I cannot help but think that it is a reproach upon this parliament and a reproach upon the sincerity of those who in the House and also outside parliament have professed sympathy with the eight-hour movement, that two sessions have passed during which this motion has been upon the Order Paper and that we have not yet found time to discuss it. I think that in his heart every member of this House knows that it is not because of lack of opportunity that we have made no progress with this movement. I think the explanation is to be found rather in the statement we have just had from the Minister of Labour that the government are unalterably opposed to the proposition, and that it was not brought forward, because, whether rightly or wrongly, in the judgment of the hon. member promoting it, he did not wish to court the disaster which now appears to have overtaken his proposal. I do not intend to discuss the question at this time, because it is quite evident that to do so would be fruitless. But I think it is only fair that some of us who believe in

the principle and practice of an eight-hour day should stand up in our places and proclaim our faith when we have an opportunity to do so.

Mr. A. B. CROSBY (Halifax). I do not think that anything can be gained by discussing at this time the question that has been brought before the House by the hon. member for Maisonneuve (Mr. Verville). It is evident that there is no desire on the part of the government to discuss this proposition in the way it should be discussed. I had been informed that it was to come up in this House at an earlier period of the session; in fact the hon. gentleman who has introduced it spoke to me about it, and I expected it would come up in a proper form, in the way of a resolution, and be submitted to the House and the country in a proper way. But as this has not been done, I do not propose to waste the time of the House in discussing a matter which would only mean to use idle words and to idle away the time. Nothing can be gained by doing so, after what we have just heard from the Minister of Labour. I do not think that it is up to this House to worry themselves very much over what the provinces are doing or what anybody else is doing. The question we have to consider is whether we are prepared to adopt the principle of an eight-hour day in government contracts. I have no hesitation in placing myself on record on that question, and in saying that I think it should be done. It is up to this government to show the provincial governments an example. This proposal can only be brought forward for the purpose of allowing some hon. gentleman to make little speeches, so that they may be able to tell their constituents that something was being done, while as a matter of fact nothing was being done.

Mr. D. HENDERSON (Halton). I have no desire to sit silent and allow this motion to be voted upon, if there is a motion. Some hon. gentleman says there is no motion. At any rate, I have no hesitation in expressing my opinion on the question that has been brought forward by the hon. member for Maisonneuve (Mr. Verville). I sympathize with him in his desire to draw towards himself the workingmen of his section of the country, in his extreme desire to make them believe that he is a lion fighting in their interest, that, as the head and front of the Trades and Labour Council, he is doing everything he can to secure something for the workingmen of the country. Now to state my position briefly, I do not believe in class legislation of this kind. I believe that a man working on a government contract has just as good a right to work ten hours a day as a man working in a factory or on a farm. I do not see why we should pay a man more for working on a public building, say on the museum in the city of Ottawa, than a man working on a private building on the other side of the street, the one working eight hours and the other ten.

Why should we grant favours to one working man and do nothing for the other? It shows that the hon. gentleman has no interest in the working men as a class but only in a few. This question has no application to my own county and consequently I speak on it with the utmost freedom. We have no government contracts in the county, and I suppose that as long as the present government is in power and I am in this House there may not be any government contracts. I do not want labour to be disturbed by mischievous legislation of this kind. It would be a disturbing thing, as I said, all over the country to have a law that a man, because he is working for the government, would be paid full price for his labour and work only eight hours, while the man who was otherwise employed would have to work 10 hours a day. The thing is so utterly and absolutely inconsistent that I do not believe the working-men themselves can be deceived by it. Therefore I have no sympathy with the hon. gentleman's speech, of which I did not hear a word, because he did not speak loudly, while the hon. gentleman who read an essay from the back part of the House read it in such a low tone that we did not get the benefit of it. The other hon. gentleman, unfortunately, spoke in French, and I could not catch all that he said. Whatever he did say I presume was along the line of making a little cheap capital and these hon. gentlemen are welcome to all they can get out of it. In my county hon. gentlemen will find no sympathy with this movement. I have received protests against this legislation. We do not want class legislation of this kind, we want fair play for all; what is good for one working-man is good for all. There may be certain classes of labour such as mining and underground work which is dangerous or exceptionally trying and it is only proper that men engaged in such employment should work shorter hours. But the position that a man employed on a public building, simply because it is being erected by the government, is to be turned loose two hours sooner than the other man who is working on a private building is so utterly and absolutely absurd that I do not expect that the hon. gentleman ever thinks of making this House believe that such a law could be passed.

Motion agreed to, and House went into Committee of Supply.

SUPPLY.

Experimental farms, $73,500.

Mr. U. WILSON. I think there was a distinct arrangement that we should take up immigration.

Hon. SYDNEY FISHER (Minister of Agriculture). The Finance Minister asked me to go on but I am quite willing to give place if the Minister of the Interior is here.

Mr. U. WILSON. Have you many items?

Mr. FISHER. Just the one item. The item is reduced as will be seen; that is due to the same cause as in other cases, the transference of salaries here in Ottawa to the civil government list.

Mr. DANIEL. What success has been achieved in connection with the Nappan experimental farm?

Mr. FISHER. The Nappan farm is for the benefit of the maritime provinces. It is situated close to the boundary line close to New Brunswick and Nova Scotia. The farm has been managed as a stock farm. Some years ago we ran it chiefly for dairying but we were very unfortunate some three or four years ago in getting tuberculosis into the herd and we were obliged to take the whole herd away. We had not been very successful in arousing the interest of the people of that neighbourhood in dairying and we thought it was better for a few years to run the farm more as a beef producing farm than to revert to dairying. Accordingly we have lately been feeding steers there for beef production and our experiments have been more in connection with that branch. We have been able to show that beef can be produced most successfully in Nova Scotia, and I think I may say in the maritime provinces generally at a fair profit although the high price of feed during the last two winters, especially last winter, has interfered with it. And I think that farmers generally in the maritime provinces have suffered from this same trouble. We have also kept a small flock of sheep there but the farm does not seem to be particularly adapted for sheep raising.

Mr. DANIEL. Is it chiefly low lying land, meadow land?

Mr. FISHER. No, it is both dyke land and upland. The land on the farm is not of a high quality. I think that is peculiar rather to that farm than to the whole region but undoubtedly the farm itself is not very fertile. We have also been carrying on fruit experiments there and have shown that in that part of Nova Scotia successful apple growing can be carried on. We have two orchards, one in the open, and the other in a piece of woods which has been cleared for that purpose so that that orchard is sheltered by the surrounding woods, and it has been found that the sheltered orchard is perhaps the more successful, although even the other one has been made successful.

Mr. DANIEL. What effort is being made to disseminate information of the results obtained from the farm?

Mr. FISHER. The reports, of course, appear in the regular farm reports and then in addition to that there is a special report of that farm bound separately which is sent out to farmers who do not care to have the full report of all the experimental farms. In addition to that we have encouraged excursions to the farms and every summer several excursions come from the maritime provinces and facilities are given for visiting the farm.

Mr. DANIEL. Is there much publicity given to that; this is the first time I have heard of it?

Mr. FISHER. It is generally known in the maritime provinces. The manager of the Nappan farm always visits the fat stock show at Amherst and we send representatives to the several exhibitions in the maritime provinces.

Mr. DANIEL. In New Brunswick, where the attention of the farmers is divided between lumbering and farming, I have always thought that there should be a means of educating the farmers in the most successful methods of agriculture. If this government could in any way spread abroad a knowledge of the soils and of the crops best suited to them, it would be of great advantage to the people. In Ontario and Quebec there are agricultural colleges, but I do not think there are any such institutions in the maritime provinces. When the government does begin to establish agricultural colleges I trust they will at the very earliest opportunity direct their attention to New Brunswick.

Mr. FISHER. The experimental farms are not educational institutions in the sense of having students. That class of agricultural education, as all education, is in the hands of the provincial authorities. Nova Scotia has a very good agricultural college at Truro and although New Brunswick has no regular agricultural college it has a very good dairy school at Sussex, at which every winter one of the departmental officers helps in the course of instruction. We have experimental plots at the farm at Nappan and visitors see the results of the different methods of cultivating the different varieties of crops. We have been making experiments in the growing of forage crops which were formerly not much known in the maritime provinces. Our manager,

invariably goes to the great meeting of the farmers and dairymen's associations of New Brunswick which annually holds a three days' session, and discusses the agricultural problems of the province. Frequently officers of the experimental farm go to that meeting and they inform the institute workers in the province of the results obtained on the experimental farm. In that way educational work is constantly going on.

Mr. FRASER. I know that there have been negotiations between the Dominion government and the government of Prince Edward Island for some time past in reference to the establishment of an experimental farm at Prince Edward Island, this season. Would the minister tell me in what position that matter stands at present?

Mr. FISHER. I am very glad to be able to tell my hon. friend that the premier of Prince Edward Island has been here in the last few days and that we have come to a definite arrangement for the establishment of a branch station in a very suitable position within about one quarter of a mile of the boundary of Charlottetown. We will hardly get possession in time for the crops of this season, but we will have everything ready for next season.

Mr. BURRELL. What steps have been taken towards the establishment of additional experimental stations in the province of British Columbia, more especially with respect to the fruit growing industry?

Mr. FISHER. I hope this season to be able to investigate several sites which have been represented to me as favourable so that before the end of the year we may be able to have one and perhaps two additional branch stations on the mainland of British Columbia. It is very advisable that in the interior of British Columbia, especially where the climate is quite different from that of Agassiz that there should be an experimental establishment. I have already said to the hon. gentleman that it is an embarras des richesses in British Columbia because there are so many different districts and the conditions so different in each district that it is very hard to find any one place where the experimental work will be of use to the whole province. It may involve additional expense but I am inclined to think that more than one place will be required to really meet the demand of the fruit growers of the province, and I want to meet this demand as quickly as possible.

Mr. BURRELL. I am very glad to hear the statement of the minister; I suppose he refers to the semi-arid belt.

Mr. FISHER. I don't like the use of the word arid at all.

Mr. BURRELL. I said semi-arid.

Mr. DANIEL. Semi-fertile.

Mr. BURRELL. It is all fertile, but I had reference more especially to the districts where irrigation is practiced. There is great necessity for establishments of this kind in British Columbia, because I should think that 90 per cent of the people who are going into fruit growing and investing hundreds of thousands of dollars in the industry in that province are not particularly familiar with that branch of agriculture. I hope the minister will be able to push that work vigorously and have something done this summer.

Mr. FISHER. I will try.

Mr. BARNARD. What is the situation with regard to a station on Vancouver island?

Mr. FISHER. There have been some sites suggested on the island. I think there ought to be a station established there, and what I am referring to would not interfere at all with that.

Mr. BARNARD. I think the people on the island were practically assured last October that a station would be established there at once.

Mr. FISHER. I hope to be able to pick out a site this season.

Mr. SEXSMITH. I would like to ask the minister if he intends to put up an experimental cold storage station for apples, as recommended in a previous discussion in the House?

Mr. FISHER. Yes, I will bring down an item in the supplementary estimates for a special experiment in regard to cold storage for fruit. I am asking, in a Bill now before the House, for a very slight change in the wording of the Cold Storage Act, for the operation of which this item is intended. Under the law at present, the warehouses to get the subsidy must provide accommodation for all kinds of food products. It has been represented to me that there are districts where there are special needs for cold storage for fruit alone. Under the wording of the Act at present, I could not give the bonus for this, and I am asking parliament to give me the authority to do so by changing one word in the Act. When that change is made, as I hope it will be this session, I expect to be able to give assistance to some apple cold storages, and I hope, if I get the item in the supplementary estimates voted, to conduct some experimental work in the way of handling fruit in that cold storage.

Mr. J. D. TAYLOR. With regard to branch experimental farms, I understood the minister to intimate that when he got this station established in the interior, the

work of fruit experiments at Agassiz will be somewhat contracted?

Mr. FISHER. Oh, no.

Mr. J. D. TAYLOR. I would like to ask the minister if he has given any consideration to the question of extending the attention given to dairying at the Agassiz farm?

Mr. FISHER. I can only say that from my own observation of the work at the Agassiz farm, it does not seem to me to be very favourably situated for the successful prosecution of dairying. We are always doing a little work of that kind there, but it does not appear to be very successful. Dairying is a very important item in the agriculture of British Columbia, and I hope that if we establish a farm on the island, we may be able to carry on successfully there experiments which would be of use to all the dairying districts of the province.

Mr. J. D. TAYLOR. I take it that the experimental farm on the island would be towards the northerly part of the island?

Mr. FISHER. I cannot say exactly yet.

Mr. J. D. TAYLOR. As to the opinion that the minister has formed of the suitability of the Agassiz district for dairying, I think his statement will come as a shock to the residents there, who are engaged largely in dairying and with very great success. It has been a matter of comment on their part that while they are prosecuting dairying with great success, it is almost entirely neglected on the farm, which is situated precisely as the land adjoining it is situated. I have heard there serious criticism of the fact that the government neglects what would be of most service to the only persons who have opportunities of seeing that farm. Without setting myself up as an agricultural expert, and speaking only from what I have heard from the residents of that district, I do not think that the minister's estimate of the unsuitability of that section for dairying will be accepted by the residents.

Mr. BEATTIE. While the minister is assisting a number of cold storage plants, I think he should be very careful not to assist any where there are already good storage plants established. In the city of London we have one of the best cold storage plants in the province of Ontario. established entirely by private capital, and I have heard that there is going to be established at St. Mary's a rival plant which will receive the assistance of the government. I do not suppose that will be objected to by the Chairman (Mr. McIntyre). but it is only twenty miles away, and I think it would be a mistake to assist a cold storage plant within that distance which will come into competition with another one established by private money.

Mr. FISHER. The decision as to whether a cold storage plant shall receive the bonus or not is left to the department, and what my hon. friend has alluded to is always taken into consideration in dealing with applications. I would not like to say that in no case should a cold storage plant be aided which is within twenty miles of another cold storage plant. In some parts of the country there would not be business enough for a cold storage plant within fifty or one hundred miles, while in other parts of the country there might be business for cold storage plants every ten miles. We have to take that into consideration in dealing with the applications. Sometimes, too, by reason of railway accommodation, two cold storage plants might be very close together, while there might not be another within twenty or thirty miles of them, and still, for the general convenience of the counfry and the help of the industry, it might be wise to have both cold storage plants.

Mr. BEATTIE. All I want is that that point should be taken into consideration, that no cold storage plant should be established by government assistance in competition with another which is established by private money.

Mr. CROSBY. Has it yet been decided to what company assistance for the cold storage plant in Halifax shall be given?

Mr. FISHER. No decision has been come to. There are two applications before the department, the relative claims of which appear to be so equal that we have not yet been able to come to a conclusion.

Mr. CROSBY. I understand from the secretary of the board of trade that that body desire that the subsidy should not be granted until they know something of the company to receive it; but, as far as I understand, both companies are acceptable to the board of trade.

Mr. FISHER. I have not made inquiry yet.

Mr. CROSBY. Might I ask what time the department will likely decide?

Mr. FISHER. As soon as possible, but I cannot say exactly, I shall have to get some further information.

Mr. LAKE. In the Auditor General's Report of last year, under the head of Health of Animals, I see some charges with respect to an outbreak of rabies at Moosomin. What was the extent of that outbreak and what measures were taken to stamp it out?

Mr. FISHER. We passed an order in council quarantining that section.

Mr. MARSHALL. I would ask the hon. minister to consider the advisability of extending the cold storage system to the fish-

eries. Our market is principally the United States, and when there is a large catch they get news of it and put the price down to an absurdly low figure. We have sometimes to sell our fish at a cent and a half per pound, which does not pay for the catching and marketing of it. It seems to me that the fishing industry should have some encouragement. I would ask the minister to give it some assistance by aiding the establishment of freezers.

Mr. FISHER. I could not do that under the Act as it stands, but with the change I am asking parliament to adopt, I shall be able to do it. Anybody then who wishes to establish cold storage for fish would be able to get a bonus of 30 per cent on the cost of the system.

Mr. MARSHALL. I understand that fish have to be frozen, so that a freezer would be required.

Mr. FISHER. A cold storage warehouse could be made to freeze just as well as to keep chilled. It is a mere matter of reducing the temperature by increasing the power.

Mr. SEXSMITH. I see in the Auditor General's Report a charge of $250,000 under the heading of Health of Animals and $52,000 for the development of the live stock industry. Why should the former cost so much more?

Mr. FISHER. The item regarding health of animals is so large because we have to pay compensation for the slaughtered animals. A few years ago we undertook to stamp out glanders, and some years before hog cholera. We succeeded in stamping out hog cholera practically. I warned the House when we undertook to stamp out glanders, that for some years it would cost as high as $150,000 a year to slaughter and pay compensation for the horses we were obliged to kill. I am glad to say we are reducing that. The year before last the cost was $102,000 and last year a little over $80,000. I hope it will be much more reduced. We have not only had to pay compensation but also to put on a very strong force of watchers along the American frontier. In the Northwest especially, we found the outbreaks of glanders largely traced to horses brought across the line. There seemed to be almost a system of buying suspicious animals in the United States and bringing them over and then when they were tested and found diseased we had to slaughter them and pay compensation. So we had to put on a force to test the horses brought to the country. The last few years we have been testing every horse brought from the United States. It is largely because of this, that the reduction has taken place. I may say to my hon. friend from Qu'Appelle (Mr. Lake) that there were some six dogs shown to be diseased in the neighbourhood of Moosomin and that district was quarantined six months and we required all dogs to be muzzled.

Mr. LAKE. How many dogs were infected with the disease?

Mr. FISHER. About six confirmed and others suspected.

Mr. LAKE. Confirmed by scientific test?

Mr. FISHER. Yes.

Mr. LAKE. There was a great deal of comment in Moosomin at the time over this. The expenditure seemed very large for the carrying out of the muzzling order and looking after this work. Two men were employed at $2 a day each. And $4 a day for livery. One man apparently put in 113 days livery work. What check had the government upon these two men and what special qualifications had they for the work? What were the instructions from the department to the men who were carrying on this work? Had they been told the conditions, it seems to me they would have been able to purchase a team and rig for less than they paid for the horse-hire, and, at the same time, could have handed over the horses and rig to the department. It seems to me a very extravagant expenditure indeed to pay that sum for a continuous service of 113 days. It is hard to credit the statement that it took all that time to properly quarantine even a district of the size the minister has described. There were two men, one employed for 71 days at $2 per day for wages and $4 for a horse, and the other for 113 days at the same rates. It seems to me that the service might have been much less expensively performed.

Mr. FISHER. We did not know at the time of the outbreak how long it was going to last or how long we should need to maintain this quarantine. I think the rate of $2 a day is not too much for a man competent for that kind of work, especially considering the season of the year.

Mr. LAKE. What were their qualifications?

Mr. FISHER. They were good, solid men, who knew the country. Their duty was to drive about and watch for cases of this disease. It was responsible work, and any man above the condition of a labourer would get this amount for his time. As to the time occupied, had we known that the men were to be for months employed, it might have been cheaper to buy a horse, and even if we had to kill it at the end of the time. I do not know what the price of horses was at that time. But $4 a day for a livery rig in the Northwest is not an out-

of-the-way price. We pay $3 here in the east.

Mr. LAKE. It was continuous work?

Mr. FISHER. Yes, and if we had known that it would be continuous for so long, we might have done it a little more cheaply, but there was no expectation that it would take so long. These men were under the direction of one of our veterinaries who looked into the matter and signed or initialled all the accounts. And these men were obliged to report once a week as to where they had been and what they had done.

Mr. LAKE. Has the minister a statement of the different cases that occurred? As this covers a considerable length of time, there must have been intervals between the cases. How long does it take for the disease to develop?

Mr. FISHER. I have not the reports under my hand, but they are in the department—every case of disease or even suspicion of the disease. I am informed by the veterinary that the regular period of incubation is three weeks to a year, and we cannot tell whether it is going to develop or not. Once the disease is introduced into a district, it is a most insidious one, very liable to spread and one the deplorable results of which are well known. I thought that the advantage to be gained through these precautions was well worth the trouble involved.

Mr. LAKE. I thoroughly agree with the minister on that point; the disease should be stamped out at once. But my impression was, and the impression in the neighbourhood seemed to be, that the inspectors were having a soft snap. I agree that it is necessary to take the most strenuous steps to keep this disease under control. All I say is that every precaution should be taken to see that the work should be properly and economically done.

Mr. BARR. In looking over the expenditures under 'Health of Animals,' I find—Auditor General's Report, page D-52—an item of $1,300 of salary to W. W. Stork, Brampton, inspector. It is shown that he received also expenses $814.60. Just below that, I find that W. W. Stubbs, Caledon, inspector, was paid $1,300 salary and $30 expenses. These two live within a few miles of each other.

Mr. FISHER. Dr. Stubbs was stationed at one place, while the other man is a travelling inspector who travels all over the province.

Mr. BARR. What territory has Mr. Stubbs?

Mr. FISHER. He lives in Caledon, and his work is all there.

Mr. BARR. Not in Caledon, surely, for that is only a small place.

Mr. FISHER. Yes, he is working just around there.

Mr. BARR. Only in that little district? There is no work there. Is he liable to be called out in any direction? It is generally supposed that he is not much away from home.

Mr. FISHER. Like all our men, he is liable to be sent, but if not sent he does not go.

Mr. BARR. Then he receives $1,300 salary and $30 expenses, and has no special territory. What I would like to know is, for instance in the county of Dufferin, who is the proper one to apply to in case of an outbreak of disease in animals? It is a strange thing that these two veterinary inspectors, receiving $1,300 each, live within a few miles of each other, and probably neither of them do very much. Does Mr. Stork travel, or does he inspect the other veterinarians?

Mr. FISHER. No.

Mr. BARR. Then why does he travel? They don't know in Brampton what he has to do. What travelling does he do to earn these expenses?

Mr. FISHER. All such travelling expenses are checked over and proved to be correct.

Mr. BARR. The checking is not very stringently carried out. Nobody there seems to know where he spent the $814.60. Nobody knows that he has been called to go out of the district into the country. There is another question here that troubles me. These two inspectors in Brampton and Caledon are only within a few miles of each other, and the rest of all that vast country in Dufferin county has no government inspection whatever. Of course they are following their profession, to a great extent. But nobody knows in Brampton what W. W. Stork is doing, or how this sum for travelling expenses is made up. I hope the hon. gentleman will bring down a detailed statement of that expenditure. Are both of these men allowed to practise their profession?

Mr. FISHER. Neither of them. Their whole time is devoted to our work. They are not allowed to take fees from anybody else. But I will see that the hon. gentleman gets the particulars.

Mr. W. H. SHARPE. I would like to know from the minister why they employ

five veterinary surgeons in the city of Winnipeg and pay them over $10,000?

Mr. FISHER. The whole veterinary work for the province of Manitoba is done from the city of Winnipeg.

Mr. W. H. SHARPE. I have a list here showing that $2,622 are paid to veterinaries outside of the city of Winnipeg. There is one at Emerson, drawing $1,200 a year; there is one at Gretna, drawing $1,200 a year; one at Bannerman, $1,200; one at Oak River, $198; one at Melita, $59; Boisevain, $86; one at Rossburn, $387; one at Portage la Prairie, $300; one at Shoal Lake, $556; one at Hamiota, $44; another at Hamiota, $294; one at Gladstone, $697. I want to tell the minister that the last year the province of Manitoba handled this department, and all it cost was $3,655, while this government paid out for the same service $14,179. I think we have a right to get an explanation.

Mr. FISHER. Of course I do not know exactly what the Manitoba government does, or how much it does. We have to deal with the health of animals in Winnipeg and in the province of Manitoba. Winnipeg is the great centre of traffic from the further west eastward, and a large proportion of our inspection work is done in the city of Winnipeg. When an outbreak occurs in any part of the province it is cheaper to send out inspectors from Winnipeg than from any other part. It is true we have some men stationed on the frontier between the United States and Canada to watch the boundary line. I think the men stationed in those places the hon. gentleman mentioned are chiefly engaged in that work. A good deal of the stock that comes from the United States is also inspected at Winnipeg instead of at the boundary, because trains are run directly into Winnipeg.

Mr. W. H. SHARPE. Immigrants come in sometimes with horses affected with glanders. Looking over the list I find you have only four veterinaries at the international boundary in the whole province of Manitoba. It looks to me as if this money was not being spent in a proper way. I cannot understand why this government should have to spend $14,197 when the Roblin government did the work for a little over $3,000.

Mr. CROSBY. I would like some information on this item of $110,000 for the administration and enforcement of the Meat and Canned Foods Act.

Mr. FISHER. It is now after six o'clock, and I move that the committee rise and report progress. I will give the hon. member for Halifax (Mr. Crosby) the explanation he asks for on the supplementary estimates.

Some resolutions reported.

At six o'clock House took recess.

After Recess.

House resumed at eight o'clock.

ONTARIO AND MICHIGAN POWER COMPANY.

House again in committee on Bill (No. 34) to incorporate the Ontario and Michigan Power Company.—Mr. Conmee.

Mr. LENNOX. We will endeavour to carry out the understanding arrived at that although discussion is always legitimate on this side of the House, it will be particularly to-night. We wish to bring certain matters before the attention of the House and, having stated these, we will leave it to the government to decide whether, under all the circumstances, they think this legislation should be passed. I first desire to read a letter from the Attorney General of the province of Ontario to the Minister of Finance, a copy of which has been sent to me. The letter contains the statement that certain copies have been sent out. It reads as follows :

Toronto, May 6, 1908.

My dear Mr. Fielding,

Re Ontario and Michigan Power Company.

I observe on page 5554 of the 'Hansard' of May 3, that you made some reference to several days' delay to enable the province of Ontario to present its views, and as the Bill comes up to-morrow, I, at the request of the prime minister of Ontario, send you a hurried memorandum on the subject.

It is somewhat difficult in the short time at our disposal to appreciate the present plight of this Bill, or to present very fully the views of the government on the question.

Even if we assume for the moment the jurisdiction of the parliament of Canada to incorporate this company we nevertheless contend that it has not an exclusive jurisdiction, and that it is also competent for the legislature of Ontario to deal with the matter, and that the company being one with local objects, and proposing to deal with matters which affect the property of the province of Ontario, the parliament of Canada should stay its hand and leave the matter to be dealt with by the legislature of Ontario, a province that is so materially interested.

The claim that the jurisdiction to deal with the matter resides exclusively in the parliament of Canada, is, I understand, rested upon two grounds. The first is that the Pigeon river is an international stream. In our view that does not oust the jurisdiction of the legislature of Ontario. This is not a case in which a treaty or international arrangement is to be made between the governments of the two countries, although it is quite possible the promoters may obtain legis-

lation from the state of Minnesota as well as a Canadian authority. The circumstance that a stream is an international stream, it is submitted, gives the parliament of Canada no jurisdiction over the stream nor does it deprive the province of its jurisdiction; neither the Dominion nor the province has complete jurisdiction for all purposes over such a stream, and that of the Dominion is no greater than that of the province, except, indeed, possibly with reference to making some treaty or international arrangement with reference to it. Although a river may be international it still remains, so far as it is Canadian, a part of the province through which it flows, and subject to the jurisdiction of that province.

The second ground is that the stream in question is a navigable stream. Assuming again that that is so, that circumstance does not oust the jurisdiction and authority of the province; the river still remains a provincial stream, except in respect of the paramount authority of the Dominion to regulate and provide for navigation thereon. In other respects it is submitted the river remains under the control and within the jurisdiction of the provincial authority.

While, therefore, the parliament of Canada may have the constitutional authority to incorporate this company and give it the powers suggested, it is submitted that the province of Ontario has also that authority, and that for the reasons already stated the promoters should be remitted to the provincial legislature to deal with the matter. The case of the Canadian Niagara Power Company and the Niagara river illustrates both points taken by the promoters. The Niagara river is both an international and a navigable stream, yet the Canadian Niagara Power Company was incorporated by the legislature of Ontario and derived all its powers from that body. The promoters of that company considered very carefully the question of jurisdiction and came to the conclusion at the time that the power was vested in the province of Ontario to incorporate the company and to invest them with the powers they now exercise.

As I understand it is now proposed to limit the compulsory powers of the Bill to the right-of-way over lands of the province of Ontario for the company's transmission line. That still leaves the Bill open to the objection of compulsory powers being granted by the parliament of Canada over property of the province of Ontario. This we strenuously object to. The Nipigon river can scarcely be said to be a navigable river, certainly not for anything but the smaller kind of light craft, but in any event by order in council of 12th December, 1894, reserve was made of two chains on each side of Nipigon river throughout its entire length and along the shore of Lakes Jessie, Helen and Polly. Where mining locations were laid out along the river before the townships were surveyed one chain only is reserved. It will therefore be seen that the Nipigon river and the land on either side of it is the property of the province of Ontario, and no powers, whether compulsory or of any kind, ought to be granted to the promoters in respect thereof. The province desires to retain this river in its integrity for purposes of its own. It forms an important factor in the general policy of the government of the province in connection with the generation of electrical power, and the parliament of Canada should not, it is submitted, interfere with it.

In conclusion it is submitted that the promoters should be instructed to apply to the legislature of Ontario for their incorporation. Their objects are local in character. The fact that they suggest that they intend to connect with lines in other provinces or in the United States does not give them an international character, neither does the fact that they propose to sell part of the power generated in the United States any more than in the case of the product of any other manufacturer. If it should turn out that for any reason it was necessary that the company should be invested with supplementary powers from the Dominion such powers might hereafter be sought for, but for the present the promoters should be sent to the legislature of Ontario to deal with the whole subject.

Yours sincerely,
(Signed) J. J. FOY.

The Hon. W. S. Fielding,
Minister of Finance.

P.S.—I am sending some copies of this letter to our agent, Mr. Code, K.C., to hand to some of the members.

The subject matter of this letter has been quite fully discussed in this House. This is undoubtedly better expressed than we have expressed it. I would like to add to the statement, that when the Canadian Niagara Power Company sought for incorporation from the Ontario legislature and this power company afterwards came to this parliament and asked for incorporation, the member for South Wellington (Mr. Guthrie) brought before the House the circumstance that to his own knowledge, there was a pretty strong objection to incorporation here and it was asked that the matter stand over for a couple of weeks; it did stand over and subsequently the Bill was withdrawn. I am also instructed that since that time the company have not experienced any difficulty in carrying on their operations under their provincial incorporation. They are operating and operating successfully, and they are exporting large quantities of power to the United States and have the largest business I am told of any of the Niagara companies incorporated for the generation and sale of power.

Mr. GUTHRIE. My hon. friend has mentioned my name in connection with the Canadian Niagara Power Company. My recollection is that I merely asked the postponement of the Bill for a week as I had received a letter from the mayor of Guelph stating that the council desired to look into it to see if it did not interfere with any rights they may have under contract for the supply of power.

Mr. LENNOX. I accept the hon. gentleman's statement. I stated what was

contained in the memorandum furnished to me.

Mr. CONMEE. Is it not a fact that that company had a contract with the Ontario Niagara Park Commission which is an international commission, and which might give them some authority which no other company could obtain except at Niagara Falls?

Mr. LENNOX. I do not know as to that. I understand that under the powers obtained from the local legislature they are exporting power. I have no instructions as to the statement made by the hon. gentleman. Now, there is objection entered to this company being granted expropriation powers over lands which the Ontario government have reserved along the Nipigon river. The Prime Minister will remember that the Bill has been cut down in its scope so that so far as the Nipigon river is concerned they only ask expropriation powers for the purpose of erecting transmission wires. They have abandoned as I understand the provision enabling them to generate power along the river.

Mr. CONMEE. In so far as this Bill is concerned they have abandoned any power of expropriation with regard to the Nipigon river or with respect to any of the lands to which reference is made. The transmission lines would not touch the reserve; the company do not mean a transmission line in that sense. If they submitted plans for any such line they would not be approved and there is no danger of a clash between the company and the provincial authorities in that respect.

Mr. LENNOX. It would seem as if there was necessity for guarding against the granting of the power asked, and subsection 5 of section 15 it is suggested should be in this form:

> The expropriation powers hereby conferred upon the company shall not be exercised by it until the plans mentioned in section 18 of this Act shall have received the approval therein provided for, and with respect to any lands upon the Nipigon river shall not be exercised except as to such land as may be required for the purpose of these transmission lines.

The section of the Bill as now proposed does not exclude the lands reserved by the government of Ontario, and so, if it is thought advisable to pass this Bill at all —and I am going to leave the responsibility for its passage upon the Prime Minister—it will be necessary to word that section in such a way as to place it beyond doubt that we do not intend in this parliament to grant power by which one government shall vest in a private individual the right to expropriate the lands of another government in the Dominion of Canada. If my hon. friend (Mr. Conmee) is content now to have it worded in such a way as to remove this objection there will be no necessity for referring to that point further.

Mr. CONMEE. I would be quite prepared to exclude the chain reserve to which the hon. gentleman makes reference. The clause was drawn up by Mr. Ritchie of this city who I believe to be a very careful lawyer, and I also spoke to the Minister of Justice about that point, and there is no power in the Bill to take land along the river. At all events that is not the intention. The provision is that the transmission wires may come to the Nipigon river but there is no intention of going on to the chain reserve.

Mr. LENNOX. If my hon. friend does not want to consent we will have to argue it. To my mind this clause, without question, allows expropriation for the purpose of erecting poles anywhere along the Nipigon river. The expression 'lands upon the Nipigon river' means land adjoining that river, and the right would be exercisable upon that chain, or two chains in some cases, which the government has reserved. We will strenuously oppose anything which will give the right of expropriating on the reserve of the Ontario government.

Mr. CONMEE. Will it satisfy the hon. gentleman to state:

> But not within the one-chain or two-chain reserve along the said river.

Mr. LENNOX. What will satisfy us is anything that will make it clear that we are not interfering in any way with the lands owned or reserved by the province.

Mr. CONMEE. My hon. friend is speaking of the chain reserve only.

Mr. LENNOX. I am not speaking of anything technical. What we contend is, that it will be very unwise and very unfair to grant to a private speculative company the right to take by force land belonging to or reserved by a province. The province of Ontario or the province of Manitoba or any other province represents the Crown just as effectually and fully in its sphere as the Dominion parliament, and it would surely be a most unseemly thing if this parliament should, at the instance of a private speculative company, wrest the rights of a province from it against the will of that province. This is the right of eminent domain, which rests in the Crown. For the purposes of this parliament it rests in this parliament. For matters under the jurisdiction of the province of Ontario it rests in the Ontario government. Should it happen that the federal head will, at the instance of an individual, grant to that

individual that eminent domain which the province desires to retain for itself? In that paragraph there is another clause to which I wish to call the Prime Minister's attention, as to the formal policy of the Ontario government with reference to the development of power. This clause is concluded in these words :

The province desires to retain this river in its integrity for purposes of its own.

When it says for purposes of its own, it has made it manifest by its action that these are for the purposes of the people of the province of Ontario, by lightening the taxes on them. They have entered on that policy vigorously, and have brought it already into successful operation.

It forms an important factor in the general policy of the government of the province of Ontario in connection with the generation of electrical power, and the parliament of Canada should not, it is submitted, interfere with it.

I think I am right in saying that the First Minister was impressed in the very early discussion of this Bill with the importance of that aspect of the case, and I hope that as the discussion has gone on, it has not served to eliminate that impression from his mind, but that he has become more impressed with the importance of letting not only the province of Ontario but all the provinces act on the line, of developing as far as possible all the resources within their control for the benefit of their people. There is no doubt in any part of Canada about the wisdom of the policy the Ontario government has so successfully initiated in this regard. Probably a brief expression from the Prime Minister might facilitate dealing with this Bill in whatever way it is to be dealt with. I will, if necessary, call the attention of the Prime Minister later to other matters that arise in connection with the Waterways and Boundary Commission. That commission a few years ago dealt with a matter very similar to the one now before us. A company called the Minnesota Canal and Power Company, or having a similar name, applied a few years ago for powers in connection with the waters that flow into the Rainy river, the Lake of the Woods and on to the Hudson bay. The matter of diverting those waters southward and emptying them into Lake Superior at Duluth has been taken up by that commission and referred to this government. That matter has not been settled, but as far as it has gone I understand that the government and the commission have recognized that it rests upon certain treaty rights defined and governed by the Webster-Ashburton treaty, and neither the parliament of Canada nor the parliament of the United States, but the Waterways Commission, ought to deal with it in the first instance, and that until a satisfactory arrangement has been come to between the two governments, no private right should be granted. I need not dwell on that aspect of the case; probably the Prime Minister is familiar with it.

Sir WILFRID LAURIER. What is its connection with this question?

Mr. LENNOX. In that case the Minnesota Power and Canal Company applied to the United States legislature to grant them the power to dam up the waters of certain lakes, so that instead of allowing them to flow into the Rainy river and its tributaries, contributing to the volume of water flowing into the Lake of the Woods, the government of the United States represented that they should not be allowed to do so, because by reason of treaty rights between the Canadian government and the United States, those rivers on that chain of lakes were made an international boundary, and neither the Dominion of Canada nor the province of Ontario alone had successful jurisdiction over the matter, and so it has been left in abeyance. In the same way, in the case of the Pigeon river, which is a part of the same chain of boundary waters, this parliament should not attempt to deal with the matters as a private matter at all. These rights between the two countries should be ascertained and defined, either directly or through the commission to which I have referred, before we grant any rights to private companies.

Sir WILFRID LAURIER. I do not see any parity at all between the case in hand and the case to which my hon. friend has alluded. He states rightly that a certain company has obtained permission from the state of Minnesota to divert some waters which flow into the Rainy river, and cause them to flow into Lake Superior at Duluth. These are altogether within the state of Minnesota. But the commission to which my hon. friend has referred has objected to this as being contrary to the provisions of the Webster-Ashburton treaty. In this case power is sought simply to develop water power on the Pigeon river. It is admitted on all sides that this power could not be exercised unless there were concurrent legislation on the other side of the river, either by Minnesota or by the United States; and therefore the exercise of this power would be on a parity with the exercise of the power of which my hon. friend has just spoken, which according to the Waterways Commission, could not be exercised except by the joint authority of Canada and the United States. But I think it would be well in this matter to proceed regularly, and decide whether the preamble of this Bill should be accepted or not. This involves a question of jurisdiction, and I shall say no more on that

point. It is a vexed one and probably will have to be settled finally by judicial authority. My hon. colleague, the Minister of Justice, has given his opinion that this parliament alone has the power to incorporate this Bill and therefore, so far as this parliament is concerned, I take that view and accept it. Later on, if thought advisable, it may be finally tested by judicial authority. I think therefore we should adopt the preamble of the Bill. Then we come to the real point of contention, which is the expropriation power. To some extent, I sympathize with the view taken by my hon. friend, but would not express any opinion on it.

Mr. LANCASTER. My right hon. friend thinks that this parliament has exclusive jurisdiction, and I presume he means that opinion to apply to the Pigeon river. I understand that he does not claim that we have jurisdiction over the Nipigon river.

Sir WILFRID LAURIER. In my opinion the jurisdiction of this parliament arises from the fact that this is an international waterway.

Mr. A. C. MACDONELL. I cannot agree to let the preamble go without putting myself on record as opposed to it. The last time this Bill came before this committee, its discussion was adjourned for the purpose of ascertaining the views of the government of Ontario. We now have the opinion of that government, which my hon. friend from Simcoe (Mr. Lennox) has read, and that opinion is distinctly against legislation by this House. It may be that there is concurrent jurisdiction, but that would be no reason why this House should, against the express wish of the province, grant this legislation. Even if the matter be one under Dominion control, and with which the province has nothing to do, would it be wise and proper for us to pass this Bill? Suppose the powers are confined to the Pigeon river, which is an international waterway, and suppose that this government has the sole right to grant the power to generate electricity on that river, would it be proper for this parliament to give to private promoters the right to generate and dispose of this electricity without any compensation or regulation? Surely we ought to be consistent, if nothing else. As recently as the present year, this government became a party to the North America Conservation Conference, composed of representatives from Canada, the United States, and I think also Mexico, the object of which was to consider the best means of conserving the natural resources of this continent. That conference met at Washington and was attended by no less than two representatives of this government, the Minister of Agriculture (Mr. Fisher) and the hon. member for Brandon (Mr. Sifton), who signed their names to the report of that conference. I find that report in sessional paper No. 9 of this year, and in that report, I find this paragraph:

> We regard the monopoly of waters, especially of water-powers, as peculiarly threatening. No rights to the use of water-powers and streams should hereafter be granted in perpetuity. Each grant should be conditioned upon prompt development, continued beneficial use, and the payment of proper compensation to the public for the rights enjoyed, and should be for a definite period only, such period should be no longer than is required for reasonable safety of investment. The public authorities should retain the right to readjust at stated periods the compensation to the public and to regulate the rates charged, to the end that undue profit or extortion may be prevented.

That was assented to only within a month or two, and is signed by the hon. Minister of Agriculture (Mr. Fisher) and the hon. member for Brandon (Mr. Sifton), representing this government. Yet in open defiance of almost every line of that paragraph, this government, even assuming it is right on the question of jurisdiction—proposes to hand over one of our international water-powers to private parties for their own private gain. Surely some weight should be attached to that report. Admitting that the jurisdiction is here, is it wise or just, in the interests of the people of this country, to pass this Bill? If we expect our neighbours to live up to the terms of this arrangement, it is only just to all concerned that this government should not commit breaches of it. The protest of the premier of Ontario is very explicit. It is to the effect that there should be no entering upon the public land of the province. It states that the Ontario government has a policy with regard to this particular Nipigon river, that it has reserved, in some places one and in some places two, chains along both banks its entire length, but that power cannot be exercised if this company be given the right to place its works across the public domain of that province. What we ask is that nothing should be done, but that this Bill should be relegated to the proper tribunal, which is the province of Ontario. As regards the right hon. gentleman's statement about the necessity of obtaining legislation from the State of Minnesota, short of treaty obligations—and I assume the right hon. gentleman has in his mind the recent treaty regarding international waterways—there is no necessity to go to the State of Minnesota or United States authorities of any kind to create works on this side of the river so long as they do not interfere with the extent of water flowing through it. When the Niagara river was exploited in the

early nineties by the Ontario government, which was done under the authority of the province of Ontario, they did not necessarily go to the State of New York, but used the waters on the Canadian side. In like manner, if this company should obtain the charter it asks, it will be able, unless it contravenes the provisions of a treaty which we have not the opportunity of discussing in this House, to utilize these waters and be under no necessity to go to the State of Minnesota for legislation.

They can do what the earlier Ontario companies did on the Canadian side of the river at Niagara Falls. There are two main questions involved here. The first is that the province of Ontario, which has the rights in this matter, has been given an opportunity of expressing its views; those views have been expressed, and I submit they should be listened to by this House. In the second place, the province of Ontario is the only province that is interested, and this government should not, in open defiance of the articles it has subscribed to in the conservation conference and of public opinion, give this power to these private parties.

Mr. LANCASTER. I have only a word to add to what I said the other day. I appreciate what the Prime Minister (Sir Wilfrid Laurier) says about there being a jursdiction in the Dominion of Canada in international waters. But I submit—and I am confirmed in my opinion since I stated it the other day—that this jurisdiction is a limited one. The question now before us does not invoke that jurisdiction. So far as the plea that this is a navigable stream is concerned, it is not necessary to come to this House. I understand the Prime Minister does not dissent from that. His point is that this is an international river, and, therefore, there is jurisdiction in this parliament. I admit that jurisdiction, with the limit I have stated, but I contend that it must be used sensibly and properly for the purposes for which the Dominion needs to exercise that jurisdiction internationally. A mere matter of commerce, the establishment of a corporation, is not an international matter per se. Its works, of course, may become international or may not. But merely because that company is to be instituted on the shores, or even over the waters up to the boundary line, of an international stream does not call for the interference of the Dominion. Only as you bring in some attributes of a really international character is there any need to assert this jurisdiction relating to international affairs. It is said here that the state of Minnesota can give all the jurisdiction on the other side. In the same way the province could give it on our side. The state and the province own the land up to the international boundary which, I assume in this case, runs along the centre of the stream. I do not know whether that point is conceded, but I do not see how it can be denied. As we are seeking to incorporate a company that the province could incorporate; we are interfering with provincial rights. So, while there is undoubtedly a jurisdiction in the Dominion parliament—and I want to be quite clear about that in view of what the Prime Minister has said—it is a jurisdiction requiring to be exercised only for international purposes, and is not intended to exclude the jurisdiction of the province as owners of the land. There is nothing asked for in this charter that the province of Ontario cannot grant. I speak from local knowledge of one living near the Niagara river and knowing of the operations of the Canadian Niagara Power Company which is doing all that this Bill proposes to authorize this company to do, and carrying on a successful business wholly under provincial charter. It seems to me we ought not to interfere. In full view of the reasons given by the promoters of this Bill, or suggested by the Prime Minister, I am confirmed in my opinion that my duty is to vote against the preamble.

Mr. SAMUEL SHARPE. There are two objections to this Bill, even admitting that the Dominion has jurisdiction. The first is that we are alienating a valuable public asset to a private company in perpetuity without providing for any compensation. The second is that, as I understand the hon. member for Thunder Bay and Rainy River (Mr. Conmee), he wishes to construct a dam across a navigable stream and so to impede navigation. For these reasons I purpose voting against the preamble of the Bill. I think also that the administration should give due weight and grave consideration to the communication received from the province of Ontario. I think the province of Ontario has a broad, comprehensive policy in connection with the conservation of natural resources and the development of water-powers, and I do not think this parliament should interfere with the carrying out of that policy. Under the circumstances, I consider it my duty not to give a silent vote, but to place myself on record on this subject.

On section 8,

Mr. LENNOX. What is the meaning of this phrase in paragraph (a) 'By any means of application?'

Mr. CONMEE. It means that they may operate their mills by cable or electrical power or water or compressed air or any other means by which power can be applied. There may be new inventions that we know nothing of just now.

Mr. LENNOX. They do not come in at the right place. If these words were in

connection with 'acquire, develop and improve,' if they were confined to operating water-powers, then ' by any means of application' would have some sense. But when they follow 'supply and sell water-power for any purpose' they are not in their proper place.

Mr. CONMEE. The hon. gentleman does not know what means of operation may be employed.

Mr. A. C. MACDONELL. I do not think we should allow such ample power to export. Subsection (a) provides that the company may supply and sell electrical energy for use in any manner at any place in Canada or the United States. That means any mode of dealing with it at all, as to the amount, or terms, or otherwise. I do not think we should allow this company to deprive us of our natural heritage by giving them power to make an unlimited sale in the United States.

Mr. CONMEE. By an amendment, power to expropriate electricity is taken away except under the Electrical Expropriation Act.

Mr. A. C. MACDONELL. . I am aware that the electrical Exportation Act is intended to apply to the operation of this company. But where you give express powers to do something, as you do here, you override an Act of general application. I do not think this general and unlimited power should be permitted to the company.

Mr. LENNOX. These words were put in at a time when we were giving much larger powers than we propose to give now, and they are inconsistent with the limited power that is afterwards given under the amendments now proposed. The present proposition is that this company shall be controlled by the Electricity and Fluid Expropriation Act. That defines the manner, and this is inconsistent with it.

Mr. CONMEE. What words would the hon. member strike out?

Mr. LENNOX. 'Supply and sell the same for use in any manner at,' I would strike out the words ' in any manner.'

Mr. CONMEE. I would consent to striking out the words 'by any means of application.'

Mr. A. C. MACDONELL. I would not like to see the committee get into a tangle. The hon. gentleman has drawn a Bill that, first of all, gives almost every power he could imagine, and then extends it through all the twenty odd sections. Then he proposes to cut this down by certain restricting words at the end. The result is that the framework of the sections of the Bill is not in accordance with the exceptions that are afterwards contained in the Bill. I would suggest that any company which is under the Exportation of Electrical Fluid Act is entitled to export its fluid, or a certain part of it, to the United States under certain restrictions. That is quite sufficient, and then take out of subsection (a) these words ' and transmit the same by any means to, and supply and sell the same for use in any manner at, any place in Canada and the United States.'

Mr. CONMEE. I cannot agree to that, that is the essence of the Bill.

Mr. A. C. MACDONELL. The way the Bill stands now it gives the company unlimited power of exportation.

Mr. PUGSLEY. I move that in subsection (a) of section 8, between the words ' and supply ' in the third line at the top of the page, there be inserted the words 'subject to provisions hereinafter contained.'

Amendment agreed to.

Mr. A. C. MACDONELL. The powers of the company under subsection (d) should be restricted. As the section is framed they cover the powers originally sought. The Nipigon should be excluded from the section.

Mr. PUGSLEY. The Nipigon river is not excluded from the Bill, only the expropriation powers in reference to it are struck out.

Mr. A. C. MACDONELL. You are giving powers of expropriation here and taking them away afterwards. The word 'acquire' is very comprehensive.

Mr. PUGSLEY. That would be by purchase or lease.

Mr. CONMEE. Nothing there gives any unnecessary power.

Mr. PUGSLEY. This would simply give power to acquire real estate without any power of expropriation.

Mr. GRAHAM. So long as we cut out the expropriation powers with reference to the Nipigon I do not see that we have any right, if we are passing the Bill at all, to say to the company: 'If you wish to lease from a private individual or even from the Ontario government you cannot do it.' This company might possibly lease from the Ontario government and the Hydro-Electric Commission might distribute their power through the company, but if we cut out the Nipigon they would not have power to lease even from the Ontario government. I think the danger would be if you put in the expropriation powers, but as I understand these powers do not apply to the Nipigon river.

Mr. E. M. MACDONALD. When we come to the expropriation powers on the Nipigon river we can emphasize that there.

Mr. LENNOX. This clause has two provisions, first a general power to acquire lands, &c., and then, under this section, it is provided that the company may acquire and develop specific water-powers on these two rivers.

Mr. PUGSLEY. That is a limitation.

Mr. LENNOX. No. I think it is a general right. Is it intended that the company shall have power outside of these two rivers or on these rivers only?

Mr. GRAHAM. On these two rivers only.

Mr. LENNOX. Why not make it read: Acquire such lands, &c., as are necessary for the purpose of its undertakings or develop water-powers without providing that under this section.

Mr. GRAHAM. Does not the word 'only' limit it?

Mr. LENNOX. No, that means only at one place on each of these rivers.

Mr. PUGSLEY. On the following rivers only.

Mr. CONMEE. That was to make it quite certain that they could not acquire any monopoly.

Mr. LENNOX. It is to make it certain that they shall have only one water-power on each river. We might have some such words as: 'Acquire such lands, easements, privileges, water and water rights as are necessary for the purposes of its undertaking and develop water-powers on the following rivers, namely: The Pigeon river in the province of Ontario, &c., &c., to the end of the clause.

Mr. CONMEE. That clause was drawn by a very careful lawyer and it seems to me to be only a difference between lawyers as to what the wording should be.

Mr. MIDDLEBRO. I would move to amend it as follows:

Provided that such powers may be exercised only on the Nipigon and Pigeon rivers.

Mr. PUGSLEY. The section is, I think, better as it stands because it says: May acquire such lands, &c. They may want to acquire lands for their pole lines, wires, offices, buildings, &c., which would be away from these rivers altogether, and then this section provides that the water-powers can only be acquired on these two rivers and only at one place on each river. I doubt if language could be employed that would make it clearer than it is made by this section that they should have no power to acquire a right or water-power on any rivers except the Nipigon and Pigeon and as to those rivers that they can only acquire water-powers in one place on each river, but they can acquire land in other places for their various requirements.

Mr. DEPUTY SPEAKER. I am unable to accept the amendment of the hon. member for Grey (Mr. Middlebro) unless I am saisfied that it is unimportant as no notice of it has been given.

Mr. LENNOX. Or by consent.

Mr. DEPUTY SPEAKER. I would largely judge of its importance by the willingness of the House to consent.

Mr. A. C. MACDONELL. We might hold this clause until after we deal with the clauses conferring expropriation powers so that we may make them uniform.

On section 9,

Mr. LENNOX. We have standard clauses that we insert in railway charters and the first part of clause 9 is in accordance with the usual form. But there are two other standard provisions which were in the Bill when first introduced, but which are omitted from the Bill as printed. One of these is that the telegraph and telephone tolls shall be approved by the Board of Railway Commissioners, and the other, that part 2 of the Telegraph Act shall apply to the telegraphic business of the company.

Mr. CONMEE. You will find that these two clauses are included in section 19.

On section 12,

Mr. LENNOX. In one of these clauses the consent of the municipality is to be obtained by by-law, but in the case of the municipalities of Fort William and Port Arthur the company can only enter the limits of these cities upon obtaining a vote of the qualified electors. Why is a distinction made?

Mr. GRAHAM. The usual clause provides that just the consent of the municipality shall be given by by-law which does not require a vote of the electors. There must be some special reason in the case of the cities of Fort William and Port Arthur.

On section 14,

Mr. SAMUEL SHARPE. This section gives the control of the rates that may be charged to the Board of Railway Commissioners. It is a very competent body, but its time is more than taken up in settling disputes 'concerning' railways. When this Bill was being considered in committee I suggested that control over the rates should be vested in the Hydro-Electric Commission which has expert knowledge in these matters and which would be very

competent to deal with them. If the hon. gentleman (Mr. Conmee) would consent to submit this matter to the approval of the Hydro-Electric Commission the Bill would not be nearly so objectionable.

Mr. GRAHAM. We have not power to impose duties on a commission appointed by another body. But my hon. friend will remember that we have adopted, in an Act of parliament passed this session, the policy of handing over just such cases as those which arise in connection with Dominion water-powers, to the Railway Board.

Mr. SAMUEL SHARPE. Surely the minister does not contend that we could not nominate the Hydro-Electric Commission as an arbitrator to fix the rates if they are willing to assume that duty. They would be only too glad to assume the duty, because it would be carrying out the general policy of the province.

Mr. LENNOX. If we refer to the Board of Railway Commissioners a general and very necessary power of control, how will that harmonize with the provisions of the Electricity and Fluid Exportation Act?

Mr. GRAHAM. The Minister of Justice is of opinion that there might be a clash between section 14 and the provisions of the Electricity and Fluid Exportation Act, which provides that the price to Canadian consumers shall be fixed by the Governor in Council.

Mr. CONMEE. I think the new section 15, amended in the last line, to provide that the rules and regulations shall be prescribed by the Board of Railway Commissioners instead of by the Governor in Council, would cure the difficulty.

Mr. LANCASTER. Why should not this company be placed in the same position as other companies exporting electric power? I do not think it is good legislation to have one company exporting power under a general Act and another company exporting power under a special Act. I think all companies exporting should be treated alike.

Mr. LENNOX. I find that the general Act has general provisions regarding prices, &c., which are to be regulated by the Governor General in Council, so that if you make a special provision here, giving those over to the railway board, and then make a provision saying that the general Act shall apply, you will have a contradiction.

Mr. GRAHAM. I may take some censure if there be any, for wanting to get this under the Board of Railway Commissioners. I want a uniform policy to govern all companies incorporated for the distribution of power.

Mr. LANCASTER. Could not that be done by amending the general Act and not make special legislation for this company?

Mr. GRAHAM. It is too late to amend the general Act now, and I do not want to place this company under the Governor in Council as regards rates. I want it to come under the Railway Board.

Mr. R. L. BORDEN. I agree with the Minister of Railways that the proper course is to give the powers to the Board of Railway Commissioners. When the Act of 1907, the Electricity and Fluid Exportation Act, was under discussion, I strongly urged that this power should be given to that board instead of to the Governor in Council. In the interests of the public and of the members of the cabinet themselves, there are many reasons why the Governor in Council should not undertake duties of this kind. But I also agree with my hon. friend from Lincoln (Mr. Lancaster) that we should not have special legislation for one company but should bring them all under the one Act if possible.

Mr. LANCASTER. Could we not remedy the difficulty by having a regulation or order in council passed by the Governor in Council, referring to the Board of Railway Commissioners the fixing of rates? That board is the best tribunal to deal with this, but it would not be right to have one company compelled to go to that board and other companies placed under the Governor in Council for the same thing.

Mr. GRAHAM. I am afraid we could not do that.

Mr. A. C. MACDONELL. We are in this difficulty. In so far as control over the power in Canada is concerned, the rates to be charged, &c., that is subject to the Board of Railway Commissioners by this Bill. Then, by another provision, we apply to this company in its entirety the Electricity Fluid Exportation Act, and that puts the exportation of this fluid and all the details in the hands of the Governor in Council. So that you have the power on this side, subject to the Railway Commissioners and the power of exporting subject to the Governor in Council. It is desirable that the Fluid and Exportation Act should apply to this Bill. What will the Minister of Railways do? Give up his jurisdiction or obtain jurisdiction over the entire works covering both the exportation and the use for home consumption?

Mr. GRAHAM. I agree with my hon. friend the leader of the opposition that, for the sake of uniformity and for other reasons, it is preferable to have the rates fixed by the Board of Railway Commissioners, and I thought that now would be a good time to begin.

Mr. S. SHARPE. Why not make this company subject to the Fluid Exportation Act but with the power vested in the board of commissioners instead of the Governor in Council?

Mr. CARVELL. If my hon. friend will read chapter 16 of the statutes of 1907, he will see that it will be practically impossible to substitute the Railway Board for the Governor in Council all through the Act. Take the 10th section which provides for the imposition of export duties; you do not want that power given to the Railway Board. The Railway Board does not make laws, but simply regulations governing the management of these utilities. A good many suggestions have been made, and I would like to make one myself which I think, would cover practically most of the others. If section 15 were amended by inserting at the beginning the words 'subject to the special provisions of this Act,' or words to that effect, 'the provisions of the Electrical Inspection Act and of the Electrical and Fluid Exportation Act shall apply.' That excepts the special provisions under section 14, while the other powers would remain with the board.

Mr. LANCASTER. Are there not many matters of policy involved in that Act?

Mr. CONMEE. They would be excepted.

Mr. CARVELL. The questions of policy are in the Exportation Act, and these questions are left to the Governor in Council.

Mr. LANCASTER. At present, I am rather with the hon. gentleman (Mr. Carvell) on that question. I think the question of prices and so on might be left with the board, but I am not in favour of giving them the power to make laws governing the country's export of power. Fundamental principles and large questions of policy should remain in this parliament and in the Governor in Council, but prices and details of administration in relation to export might be regulated by the board.

Mr. LENNOX. I would suggest that we make it read, 'subject to the provisions contained in section 14.' Then, I would strike out the words 'at prices' in the last part of the proposed amendment. That is, pass section 14 without amendment, and then take the amendment which the hon. member for Thunder Bay and Rainy River (Mr. Conmee) proposes, as given in the Votes and Proceedings, that 'the provisions of the Electricity Inspection Act, 1907, and of the Electricity and Fluid Exportation Act shall apply to the company and its undertakings,' but begin this with the words 'subject to the provisions of section 14,' and also strike out the words 'at prices' in subsection 2 of this proposed amendment. This would leave important matters under the control of the Governor in Council.

Mr. GRAHAM.

Mr. CONMEE. I think that is pretty near the same as the proposal of the hon. member for Carleton (Mr. Carvell). It would be necessary to strike out not only 'at prices' but also 'and in accordance with conditions,' because section 14 provides for both prices and conditions.

Mr. LENNOX. Why should we have that clause in at all, if we put it under the Act?

Mr. CONMEE. Because it is a better protection for the public than a general clause or any clause of any Act that I know of.

Mr. LENNOX. How does it differ?

Mr. CONMEE. It goes further than any other. It gives the fixing of prices and conditions of service, or the conditions on which the power shall be furnished for use. In that way, disputes are settled. It is a step far in advance of anything else I know of.

Mr. CARVELL. The Electricity and Fluid Exportation Act of 1907 does not make any provision relating to prices, but only provides rules and regulations governing the exportation, and provides that the Governor in Council may establish a fee not exceeding $10 per horse-power. If we adopt the provisions of that Act here, the public would have no control over prices. But, by the amendment, the Board of Railway Commissioners has the right to regulate not only the exportation and the prices, but also the conditions of service. Therefore, protection is given to the public not mentioned in the Exportation Act, which must be a great advantage from the public standpoint.

Mr. LENNOX. But we are putting prices in section 14 and we do not want them mentioned in section 15.

Mr. CARVELL. It would do no harm to strike out 'prices.'

Mr. LENNOX. There is just this difference. The hon. member proposes to make it 'subject to the special provisions of this Act,' while I want the exceptions confined specifically to section 14.

Mr. CARVELL. My object in making it more general is that if there is anything in this Act which is different from the Exportation Act, surely we ought not to make that a legal inconsistency. I want to exclude everything inconsistent. I do not say that there is anything outside of section 14, but it seems to me there is no harm in making it broad.

Mr. LENNOX. It makes it necessary for us to scrutinize more carefully all the provisions of the Bill. We run the danger of including in the exemption something that we do not contemplate at all. I think that if we exclude the provisions of section 14,

we understand what we are doing. And, for my part, I would very much prefer it.

Mr. A. C. MACDONELL. The hon. member for Carleton (Mr. Carvel) will see that in the first place, the Exportation of Electricity Act is intended to be of general application, and to apply to all companies not to any particular company. Then, when you take one company and give it special powers in ten or twenty sections of the statute, and wind up by saying that subject to the powers contained in this special Act the general Act shall apply, the effect is that the company entirely escapes the application of the general Act so far as these sections are concerned. So it is not right to say that subject to this Act the general Act should apply, because if we do that, you let out from the application all the provisions of the sections of this special statute.

Mr. GRAHAM. Would not the special Act override the general Act?

Mr. A. C. MACDONELL. That is the point I am making, it gets away from the application to the general Act. The general Act applies to all the sections of every other company of this nature; so by restricting it to section 14 you make the Act of general application to other sections of the Bill.

Mr. CARVELL. I am inclined to think that if you adopt the proposition of the hon. member for Simcoe (Mr. Lennox) no difficulty would arise. My object in suggesting the broader clause was in case there might be some other inconsistency. But I am under the impression that if you accept the provisions of section 14 you would really make the Act consistent, and meet the requirements that I think all parties are trying to arrive at.

Mr. A. C. MACDONELL. It is desirable to keep all these companies under the general Act; the minister will agree with that. Now if you give a company incorporation and powers by a special Act, and then at the tail end of the special Act say that the general Act should apply only where these sections do not apply the whole Act comes out from under the application of the general Act, and you are simply making plain the fact that the special Act you are now passing frees the company from the general Act all the way through.

Mr. CARVELL. The promoter of the Bill I think would be only too happy to accept the provisions of the general Act in full, and have no other conditions applied to it. But when it came before this committee some weeks ago the committee objected to that, and the Prime Minister objected to it, he said it was giving this gentleman greater power than he thought this parliament should give him. Therefore they limited him by subjecting him to certain conditions which do not exist in the general Act. The general Act gives no control to any person over the prices to be charged to people in Canada. The conditions imposed by the special Act give the Railway Board the right to regulate the price.

Mr. LANCASTER. Those prices could be regulated under the general Act, because the Governor in Council could make regulations for that purpose.

On section 15,

Mr. LENNOX. I move to insert the words 'subject to the provisions of section 14 of this Act,' and in subsection 2, to strike out the words 'at prices'.

Mr. CONMEE. That will take away the conflict I think.

Mr. GRAHAM. That will leave the prices in the hands of the board.

Mr. R. L. BORDEN. It would have this result, that no tribunal whatever has the right to issue a license defining prices in respect of this company. I think the promoter of the Bill would be ready to accept that, because it would relieve him from a certain restriction. In section 14 there is no general provision about prices that shall be charged, and any person desiring to obtain power from the company must go to the Board of Railway Commissioners. But the ordinary company applying under the Electricity and Fluid Exportation Act of 1907 must procure a license, and that license must define the prices. So if the word 'prices' were struck out as is proposed, it would seem to have this result, which I do not think my hon. friend from Rainy River desires. I think the best way would be to leave section 14 as it is, if that is desired, then to say further that the provisions of the Fluid Exportation Act shall also apply to the company subject to the following provision, namely: 'That the license provided for in said Act to be issued to the company by the Governor in Council, shall, in respect of this company, be issued by the Board of Railway Commissioners.' Does that fulfil the object the Minister of Railways has in mind?

Mr. GRAHAM. I think it covers what I was trying to cover.

Mr. R. L. BORDEN. Perhaps this covers it, except that I do not think you ought to strike out the word 'prices.' If you are going to leave in sections 14 and 15 you overlap each other. It might produce a curious legislative result, and I believe we would not be prepared to predict in advance just what any court might decide to be the exact effect of two provisions of that kind. Certainly if you

strike the word 'prices' out you will relieve this company from the obligation of taking out a license which defines the price and that it seems to me would not be desirable.

Mr. CARVELL. I am inclined to think the hon. gentleman is right.

Mr. LENNOX. I understood from statements of hon. gentlemen opposite, that there was nothing in this Bill as to the exportation, there is no regulation as to the price. By section 15 we incorporated the whole of this Exportation Act.

Mr. R. L. BORDEN. My point is this: Section 15 copies the provisions of the Electricity and Fluid Exportation Act of 1907. It was the object and scope of that Act that before you can export a dollars's worth of this power you must supply power to consumers in Canada at a price fixed by the license. I would not be in favour of removing that provision from this Act. It seems to me that a satisfactory section could be easily drawn, but confusion may result if we draft it in a rough and ready style here.

Mr. LENNOX. If we incorporate the propositions of this Exportation Act by section 15 and stop there we would not be safe then?

Mr. R. L. BORDEN. I am inclined to think that unless these two sections are to be thoroughly redrafted the object to be subserved would be best accomplished by leaving out subsection 2 here altogether and inserting at the commencement of section 15, which will then consist of only two lines, certain words so that it will read as follows:

Except as herein otherwise expressly provided, the provisions of the Electricity Inspection Act, 1907, and of the Electricity and Fluid Exportation Act shall apply to the company and its undertakings.

Leave out the rest of the section altogether, because it is contained in the Act of 1907.

Mr. CONMEE. There is no doubt about that. The words in the Act were put in, in order to make it more plain, but I do not think they are necessary.

Mr. CARVELL. There is only one possible objection to be urged to that and I do wish to press it. It seemed to me to be the object of the committee to provide that the regulations as to the exportation of electricity should be in the hands of the Board of Railway Commissioners, instead of the Governor in Council. If we let that go, the proposition of the leader of the opposition covers all the ground required.

Mr. R. L. BORDEN. I think it would be better to deal with it by an amendment to the General Act.

Mr. DEPUTY SPEAKER. It is moved:

That section 15, as it appears in the Bill, be struck out and the following inserted:

15. Except as in this Act otherwise expressly provided, the provisions of the Electricity Inspection Act, 1907, and of the Electrictiy and Fluid Exportation Act shall apply to the company and its undertaking.

Mr. A. C. MACDONELL. That section would legalize the exportation of power to the United States under section 8, without any control whatever over it. If you except from the operation of the general exportation Act the powers that are already given to the company to export as contained in prior clauses of this Bill, then the company has a free rein with regard to these exportation powers and they are not subject to any of the restrictions contained in the exportation Act. It does seem to me that by this section you would free the company from the operation of the general Act, and that the company could practically do as it pleases.

Mr. CONMEE. It would have to get a license and it would be subject to the conditions of this license.

Mr. A. C. MACDONELL. It only has to get a license for powers that are not given it previously in the Act. The general Act does not apply with regard to any express powers that are given this company. This might as well be a blank piece of paper in so far as curbing or checking the company or subjecting it to regulations as regards the right to export to the United States under sub-section A of section 8.

Mr. R L. BORDEN. With all deference to my hon. friend I would hardly take that view. For example, if you provide that the company shall have power to export electricity to the United States and follow that by a provision that except as herein otherwise expressly provided that power shall be subject to the provisions of the general Act, I would not say that the result referred to by my hon. friend would obtain. If there be the slightest doubt about it it could be corrected by inserting in section the words:

Subject to the provisions of the Electricity and Fluid Exportation Act.

Mr. CONMEE. There is no objection to that; that will clinch it sure.

On section 16,

Mr. LENNOX. There is an amendment by the hon. member for Algoma requiring the company to commence within two years instead of three years.

Mr. CONMEE. Oh, you will not press that.

Mr. LENNOX. I do not feel like pressing it very much because legislation has

to be obtained in the United States and I am willing to abide by the feeling of the committee on that point.

Section agreed to.

On section 18,

The powers conferred upon the company by this Act shall not be exercisable upon the Nipigon river until the company has first submitted a plan showing such work to, and receive the consent and approval of the Governor in Council; and the company shall not proceed with any works upon the Pigeon river until it has submitted plans showing such works to and obtained the approval of the Waterways Commission.

Mr. CONMEE. I would suggest that the words 'upon the Nipigon river' be struck out. As the section reads the plans of the Nipigon river would have to have the assent of the Governor in Council while the plans on the Pigeon river would only require the assent of the Waterways commission. The desire of the Prime Minister as I understood him, is that both set of plans should have the consent of the Governor in Council, and on the Pigeon river they would have to get in addition the consent of the Waterways Commission.

Mr. A. C. MACDONELL. I think the word 'also' should be inserted so as to make it read with respect to the Pigeon river 'until it has also submitted the plans showing such works, &c.'

Mr. CONMEE. Put it in, it will do no harm.

Amendments agreed to.

On section 19,

Mr. LANCASTER. I do not see why you should want to apply the whole of the Railway Act so far as it is not inconsistent with this Act. I think the better way is to specify the particular sections of the Railway Act you want to apply.

Mr. CONMEE. The same words occur in several Acts that have been in existence for years. The provisions of the Railway Act are well known, they have been the subject of litigation in the courts, and everybody understands them. The Hamilton and Erie Power Company, incorporated in 1895, had exactly the same powers. This clause is copied from that company's Act, and I am advised that the promoters of this Bill desire to conduct their business as a company under the provisions of the Railway Act.

Mr. LENNOX. This is a section on which the Prime Minister intimated to us that he would have something to say as to the general principle of expropriation.

Mr. GRAHAM. It will be necessary for the company to have certain powers of expropriation if it is going to be able to carry on its undertakings at all. Otherwise it might be held up at any time. The objection which I think the Prime Minister had was that under the original Bill it would have been possible for this company to expropriate the right to water-power practically owned by the provincial government, which would interfere with the hydro-electric power project of the province. He expressed his views very strongly along that line. The Bill as drawn now only gives the company the power of expropriation for the purposes of its undertaking, not the power to expropriate any water-power belonging to the province which the province desires to retain. If the company did not have that general power of expropriation, for the purposes of its transmission lines, for instance, some person might prevent it crossing the river at some point, and in that way destroy the entire project. I see no objection to giving the company the power of expropriation as outlined here. The objection on this point which I made on the original Bill has been fully covered by the amendment.

Mr. A. C. MACDONELL. In view of the minister's statemnt that it is not desirable to give the company powers of expropriation with regard to Crown property, in the province, why not make it plain that the company shall not have the right to expropriate any water-powers belonging to the province of Ontario. I apprehend there will be no objection because, when the Bill was discussed before, the hon. gentleman who was promoting it said that the company had a title to the land on which they proposed to create their water-power on Pigeon river. That being so, it is not necessary for them to resort to expropriation, and to safeguard the rights of Ontario, I would suggest that there should be a clause prohibiting the company from expropriating any part of the public domain of that province.

Mr. CONMEE. Supposing this clause should read in this way:

The expropriation powers hereby conferred shall not be exercised by the company until the plans mentioned in section 18 shall have the approval hereinafter provided for, and with respect to lands belonging to the province of Ontario upon the Nipigon river, shall not be exercised except to the extent required for the purposes of its transmission lines only.

I do not see how any possible contention regarding water-powers could be raised under that provision. It must be remembered that the plans have to be approved by the Governor in Council, and one can hardly assume that any attempt to go be-

yond what is necessary for the transmission lines would receive such approval.

Mr. LANCASTER. That would permit you to expropriate domain of the province of Ontario without the consent of that province. That may be the intention, but I would not be in favour of it.

Mr. GRAHAM. Suppose this company came there just for the purpose of crossing the Nipigon river with their transmission lines. They ought to have the right to cross that river or they be held up altogether by the Ontario government refusing to let them put a pole there.

Mr. LANCASTER. We cannot assume that any government is going to act improperly.

Mr. GRAHAM. It is said they do sometimes.

Mr. R. L. BORDEN. I do not think this parliament has any jurisdiction to give to a company which it is incorporating the power to expropriate land vested in the Crown on behalf of a province. Suppose we incorporated a company with power to expropriate land in the city of Toronto, could it acquire thereby the right to expropriate the parliamentary buildings belonging to the province of Ontario? I would most strenuously contend that this parliament has absolutely no such jurisdiction. Further I would say that even if we possessed jurisdiction to grant such power the Bill as drafted does not confer it But if there were the slightest doubt, any Act we pass ought to contain an express disclaimer of any such intention. You say that the Ontario government might prevent this company from crossing the river. Well, if it should, the company has the right to appeal to the Ontario legislature for authority to expropriate for the purpose. That legislature might just as well pass a statute to enable a company incorporated by it to expropriate land belonging to the Dominion. The Crown in the right of any province is just as much the Crown as it is in the right of the Dominion. The Crown is sovereign in Ontario in respect of the property belonging to that province as it is in the Dominion in respect of Dominion property.

Mr. GRAHAM. If the Railway Act did not allow that to be done in the case of railways, it could not be done in this case, under this clause. The provisions of the Railway Act, so far as expropriation is concerned, are made applicable in this Act; and if the Railway Act does not give power to expropriate the Crown lands of a province for railway purposes, this Act cannot give the power to this company to expropriate for its purposes.

Mr. CONMEE.

Mr. R. L. BORDEN. A railway company, under our system, is incorporated for the purpose of carrying out what is after all a public function. This company is not precisely in the same category, as it does not exercise a public function. For the purpose of giving a railway company the powers necessary to its operation, it might be advisable to go a good deal further than you would be inclined to go for the purposes of a company such as this. If it be conceded that the Railway Act could not give this company any power to expropriate land belonging to the provincial government, then provincial rights are in no danger under this Bill; but it appears that the law officers of the Crown in the province of Ontario entertain a different opinion, and I am bound, as every one is, to pay respect to that opinion. Therefore if there be any doubt on the subject, we ought to make it perfectly clear that we are not undertaking to do that. Otherwise we may have the province of Ontario, through its legislature, attempting to expropriate, for the purposes of a private company, lands belonging to the Crown in the rights of the Dominion. Let the Minister of Railways understand that it is precisely the same Crown in both jurisdictions. The only difference is that the Crown, in respect of the Dominion, acts on the advice of the Federal cabinet, and in respect of provincial matters acts on the advice of a provincial cabinet, but it is the same Crown all over the Dominion. There is only one Crown in this empire and that Crown acts on the advice of responsible ministers in the various dominions and provinces. It is the same Crown throughout. And it seems to me the Crown cannot be bound by the provisions of a statute unless it is expressly named in that statute. I cannot see any doubt about it, but if there is any doubt, we ought to make it clear that the Crown is not to be affected in its territorial rights by the passing of this Act which we are passing at the instance of a private company.

Mr. CARVELL. I have the most unbounded respect for the legal opinions of the leader of the opposition (Mr. R. L. Borden). I think that every lawyer in the House will share that feeling. But it seems to me that if we followed his argument to its logical conclusion, we should not be able to build any public works in Canada. He assumes that we have the right to expropriate the public domain of the province to build a railway——

Mr. R. L. BORDEN. I did not say that. I said there might be a distinction so far as a matter of policy is concerned if it was once conceded that we had the right.

Mr. CARVELL. Then, if it is conceded we have the right to incorporate a company to build a railway, do I understand that—

Mr. R. L. BORDEN. The hon. member (Mr. Carvell) is not stating just what I intended to convey. No doubt, it is my fault in not making myself clear. I said that if it were once conceded that this parliament has jurisdiction to expropriate the property of the Crown in the right of a province, then as a matter of policy, after the question of jurisdiction has been put to one side, different considerations would seem to apply to the case where you incorporate a company for a public function, that of transportation, and a case where you are incorporating a company for a purpose such as this.

Mr. CARVELL. I appreciate the distinction the hon. member draws. But I want to point out that practically every year this parliament passes laws giving telephone companies, telegraph companies, railway companies, the right to expropriate anybody's land, including the lands of the provinces of this Dominion.

Mr. LENNOX. Where?

Mr. CARVELL. Well, one illustration is the Transcontinental Railway, we expressly give the Grand Trunk Pacific which is no more a corporation than this is—the right to expropriate the public domain of practically every province in Canada.

Mr. LENNOX. I do not understand it so.

Mr. CARVELL. But it did it. Now, under subsection 10 of section 92 of the British North America Act, the courts, I think, would have to hold that we have the right to give a company the power to expropriate the public domain of the province. As my hon. friend (Mr. R. L. Borden) who is very familiar with this, knows the subsection provides:

> Local works and undertakings other than such as are of the following classes:—
> (a) Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province.

These works are under control of the local legislature, but those that are of the excepted class come within the control of the Dominion parliament. I submit that the only logical and reasonable reading of that section would be that, for the purpose of a railway, for instance this parliament has jurisdiction to give expropriation powers even over the land of a province.

Mr. LANCASTER. I would like to ask a question that I may be able to understand clearly the hon. member's position. Suppose you want to build a railway across land in the county of Lincoln, Welland canal lands, held by the King in right of the Dominion——

Mr. CARVELL. This parliament has power to give a company that right.

Mr. LANCASTER. Does the hon. member say that without special sanction the company would have the right to go on Dominion land, and, if not, how would they have the right to go on provincial land?

Mr. CARVELL. It seems to me you have only to put the proposition to answer it. If this parliament gives the power to expropriate land generally, it gives the power to expropriate our land as well as any other. Now, as to the proposition I was putting to the leader of the opposition (Mr. R. L. Borden), if I am right in my assumption that, under subsection 10 of section 92, the courts would say that we have the right to expropriate the public domain for the purposes of a railway, surely we would have the same right for the purposes of a power company. We act, at least, on the opinion of the Minister of Justice that this is coming within the provisions of the clause of subsection 10. It is a work that extends beyond the province of Ontario, not only on account of its transmission lines, but because in order to make the work of any value there must be a dam built across an international river, the work thus extending into the United States. If that be true, this parliament has the jurisdiction it has assumed, then, I submit under the British North America Act, we have the right to expropriate the land within the province of Ontario for the purposes of this undertaking.

Mr. R. L. BORDEN. The hon. member (Mr. Carvell) has simply argued up to the premise from which I started, namely that this parliament of Canada has the right to incorporate this company and to authorize expropriation for its purposes. But I said that I did not think it had the power to authorize this company to expropriate the lands of the Crown. My hon. friend (Mr. Carvell) has made an argument, which, if correct, leads irresistibly to this conclusion: that the province, in respect to provincial undertakings, can expropriate lands of the Crown held in right of Canada. Therefore, the practical result would be that after this company had expropriated the lands of the Crown in right of Ontario for its purposes, the Ontario legislature could incorporate another company and give it the power to expropriate that land back again, provided that the company so incorporated were within the legislative jurisdiction of that province.

Mr. CONMEE. They would be bound to pay the compensation, would they not?

Mr. R. L. BORDEN. Certainly, in both cases. But does not the hon. member see how absolutely absurd that would be? The Dominion company would begin further expropriation proceedings and expropriate the land back again; then the other company would go to the legislature and get power to expropriate it again. And so on ad infinitum. It is only necessary to mention the result to indicate how absurd it is that such a result could obtain under the British North America Act. The Crown is as much the Crown in respect of the property of Ontario as in respect of the property of the Dominion. Parliament has no more power to expropriate the lands of the Crown in the province of Ontario than the legislature of Ontario has to expropriate the lands of the Dominion.

Mr. GRAHAM. I do not know anything about this constitutional law, but I want to get this Bill through if we can. All we are doing under this Bill in relation to expropriation powers is that we give to this company the powers granted by the Railway Act. If that Railway Act does not give them power to expropriate Crown lands, then this company will not have power to expropriate Crown lands. I suggest that we give them the power we give the railway companies, and they can settle with the Crown when they want to expropriate the Crown's property.

Mr. LENNOX. That would not be carrying out good faith. We went on with the sections on a certain understanding. When we were going into committee the Prime Minister said he was disposed to listen to the contention of the province. We have two propositions. One is supposing there was no question about the province at all, then my hon. friend representing Lincoln and Niagara (Mr. Lancaster) says we should not give the bald right to do anything that can arise under the Railway Act, but that we should only insert such sections as are applicable and as we usually insert. In other word, when we incorporate provisions of the Railway Act, for convenience we say that certain provisions of the Railway Act shall apply. In this case we were proposing in effect that the whole Railway Act should apply. Subsection 4 says:

Whenever in the Railway Act the word 'land' occurs, it shall include any privilege or easement required by the company for constructing or operating the works authorized by this Act, under, over or along any land, without the necessity of acquiring a title in fee simple.

That is very general. So far as general corporations are concerned, we should limit it to certain sections; we should limit the right of this company to certain defined sections, and in them we could include the expropriation sections of the Railway Act. Then as regards the province. As has been said by the leader of the opposition, although it may be perfectly true that we have not power to expropriate lands belonging to a province, we should make it clear that we do not purport to give to this private company the right of eminent domain, the right over lands which the Crown holds in right of the province. I do not think the Minister of Railways will advance the bald proposition that we ought simply to treat this as if any rights of the province did not come up. A certain provision has been suggested, I understand, because the Prime Minister did not want to allow them such large powers. This provision is therefore suggested as an amendment :

The expropriation powers hereby conferred upon the company shall not be exercised by it until the plans mentioned in section 18 of this Act shall have received the approval therein provided for; and with respect to any lands upon the Nipigon river shall not be exercised except as to such lands as may be required for the purpose of its transmission lines.

In calling the Prime Minister's attention to this to-night he was disposed to modify that language, or to provide in some way that the rights of the province should be respected. I urge that we should frame the last part of that subsection 5 in such a way as to make it clear that we do not mean to authorize this company to expropriate any land belonging to the Crown in right of the province. That would be carrying out what my leader suggested a few moments ago, that although it is probable that upon a conflict of jurisdiction in a court of law it would be held that they did not possess the power to expropriate the lands of a province, yet it would be unseemly, and it would be unfortunate if we should attempt to give a private individual a right to expropriate those lands. Therefore I hope the Prime Minister will say that he desires that we shall word this clause in such a way as that it shall be clear that we are not to grant to this private company the right, or the seeming right to expropriate any lands of the province.

Mr. LANCASTER. I would like to point out what will happen if we apply all the sections of this Railway Act. Section 172 deals with this matter:

No company shall use or take possession of any land without the consent of the Governor in Council.

They would not have any expropriation right at all if it was not for the Railway Act. We are creating a Dominion work here, we are saying in this charter that they may take possession of, use or occupy, any

lands vested in the Crown if they get consent of the Governor in Council. There is no doubt the leader of the opposition is right in saying that the Crown is the province, for the province owns the land. But this Act says that they can do it with the consent of the Governor in Council. I am pointing out that they should not be allowed to take provincial lands with the consent of the Governor in Council because that is a clear usurpation of provincial property.

Mr. GRAHAM. Does not that refer to federal jurisdiction, and do not Crown lands there mean Crown lands under the Dominion, and not under the provincial authority?

Mr. LANCASTER. I do not think you can say that. Because there is only one Crown, it is all the same Crown, and one cabinet advises it if they are Dominion lands, and the other cabinet advises it if they are provincial lands. If this is to apply to provincial lands, see what will happen: Money will be held or obtained by the federal government, notwithstanding that the province is the people that should have the money. So it is clear that if incorporating all the clauses of the Railway Act we ought certainly to put in some exception such as has been indicated by the hon. member for Simcoe, saying that it is not to apply to lands held by the province in right of the Crown.

Sir WILFRID LAURIER. I would suggest, with all due deference, that we are not discussing at this moment the real point at issue. It is not a question so much of jurisdiction as to the powers which are invested in the Dominion or in the province, although upon this point I have views which differ materially from those expressed a moment ago by the leader of the opposition. We undoubtedly have the power of incorporating companies to carry on certain enterprises, public works amongst others, and we do that every day and every year. We charter railway companies, you cannot build a railway without expropriating land, and if it happens to be public land I see no reason why the Act should not apply just as well. There is perhaps a little more sacredness in land of the Crown than in land of the private owner, but so far as expropriation is concerned, the land of the poorest man is just as valuable and as sacred as that of the Crown. Yet we take the power every day to expropriate the land of the poor man, and if, in order to build a railway, you have to expropriate the land of the Crown held in right of the province, I think that the supreme reason must prevail and you must have the power to expropriate that land in order to construct the railway through it.

But that is not the point at issue according to my view. I stated a few days ago that, so far as I was concerned, I thought we should remember that the government of Ontario has inaugurated a policy which seems to be acceptable to the people of that province, that they would reserve their water-powers to be disposed of in a certain way. I stated to my hon. friend that we could not, consistently with what we owe to ourselves and to the feeling of the province of Ontario, interfere with that policy and that if by taking Crown land we were interfering with that policy we should not do so. I maintain the same position, I say to my hon. friend that we should not attempt to take Crown lands. That is the view entertained by the Minister of Railways (Mr. Graham) also. The Bill does not contemplate and the minister said he was not in favour of any power being given under this Bill to expropriate the public land of the province of Ontario. So far so good. That is to say the province of Ontario will be at liberty to carry out its policy and nothing that we do here, should be any obstacle to the carrying out of that policy. But surely we do not interfere with that policy if we give to this company the power to plant poles here and there to carry wires over the property of the province of Ontario, the policy of the Ontario government can be maintained and carried out just the same. This view is entertained by the Minister of Railways and it seems to me absolutely consistent with what we owe to the province of Ontario; it does not interfere with the power vested in this company according to this Bill and I think it ought to be acceptable to my hon. friends on the other side.

Mr. CONMEE. That is all the Bill now provides for.

Mr. LENNOX. I think that the exception contained in the Bill does not go the length the Prime Minister would have it go, and that the Minister of Railways does not see the harm in the section as it is drawn. I believe the minister wishes to carry out what the Prime Minister said. I have felt all through that the Prime Minister would indicate a reasonable policy in this matter. After his expression of opinion it is only a matter of detail. I understand the Prime Minister to indicate quite clearly that he does not propose to allow any private individual to expropriate water-powers which the province desires to develop, and that he does not propose that any individual should have the right to expropriate any lands belonging to or reserved by the pro-

vince. But the Prime Minister does indicate, as I understand it, that the company should be granted the right to plant poles on provincial land in order to transmit its power. I do not agree with him in that, although I am glad that we so far agree on the main features. I would be very glad if the Prime Minister would go a step further and say it should be left to the province to decide whether or not these poles should be planted on their property. I think he might depend on the province to exercise its rights reasonably. By adopting that course this House would be paying a not undue deference to the wishes of the provincial authorities.

Mr. GRAHAM. The fear, as I understand it, is that there might be some expropriation powers lurking somewhere that would enable the company to take control of the Nipigon river. The promoter of the Bill has suggested this amendment:

The expropriation powers hereby conferred upon the company shall not be exercised by it until the plans mentioned in section 18 of this Act shall have received the approval therein provided for; and with respect to any lands upon the Nipigon river shall not be exercised except as to such lands as may be required for the erection of transmission lines only.

That provides against expropriating anything like a water-power on the Nipigon river.

Mr. LENNOX. No, I do not think so. We give them general power to expropriate water-powers except on the Nipigon river. I would suggest, subject to further consideration:

And with respect to any lands upon the Nipigon river shall not be exercised except as to such lands as may be required for the purposes of its transmission lines——

Adding the word 'only' if you see fit. That is the same as the present clause. And then:

—and shall not apply to any water-power upon the Nipigon river or to any lands owned by the province of Ontario.

Mr. CONMEE. That would be a little too wide. If it were confined to lands vested in the Crown on the Nipigon river that might not be objectionable. But the statement that was read by the member as to the chain reserve extending all along the Nipigon river is wrong. For the first ten miles there is no chain reserve because the land there was bought away back in the sixties or seventies. The chain reserve commences above Camp Alexander, at Cameron's fall there is a chain reserve but there are other water-powers on the river exactly in the same position as the water-power at Kenora on the Winnipeg river. The land has been owned for the past 20 or 40 years by private owners who acquired it before there was any chain reserve and this company may acquire water-power without touching any of the Crown lands. That is the case at the Nipigon river. There is a power there owned by the Nipigon Pulp and Paper Company and they claim they have the right to build a dam because they own the land on each side of the river to the centre. But the difficulty there met with was the bridge of the Canadian Pacific, because there was a great depth of quicksand; and the company moved away from there and proceeded to acquire another water-power. In view of the expression of the Prime Minister we are not asking for power by this Bill to take any lands on the river and adjoining the river for a water-power.

Mr. LANCASTER. I think water-powers should be mentioned in this clause so as to make it clear that the company shall not have power to expropriate any water-power.

Mr. GRAHAM. We will make that clear.

Mr. LENNOX. The hon. gentleman does not ask for the power to expropriate land or water-powers upon the Nipigon river but he does require the right to plant poles.

Mr. CONMEE. I do not want to be cut out of the right to acquire a water-power on the Nipigon river if it can be obtained without expropriation. The Ontario government have a chain reserve along the Nipigon river in certain sections, but they have what is known as a forest reserve which extends for several miles around the river, and I suppose hon. gentlemen do not mean that this reserve is to exclude this pole line from getting to the river.

Mr. LANCASTER. We simply say you shall not expropriate water-powers on the Nipigon river, not that you shall not acquire them.

Mr. CONMEE. If that is the only meaning of the section there is no objection to it.

Mr. LENNOX. The section as proposed will read as follows:

5. The expropriation powers hereby conferred upon the company shall not be exercised by it until the plans mentioned in section 18 of this Act shall have received the approval therein provided for, and with respect to lands upon the Nipigon river shall not be exercised except as to such lands as may be required for the purpose of its transmission lines only, and shall not apply to any water-power upon the Nipigon river.

Mr. CONMEE. I do not think there is any great objection to that.

Amendment agreed to.

Mr. A. C. MACDONELL. What about the Pigeon river?

Mr. GRAHAM. My opinion as regards that was expressed by the Prime Minister. This is the only parliament which can give legislation with respect to that river, and we are protecting what are unmistakably the rights of the province in the Nipigon river.

Mr. A. C. MACDONELL. You are enabling the promoters to expropriate powers on the Pigeon river without limitation.

Mr. GRAHAM. They are confined to one point of development.

Mr. A. C. MACDONELL. There is no location at that point.

Mr. LANCASTER. The object of giving jurisdiction in the Pigeon river is because it is an international stream but you should have some provision as to what expropriation they will be allowed to do on the shores of that river.

On subsection 6,

5. The expropriation powers hereby conferred upon the company shall not be exercised by it until the plans mentioned in section 18 of this Act shall have received the approval therein provided for, and shall not be exercised as to any dams or storage now existing or any dams or other works for storage (or any storage) hereafter created by the Arrow river and Tributaries Slide and Boom Company previous to the construction of any works by this company by which the dams constructed by the Arrow river and Tributaries Slide and Boom Company might interfere.

Mr. CONMEE. That section is really not necessary. It was agreed to in the Bill of last year because the company in that Bill was asking for powers to create storage on the tributary streams of both these rivers for the purpose of utilizing their waters during the dry season. That was cut out of this Bill because it was thought that there might be some objections. The Arrow river and tributaries Slide and Boom Company referred to here is simply a lumber company which has some dams on the tributaries of the Pigeon river and is not affected by this Bill, but the clause is simply to make it clear that the company now being incorporated will not interfere with what this lumber company has done. Therefore, I would like it to remain in this Bill as a matter of good faith with this company.

Mr. MACDONELL. Why not make it general and not simply in the interests of one company? Let all the words in that clause be struck out after the word 'created.'

Mr. CONMEE. I have no objection to that.

Mr. SAMUEL SHARPE. Would you not need the words 'previous to the construction of any works of this company?'

Mr. GRAHAM. I think this will work it out to protect everybody.

The said expropriation powers should not be exercised as to any dams or storage now existing, or any dams or storage hereafter created, previous to the construction of any works of this company.

Mr. LANCASTER. Why should they be allowed to expropriate what others make after they have constructed their works?

Mr. GRAHAM. We apply to all companies the provisions that were applied to this one company.

Mr. LANCASTER. Yes, but why make the provision in relation to works hereafter to be constructed?

Mr. CONMEE. I have a set of words here which, I think, will meet the objection:

Or any dams or other works for storage, or any storage hereafter created by the Arrow River and Tributaries Slide and Boom Company, or any similar works by any other company or persons previous to the construction by the company of any works which might interfere with the dams so constructed.

Mr. LANCASTER. The objection to that is that I do not see why you should name any company, but, if you do, there is no reason why you should be allowed to expropriate because they begin those words after yours are constructed.

Mr. LENNOX. Why not take it down to the word 'create'? Leave out the qualification proposed by the Minister of Railways and Canals 'previous to the construction of any works of this company.'

Mr. AYLESWORTH. I understand that this difficulty has arisen from the circumstance that the solicitor for the Arrow River and Tributaries Slide and Boom Company appeared before the committee and protected the interests of his own company—I suppose, not being concerned about any other interest. The clause was agreed upon as it appears in the printed Bill, but it was proposed by the hon. member for Thunder Bay and Rainy River (Mr. Conmee) to substitute something else which has not been considered in committee, except in this Committee of the Whole, and has not been submitted to the solicitor for the Arrow River and Tributaries Company. In these circumstances, it would seem to me the safe course to adhere as closely as possible to the language which had been suggested by the solicitor, applying that language to all companies. I think the difficulty will be fully met if the clause is worded in this way:

The said expropriation powers shall not be exercised as to any dams or storage now existing, or any dams or other works for storage, or any storage hereafter created previous to the construction of any works by this company with which such dams might interfere.

Mr. CONMEE. I will accept that.

Mr. LANCASTER. The objection I see to that is that in a few years from now one of these companies could build works which you could expropriate, for, while you are saying that they must not expropriate the works which have been constructed previous to the construction of the works of this present company, you are inferentially saying that they could expropriate works of any other companies that were constructed after the works of this company began.

Mr. CONMEE. Include the words 'or hereafter constructed.'

Mr. LANCASTER. I would strike out the words 'previous to the construction.'

Mr. CONMEE. I have no objection to that.

On section 8, subsection 9,

Mr. A. C. MACDONELL. Words were to be added to this clause to make it plain that the exportation of power to the United States is made subject to the Electricity Inspection Act.

Mr. LENNOX. We were to add after the words 'United States'.

Subject to the provisions of the Electricity and Fluid Exportation Act.

Section as amended agreed to.

Bill reported.

CANADA LIFE ASSURANCE COMPANY

House again in committee on Bill (No 56) respecting the Canada Life Assurance Company.—Mr. A. H. Clarke.

On section 1,

Mr. FOSTER. It is very late and I would urge that we should not proceed with this Bill to-night unless there is a positive understanding that we must do so.

Sir WILFRID LAURIER. I am ready to stay on to render justice to this Bill which has stood so long.

Mr. FOSTER. My proposal did not deny justice; I asked if it would not be wise to leave it until to-morrow.

Sir WILFRID LAURIER. To-morrow morning? That is for the promoter of the Bill to say.

Mr. A. H. CLARKE. I am content if the government will take it up to-morrow morning.

Mr. AYLESWORTH.

Mr. FOSTER. It is better for all of us.

Mr. A. H. CLARKE. Let it be the first order of the morning.

Progress reported.

Sir WILFRID LAURIER moved that Bills No. 34 and No. 35, be the first order of the day this morning.

Motion agreed to.

Sir WILFRID LAURIER moved the adjournment of the House.

Mr. FOSTER. What will be the business after these two Bills?

Sir WILFRID LAURIER. The Immigration Bill, the Bill respecting the harbour of Montreal and all the minor Bills. On Monday we will take the Civil Service Bill.

Mr. FOSTER. Do you mean the resolution and the Bill founded on it?

Mr. FISHER. The resolution in regard to the clasification of the House of Commons will come first. The Bill cannot be gone on with until the Senate is ready with their classification.

Mr. FOSTER. How long is that going to last?

Mr. FISHER. You must ask the Senate about that.

Mr. FOSTER. The government ought to be able to carry on its business. We have the reason now why the Bill has been delayed that the government is not able to make its Bill effective so far as the Senate is concerned.

Mr. FISHER. The government is forwarding the business of the session as rapidly as possible.

Mr. FOSTER. We might take the Postmaster Generâl's Civil Service Bill and get through as many as we can. The Postmaster General is ready.

Sir WILFRID LAURIER. I do not see any objection to that just now.

Mr. MACDONELL. Why not dispose of all the private Bills to-morrow morning.

Sir WILFRID LAURIER. Monday is the regular day, but I have no objection to take them to-morrow or Monday.

Mr. GRAHAM. We will clear them off on Monday.

Motion agreed to, and the House adjourned at 12.20 a.m. Saturday.

HOUSE OF COMMONS.

SATURDAY, May 8, 1909.

The SPEAKER took the Chair at Eleven o'clock.

FIRST READINGS.

Bill (No. 180) respecting the Montreal Bridge and Terminal Company.—Mr. Martin.

Bill (No. 181) for the relief of Laura McQuoid.—Mr. Nesbitt.

Bill (No. 182) for the relief of Fleetwood Howard Ward—Mr. Bradbury.

Bill (No. 183) for the relief of Aaron Wm. Morley Campbell.—Mr. W. H. White.

Bill (No. 184) for the relief of John Christopher Cowan.—Mr. Turriff.

REFUNDING OF FEES.

Mr. ETHIER moved that the 8th report of the Select Standing Committee on Miscellaneous Private Bills be concurred in as follows:

Your committee have considered the following Bills and have agreed to report the same without amendment, viz.:—

No. 142 (Letter F of the Senate), intituled: 'An Act to incorporate the Governing Council of the Salvation Army in Canada.'

No. 136 (Letters GG of the Senate), intituled: 'An Act for the relief of Hannah Ella Tomkins.'

No. 157 (Letters OO of the Senate), intituled: 'An Act for the relief of John Dennison Smith.'

As no petition was received in the House within the first six weeks of the session in connection with either of the two last-mentioned Bills, the said Bills became liable to the additional charge of $200 under the provisions of Rule 88 (8), which charge was duly levied and paid in each case; as, however, the counsel for both the applicants stated before your committee that the omission to present the petitions in the House was the result of misleading information furnished him in the Senate, your committee recommend that the said additional charge be refunded in each case.

Sir WILFRID LAURIER. This is a motion to approve the report of the Select Standing Committee. I beg to move in amendment that the last paragraph of the report be struck out and that the report as amended be agreed to as follows:

As no petition was received in the House within the first six weeks of the session in connection with either of the two last-mentioned Bills, the said Bills became liable to the additional charge of $200 under the provisions of Rule 88 (8), which charge was duly levied and paid in each case; as, however, the counsel for both the applicants stated before your committee that the omission to present the petitions in the House was the result of misleading information furnished him in the Senate, your committee recommend that the said additional charge be refunded in each case.

When the rules were revised, it was provided that the fee on private Bills would be a certain sum, and then, if the Bill were not presented within the time prescribed by the House, there should be an additional charge. This report recommends that the additional fee should not be charged, giving as an excuse that the petitioners were misled by the Senate as regards the time within which the petition should be presented. That excuse is not sufficient. We should strictly adhere to the rules.

Amendment agreed to, and report as amended agreed to.

THE CIVIL SERVICE BILL.

Mr. FOSTER. May I be allowed to inquire again with reference to the Civil Service Bill. The point between us two months ago was as to the schedules. We agreed on a form which was to be attached in each case. I remember the conversation which took place. It was understood that a great majority of those schedules would elicit no contention, but there might be some regarding which there would be some contention. Is it possible that the schedules could be laid before the House so that we might have a chance to look over them before the Bill comes up?

Mr. FISHER. All the schedules are prepared, so far as the departments are concerned, and I shall be happy to lay them on the table. The schedules for the employees of the House of Commons, the Library and the Printing Committee are already on the table but not adopted. Those of the departments were adopted and passed by the Governor in Council. Those of the House of Commons and the library employees and the employees of the Printing Committee, who are joint employees of the Senate and the House, are now on the table for approval. The employees of the Senate, we have no control over, and their schedules are before the Senate but not yet approved. I will see that the schedules for the departments are laid on the table this afternoon.

Mr. FOSTER. I understood last night our arrangement was that those would be taken up on Monday. How much longer are we to delay or is it possible to go on with the legislation, even if the Senate and the government do not come to an agreement. That need not necessitate the delay of the whole Bill or will it?

Mr. FISHER. It need not if the House will be willing to have the schedules of the departments put in as the schedules of the Bill and a lump sum granted for the employees of the Senate and this House in those schedules. If the Senate does not adopt the schedules for its employees, we

can make provision for them, as far as we know how.

Mr. R. L. BORDEN. What is the difficulty? Is there some difference of opinion between the Senate and the government?

Mr. FISHER. The government have nothing whatever to do with the classification of the Senate.

Mr. R. L. BORDEN. Why does the Senate not make the classification?

Mr. FISHER. I have been speaking to various senators and members of the government in the Senate and have been urging them, but so far without success.

Sir WILFRID LAURIER. As my hon. friend from North Toronto knows, the Civil Service is always a difficult matter to deal with.

Mr. R. L. BORDEN. If the Senate appropriations are in such a shape that the employees will not be paid until the classification is put through, that might expedite the business.

Mr. FOSTER. I see in the press that the difficulty arose because of the objection of the Civil Service Commission to the classification. Has that anything to do with it?

Mr. FISHER. Not the slightest. Any such rumour, I am sure, is unfounded.

MR. W. T. R. PRESTON.

Mr. R. L. BORDEN. I would like to ask whether the government has any information with regard to the proceedings of our trade commissioner in Japan. I have had newspapers sent to me from time to time; and though not disposed to trust implicitly to everything contained, even in a Japanese newspaper, with all deference to my hon. friends the Minister of Labour (Mr. (Lemieux) and of the Minister of Agriculture (Mr. Fisher) our trade commissioner seems to be carrying on most extraordinary antics in this country, according to those journals, and some restraining influence had better be put on him. If the accounts are to be believed he seems to be running amuck with every commercial body and interest he can find willing to engage in combat. The result is that not only the gentleman himself, but the government he represents, is more or less brought into controversy and conflict with certain important public and commercial bodies in Japan; if these statements are correct.

Sir WILFRID LAURIER. I am pretty sure they are not correct. At all events, we have no information to that effect, either officially or semi-officially, or of any kind.

Mr. R. L. BORDEN. Has my right hon. friend received the newspapers?

Mr. FISHER.

Sir WILFRID LAURIER. I receive so many that I cannot undertake to read them all, but I should think that if any of our officers have given offence in the way suggested, we would have received official notification.

Mr. R. L. BORDEN. I shall send the right hon. gentleman just one of those which have come to me, and he will be able to judge whether or not my remarks have any foundation, if any credence is to be given the press.

Sir WILFRID LAURIER. Of whom do you speak?

Mr. R. L. BORDEN. Of Mr. Preston. I thought he was our trade commissioner in Japan.

Sir WILFRID LAURIER. He was, but he has been transfered to Holland.

Mr. R. L. BORDEN. I must apologize to the new trade commissioner in Japan, if there be one. I was referring to Mr. Preston. I was not aware until the Prime Minister spoke, that he had again been translated.

Sir WILFRID LAURIER. That is another reason not to believe in the newspapers.

Mr. FOSTER. What is the trouble in Holland that he has been sent there?

Mr. R. L. BORDEN. Possibly he has gone there to attend the Hague conference, or perhaps he has gone to assist in arguing the fishery case in that country.

Mr. FIELDING. Or the celebration of the recent happy event in Holland.

ONTARIO AND MICHIGAN POWER COMPANY.

Mr. CONMEE moved third reading of Bill No. 34 to incorporate the Ontario and Michigan Power Company.

Mr. LENNOX. I am sorry to have to ask to have this matter referred back for amendment to the Committee of the Whole. In going through the sections yesterday, I called attention to the fact that certain standing provisions respecting telegraphs and telephones were omitted, and it was thought they would be found in subsequent sections of the Bill, but that is not the case. I move that the Bill be referred back to the Committee of the Whole to insert the following two clauses as subsections:

No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using telegraphs or telephones of the company until approved by the Board of Railway Commissioners for Canada who may also revise such tolls and charges from time to time.

3. Part two of the Telegraph Act shall apply to the telegraph business of the company.

Motion agreed to, and House went again into committee.

Mr. CONMEE. I think my hon. friend is correct, that was the intention and I think that is provided, because the Bill is under the Railway Act; however, I can see no harm in having those subsections in it.

Mr. LENNOX. There was a similar provision in the Alberta and Brazeau River Power Company Bill.

Amendment agreed to, Bill reported.

Mr. CONMEE moved third reading.

Mr. R. L. BORDEN. Before this motion is carried, I would like to say that a great many objections to the Bill, in the first instance, seem to have been removed. The Prime Minister last evening expressed the opinion that this parliament has power to expropriate land belonging to and used or about to be used by a provincial government. I take absolute issue with him on that point. On principle, I think that this parliament has no power whatever in that respect, and the exercise of such power would lead to most absurd conclusions.

If this parliament, acting within the ambit of its jurisdiction, can expropriate or authorize the expropriation of lands belonging to the provincial government, then the legislature of the province, acting within the ambit of its jurisdiction, can authorize the expropriation of lands belonging to the government of Canada. There is no escape from that. If my right hon. friend's view were correct, the western provinces could get their lands back from Canada by expropriating them. They are the property of Canada, but the western provinces could expropriate them, and probably expropriate them without much compensation; because the ordinary principle of compensation, as any one who has bestowed the slightest attention upon the subject knows, is the value of the land, not to the person who expropriates, but to the person from whom it is expropriated. I have only to recall a very familar instance in which land in the very heart of London, owned by church wardens and vestry and incapable of being used by them except to let it remain as a churchyard, was expropriated by a railway company, to whom it was worth hundreds of thousands of pounds, but the church wardens and vestry could get no compensation for it whatever, because the basis of compensation was the value of it to them, and not the value to the railway company. So, if the power contended for existed, I would invite my friends from the west, who are interested in the point to seize this opportunity and have the lands expropriated, because I can assure them that under the ordinary principles of valuation in such cases, very little would have to be paid for them. But, as a matter of fact, it seems to me that no such power exists. If it did exist, could not the parliament of Canada authorize the expropriation of the parliament buildings at Toronto, could not the legislature of Ontario return the compliment by authorizing the expropriation of land upon Parliament Hill, including, no doubt, the site of the new hotel to be built in Major's Hill park. These powers do not exist. Nor, as I understand it, does this Bill purport to confer any such powers. It is an elementary principle of the construction of a statute that the Crown is not bound unless the Crown is named. That is a principle that has prevailed in the construction of statutes in Great Britain for the last six hundred years, and it prevails in the construction of our statutes as well. Therefore, inasmuch as this Bill does not purport to bind the Crown, it does not bind the Crown; it would not bind the Crown even if we had the power to bind it in this regard, which I contend we have not. Under these circumstances, with all deference to the members of the government of Ontario, and to the Attorney General of Ontario, I do not think that this Bill is so drafted that the province of Ontario has anything to fear from it in that regard. I agree with the view expressed by my hon. friend the Minister of Railways and Canals (Hon. Mr. Graham), and I think by the Prime Minister (Sir Wilfrid Laurier), last evening, that the Bill does not purport to do anything of that kind. I think the Prime Minister did make an exception with regard to the Nipigon river. But I do not know any authority for that. I think authority must be got from the legislature of Ontario before that can be done. Ontario could take proceedings to prevent trespass upon its lands, notwithstanding the enactment of this statute, and properly so. Why should this parliament undertake to give access to Ontario lands without the authority of the province, when the province, through its government and legislature, could give all necessary powers? Each government is sovereign within the ambit of its jurisdiction. And the principle of home rule in the Dominion of Canada has been carried out to that extent. Not only is the government and parliament of the Dominion of Canada all powerful within the ambit of its jurisdiction, subject, of course, to the legal power—but not the constitutional right—of the imperial government and parliament to interfere, but the provincial government and parliament is all powerful within the ambit of its

jurisdiction, subject to the powers reserved to this government under the British North America Act, especially the power to check provincial legislation by means of disallowance. So, in that regard, I do not see any difficulty on the part of the government of the province of Ontario. But it does seem to me that the Bill is open to objection in another respect, and that is that the powers of expropriation undoubtedly will enable this company to gather up the interests of private persons in the localities which are mentioned in this Bill, and possibly to make a monopoly of them. I do not know enough of the local conditions to justify one in saying that a monopoly will be created, but it does seem to me that the granting of expropriation powers such as are given in this Bill has a tendency in that direction.

Mr. CONMEE. The hon. member (Mr. R. L. Borden) will remember that the company, under the Bill as it is now, is confined to one river, so far as expropriation powers are concerned, and to one point only on that river. Therefore, the idea of monopoly, I think, is eliminated.

Mr. R. L. BORDEN. That is the only objection I have to the Bill. I do not think it wise to grant powers of expropriation for purposes such as this, inasmuch as the grant of such powers must inevitably tend to the creation of a monopoly in water-power, and water-power is the all essential thing to be conserved for the benefit of the people of the whole country. If my hon. friend from Thunder Bay and Rainy River (Mr. Conmee) can convince me that the Bill does not tend in any way to the creation of monopoly, then, I think, his Bill in every respect is absolutely reasonable. And I think the hon. member (Mr. Conmee) has been very reasonable indeed in his conduct with regard to the Bill. He has agreed to eliminate many objectionable features, and I have no fault to find with his attitude on the Bill in that respect. I dare say that he has very good precedents even in the matter to which I object. At the same time, we must not forget that new ideas and conditions are beginning to obtain in Canada with respect to matters such as this, that whatever the policy may have been in the past, the policy of the future should not in any way tend to the creation of a monopoly in the water-powers of Canada.

Sir WILFRIID LAURIER. I said yesterday, speaking upon this Bill, that, in my estimation and judgment—and I still adhere to my position—we have the power in this parliament to expropriate, but not to the broad measures my hon. friend (Mr. R. L. Borden) suggests which would carry the doctrine to an absurd degree. The position which I take, and upon which I challenge everything that the hon. member has said, is this: This parliament has power to make laws for the peace, order and good government of Canada; this power carries with it all the corollary powers necessary to give effect to our legislation. One of our duties is to provide for public works. If, for instance, we order the construction of a railway, necessarily we have to give to the entity which we create the power which will make this enterprise effective, otherwise our powers would be nugatory, we should be giving a power which we could not enforce. Until it is settled otherwise by judicial authority, I contend that we have the power to enact any law that we think for the best interest of Canada, and the corollary power to do anything necessary to that end. We can even invade civil rights, though vested in the province. I agree with my hon. friend that the provinces have as much power within their authority as this parliament has. This is good Liberal doctrine, and it was fought out in years past, and I am glad to see it accepted to-day. The province is supreme within its authority, as the Dominion is supreme within its authority, and we have a right here to do all that is necessary to carry out any work which we provide for.

Mr. CARVELL. Before this Bill is carried, I wish to refer my hon. friend the leader of the opposition to a case decided in the Supreme Court of British Columbia, in 1904, which he will find in Volume 11 of the British Columbia Reports. It is the case of the Attorney General of the province of British Columbia vs. the Canadian Pacific Railway Company. I refer particularly to the judgment of Hunter, Chief Justice, found on page 297. This question involved the right of the Canadian Pacific Railway Company to take lands which were admitted to be the property of the province of British Columbia, and the Chief Justice in giving the decision, uses these words:

> On the other hand, it has never been doubted, so far as I am aware that parliament, in the exercise of its railway jurisdiction, may provide for the expropriation of such private interests in land as may be required for railway purposes. If the interest of one man may thus be taken, then why may not parliament do the same in the case of lands, the beneficial ownership of which is in the inhabitants of a province collectively, i.e., Crown lands.

He goes on and decides that once this parliament has jurisdiction to create a railway company then that company has power to expropriate any land, even Crown lands of the province of British Columbia. The same doctrine is laid down by Martin, Justice, pages 304 and 305, of the same volume. I will not take up the time of the House in reading these decisions, I will send them

over to my hon. friend, and he will see that I am correct in the doctrine laid down that once the parliament of Canada incorporates a railway company with powers of expropriation, that company has power to expropriate the lands of a province.

Mr. R. L. BORDEN. So far as my hon. friend has quoted the decision it is an authority in support of his view. But with all deference to that court, I would like to see the judgment reviewed by the Judicial Committee of the Privy Council.

House divided on motion for third reading.

YEAS:

Messieurs

Allen,	McKenzie,
Aylesworth,	McLean (Huron),
Beauparlant,	McLean (Sunbury),
Béland,	Marcile (Bagot),
Bickerdike,	Martin (Montreal, St. Mary's),
Brodeur,	Martin (Regina),
Bureau,	Martin (Wellington),
Calvert,	Michaud,
Carvell,	Miller,
Cash,	Molloy,
Chisholm (Antigonish),	Murphy,
Chisholm (Inverness),	Oliver,
Clark (Red Deer),	Pardee,
Clarke (Essex),	Parent,
Congdon,	Pickup,
Conmee,	Proulx,
Dugas,	Prowse,
Ecrément,	Pugsley,
Emmerson,	Rankin,
Ethier,	Reid (Restigouche),
Fielding,	Richards,
Fisher,	Rivet,
Fortier,	Ross,
Gauvreau,	Roy (Dorchester),
Gladu,	Roy (Montmagny),
Graham,	Rutan,
Guthrie,	Savoie,
Hunt,	Sealey,
Knowles,	Sinclair,
Lapointe,	Templeman,
Laurier (Sir Wilfrid),	Todd,
Lavergne,	Turcotte (Nicolet),
Law,	Turcotte (Quebec County),
LeBlanc,	Turgeon,
Lemieux,	Turriff,
McCraney,	Warburton,
McGiverin,	White (Victoria, Alta)—76.
McIntyre (Perth),	
McIntyre (Strathcona),	

NAYS:

Messieurs

Armstrong,	Lancaster,
Arthurs,	Lennox,
Barker,	Lewis,
Barnard,	Macdonell,
Barr,	Maddin,
Borden (Halifax),	Magrath,
Bradbury,	Marshall,
Burrell,	Northrup,
Crosby,	Paquet,
Crocket,	Perley,
Crothers,	Sharpe (Lisgar),
Daniel,	Sharpe (Ontario),
Foster,	Smyth,
Goodeve,	Stanfield,
Haggart (Lanark),	Taylor (New Westminster),
Haggart (Winnipeg),	Wallace,
Henderson,	Wilson (Lennox and Addington),
Herron,	Wright.—39.
Jameson,	
Kidd,	
Lake,	

Mr. CALVERT. I beg to call attention to the fact that the hon. member for South Oxford (Mr. Nesbitt) has not voted.

Mr. NESBITT. I was paired with the hon. member for Grenville (Mr. Reid); otherwise, I would have voted for the motion.

Motion agreed to, and Bill read the third time and passed.

CANADA LIFE ASSURANCE COMPANY.

House again in committee on Bill (No. 56), respecting the Canada Life Assurance Company.—Mr. A. H. Clarke.

On section 2, expressions used in chapter 71 of the statutes of 1879 defined.

Mr. HENDERSON. I have, on different occasions, in the standing committees of this House and in the House itself, expressed my opinion of this Bill, and it is only a keen sense of my duty to my constituents, to those whom I represent, that impels me again, at this time, to give my opinion upon the legislation that is offered to the House now. It may be remembered that a few days ago I moved a resolution asking that the Bill be referred back to the Committee on Standing Orders, in order that the House might be informed whether the notices that have been recently published were sufficient or insufficient for the purposes of this Bill. I did so feeling keenly that although the notice had been widely circulated it did not come within the requirements of our standing rules, that, inasmuch as the Bill sought to enact retroactive legislation, the notice to the public to appear and look after their interests did not refer in any way to retroactive legislation. I simply draw the attention of the House to this matter because it goes to show that either intentionally or unintentionally those in charge of the Bill did not give to the public that intimation that I think they ought to have that the rights of the policy-holders were to be taken away from them not only in the future, but in respect to the past thirty years. There is no doubt that the use of the word 'are' in the notice did not cover what is contained in the Bill in which the words 'were' and 'are' are used. The word 'are' would not relate altogether to existing policies. Why the notice was put in that form I cannot say, but this I did regard as

a sufficient reason for asking the Bill to go back to the committee to be again reported upon. Following that motion, my hon. friend from South Simcoe (Mr. Lennox) moved that the Bill be referred back to the Committee on Banking and Commerce in order that the policy-holders who are so deeply interested in this Bill should have an opportunity of being heard and of expressing their views upon a matter which is of far reaching importance to them and to the dependants of those who have taken out life policies. I do not wish to reflect upon the House, but I regret very much indeed that the House did not see fit to allow the Bill to go back to the committee after so much money had been expended in advertising the Bill so as to permit policy-holders, of whom it is alleged there are 35,000 or 40,000 interested, to appear before the committee and state their reasons why they do not approve of this legislation. This Bill has been discussed in the House. Some weeks ago we had an important discussion and then the hon. Minister of Justice (Hon. Mr. Aylesworth) expressed himself very freely and gave a decided opinion as to what he thought was the main characteristic of the legislation. To my mind, the kernel of the whole matter lies in the question: Was there a mistake in the legislation of 1879? We are now asked to declare that what is contained in an Act of Parliament passed in 1879 means something different from what the ordinary acceptation of the English words used in the Bill would indicate. We have, what I may say, is the highest legal authority in Canada and the highest legal authority in Great Britain for the opinion which we hold.

We do not believe that there was a mistake in the legislation of that day, not a tittle of evidence has been produced before the Committee on Banking and Commerce of any mistake, beyond the mere statement of the solicitor who had charge of a Bill before the Banking and Commerce Committee, Mr. L. G. McCarthy, who was a mere child at that time and could not possibly have any personal knowledge of the matter. I grant that a deep impression was made on the Banking and Commerce Committee by the statement of Mr. McCarthy, the solicitor, that Mr. A. G. Ramsay, who was for a long time manager of the company and who is a man for whom we all have the highest regard, considered that an error had been made away back in 1879. The statement was read hurriedly during considerable confusion, and, I think, very few of the members caught its drift. The moment the statement was read, instead of being handed to the clerk of the committee so that it could be examined it was deposited in the valise of the solicitor and hurried away, so that we had no opportunity of examining the original letter or knowing its contents until recently when it was published. It has been stated that a great deal of force should be given to the fact that the Banking and Commerce Committee had passed the Bill. To my mind no force whatever can be attached to that fact. The committee were misled by the statement of Mr. McCarthy who alleged that a mistake was made. The statement of Mr. Ramsay was not presented to the committee in such a way that they could intelligently understand its meaning, and I say without hesitation that I consider the committee was misled. So keenly did I feel the position at that time that I asked that no division be taken in the committee. I said then and I hold to the same idea now that this is too serious a question to throw into the cauldron of partisan politics, and hence I asked the committee not to divide on the question and there was no division. Hon. gentlemen may say that was a unanimous vote. It was not, because it was decidedly stated that we did not propose to divide the committee for the reason I have given and a number of us in the committee voiced our opposition to the Bill. Consequently when it is said that a great deal of stress should be laid on the position of that committee, I say on the contrary that it should have no weight whatever because it was not an expression of opinion by the committee. That was a strong reason to my mind why the Bill should have been sent back to the committee again for further consideration after having learned all the facts and especially the fact that the committee had been misled by the statement that a mistake had been made in 1879. We were told the other day by a leading gentleman in the House that the first thing of which we should be satisfied is that there was a mistake. If there was no mistake in the legislation of 1879 then there was no ground on which to pass this Bill. If the legislation of 1879 was what the Canada Life Assurance Company asked for there is no room for the appeal to this parliament to change the wording of that Act of Parliament and substitute some other words. I propose to read section 4 of Mr. Ramsay's letter which to my mind comes the nearest to an explanation of the reason for now asking this legislation. This I apprehend is the clause on which Mr. McCarthy endeavoured to make the committee believe that Mr. Ramsay thought there was an error:

> In the year 1879 it was deemed advisable to obtain an amendment to the company's Act of incorporation, and as the division of profits for upwards of thirty years had been made not in strict accordance with that Act, it was decided to apply to have it made clear

in future that the directors might make the allotment and division of profits from the entire business of the company——

That is from both participating and non-participating policies.

——among the persons assured on the participation scale and the shareholders, and might increase the proportion of such profits as between such policy-holders and the shareholders, and that was the object and intention of the recital in the Act passed, 42 Victoria, chapter 71, and of the first section thereof.

The whole business of a life insurance company consists of two things, dealing with participating policies and with non-participating policies. The investment of money, the investment of the reserve or capital is simply incidental to the carrying on of the insurance company's business or the issuing of participating and non-participating policies.

Mr. GUTHRIE. What about annuities?

Mr. HENDERSON. Annuities if they are profit policies would be included under these too. There was nothing in Mr. Ramsay's letter to indicate that there was a mistake or that parliament had been misled at that time.

I propose to look at the petition presented in 1879 in order to point out where the House and the committee have been misled, and to follow up the declaration of the Minister of Justice that the first thing to be satisfied of is that there was a mistake. If there was no mistake then I say that we have no right to pass this legislation. If the Bill of 1879 was what the company wanted, and if they knew what they wanted, and if people insured on the strength of that charter, paid their money and obtained their policies, then I say we have no right as a parliament here to-day to change the contracts between the assured and the company even supposing there was a mistake in the Bill the company itself was responsible for it, the policy-holders were not responsible for it there is no reason in the world why the policy-holders should have their rights taken away now, even although the company did make a mistake thirty years ago. But I submit there was no mistake, there is no evidence that a mistake was made. All the evidence direct and inferential is that there was no mistake whatever. The company applied for an amendment to their charter and they obtained what they wanted. Who had to do with this application? Mr. A. G. Ramsay, who was manager, I believe, in the year 1875, was a man of high standing, of good business qualities, who knew all about life insurance, a man who knew what the board of directors wanted.

I do not think he was managing director at that time, I am not sure of that, but at any rate he was on the board from 1875 until the time he left the company, about 1899. No doubt the board consisted of men of high standing, chiefly in Hamilton—men who knew what they wanted, men who knew how to ask for what they wanted, and who would not have asked for anything they did not want. Who was the solicitor of the company at that time? It was Mr. Alexander Bruce, for whom, I assume, every hon. gentleman who knows him has the highest regard. He is a good lawyer, able to advise the board of directors and draft a petition to this parliament. He was a member of the firm of Bruce, Walker and Burton, in Hamilton, as well as solicitor for the Canada Life. Mr. Walker, I believe, is dead. Mr. Burton afterwards became Justime Burton, showing the high standard of men who had to deal with this whole matter. They were not second or third class, but high class lawyers.

Mr. A. H. CLARKE. What do you think of Mr. Bruce now?

Mr. HENDERSON. Just what I always thought of him.

Mr. A. H. CLARKE. He is the man who is asking for this.

Mr. HENDERSON. But he does not make the contention that Mr. Cox does—not by any means. I think I know Mr. Bruce's private opinion, and if Mr. Bruce had been willing to say there was a mistake, why did he not come forward in the Banking and Commerce Committee and say so? He did not do it because he is an honest man, and would not make a statement he did not believe. This Bill was put in the hands of Mr. Thomas Robinson, then member for Hamilton, to present to this House. Who was he? He was a good lawyer, who afterwards became judge in the High Court of Ontario. All those who had to deal with this matter were men of high character and ability, who knew what they were doing, and no doubt did exactly what they wanted. And we are asked to-day to review what they did and to say that every one of them blundered.

Mr. LANCASTER. Parliament must have blundered too.

Mr. HENDERSON. Certainly, let me read who were in parliament at that time. Were they inferior to the men we have to-day? Let me take a list of them. I have the journals of the House for 1879 and will give you the list, and probably the hon. gentleman who says that a grievous blunder was committed in 1879 will change his mind when he finds that his own respected father was one of the men who assisted to pass the Bill. We find here men like the Hon. David Mills. Did he blunder? I had a very high regard for David Mills. Many a

time I listened to him in this House and I often asked him for advice and counsel, and he was always willing to treat young members fairly and give them the benefit of his experience. The Hon. Wm. Paterson was member for the House then. Did he make a blunder? Did he not know the meaning of the legislation he was helping to pass? Is he willing to come now and say he made a mistake, and that the legislation they passed meant something else than he thought it did. Mr. George A. Kirkpatrick, afterwards lieutenant-governor of Ontario, was one of those who put that measure through. Also Dr. Sproule, and I never heard him say there was a mistake made. There was also the Hon. Mr. Macdougall, who then represented Halton. Will any one say that he was the kind of man who did not know what he was doing?

Mr. A. H. CLARKE. Does my hon. friend think that Mr. Kirkpatrick was a man who would do what my hon. friend thinks the Act meant?

Mr. HENDERSON. I think he would do what he thought was right. The company asked for certain legislation and he gave it to them. Then we come to Mr. Thomas Farrow, now Judge Farrow, then member for the north riding of Huron.

Mr. M. Y. McLEAN. Mr. Farrow was not a judge and not a lawyer. He is now postmaster in a village.

Mr. HENDERSON. I stand corrected. I was misled by the similarity of names. Then we come to the Hon. Alexander Mackenzie. Where is the man on that side who will stand up and say that honest Sandy Mackenzie made a big blunder and did not know what he was doing?

Mr. A. H. CLARKE. Has the hon. gentleman not often said that Alexander Mackenzie was a great mistake and failure?

Mr. HENDERSON. I undertake to say that the hon. gentleman never heard me make that statement. I may have thought it sometimes but not always. I do not say he always made mistakes by any means. In a simple matter like this. he would do what was right. Next we find Mr. John Haggart and Sir John Carling, and then we come to another gentleman whom I am sure no one on that side will accuse of wrong doing, the Hon. G. W. Ross. Did he make a blunder? He had not arrived at the age when he blundered, but later on in life, he did go astray. At that time, however, I am under the impression that the Liberals thought he was incapable of committing a blunder, whatever they may have thought later on. Then we come to John Charlton, a man of good judgment, a good business man and thoroughly versed in the English language. Did he make a blunder? And the Hon. Peter White, the late respected speaker of the House, in whom we all had confidence as a business man. He blundered too? Then we come to Dalton McCarthy, the late lamented uncle of the gentleman who, up in the committee room, told us that the legislation of 1879 was a mistake. I wonder what his uncle would think if he heard his nephew make a statement of that kind? I do not believe that he did make a mistake. He had too great a command of the English language not to be able to give exact expression to his ideas. Another was Mr. John Beverly Robinson. I never expected to be called on to review his judgments. I never expected to stand in the same class with him, much less to be put in court to declare that J. B. Robinson did not know how to frame an Act of Parliament.

Mr. A. H. CLARKE. Is that the chief justice?

Mr. HENDERSON. It is the same name at any rate. He belonged to a family we have always held in respect in Ontario, as men of intelligence and abilty. Then we come to Mr. Hector Cameron, who represented North Victoria and who was a high class lawyer. Then we have another gentleman I know well, a good lawyer, highly respected for his ability, and yet we are told that he made a grievous blunder. His own son in the House the other night said a grievous wrong had been done.

Mr. GUTHRIE. If I be the one to whom the hon. gentleman refers, I would ask him to point out anything I said to that effect. I said I had my own conclusion on the subject and did not express it.

Mr. HENDERSON. I am speaking from memory.

Mr. GUTHRIE. Your memory is bad.

Mr. HENDERSON. I hope the hon. gentleman will forgive me if I misquote him, but I have a distinct recollection that he made the statement that a grievous wrong had been done.

Mr. GUTHRIE. Read it again.

Mr. HENDERSON. I have not now the time to look it up. But the hon. gentleman's father was one of those who did the wrong. If he admits that his father did not make a mistake, he ought to vote against this Bill. I would very much dislike to see him vote against his father. Now, we come to the Hon. Désiré Girouard, who is on the Supreme Court bench today, are we, farmers and others from western Ontario and elsewhere, going to sit on his judgment?

Mr. NESBITT. Were there only but lawyers in that House. Will the hon. gentleman hunt up a few farmers?

Mr. HENDERSON. Yes, I will find a few. If you have a higher opinion of the farmers than you have of the lawyers, I shall endeavour to catch a few of them. Mr. Julius Scriver was here then. He was a farmer and a very highly respected member of this House. I come to Joseph Alderic Ouimet, another lawyer, who afterwards became a judge in the province of Quebec. My hon. friend may excuse me for not giving the names of farmers, because if I did he would tell me that the farmers were not capable of drafting Acts of parliament. It is for that reason I have selected men who are versed in the law, who would know what they were doing. Another of those men who made a blunder —and I would ask the Finance Minister to say whether this man did not know what he was doing—was Sir Wilfrid Laurier, now Prime Minister. He is one of those my hon. friend tells us made a blunder and who did not know what they were doing. He passed legislation he did not know the meaning of, and now we are to sit in judgment on him and declare that in 1879 he was guilty of passing into the statutes words which did not convey the meaning they were intended to convey. I believe that the right hon. gentleman was right then; and if he will only vote that he was I will be perfectly satisfied. There was another member of that parliament, in whom perhaps some hon. gentlemen would not have so much confidence, I refer to the hon. Sir Charles Tupper. He was one of those who made that mistake. Then there was Mr. Frank Killam, of Yarmouth. I am not sure but I think he was the late judge.

An hon. MEMBER. No.

Mr. HENDERSON. If not, it must have been his father. But I am told that in southern Nova Scotia all the Killams have a high reputation for ability and integrity. Then we come to another gentleman, I would not expect to make a mistake. I refer to the Rt. Hon. Sir John A. Macdonald. He was satisfied that this statute was correctly drafted.

Mr. FIELDING. Are you quoting from 'Hansard'?

Mr. HENDERSON. I am quoting from the journals of the House.

Mr. FIELDING. You will not find his speech there.

Mr. HENDERSON. I am not quoting his speech but I am giving my opinion of him as a legislator, capable of examining an Act of parliament and deciding whether it was in conformity with the petition and proper legislation to pass. I do not feel disposed to sit in judgment on the actions of men like Sir John A. Macdonald or those others I have named. They were all men of high standing in whose judgment we ought to have confidence. I think I have fairly well established the fact that there was no mistake. Here is what the petition stated as presented in 1879 asking for an amendment of the Bill:

> That the directors have heretofore allotted and divided among the assurers upon the participation scale seventy-five per cent of all the profits realized from the entire business of the company, and in view of the increasing business of the company it is deemed desirable that they should be empowered to increase the proportion of such profits which may be allotted to such assurers.

That is what they asked. Did not they get what they asked? They got it exactly; they asked for power to increase the allotment owing to the fact that the business has been increased, and, as they had more money, they were willing that the allotment to policy-holders should be increased from 75 per cent to 90 per cent, retaining not more than 10 per cent for themselves. For the twenty years previous to 1879, the capital of the company stood at $125,000. During that time, the dividends paid amounted to $690,625, an average of nearly 27 per cent. And the directors decided that they would be more liberal with the policy-holders, and, instead of taking 25 per cent for themselves, would take only 10 per cent, giving the policy-holders 90 per cent. Now, they say that all through this business the company credit the shareholders with the interest on capital and then divide the balance in the proportion of 90 to 10. I have here a statement of the Canada Life Assurance Company—I have similar statements for several years—showing the balance sheet as at December 31, 1899. If the company considers that the interest on capital was a liability, it ought to have put it in that statement and let the policy-holders know. But they did not do so. I will read the liabilities, because I wish to get this on 'Hansard', for it shows that the company did not deal fairly with the policy-holders. If they ever charged the shareholders with this interest, they certainly kept the policy-holders in the dark about it. I will undertake to say that no man ever went to an applicant for life insurance; and told him: The shareholders are first going to take the interest on their capital and then you will get 90 per cent of the balance. I never heard of a man who was canvassed in that way. On the contrary, the mode of canvass was to print leaflets and distribute them throughout the country—I have distributed many of them myself—in which appeared in large, black letters '90 per cent for the

policy-holders, 10 per cent for the shareholders.' Now, here is the statement of liabilities to which I referred:

Liabilities.

Net reserve required to meet all outstanding policies, reversionary additions and annuities, value in net premiums only--		
Actuaries, 4 per cent.. .. .. ..$		18,964,390 00
Special reserve set aside in 1898 towards 3½ per cent valuation		225,000 00
Additional reserve set aside in 1899 for same purpose..		275,000 00
Reserve on lapsed policies subject to revival..		41,531 00
Instalment claims fund..		4,098 00
Death claims outstanding Dec. 31, 1898 (nearly all since paid)		96,096 00
Vested profits on death claims.		7,543 47
Balance of cash, temporary and permanent reduction profits.		15,353 98
Premiums paid in advance.. ..		3,917 10
Suspense account (balance of items awaiting arrangement)		12,419 66
Contingent fund..		125,000 00
Capital stock paid up..		125,000 00
Surplus over all liabilities.. ..		1,468,712 85
Of the above surplus there is credited to policy-holders as surplus to them, including tontine.. .. .. ..$	1,381,132 05	
And carried to Capital Reserve Acct..	87,580 80	
		1,468,712 85
	$	21,364,062 06

There is a complete statement of all the liabilities of the company as at 31st December, 1899, to be laid before the annual meeting to be held in the February following. Not a word is said there about interest on capital, not a word to show that the interest on capital was a liability to be paid to the shareholders before the division of profits took place. And yet they come down and tell us that every year they did that. The Minister of Justice (Mr. Aylesworth) told us the other day that the policy-holders had 'slept on their rights', and because they had 'slept on their rights', their rights ought to be taken away from them. How could they help sleeping on their rights, with men at the head of the company in whom they had confidence, and because of whose representations they believed that everything was right. The financial statement did not show what they now contend for, but concealed the fact from the public. And now we are told that the policy-holders slept on their rights. Let me read a clause in an affidavit which was put into my hands yesterday. This is an affidavit filed in Toronto on the application for an injunction to restrain the president of the Canada Life Assurance Company from proceeding with this Bill. I presume that that motion has been heard to-day, as I understand it was to come before Mr. Justice Teetzel in Toronto this morning at ten o'clock. I have no doubt the hon. member for North Essex knows all about it. Here is the affidavit on which that application was based—and I am only going to read one clause of it—here is what the applicant said, being sworn testimony along the line I was referring to:

I had always supposed until recently that the business of the Canada Life Assurance Company was conducted in accordance with the Acts of parliament and the duty of directors in pursuance thereof, and I never had any suspicion that the directors had been taking double dividends as alleged in the particulars of claim, and I never had any notice or knowledge of any such use, taking or appropriation of the money of the policy-holders until after the investigation into the subject of life insurance before the Royal Commission.

There is an affidavit made by a business man, a policy-holder to the extent of $35,000, a man who did not know but that he was getting his fair share of the profits of that company, a man who was lulled asleep, as we would be told by accounts published by his company, not being told that his rights were taken away. No man would suspect for a moment, from that statement of liabilities, that the shareholders were getting their interest first on their capital and then dividing the balance. I have no hesitation in calling it, to use a mild term, decidedly misleading. Now we are told that because the profits have been illegally taken away from us in the past by the shareholders, the practice should continue, that because the policy-holders had slept on their rights for 30 years they have no right to redress now. I have shown you that they could not help but sleep on their rights, because they did not know that their rights had been taken from them. And forsooth, we are told that because they have not instituted an action to recover their rights at this late day they have no right to make a demand.

Now let me say here and now that the policy-holders to-day are not asking for anything, they are asking for nothing but justice. They come to this parliament and ask for nothing except to be let alone. The policy-holders of the Canada Life Assurance Company are satisfied with their contracts. They entered into those contracts in good faith, they paid their premiums in order to secure something that, at their death, would benefit their wives and children. They say: Let us alone, we have made provision for our dependent ones, and we want you to let us alone, and when that policy matures pay the money; we are not troubling you. The policy-holders I believe as a rule think, I know I do, that the Canada Life Assurance Company is able in every respect

financially to pay every claim that will come against it. I believe the insurance reserve they have put aside would be sufficient, under proper management, to meet every claim that would ever be brought against the Canada Life Assurance Company, and I as a policy-holder, and other policy-holders, says : 'Let us alone. We do not want to be troubled by you, we do not want you to come to parliament and get an Act declaring that the charter under which we made our contract means something different from what it says.' That is all they are asking. We say that these assurances, effected largely for the benefit of women and children, women and children who cannot appear here to defend their rights, women as well as men who were refused the right to appear before the Banking and Commerce Committee to state their grievance. Is it fair to take the bread, to take the widow's mite away simply because it is going to benefit a millionare? I cannot imagine how we can pass legislation of that kind. I respect the widow's mite. It may be small, but yet if it be only $100, if it be only $200, it belongs to her. Don't take it away. The other man has got an abundance, and far more than an abundance, more than he can ever make use of. Let the widow and the orphan have their little pittance, without trying to build up millionaires, making one man enormously wealthy in Canada at the expense of so many others.

I have said what I purposed saying about profits being wrongfully taken. It is alleged that because we had not put in our claim before to-day that we are debarred now. I think I have given you good reasons. I have given you the sworn testimony of one policy-holder, a large policy-holder, that until the Royal Commission sat, and until this judgment, he was not aware of the fact that he was not getting his rights. After that he took proceedings, he has instituted an action which is pending in the court to-day, as other actions are, and here we are asked to pass an Act of parliament to put that man out of court, to declare that his action cannot succeed. If we do that are we fit men to sit in judgment on Wilfrid Laurier's action in 1879, on Donald Guthrie's action in 1879, on Sir John Macdonald's action in 1879, on John Beverly Robinson's action in 1879? Are we fit men to review their opinions if we are capable of passing an Act of parliament to take away vested rights from helpless women and children in order to make one great millionaire in this country?

Another point I want to refer to, because I have no doubt that the argument will be advanced that other companies do this. I grant there may be a great deal of truth in that. Other life insurance companies do just what the Canada Life has been wrongfully doing. But the other companies were doing what they have a right to do. I challenge any hon. member to furnish me with the name of an insurance company organized as the Canada Life has been. At any rate if there is one I do not know it. I have searched among the records of Canadian insurance companies, of American insurance companies; I have inquired as to British insurance companies. I have gone to the head of the insurance department of Canada, and the evidence I get is that there is not another company doing business in Canada who has a charter similar to that of the Canada Life, not another one that compels the company to divide all the profits arising from the entire business of the company.

Mr. A. H. CLARKE. Not another company with the same system of non-participating policies?

Mr. HENDERSON. I do not know. It makes no difference to me, because it was a voluntary act on the part of the company to have their charter drawn in that way. They made the charter very attractive, giving policy-holders 90 per cent of all profits arising from the entire business of the company, no matter where it came from, no matter whether it came from interest or from profits on non-participating policies, it made no difference, because the policy-holders' contract was for 90 per cent on everything, and it is too late to say now that the Canada Life is giving something that no other company is giving. It has no bearing with me. Those who took out their policies since 1879 took them out under the charter of 1879, which was emphatic, which was plain, the purest Queen's English, no mistake in the words. Those men paid their money and are paying it now, they made this provision for their dependent ones, for their wives and children whom they leave after them, and I say it is no difference whether these profits were derived from interest, from non-participating policies or where they came from, the Canada Life Assurance Company contracted to give 90 per cent of these profits to every man insured on the participating plan. Why not make them fulfil their contract? I am not asking the Canada Life Assurance Company for anything except that they let us alone. Do not take away from us what we have. Leave the legislation of 1879 as it is and, as far as I am personally concerned—I do not speak for others—I shall be satisfied. But, do not rob me of my rights. I am not accusing members of parliament. It is the company that come here and ask that our rights be taken

away. Do not take away what belongs to us. If you want to establish a grievance take away what we have as a right. Then, you will create a grievance. But, if you leave us alone the probability is that the majority of the policy-holders would leave the company alone even although they did make a mistake. If you take away from the policy-holders what rightfully and lawfully belongs to them and for which they have paid, you will create a great many grievances.

At one o'clock, committee took recess.

Committee resumed at three o'clock.

Mr. HENDERSON. In the few minutes allotted to me I propose to answer the challenge to name others than lawyers who adopted the legislation of 1879. I would name Messrs. Timothy Coughlin of Middlesex, William Elliott of Peel, William R. Hessan of Perth, James Trow of South Perth, William C. Little of Simcoe, Robert Hay of Toronto, Hugo Krantz of Berlin, Thomas Bain, our late Speaker, Joseph Rymal, Thomas Christie, Francois Bechard, George B. Baker, now Senator Baker, Alonzo Wright, Sir Leonard Tilley, John Costigan, Dr. Shultz, and Donald Alexander Smith, now Lord Strathcona. These are the men who agreed to that legislation. They knew what it meant when they passed it and why should we sit in judgment on those great men and tell them they made a mistake and did not know what they were doing? As to the interpretation of the legislation then passed, may I quote the legal opinion of Sir Robert B. Findlay, Attorney General of England, as to the rights of policy-holders which we are now asked to declare should be taken away from them? In giving his opinion Sir Robert Findlay said:

1. The policy-holders on the participation scale have been since 1879 and are now on any division of profits entitled to at least 90 per cent of all the profits realized by the entire business of the company.

2. The payments of dividends to the shareholders since 1879 in excess of ten per cent of the profits from the business of the company have been ultra vires payments.

3. There is no ground for the contention that the shareholders are entitled to interest on capital and also to ten per cent of the profits or to a sufficient part thereof to make up $80,000 a year to be paid to them as dividends, but it is the duty of the directors to make up the accounts of all the profits realized from the entire business of the company, including the interest which may arise from the investment of the money paid in on account of the capital stock of the company and to limit the dividends to shareholders to ten per cent thereof.

And I may say here what every hon. member in this House knows that the highest legal authority in this House, the Minister of Justice, endorses that statement to the full. I contend then that we need not hesitate to dispose of this question, fearing that we may be wrong as to the interpretation of the Act of 1879. A judgment of the Privy Council of England could not be more convincing than the opinions that have been given to us.

What is the object of the legislation? The directors of the company themselves had come to the conclusion that they had not been interpreting the Act properly and that they had been taking profits wrongfully. The evidence of that is that they now ask for legislation to condone the offence. I need not argue that point further, it is admitted by the directors that they have been doing what they had no right to do. The proof of it is that they come here for legislation asking that the offence be condoned. In other words they ask us to state in this House, to use the well known words which I believe are taken from Holy Writ: 'Let him that is unjust be unjust still.' They want to continue doing what they have done wrongfully for the last thirty years, and they ask us to condone their past offence and to give them the right to continue it for the future.

Here is the serious part of this question. A policy-holder who went into the Canada Life Assurance Company probably only two years ago in order to keep up his policy will have to continue paying his premium and if this Bill passes he will pay his premium knowing that the directors are going to take out of that yearly premium a sum of money which they have no right to take. Do you mean to tell me that is not a grievance? Fancy the feelings of a policy-holder going to the agent to pay his premium knowing that a part of the money he is paying in is not to carry his policy, but to go into the pocket of some rich man who is not entitled to it. If we pass this Bill we simply perpetuate a grievance until every man who is now insured in the Canada Life Assurance Company passes off the scene, which may not be for forty or fifty years. As I said, I intended to discharge a duty which I feel incumbent on me; I feel that I should not retain my seat without making the strongest possible protest against the legislation now proposed. I have made that protest and the matter is now in the hands of the House to deal with. I wash my hands clean of any attempt to take away from the widows and orphans of those assured in the Canada Life Assurence Company anything that properly belongs to them, that their husbands and fathers have paid for in perfect good faith, simply to hand it over to an association of wealthy men.

Mr. CYRIAS ROY (Montmagny). Translation). Mr. Speaker, before the discussion on this bill is carried any further.

I wish to have certain explanations made, not only for myself personally but for my constituents as well, many of whom are holders of policies in this Company. I did oppose all further progress with this Bill from the very start, and this was at the first meeting of the Select Committee on Standing Orders. This request was granted by the committee. Then the Bill came before the House and a motion was made to refer the Bill back to the Committee on Banking and Commerce. I shall here give a word of explanation. I consider for my part that they new notices having been given, the policy-holders were sufficiently notified that this Bill was before the House and that its object was to ascertain the proper powers vested in the company as between shareholders and policy-holders. That is the reason why I did not see fit to vote in favour of the further reference of the Bill to the Committee on Banking.

I consider in fact that the proper and legal proceedings to secure the discussion of a Bill is not by roundabout ways, but by the regular course before the House, and it seemed to me that the sending back again of this legislation before the Banking Committee was tantamount to the six month's hoist. Now, I must confess that I need information, first to satisfy the policy-holders in my county, who have requested me particularly to represent their views in this discussion before the House, and second for my own satisfaction. These explanations I hope will undoubtedly be given me by the hon. member who is called upon to answer the objections raised by the hon. gentleman who has just sat down (Mr. Henderson). I am forced to say right now that in the event of such explanation failing to enlighten me, I shall vote against this Bill. I am a new member of this House and little conversant with its rules. True I am a lawyer, but I have been out of practice for nine years now, and I am acting as prothonotary of the Superior Court, in my district. In my official capacity, I am held down only to the recording of the decisions and opinions which may be held by the different solicitors before the Court. I am forced to admit that I am not sufficiently posted in order to give an accurate decision either for myself or for my constituents on the matter under discussion, until I get certain explanations on the legal aspect of this bill. I might be told that I did not take the trouble to seek the necessary information, but I will answer that a member of this House who has much patronage to look after, and many inquiries from his electors cannot possibly get acquainted with every document which is laid before the House.

The first information I want to have is this; Parliament is called upon to declare that certain provisions of a Bill passed in 1879 are not those that were intended to be passed. In the second place, I want to know if subsequent to the law of 1879, that is in 1889, if I mistake not, under an amendment made to the charter of the company, saying that six policy-holders were entitled to sit as directors, I want to know, I say, if in the petition of this company which is now before the House, these six policy-holders were consulted; if the request of the shareholders is fair, as alleged, or if the shareholders have had the co-operation of the directors representing the policy-holders who are called upon by law to sit on the board? Now, Mr. Speaker, one more question. This point has already been raised, but I would require for my personal satisfaction that more light be thrown on the subject, so that I might give equal justice both to the promoters of this Bill and to the policy-holders. I see by the preamble of the legislation of 1879, the object of which was to slightly alter the original charter granted to the Canada Life as far back as 1849.

That the directors have so far allotted and divided among the persons assured upon the participation scale 75 per cent of all the profits realized from the entire business of the company, and that in view of the increasing business of the company, it is, or may be desirable to vary the relative proportions in which such profits should be allotted and divided as between the shareholders and such persons assured, and in paragraph 1st of that statute of 1879, it is laid down in accordance with the preamble that the directors are hereby authorized in their discretion to vary or to amend the relative proportions in which the profits realized from the entire business of the company were heretofore allotted as between the policy-holders under the allotment system, and the shareholders.

I particularly request your attention to the following proviso, Mr. Speaker and gentlemen of the committee, because it seems to me to have a very important bearing:

Provided always that the proportion of such profits allotted to such assured shall not be less than 90 per cent thereof, and the profit to the shareholders shall not exceed 10 per cent thereof.

It is thus evident, at least in my opinion, that up to 1879, the distribution of the profits of the company was made in such a way as to ensure 25 per cent of them to the shareholders and 75 per cent to the policy-holders, or assured. But in 1879, under the legislation the preamble of which I have just quoted, the directors of this company were authorized to increase this proportion in favour of the policy-holders, since the following proviso is there stated :

Provide always that the proportion of such profits allotted to such assured shall not be less than 90 per cent thereof, and the profit to the shareholders shall not exceed 10 per cent thereof.

For my part and unless satisfactory explanations to the contrary are given me, I hold that all the profits realized on the entire business of the company mean not only the profits accrued from the premiums of the policy-holders, but also the interest accrued on the capital paid up by the shareholders as well. That is what was being done prior to 1879 as is indicated by the preamble which I just read. It was alleged that the interest upon the capital paid up by the shareholders in the way of stock should be first taken before the rest was apportioned as annual profits. So far I have heard only the explanations given by the hon. Minister of Justice (Hon. Mr. Aylesworth), but I confess that I did not quite understand him, on account of my insufficient knowledge of the English language. I wish he would tell us under his responsibility as Minister of Justice whether or not the legislation of 1879 can be so amended by this Bill as not to interfere in any way with the rights of the policyholders.

There is, as I stated a moment ago, a point of law which arises out of this matter, and it is exactly the point on which I want some information. I am not an expert, and I want to be enlightened. According to me, the profits include everything, unless I am proved the contrary. If I understand aright, the law of 1879 included all profits realized on the entire business of the company, and these profits meant not only those that were realized on the premiums of the policy-holders, but also the interest upon the capital itself paid up by the shareholders.

It is stated further that the business of the company having increased, the object of this Bill is to secure an amendment in favour of the policy-holders, but only those who are entitled to the accumulated profits under their policy are there concerned. Under the same statute of 1879, the policy-holders are entitled to 90 per cent of the profits. That step was unquestionably taken to increase, if possible, the number of risks. It is stated that the business of the company has increased very largely, and that it has piled up great profits from 1849 to 1879. Thus, in order to increase the number of policy-holders, it was decided to grant a larger proportion of the profits, that is from 75 to 90 per cent to the policy-holders. Now, I would also like to have the opinion of an expert on the following question?

By section 92 of the British North America Act, provincial legislatures have the sole right to legislate on property and civil rights of the provinces. Well, I consider that since 1879, all those who got insured in this company—because everybody is supposed to know the law, and these policy-holders are supposed to have taken cognizance of this amendment of 1879, saying that on all the profits realized by the company the policy-holders will share in the proportion of 90 per cent—I consider, I repeat, that according to section 92 of the British North America Act upon civil rights of individuals to which I have already alluded, that there is some doubt as to the legality of the request of the company in this Bill, and if it is adopted, would it not be possible for a policyholder to bring this Bill before the courts in order to test its constitutionality.

I want to be informed before giving my vote, because section 92 says that provincial legislatures have the sole right to legislate upon civil rights. Since 1879 all the policy-holders come under the amendment made in 1879 to the charter. It is a contract between them and the company, and under the terms of this contract it seems that this House could not decide that these parties have not the right to claim before a court the profits stipulated by the charter.

I am asking this information because I would like as far as possible to do justice to my constituents who have asked me to protect their rights, and because I would like equally to be fair to the promoters of the Bill. I understand very well that when certain parties come before this House to claim certain rights, it is because they believe that they are entitled to them. But, it very often happens that unnecessary and totally irrelevant objections to these requests are made in order to refuse them. This is what has been done in the recent discussion upon the Bill of the honourable member for Thunder Bay and Rainy River (Mr. Conmee). Great many amendments have been moved to that Bill; all the suggestions made by the gentlemen opposite were against the Bill; provincial rights have been mentioned; also the right of expropriation, and all sorts of things were discussed, except the Bill itself. I must say that the promoter of this Bill has accepted that treatment very patiently, in order to shorten as far as possible the long debates which have taken place, and which I, for one, think could have been very well suppressed. All these objections, I repeat, had no sense. If the promoter of the Bill could not have acquired the right he was seeking, he was then in the position of being unable to exercise the rights which would have been granted to him by this parliament.

I am making these remarks simply in order to show to this House that I desire to give justice, not only to the policyholders, but also to the promoters of the Bill.

In principle, I must say that whenever somebody asks to this House some rights, and if the facts established before us justify the granting of them, I am ready to grant the request.

I would like, therefore, to have some explanations, and I will guide myself upon

them before giving my vote. But, if I am allowed, I will make a suggestion, not a motion, because I am too young a member for that. As I was saying a few minutes ago, I have seen in the statute, posterior to 1879, a clause giving to six policyholders the right to form a board of directors. I would like to know if these six directors have signed the request to bring this Bill before this House, in order to have us to declare something different to what was stated in the law of 1879. I have another suggestion to make. As some differences of opinion have existed between the shareholders and the policyholders of the company—I don't want to delay the passing of this Bill and if my suggestion is not granted I will submit myself—would it not be right to let the board of directors, which is composed partly of shareholders and partly of policyholders, to discuss this question between themslves, in order to settle their difficulties before coming here? It seems to me that they could come to an agreement so that this House should not be obliged to take a decision which would be detrimental to the one or the others.

Therefore I suggest that this Bill should be read only in six months from this, in order to give the directors and policyholders during the intervening months time to meet together and discuss the matter between themselves, in order to arrive at some agreement protecting the interests of all.

It has been said if this Bill was not passed at this session, the delay might bring the complete destruction of the company. If I was sure of that I would vote immediately in favour of the Bill, but I don't believe it.

The opponents of this Bill have contended that the policyholders have not been notified. For my part, I believe that the facts are all to the contrary, but, nevertheless, I won't contradict. It seems to me that a legal and reasonable way of disposing of this Bill according to justice would be to postpone it to six months in order to give an opportunity to the directors, both shareholders and policyholders, to discuss the matter between themselves, and to come to an equitable agreement for every one of them.

Next session we will be in better position to give a vote upon the question, and we will be discharged of heavy responsibility when we will be sure of safeguarding the interests of our constituents without doing any wrong to anybody. For my part, it is only a suggestion that I am making, and it is to get some enlightenment before voting on this question, that I have spoken upon this Bill.

The Right Hon. Sir WILFRID LAURIER (Prime Minister). (Translation.) Mr. Chairman, I may answer to one of the questions of my hon. friend, member for Montmagny (Mr. Roy). The object of this legislation is to modify or rectify the amendment to the charter made in 1879. My hon. friend has stated very rightly, that the effect of this law was to divide the profits between the shareholders and policyholders in the following proportion: 25 per cent to shareholders and 75 per cent to policyholders. In putting this law into operation the board of directors of the company have always granted to the shareholders of the company the interest upon the capital itself of the company, though this capital, it is true, was very small, proportionately to the moneys contributed by the policyholders.

Mr. Ramsay, who was general manager at that time, a very competent man in these matters, always thought that the right course to pursue was to allot this interest upon the capital to the shareholders, before dividing the annual profits, the balance of which was divided, as I have said, in the proportion of 25 per cent to shareholders, and 75 per cent to policyholders. It is only after the interest had been paid to the shareholders on the capital invested that the division to which I have alluded is made.

The object of this Bill is to declare that the shareholders are entitled to this interest on their capital before making the distribution of the profits between the shareholders and the policyholders. This is the object of this Bill. There are some doubts and it is asked if under the law of 1879, the practice which has been followed by the company since has always been legal. It is in order to ratify this practice that this Bill has been introduced.

Mr. FOSTER. I desire to state in a few words the position I take on this Bill. I am very strongly opposed to ex post facto legislation. It requires in my mind a very strong case to justify a parliament legislating, after a period of ten or fifteen or twenty years, in a manner which takes away from tens of thousands of those who have made contracts with the company rights which under the law under which they made those contracts they possess. That is my first objection. An individual business man has to pay for the mistakes he makes, and it is a question in my mind whether it is not proper that a company should pay for its mistakes, instead of in order to remedy those mistakes trying to have ex parte legislation, to the exclusion of one party to the contract, and that party twenty thousand times multiplied, which does not assent to, has no voice in and can make no representations with regard to it. That is the case in this instance. If it had been proved to my satisfaction that there had been a per-

fect agreement between those who were policy-holders and those who were shareholders, resulting in the clause becoming law which did become law, then so far as all those policy-holders were concerned, they had no grievance. But that was not proved to the satisfaction of myself and a good many other members of the committee. But even if it had been absolutely proved, you have another party in the premises. You have the tens of thousands who have made contracts with this company from that time, who knew nothing of that alleged agreement, but who made their contracts under the law as it is to-day; and that very large class of policy-holders have been absolutely uncommunicated with in so far as to have been given an opportunity to signify their attitude towards this Bill. It is hard on the company if such was the agreement, and if by a mistake in legislation that agreement has not been put before those with whom the company has since made contracts. But companies as well as individuals have to bear the brunt of their own mistakes, and it is a great question with me whether, in passing legislation of this kind, we are not going far beyond what we as a legislature ought to do; and I think the promoters of this Bill would be well advised if they acknowledged consent to put this Bill over to another session, Seeing that the original notice was insufficient, and that although the subsequent notice was sufficient, the parties concerned have not had an opportunity to come before the ultimate legislative body and press their views upon it. It has been physically impossible for them to present their views in any shape or form. It may be that out of the multitude of policy-holders, there would not have been a great many to come forward, but you would at least have conformed to the forms of justice. As it is, by no combination of a few or by no knowledge possessed by the many has it been possible for these to get together and present their side of the case. Therefore, I say, though it may be a hardship for the shareholders of the company, yet if they have endured for all these years, they can surely endure for another year. I make a plea for the holding over of this Bill until another session in order that at least we might not contravene that explicit principle of parliament that before legislation is finally passed, all parties interested therein shall have the recognized notice, and the opportunities consequent on that notice for the presentation of their views. I know that the statement is made, but it is hardly an argument, that the same principle for the division of profits is followed in all the other insurance companies. I acknowledge that; but the point I make is that here was a plain article of the law under which numberless contracts have been made, and therefore it seems wrong for us to pass legislation in the interest of the few to the absolute and almost necessary exclusion of the many, owing to the short notice that has been given.

Mr. A. H. CLARKE. My hon. friend from North Toronto evidently was not here the other night when the House very fully discussed the question of allowing this Bill to go over for another year, and decided by a very emphatic vote that the Bill should proceed. My hon. friend admits as every other person does, that if the position which is being taken by the opponents of the Canada Life Company be maintained, a very great injustice and hardship will be committed upon the shareholders of the company. Has it occurred to my hon. friend that, however inconvenient it might be to them, much more inconvenient would it be to the policy-holders, if this matter were not dealt with before the next distribution of profits.

Mr. FOSTER. When does that come?

Mr. A. H. CLARKE. This year. What I pointed out the other night was that the directors are not bound to allot profits. That point was fully discussed in the Ontario courts, in a case with the Aetna Life Insurance Company some years ago. That case was decided in favour of the company in the first court and went to appeal; and in a carefully prepared judgment, the Court of Appeals decided that this question of profits is a vague one, that the right of the policy-holder to profits is vague, and that in order to work out the purposes for which that right is given, the directors must have a free hand with regard to it. The policy-holder in that case was Mr. John Bain, a prominent lawyer in Toronto and afterwards partner of Mr. Wm. Laidlaw, who is giving so much opposition to the Canada Life Company at present. The matter was discussed very fully. The Hon. Chancellor Boyd, with two other members of the court, gave the judgment, and according to that judgment:

> The contract of insurance is of a vague character as to the division of profits, and for this reason such a construction must be given it as will promote and not frustrate the objects of the undertaking.

That is precisely what I have said. If what is desired by the opponents of this Bill be accomplished, the very objects of the company would be frustrated instead of promoted. The very right of the policy-holder to profits is bound up in the prosperity of the company. If the company in any way be prevented from carrying on a prosperous business, true the shareholders may not get as large dividends but the policy-holders will not get anything. To that extent the two are partners and their

interests identical. Because if the shareholders prosper, to the same extent must the policy-holders benefit as regards the receipt of profits. But coming down to the policy itself, if there be anything in the contract between a policy-holder and the company, there is nothing whatever in the legislation proposed to prevent that contract being carried out. The present Bill does not seek in any way to interfere with the contract which the policy-holders have seen fit to enter into. If hon. gentlemen will look at the policy—and I have looked at mine, and I have two, to make certain—they will find that the company does not agree to pay profits to the policy-holders. It is not a mutual but a joint stock company. What the company say, however, is that if they do allot profits, as they have been doing every five years, then the proportions are established in which such profits are to be allotted, namely 90 per cent to the policy-holders and 10 per cent to the shareholders.

Mr. LANCASTER. That is settled by this Act.

Mr. A. H. CLARKE. No, all that it is intended to be done by this Bill is to confirm the construction which has been placed on the Act of 1879 by the ablest men in Canada, by judges, by astute business men, by every one who has had anything to do with it. It seems to me that insurance is something like the law of merchants. It has grown up, it is the outcome of custom, and has been framed by insurance men. Take the law on promissory notes, that grew up in time out of the customs of those who had to do with these notes, and was established by the general custom of business in the matter. So with insurance, you will not find an insurance man in all Canada who will say that the construction put by the Canada Life on the Act of 1879 is not the proper one. That is the understanding of all insurance men, and there is a good deal of support for it. If you will look at the Act of 1849, you will see that it is not part of the insurance business to invest the capital stock of any insurance company for the benefit of the policy-holders. The business of an insurance company is to insure people and get profits from insuring them and not to get profits from the investing of their own money. If that were the object, those investing in insurance companies would instead put their money into loan companies. But we are dealing with an insurance business, and when an insurance company says it will distribute the profits of its business to its policy-holders, it would be quite foreign to the general understanding and the practice of all companies doing insurance business in Canada that it should include in those profits interest on the investment of capital stock.

My hon. friend from Halton (Mr. Henderson) made a strange argument this morning. He said that the men who framed this Act in 1879 were competent men and ought to have known what they were doing. Well, everybody knows that there are imperfections in the English as in every other language, and the same words often convey opposite meanings to different people. But it is rather singular that Mr. Laidlaw should have crossed the ocean to get the opinion of a solicitor in England, not familiar with insurance practice in Canada. Surely we have men in this country, accustomed to our courts and versed in our jurisprudence, who could give just as good an opinion regarding the construction of a statute enacted by the Dominion parliament. Hon. members must not think that there is only one side to this matter. The Canada Life Company has been advised by one of the most eminent lawyers in Canada that, in his judgment, considering the practice of insurance companies, the construction which the directors have put on the Act of 1879 is quite correct.

Mr. FOSTER. Then why ask for this legislation?

Mr. A. H. CLARKE. The question put by my hon. friend is most pertinent. If it had not been for the fact that a prominent lawyer in England had raised doubts, there would be no necessity for this legislation at all. It was not until the doubts had been raised and an attempt made to do away with the practice accepted, not by shareholders alone, but by policy-holders as well, for sixty years since 1847 and for thirty years under the Act of 1879, that the company deemed it necessary to ask for this legislation; and in so doing they are taking a reasonable course, not only in the interests of the shareholders, but of the policy-holders as well. One thing is certain, and that is that, under the construction which the company has put on the Act of 1879, it has gone on prospering and the policy-holders have derived great benefit. What would happen if those who are opposed to this measure should succeed? In my judgment that would ruin the company, and instead of the policy-holders getting ample profits—because the profits given by the Canada Life will compare favourably with those distributed by any other company, mutual or otherwise; I have compared my policy with those of other companies and find I have got better profits even in later years when the profits were not so great—their possibilities of getting profits would disappear. Why is it that the mutual companies are not a success? Who is there in this House who, if he wanted to insure his life, would think of going into a mutual company? In those companies all the profits are divided, but the policy-holders do not get any, and frequently do not get the amounts for which they

were insured. How many sad experiences have there not been of people who have gone into mutual companies and not only have got no profit, but lost all the moneys they paid into them. If you want to have a successful company you must have able business men at its head, and you will not get business men of ability to invest their capital in a business unless they see some possibility of getting adequate returns compared with the hazardous nature of the undertaking. In 1847 the business of insurance companies was considered very hazardous. People were afraid to insure their lives because at that time many thought that life insurance meant sudden death. Since then the business has become profitable, but that is due to the character and ability and management of the men engaged in it. They put the business on such a basis that, with the safeguards thrown around it, any man who puts his money into an insurance policy is assured that whether he dies in ten years or fifty his heirs will get the amount of his policy.

My hon. friend from Halton has talked about the character of the men in parliament in those days, and mentioned specially the names of Bruce, Burton and Kirkpatrick. But I do not think he quite appreciated the stigma he was placing on their characters by the speech he made. What he says is that the interpretation which has been put on the Act of 1879 by Mr. Laidlaw is the interpretation which was intended by the men who were in parliament at that day. He says further that it was the interpretation which was intended by Mr. Bruce, their solicitor at that time, and the interpretation which was intended by the directors of the Canada Life Assurance Company who applied for that legislation and who knew exactly what they meant. Suppose we accept that view of the case. According to that, then, the directors of that day never intended, when they asked parliament to enact that Bill of 1879, to pay themselves and their fellow shareholders interest on the capital stock before distributing profits. If that be so, then I think they are the most infamous set of men that Canada could produce. If you have a set of men coming to this parliament, misleading parliament, saying to parliament that they are not going to do a certain set of things, and, the very next year, turn around and do those very things, no words of reprobation are sufficient to stamp those men as most perfidious wretches. That is what was intended by the Canada Life directors, we are told, yet ever since that time they have violated that intention and have kept on declaring the profits in a way parliament did not authorize. Now, who are the men who are such villains ?—and they are villains if they have done such a thing. I have a list of the directors of 1879 and a list of the directors who, in 1880, declared profits without giving the policy-holders the interest on invested capital, but first taking the interest on capital and then computing the profits for the policy-holders. The first is Mr. F. Wolferstan Thomas, of Montreal. Then there is Canon Innes, of London, D. McInnes, Hamilton, George Hague, Montreal, F. W. Gates, Hamilton, Mr. Justice Burton — who was at the time a judge of the Court of Appeal, and afterwards became Chief Justice of the province of Ontario,—Col. Gzowski, Toronto; N. Merritt, Niagara; Thomas W. Ritchie, Montreal; John Stuart, Dennie Moore, and Wm. Hendrie, of Hamilton; George A. Kirkpatrick, M. P., of Kingston,—my hon. friend (Mr. Henderson) lauded him as a most exemplary character, one who would do nothing wrong; yet he is one of the men who perpetrated this great fraud upon the policy-holders according to my hon. friend himself—A. G. Ramsay—whom also my hon. friend lauded and who also was one of those who took part in this transaction; James A. Harding, St. John, N. B.; J. Osborne, Hamilton, then another Lieutenant Governor, Sir Alexander Campbell—he was another of these villains,—Mr. A. Allan of Montreal, one of the most prominent business men of Canada, and Mr. Thomas Swinyard, of Hamilton. These were the men who were responsible. This was not done by Mr. Cox, who is now being made the target of attack; he had nothing to do with the directorate of the company in those days; he did not institute the practice now complained of, but followed the practice as he found it and which every person believed to be correct practice. It seems to me that when hon. gentlemen will rise here and say that these men, not believing they were doing right, did exactly the contrary of what they led parliament to believe they were going to do, they are putting a stamp upon the reputation of prominent men in this country which is not deserved. When we have a Chief Justice of the ability and standing of Chief Justice Burton, who was connected with the company up to the time of his death, this is a pretty good guarantee to the policy-holders that the directors acted in what they thought the best interest of the policy-holders and in accordance with the claims of justice. My hon. friend from Montmagny (Mr. Cyrias Roy) asked a very proper question, and that was, as to the attitude of the policy-holders' directors. For, in 1899, by Act of this parliament, the directorate was changed to some extent, so that six of the directors were appointed by the policy-holders along with nine to represent the shareholders. It is

true that, under the Act, the policy-holders' directors were not to vote on the question of distribution of profits. The company would cease to be a joint stock company if that were done. Parliament, at that time, thought that this was good representation of the policy-holders on the board, and did not see fit to say that the policy-holders' directors should have a right to vote on a matter which affects the distribution of profits. But these men have other duties to perform. The policy-holders have had their representation on the board ever since 1900. Do we hear any complaint from them? They are the people the policy-holders sent there to represent their interests, and they have acquiesced in every respect, not only in the division of profits made ever since that time, but also, I am informed, in the application to this parliament to have this matter set right in order to prevent costly and, perhaps, never-ending litigation and to preserve the standing of the company. Are these competent men? Who are the men appointed to represent the policy-holders? I believe the Act was passed in 1899, and I have here a list of the policy-holders' directors in 1900. The first was Mr. Alexander Bruce, who has been referred to in this debate. Besides there were Hon. Donald MacInnes, Sir George W. Burton, William Gibson, M. P., Very Rev. C. M. Innes, of London, and J. W. Flavelle. These men, one would think, ought to be able to protect those whom they represented. They were men of large business experience, large professional experience, and among them was a member of the clergy, who, we might expect, if any fraud was intended, would be able to protect those who elected him to the board. This list is changed somewhat. Mr. MacInnes died, and his place was filled by the election of Mr. Charles Chaput, of Montreal, who, I understand, is a very prominent and astute business man of that city. These men and their successors have been meeting year after year on the board of directors, they have known exactly what is going on, they are interested in the prosperity and success of this company, their interest and duty was to represent faithfully those who elected them. And I submit that the very strongest evidence of the good faith and beneficent character of the legislation being asked for is that these men, appointed for the purpose of representing the policy-holders, have approved the manner of distributing the profits which has been followed, and, at a meeting in which Mr. Chaput took part, decided that it was in the interests of all parties that this matter should be set right and no further difficulty raised in connection with it.

Now, what are the tactics against this legislation? A writ was issued. What would be the effect of that writ if granted? It is brought against the Canada Life Assurance Company, not against the shareholders who have received the profits which some say have been unfairly diverted to them. The action is brought against the company alone. If judgment were given against the company, out of whom will the payment come? Not the men who are dead, the men whose stock has been disposed of, but out of the very fund which the policy-holders want for the distribution of profits. Take away by this action the profits which the policy-holders are entitled to, and the policy-holders cannot get those profits. I submit that the policy-holders to-day are entitled to the very moneys which this action is brought to take away from them. Mr. Laidlaw has been discussing this matter for the last three or four years—it is no new matter for him.

My hon. friend from Halton read a paragraph from his affidavit from which he drew the inference that he had been for a long time ignorant of what the profits were. I have his own letter written before that time when he was discussing this question with the president of the company. Go back to the year 1902, and you will find on the files in the records of the government a discussion of this very matter by Mr. Bruce. My hon. friend gives him a good reputation as a man who would do no wrong, and who did not intend to do wrong; yet he endeavoured to say that, although he allowed Mr. McCarthy, the solicitor of the company, to appear before the Banking and Commerce Committee and show what was the meaning of those men, Mr. Bruce being the man who framed the Bill of 1879, who sat there in the Banking and Commerce Committee, ready to corroborate it, yet my hon. friend says although Mr. Bruce was there he would not venture to get up and corroborate it. Is that complimentary to Mr. Bruce, the man who was promoting this Bill? Yet he says he has allowed all this hypocrisy to go on, first of all knowing what the intention of the Act was, the next year taking part in an act which was one of treachery to the policy-holders. Yet he says that man sat still in the committee because he knew he could not get up and say that any mistake had been made, or that the intention was other than it was claimed to be. Yet I find that Mr. Bruce wrote a letter in the year 1902, when this matter was being agitated, and he explained it in precisely the same way it is being explained here. In 1902 he wrote a letter to the actuary. It is very long, and if any hon. gentleman cares to read it I will send it over to him. What he says in substance is that the reason for the Act of 1879 was this, that up to that time the directors

were not authorized to pay the participating policy-holders any part of the profits except those arising from participating policies. Now, the directors, notwithstanding that, had been going on for years and paying them, not only profits from participating policies, but profits from non-participating policies. That was open to objection, because the Act did not authorize it. Therefore, the intention in coming here, as Mr. Bruce points out, and what is apparent from reading the Act of 1879 itself, is to authorize the directors to pay profits to the participating policy-holders from both branches of the business, that is to say from the participating business and also from the non-participating business, and so anxious was he to show that, that he uses the very words that are now held to mean something further than was intended. What he says is that the entire assurance business paid profits, meaning, as he points out in the paragraph, all the business, that is to say, profits from the participating and also profits from the non-participating business; he makes it clear, and points out what the recital in the Act of 1879 shows plainly, that the profits which were to be divided thereafter were the profits which had theretofore been divided. The proportion up to that time time did not include interest on the investment of the capital stock, and it was never pretended at that time that any profits were to be divided except those that had theretofore been divided. Mr. Robertson, of Hamilton, in introducing the Bill, merely said that it was intended to alter the proportion in which the profits were to be divided. The proportion up to that time had been 75 to 25, after that time they were to be 90 to 10, and these profits which were set apart for division previously, have been thus divided ever since that time. Now it is said that Mr. Ramsay never said that. We are agreed in one thing at any rate, that Mr. Ramsay is a gentleman on whose word we can rely. Here is what he says in his certificate:

1. I came to Hamilton, Canada, in the year 1859 in the capacity of manager of the Canada Life Assurance Co., and entered on that duty in that year and continued in that office until the year 1874, when I was elected a director of the company and was then appointed managing director and continued to fill that position until December, 1899. I was elected as president of the company in the year 1875, and filled that office continuously up to December, 1899, when I resigned my position as a director and thereupon ceased to be president.

I had thus been connected with the company continuously from August, 1859, to December, 1899, in these positions.

2. When I entered on my duties as manager I found that the paid up capital stock of the company was about $100,000, which was by 1865 increased to $125,000, and I also found that the board of directors, in preparing their statements for the shareholders and policy-holders and dealing with the question of profits (so-called), had in the past, uniformly computed the interest on the paid up capital stock at the average rate of interest earned by the company on its investments during the preceding year and credited the same to the shareholders' account, and after deducting and so crediting such sum, had estimated the profits realized from policies both on the participation and on the non-participation scale in one amount and credited the shareholders' account with twenty-five per cent of such amount, and the policy-holders on the participation scale with the remaining seventy-five per cent, thus giving the policy-holders on the participation scale a share in the profits of the entire business of the company, and thus crediting them with the profits in a class of profits to which they were not entitled.

3. The same course of first crediting the shareholders' account with interest on capital at the average rate earned on the company's investments, was pursued during my whole tenure of office, and the amount of divisible profits was arrived at after crediting and setting apart such interest and included profits from policies on both the participation and non-participation scale. The shareholders' account from 1875 onwards was charged with a proportionate amount of the expenses of the company's investments.

Then there is a paragraph which my hon. friend from Halton read this morning, where he says that it was decided to apply to have it made clear in future that the directors might make an allotment of the profits from the entire business of the company, that is both from the participating and the non-participating policies, to make it absolutely clear what the meaning of the words 'entire business' was. Up to 1879 they were not authorized to give it from non-participating policies, he says, the intention was to give it from the entire business, that is both the participating and non-participating. He says that was the object and intention of the recital in the Act passed, 42 Vic., chap. 72, in the last paragraph of the certificate. He says:

After the passing of that Act, and during the whole of my connection with the company, the shareholders' account was, from time to time, regularly credited annually with the amount of average interest earned on the paid up capital stock, and it was after such amount was so credited and set apart, that a quinquennial allotment and division of profits was made within the limits of the proportions mentioned in that Act, and no question was ever raised or suggested as to such allotment and division being improper or unwarranted.

That is the statement of a man who is now pretty near the grave, and who has

been associated with this company for many years, and against whose character, business or otherwise, I have never heard a word of criticism. Surely it is rather farfetched for the hon. member for Halton to come out and attack Mr. McCarthy who was before the committee, and charge him with deceiving the committee when he said that the men of those days never intended that the words then used had the effect which it is now claimed they had. Mr. Bruce was there. We have the statement here of Mr. Ramsay. I have also the sworn statement of the actuary to the same effect, and there cannot be the slightest question that the meaning which was attributed in those days to the Act is the very meaning which we now claim it had. It has been said by an eminent judge that the best way to interpret a document or a will is by reference to what has been done under it. He says in a certain case that came before him, 'Show me what the parties have done under the contract and I will tell you what the meaning of the contract is; in invoking that rule, surely we here have the strongest evidence of what the meaning is, because the directors, among the most reputable men in Canada, who have been associated with this company, came and asked for a certain Act, they explained what they believed they wanted, they acted upon it, and in this way, unless they are the most arrant scoundrels on the face of the earth, I submit that their interpretation is the only one that ought to be adopted at the present day. Surely after thirty years of experience the men who are insured in the Canada Life Assurance Company, many of whom are in this House, men occupying the highest positions in Canada in all walks of life, would have known something about it if a fraud were being perpetrated upon them such as is spoken of at the present time. It has been said that they did not know what was being done. If they did not know what was being done it is very good evidence that they were not misled. If they were looking for profits from the investment of the capital stock when they entered into their insurance contracts then some one of the 35,000, or 40,000 policyholders and many more who have got their profits would certainly have discovered that they were not getting that which they had contracted to get.

There is one more thing that I want to discuss. It has been said that the company, by the paying up of the capital stock, have taken away profits to which the policyholders are entitled, and in support of that proposition they have invoked a paragraph in the report of the Royal Commission on Insurance relating to this company, which will be found on page 13:

But it is equally manifest that if the inherent earning power of the additional capital is only 4·67 per cent, its engagement in the concerns of the Canada Life without any real need is a simple method of raising that earning power to 8 per cent, the difference, under whatever name, being unnecessarily taken away from the policy-holders whose accumulations have earned it.

That does not say that the policy-holders have suffered any loss on account of the capital stock being paid up. What they do say is that the difference between the 4·67 per cent and 8 per cent is unnecessarily taken away from the policy-holders. Well, if the Canada Life Assurance Company, or any other company, is doing business for charitable purposes without any attempt to make any profits out of it, then probably it would not be fair to take any of the profits from the insurance business, but I say most emphatically that the payment up of the capital stock has not affected in any way the profits received or which may be received by the policy-holders. Let us look at the facts. Under the Act and under the contract the shareholders are entitled to 10 per cnt of the profits from the insurance business, and the policy-holders are entitled to 90 per cent. It does not make a particle of difference what the capital stock is. Whatever the insurance business realizes for distribution, 90 per cent of it has to go to the policy-holders and 10 per cent to the stockholders. Whether or not the stockholders put $10,000 or $1,000,000 or $10,000,000 into the company they are not taking in interest upon the capital stock anything but the 10 per cent of profits which are earned. If they did not pay up the additional $875,000 of the capital stock there would be no earnings upon it. If they had paid in $875,000 they would have paid in not the shareholders' money, but their own money instead of putting it into a loan company or of loaning it at a certain rate of interest. They pay up their capital; they invest it in an insurance company, and it is only the money which is realized from the investment of their own money which they pay to themselves as dividends. What difference would it make if they paid $100,000,000? That $100,000,000 earns $100,000; it makes no difference at all to the policy-holders. They are only taking the legitimate earnings of their own money. If they were taking from the policy-holders more than ten per cent of the money earned in the insurance business, they would be doing wrong, but it has not been suggested that anything of that kind is being done. So I submit that the evidence is overwhelming that the intention of parliament in 1879 and the intention of the company was to give that section the meaning which has been acted upon by the company and acquiesced in by the policy-holders for thirty years. We have never had a man

who has dared to get up and say that he was misled. If any contract of insurance was obtained by the representation that they were paying interest on the capital stock as well as the profits, the man who entered into such a contract is not harmed, because he has his redress. If any one told him that which was false, which was a misrepresentation, he has the simplest kind of an action to have the contract set aside and get his money back if he wants to. But he does not want to get his money back. Many men went into this insurance company twenty, thirty or forty years ago. They are men who have become too old to get insurance in any other company. If you are going to paralyze this company, if you are going to say: 'You have to give up an investement which to-day yields you 8 per cent and you can only have an investment which will yield you about 4 per cent,' the result will be that you will ruin this company. If you ruin the company who are the people who will suffer by it? Who are the people who are going to have no profit? They are the policy-holders who went into this company years ago, and who cannot get into any other company now. If the company are going to make any profits at all the policy-holders are going to get profits. It is to their interest as policy-holders to make this company as profitable as possible because, according to the prosperity of the company, will the profits be distributed.

It is quite true that during the last few years profits have been less than they had been hitherto, and it is sought to blame that upon the payment up of the capital stock. Let me give the committee an illustration of a policy of my own for $2,000. The profits were applied in reduction of premium. In the division of 1895 I had a reduction of $16,60 a year in my premium. It must inevitably happen in this as well as every other company that as the company gets older, as the men who went into it when they were young begin to die, the profits cannot be so large. The rates of interest are going down and for these two reasons it cannot be expected that profits in the later years of the company's existence are going to be as great as they are in the earlier years.

Mr. LANCASTER. They ought to be if the actuaries are any good or know their business.

Mr. A. H. CLARKE. That brings up the question of the reserve.

Mr. LANCASTER. What I mean is that if the actuaries properly fix the rates there should not be any difference, because they should know that people will die.

Mr. A. H. CLARKE. I do not quarrel with that. If the actuaries do their duty they will institute rates and keep up the reserve, so that those in later years will pay the same as those in earlier years. That is precisely the condition which the directors were confronted with in 1889. It was not only a question which confronted this company, but one with which all companies had to deal. Parliament said to the companies: 'The rates of interest are going down and you must maintain a greater reserve out of profits for your policy-holders than you have been keeping up.' In pursuance of that the Canada Life increased its reserve. If it were not for increasing this reserve the profits would have been greater because a very large sum which was carried to the reserve account had to be taken from the fund which otherwise would have been divided up in the shape of profits. If you keep that as a reserve you cannot pay it in profits. If it had not been for increasing the reserve of this company a large amount of profits would have been divided up and there would not have been the diminution in profits that there was. But, to say that the paying up of the capital stock had anything to do with the amount of profits is absolutely fallacious and I will illustrate that by my own policy. In 1895 the premium on my policy was reduced by $16.60. There was another distribution of profits in 1900. Up to 1900 the capital stock had not been paid up. At the quinquennial division in 1900 there was the largest reduction made in the history of the company. Why was that? Not because their capital stock was paid up, because it was not paid up until after that time, and yet in the distribution of profits in 1900, instead of having a reduction for the five years of $16.50' there was a reduction of $8.40. It was after that that the capital stock was paid up; but notwithstanding the paying up of the capital stock my profits were increased, because in the distribution of 1904, instead of having profits of $8.40 the profits were increased to $10.30. The reserve now has been made up and that has been my argument and I appeal to those who have any consideration at all for the policy-holders of this company, and now that the company has its reserve made up it is in a position such as it has not been in since 1899. They do not now have to carry anything to make up the reserve to the requirement of the Act of parliament and hereafter all these profits will be carried to policy-holders' account or to the account for the distribution of profits. This is the last year in which the policy-holders receive any share of the profits of the five years last past. If we are to get any profits from the last five years we will get them from an allotment made by the directors. The directors are not bound to

make any allotment of profits. If they do not I will have to pay on my small policy $10.30 a year more than I have been paying for the past five years, and when my hon. friends talk about the widows and orphans I wish they would remember that it is the widows and orphans who are to participate in these profits. If these profits are held up, if the directors are not in a position to divide them, it is the widows and orphans who will suffer. It seems to me that the whole matter is so eminently in the interests of the policy-holders that this Bill ought to go through without opposition. It would be an outrage upon the company to cut the profits down from 8 per cent to 4 per cent and to put a construction on the Act which neither the directors nor any one else ever contemplated. It is a strange sense of justice that would impel people to take that view of this matter.

Mr. ROY. Have any of the policy-holders requested the passage of this resolution?

Mr. A. H. CLARKE. Yes. My information is that the policy-holders' representative on the board, Mr. Chaput, of Montreal, amongst others, have requested this legislation at a meeting between themselves and the shareholders of the company.

Mr. HENDERSON. The hon. gentleman read a list of policy-holders' directors. How many of these are shareholders, or are they all shareholders?

Mr. A. H. CLARKE. I do not know.

Mr. HENDERSON. I fancy he will find they are all or nearly all shareholders.

Mr. A. H. CLARKE. I do not know about that. I know they are the gentlemen whom the policy-holders have chosen to represent them.

Mr. LENNOX. That would take away all the force of the hon. gentleman's argument in regard to them. As shareholders they would be interested in the affirmative of this legislation and could not be said to fairly represent the shareholders.

Mr. A. H. CLARKE. Men of the character of these men appointed to represent the policy-holders would be betraying their trust if they did not do everything which they thought in the interests of the policy-holders.

Mr. LANCASTER. I do not agree in that, because we all know that individual policy-holders cannot watch everything that is done by the directors. The shareholder directors become associated with the other directors and officials and become deferential to them in regard to what they have been doing; they get into the way of continuing from year to year certain things which they might not do if they had to account to their policy-holders. These directors do not account to the policy-holders as such, they only have to go to those meetings and take a part in the allotment of profits. The moment they become shareholders their interest is against the policy-holders, in so far as the subject of this Bill is concerned.

Mr. TALBOT. By whom are they elected?

Mr. LANCASTER. By some of the policy-holders, not by all, because very few get a chance to ballot. I have been a policy-holder for a great many years and have never been asked to vote, have only once received a paper or anything else giving me a right to vote as a policy-holder. I do not say this was done purposely, but I contend there is nothing in the fact that certain people on that board, who are themselves shareholders, are supposed to represent policy-holders more than any one else. If my hon. friend asked a court for a construction of this statute, his arguments would not hold good. All he has said is the best reason why parliament should not interfere. He has argued why a certain construction should be put on the statute of 1879 but he is not content to rely on the virtue of that statute because he asks parliament to prevent a court from construing that Act.

How are we to get away from the precedent we establish if we pass this Bill? This precedent will be used to interfere with established rights in this country and with wrongs which may occur by reason of the condition of the law. We are asked to say that parliament in 1879 did not mean what it said by its legislation. If we are not asked to do that, we are not asked to do anything. A certain construction would be put upon these words in the Bill of 1879. That is the construction the courts would place upon it, and the moment we interfere with that and pass an Act to say what was intended to be meant we change the rights of the people under that statute. If a very strong and meritorious case were made out it would be bad enough but I believe that even then it would be wrong technically for us to pass such an Act as this. If both parties were before us and they agreed that there had been a mistake, there might be some justification for this legislation, but we are asked here to assume that the Senate and House of Commons of Canada in 1879 passed an Act which was not intended to mean what it says and apparently it does mean. I ask in all fairness of the Prime Minister and every other hon. member whether

there is a particle of evidence in support of such an assumption. There will be endless difficulty if we introduce the principle of not accepting legislation as meaning what it says. We must not seek to place the responsibility for legislation on the draughtsman who prepared it, on the typewriter who wrote it, or on the printer who printed it, the responsibility must rest on the legislative bodies which passed it. It does not make any difference what any body outside the walls of this chamber thinks in regard to an Act passed by this parliament. It does make all the difference in the world what the members of this House or the members of the Senate who passed that Act undertook to say when they passed it. If you say the Bill is to rectify a mistake, you have to say it was the mistake of the legislators themselves not the people asking for the legislation, which would be absurd. A motion might be passed in this House that was right to be passed because the right hon. the Prime Minister might see no harm in it, and let it pass. Does that entitle any one to say that any motion that he presented should be accepted because he asks for it? If that were so there would be no functions for parliament, nothing for parliament to act on, no need of us asembling. So we must say that the legislation passed in 1879 was what was intended to be passed, unless we have evidence that the legislature of that day made a mistake. If any hon. gentleman said that he was present and was one of those who took part in the discussion of that Bill, and showed that something was intended which was not expressed in the Act, we would have somethng to go upon. But we have here only the statements of those who asked for the legislation and who supported it in their own interest, asking that their action be contradicted, so there is no reason why we should vote that parliament made a mistake in 1879. The Bill does not allege that as a reason for passing it, which makes it all the more vicious. It simply says boldly that certain language in the Act of 1879 was intended to mean so and so, without any reason being given why it is to be so declared. If we pass this Bill to-day, on the understanding that those who sought for the legislation made a mistake in asking for what they got, we do not save parliament from the consequences of a most dangerous precedent. We do not give any reasons for changing the legislation. We simply say that certain words in a certain Act of parliament passed in 1879, are not only intended to denote so and so, but do denote so and so, and have been denoting it for thirty years. If we were going to say that hereafter the arrangements the Canada Life makes in regard to its profits shall be so and so, and qualify the words of the Act of 1879 for future use, that would be bad enough; but it will be certainly vicious, besides most unfortunate for the credit of parliament, if we enact retroactive legislation which declares that not only shall these words for the future be held to mean so and so, but they will be held to mean the same ever since the Act was passed. If investors in Canadian enterprises once get it into their heads that legislation under which they have acquired rights may be set aside, and retroactively treated, by the influence of somebody upon the government of some future day, it will be a sorry day for this country. Just contemplate it for a moment. Some people may come to parliament and get an Act passed, induce people to invest money on the faith of that Act, and afterwards, if they have influence enough with the government in power, get it changed. People who are invited to invest their money under the authority of our Acts of Parliament will be afraid to do so. If this sort of thing is going to be begun now, it will be expected to be continued hereafter; and we shall have that deplorable condition, that the man who does not want to use political influence, but wants to stand on his merits as an ordinary citizen, will not have any faith in parliament's acting to give him an Act which will protect his rights. But the man who is willing, and who with his associates may be able, to use influence enough with the government that may control parliament for the time being, will be able to get legislation which is deceptive to the country. It will be a most serious blow to good faith in Canada's legislation. It will be more than that. To say that certain words used in a former Act of parliament were and are intended to denote something different from what they do denote in the ordinary meaning of the words, and to say that an Act shall be passed so declaring them, because those who sought that legislation are unanimous in saying that they wanted to get something else, is practically an insult to the intelligence of parliament, especially to the intelligence of the parliament that sat in 1879, because it is equivalent to saying that those who sought that legislation could get anything they asked for. We must suppose that parliament knew the words it was using and used the right language. If the language is so certain to be construed as it is interpreted by the hon. gentleman who promotes this Bill, then he does not need this legislation, and the moment he comes and asks for it, proclaiming that he is certain that the language will be construed in that way in the courts, it makes any body who applies his knowledge of human nature to this Bill believe that those who are interested in this legisla-

tion and who are asking for it, do not believe that the courts would so construe the language. If there is so much certainty that the language will be there held to mean what it is so strongly contended it does mean, that is the best reason for not passing this legislation. If they are wrong in that they still should not have the legislation, because it is establishing a precedent that will strike at the very root of respect for parliament and government in this country. I want as strongly as I can to put on record my views, and what I believe are the views of my constituents, on this matter. I must resent the statement made by the hon. gentleman who is promoting this Bill, that Mr. Cox, I suppose he means Senator Cox, is made the target of the opposition to the Bill.

That is very unfair. It should not have been said and was not justified. It is not the Hon. Senator Cox who is the target, but the people of this country, and Senator Cox is the man who is attacking them. The people have not come here for any legislation; the policy-holders are content to be governed by the statute of 1879, and I resent the insinuation of the hon. gentleman as utterly unfounded. Why do not the promoters of this Bill go before the courts and have the courts decide what this statute really means instead of coming before this parliament? I appreciate the force of the hon. gentleman's remarks that a judge will often take the practice which has been followed under a contract, and construe the contract according to that practice when there is doubt. But I would not go so far as to say that such practice is the primary ground on which a document is construed. That is a course taken only in the last resort. But what I submit is that the matter before us involves property and civil rights and consequently is one in which we have no right to interfere. I want to impress upon the Prime Minister as strongly as I can that this Bill is a serious attack on a fundamental principle, and is calculated to shake the confidence of the people in the parliament of this country. If men come to parliament for legislation which affects other people as well as themselves, and if, in the legislation which they ask parliament to pass, they are unfortunate enough to use language which does not accurately convey the meaning they intended, and if that legislation be adopted, then they must pay the penalty. But if you are going to alter a statute afterwards in the interests of one of the parties concerned, and against the interests of others, you will be committing a great injustice and shake the confidence of our people in parliamenary government. My hon. friend speaks of the rights of those people who have invested their paltry $200,000 or whatever it is in this company. And when I use the word 'paltry' I do so because the amount is of no importance whatever compared with the rights of the mass of the people. The hon. gentleman talks of the $200,000 invested by certain capitalists in the stock of this company. But what is that compared with the amount invested by the policy-holders or with the millions which we expect to be invested in this country, and which are now being invested, in other enterprises? How can we expect people to have any confidence in their investments in this country if at any moment an Act of parliament is liable to be amended which will completely change the conditions under which these investments were made, and especially when such changes are made at the instances of men who have sufficient influence with the government to have the government force through the legislation they desire? Suppose some ordinary citizen, some poor farmer or merchant or labouring man, or even professional man, had a contract with the Canada Life governed by a certain statute, which is interpreted differently by the company from his understanding of it, does any one believe that he would dare come here and ask for an Act of parliament to change that statute so as to make it beyond doubt suit his interpretation of it? If he did, he would not be listened to. The position is a serious one. It will cause the people to come to the conclusion that the more money a man has, the more influence he can wield and the more rights he has in parliament, and that is the worst belief with which you can innoculate the people of any country. If you want the people to be contented, you should impress them with the conviction that every contract, whether made by rich or poor, shall be held sacred and that this parliament will not interfere with the courts in construing that contract and enforcing it.

We have this session a general Bill before parliament respecting the whole insurance business. That is a Bill in which all classes are interested. When you pass such legislation, are you going in a year or five years later, at the instance of interested parties, to say that certain sections of it do not mean what these parties say it does not, or what the courts might hold it to mean, and have that law amended so as to suit people who have sufficient influence with the government to have their views prevail? How are you going to give any stability to your legislation unless you hold everybody by it once it is adopted, saving those very exceptional instances in which a mistake apparent to everybody is made? In this instance, we have not a particle of evidence that a mistake was made. We cannot say that the Act which was passed in 1879 would have been passed differently had the contention been raised then which is submitted now. For these reasons I am decidely opposed to this Bill.

Mr. TURRIFF. It is not my intention to speak at any length, and I have not the slightest idea of obstructing the Bill. The House has decided to force the Bill through this session without giving the policy-holders an opportunity of appearing before the committee, and the House must assume the responsibility. But in view of the fact that the policy-holders are not to be allowed to come before the committee to present their views, it had been my intention to take up the best part of an hour in placing some of my views before the House. However, as the hour is so late, I shall forego saying the greater part of what I had intended to. I find myself in the very unpleasant position of working and debating against all my friends with whom I have worked for years. But I feel keenly on this subject. I feel that this Bill is a rank injustice to the policy-holders, that it is corporation legislation as against the people; and I want to say that when it comes to a question of a corporation against the people, I want to be found—at all events when I know it—standing up for the rights of the people. I have been told by a number of hon. members on this side that this is not the place in which to deal with matters of this kind, and that the proper place is the annual meeting of the Canada Life Company. But you know, Sir, as well as I, that that would be simply an idle farce. There are nine shareholders who are directors in this company, and they are all controlled by one man who owns over 50 per cent of the stock. If he owned the full amount he could not control the company, in selecting the personnel of the directors, any more than he does at present. It has been said by my hon. friend the promoter of the Bill that there are six policy-holders' directors. But how are they elected? Any of us who have had anything to do with the company work know that a lot of directors who own one-fifth of the stock of a company, if that stock is at all widely scattered, can at any time control the company by getting proxies. So, these shareholders' directors get the proxies at the same time from policy-holders all over the country and by casting their votes unanimously they can elect whomsoever they please. So, I say, it would be absurd for any policy-holder to get up at an annual meeting and expect any consideration for the proposal not along the line of what was desired by those in control of the company.

There is one phase of this question that I wish to put before you and before the legal gentlemen of this House. If this Act is passed, you are taking away the legal rights of some 30,000 or 40,000 Canadian shareholders. But there are many other policy-holders outside of Canada. There are British policy-holders and American policy-holders, and this parliament cannot interfere or do away with the rights of these. What position will the Canadian policy-holders be in? They will be charged a high rate for their insurance and the American and British policy-holders will be charged lower rates. This is a very serious matter. The Caandian policy-holders who will build up the company, they put up the $33,000,000 invested at the present time; it is not the shareholders or the directors who did all this, but it was you and I and everybody else who took out a policy, and for years we have been paying premiums not only to carry our insurance but to give us a profit and our accumulations make up all these millions that are invested. Is it fair that the Canadian policy-holders, who built up the company and own nine-tenths of it, should be taxed at one rate and the American or British policy-holders be given their insurance at a lower rate? There has not been very much said about the merits of this Bill. The whole trouble is that there is an uneasy feeling throughout the whole country that the policy-holders are not being fairly treated by the present management.

Mr. NESBITT. May I ask, is the company charging the American or British policy-holders less than it is charging the Canadian policy-holders?

Mr. TURRIFF. No, not at the present time; but if this Bill passes, no Canadian policy-holder can take action to have returned what has been deducted from his policy, while the American policy-holder can do so.

Some hon. MEMBERS. No, no.

Mr. TURRIFF. I took legal advice on the matter, and I was informed that though this company is in Canada, when it issues policies in another country it must comply with the laws of that country. That has been decided in courts time and again. So, I say, there will be this difference in the position of the Canadian and American policy-holder. There is one very peculiar thing about it, and that is that, during the last fifteen years or so, as the profits of the policy-holders have gone down, the profits of the shareholders have gone up.

Mr. LANCASTER. And the salaries of the big men.

Mr. TURRIFF. Yes, and the salaries of the big men. That is one of the fears that exist in the minds of the policy-holders. As the Royal Commission said in its report, there is nothing to prevent this company increasing its dividends. And further—(in this I am not quoting the report)—there is nothing to prevent them, when they get

this legislation, and have everything fixed up properly, fixing their salaries at double what they are now. There are four men, the president of the company, two of his relatives and the past manager, drawing $60,000 a year, only two of them working actually in the company. That $60,000 is almost fifty per cent annual dividend on the original $125,000 paid up capital of the company, and it is six per cent on the paid up capital of $1,000,000 to-day. What is there to hinder them from making these salaries $100,000 and taking ten or twelve per cent before they make the division? It is this fear which is abroad in the land that is making the policy-holders apprehensive for the future.

Mr. MILLER. May I ask the hon. member (Mr. Turriff) whether this Bill in any way affects the matter of salaries?

Mr. TURRIFF. No, it does not affect the matter of salaries. But this is the one chance that is given to the policy-holders to say to the company: 'You ought to be able to do so and so.' And, if the Bill is so good, and if all we are told by the promoter of the Bill—and I have great respect for that hon. gentleman's opinion and standing, and would like to believe what he has said—is correct, the company has nothing to fear in waiting another six months for this legislation. This is not the year when the profits are to be divided.

Mr. NESBITT. Is the hon. member (Mr. Turriff) sure about those salaries? I do not think he intends to misrepresent from what I know of him, but is he sure that four men draw $60,000?

Mr. TURRIFF. The hon. member can find it in the report of the Royal Commission. I have a copy here, and I will send it over to him.

Mr. NESBITT. I would not believe it if I saw it there, because I do not believe it is true.

Mr. TURRIFF. My hon. friend (Mr. Nesbitt) may be haggling over a technicality. One gentleman draws about $20,000 in commissions,—I was calling it all salaries.

Mr. NESBITT. He earns it.

Mr. TURRIFF. I am not saying he does not. But the policy-holders have a fear that, in one way and another, their profits are still going to some others and not to them. But I would have you understand, Mr. Chairman, that there is a widespread fear in that respect. I have a letter here written by a gentleman who gave me liberty to use it. I have several other letters the writers of which do not give me that permission, so I will not even refer to them further. But here is a letter written prior to the discussion of a week ago. It is addressed to Mr. John Hoskin, vice-president of the Canada Life Assurance Company:

Perth, Ont., April 30, 1909.

Dear Sir,—Replying to your inclosure of the 30th inst. in re proposed amendments embodied under 'Bill 56' at present session of parliament, I must confess my surprise that a gentleman of your standing and reputation should endorse and support the action contemplated by the management of the Canada Life as proposed by this Bill.

I have been aware of the malignant influence manifest in the affairs of the Canada Life ever since the inception of the present management and the recklessness with which the funds of the company have been squandered. I can challenge you to assert honestly, or to particularize, any act of import affecting the funds of the company during that period which has not been to the substantial loss and detriment of the policy-holders, or otherwise than to the aggrandizement and pecuniary advantage of the Hon. G. A. Cox, some member of his family, or the shareholders of the company, per se in conflict with the reasonable expectations and rights of the policy-holders.

I do not know whether it is of malice prepense with a view to the ruin of the company, as your management has in this part of the country ruined the enviable reputation the company formerly held. I can well recall the period when the Canada Life was a name to conjure with in securing the patronage of the insuring public, and the policy-holders constituted the best agents at the service of the company. Personally no one will invest a dollar in the company whom I can influence, until the company warrants a return of my confidence by a complete reversal of its present policy, of which the scope of the Bill now before parliament affords very small encouragement.

I am enlightened for the first time as to the fact, of which no reports I ever received advised the policy-holders, that the shareholders primarily appropriated the interest—earning power of the assets of the company upon their paid-up stock, a sauce piquante to whet their appetite for voting a 25 per cent dividend. Their honesty was most exemplary under $100,000 paid-up capital, in comparison with the present proposition under an augmented capital of $1,000,000, a totally uncalled for increase, except to satisfy the greed of shareholders in a larger exploitation of the funds for their benefit. 'And they are all honourable men.' I could go into details to show how consistent the policy of the present management has been, to enrich themselves at the expense of those whose trust has been shamelessly betrayed. But you know it as well as I do; if you plead ignorance I shall be happy to afford you a partial insight, as I believe I may unfortunately be incompletely informed.

However, assuming your communication is for the enlightenment of the policy-holders, you will doubtless be pleased to advise me.

1. As to the purport or advantage accruing to the company in assigning the annual meet-

ing to any other place in Canada than at the head office. It is to embarrass the directors of the policy-holders in case they ever have any bona fide representation on the board in attending the annual meeting, that they will be compelled to travel anywhere from Halifax to Vancouver at the whim of a servile majority. It certainly cannot be to economize the expense of the annual meeting.

2. Do you mean to infer that 'all the profits realized from the entire business of the company' does not include the capital stock? No company can do business without a capital to work on, and it is on the use of the capital the profits primarily accrue, hence the capital invested forms part and parcel of the business of the company, and the accretion of profits (if any) becomes secondarily part of the business of the company; but the business of the company has for its foundation the invested capital; otherwise the shareholders have no vested rights, nor are entitled to dividends on a myth, if the paid-up capital does not constitute a part of the business of the company.

3. Is the augmentation four-fold of the shares of the company designed to afford such a preponderance of power and influence to the shareholders as opposed to the policy-holders that the latter will represent less than the submerged tenth in the affairs of the company, or, what does this little game mean?

Finally I desire a return of my proxy given some time since to Mr. G. A. Cox.

I remain, yours very sincerely,

F. MASON.

Then, in the letter inclosing that to me, he says:

Dear Sir,—Thanking you for the stand you have taken in re 'Canada Life Bill' in opposing the same, I am persuaded three-fourths of the Canadian policy-holders will appreciate the efforts of the members opposed to it, and would show a united front in a strenuous opposition to it, if the Bill could be laid over for another session.

I beg to inclose you a protest mailed to Jno. Hoskin, Esq., vice-president of the Canada Life, which has received the endorsation of every policy-holder here to whom it has been submitted. If desirable you are at liberty to make use of the same.

I remain, yours truly,

FRED. MASON.

Now, Mr. Chairman, that gives you an idea of the feeling throughout the country. I believe myself that the policy-holders have not been getting a proper share of the profits. I have in my hand a policy that belongs to my father-in-law, which was taken out in the year 1860. He is 86 years of age to-day. For 50 years—the policy is now in existence 50 years—he has been paying regularly his annual payments; I have been looking after it for him now for a number of years. His annual premium is $28.50, and 30 or 40 years ago that policy, when the company had practically no accumulation of profits, earned $25 or $26 a year. But ever since the present management came in the profits of that policy have gone down, down, until during the last 15 years, it has earned $8 to $10 a year, never more than $10 a year in the last 15 years. I had a long talk the other day with the president of the company, who wanted to satisfy me that everything was right. I am anxious to be satisfied that everything is right. In order to do that, he sent to Toronto and got a statement of that policy and handed it to me in order to convince me. Well, it has confirmed my opinion more strongly than ever that that policy has not been getting all the profits that belong to it, and I will tell you why. But let me first read this telegram:

Toronto, Ont., April 24, 1909.

Hon. G. A. Cox,
The Senate, Ottawa.

Policy number thirty-one ninety, Wilson, age thirty-eight, one thousand dollars issued April, eighteen sixty. Premium twenty-eight fifty, bonus addition end nineteen hundred four, eight hundred forty-nine cash value same seven hundred forty-eight. Permanent reduction same two hundred eleven sixty-four. Applicable this year's premium. Total cash value policy fourteen hundred seventy-nine.

That is to say, Mr. Chairman, that on this policy which I now hold in my hand, Mr. Wilson can go up to Toronto, and draw out on the profits of that policy $748. That $748 is cash lying there that he can draw out to-morrow; it has earned, according to the statement of the company during the last year, $35.15. Ten per cent of that, which belongs to the shareholders of the company, is $3.51, leaving a balance that belongs to Mr. Wilson lying there in the Canada Life Company's hands, over and above the ten per cent to the company, of $31.64. In addition to that you must add what the original policy of $1,000 earns each year. Now that is what it is earning, and for 15 years back he has not got over $10 in any one year. That is what makes the policy-holders think something is not right. I am not going to say that everything is not right simply because I do not know. But if the company would leave this Bill over for six months, and if my hon. friend the member for Essex could have the Bill passed through next session in time to make the distribution, because under the quinquennial term it is not due until the end of this year, nothing would be lost. If that were done it would satisfy me, and it would satisfy hundreds and thousands of other policy-holders, and it would do the company, even if there was some reduction, less than one-tenth part of the harm that will be done by the action this House is taking to-day in shutting out the policy-holders from having any voice or right to come before the committee and

before parliament and present their view of the case. As I stated on a former occasion, when you find hundreds and thousands of men thinking they have a grievance, thinking that a wrong has been done them, even if they are altogether mistaken in the matter, if you do not give them an opportunity to satisfy themselves and have the matter explained to them, those men for all time to come will believe that a wrong has been done them, and the company will suffer. There are a good many other things I had intended to mention, but the hour is getting late, and I know it is the wish of the committee to get through with this measure before six o'clock. In deference therefore to the wishes of my hon. friends I will take up no more time. I will only say again, and place my remarks on record, that in justice to the 40,000 policy-holders, in justice to their wives and children, the Bill should stand over, and you should give these policy-holders an opportunity to come before this House, or before one of the committees of this House, and present their views of the case.

Mr. S. SHARPE. It is not my intention at this late hour to discuss the question at any length. I think the position of the policy-holders has been put before this House so well by the hon. member for Halton (Mr. Henderson); the hon. member for North Toronto (Mr. Foster), and the hon. member for Lincoln (Mr. Lancaster) as to leave little more to be said. I am sorry as a member of this House that the hon. member for South Essex (Mr. Clarke), speaking upon the merits of the Bill, did not attempt to reconcile the position he has taken to-day with the position he took in connection with the Cobalt Lake legislation. The substance of the complaint against Cobalt Lake legislation was that it was shutting the doors of the courts to people who believed that they had a grievance and that it was interfering with the inalienable right of every subject to have his grievance redressed by the courts. The substance of the complaint made against this legislation is exactly the same. In essence this is exactly the same kind of legislation. It shuts the doors of the courts to policy-holders who desire to have their rights construed by a competent tribunal. No speech made by any hon. gentleman of this House upon the Cobalt Lake legislation could be used to better advantage in the discussion of this question because it deals with the question of shutting the doors of the courts to the policy-holders.

Mr. A. H. CLARKE. What is my hon. friends' opinion of the Cobalt Lake legislation?

Mr. S. SHARPE. That is not under discussion at the present time and I do not intend to express any opinion upon it. I desire to refer to the expressions of opinion that were given upon it by the hon. member for South Essex. That hon. gentleman said:

> It may be good policy from a financial standpoint to take away the property of people in order to increase the revenues of the province; it is all very well for most people to look on complacently and see the government confiscate the property of certain individuals in order that they may share in the spoils, but it is not much fun for the people whose property is thus taken away. It is not my intention to go into the merits of the case pro or con. What I say is that this company has been deprived by an Act of the legislature of Ontario, not only of what they say is their property, but of their privilege which any citizen has to go into the courts and establish their right to that property.

If that language were used in reference to this legisation I think it would be most apropos, because, in substance and in essence, this legislation contains exactly what the hon. gentleman condemned in the Cobalt Lake legislation. We have the opinion of the Minister of Justice, who, in connection with the Cobalt Lake legislation, used these words:

> It simply means, in my judgment, speaking as a voter of the province of Ontario, that our present provincial government, that our recent provincial legislature, have arrogated to themselves the right to say to any citizen of the province: 'You shall not litigate; it makes no difference how just you think your claim, we have the right to decide it and to deny you the open door of the courts; we have the right in this particular instance and we choose to exercise it.'

In my opinion the language employed by the Minister of Justice and the language employed by the hon. member for South Essex upon introducing the question of disallowance of the Cobalt Lake legislation is the strongest condemnation that we could possibly have of the present legislation. The Minister of Justice, discussing the question construed, as a qualified legal gentleman, the Act of 1879 in favour of the policy-holders, but he said that if a mistake had occurred it was the duty of parliament to rectify it, adding that it was a question of fact to be decided as any other question of fact, and that that question of fact had been decided by the Banking and Commerce Committee. I contend, Mr. Chairman, that the Banking and Com-

merce Committee was the worst tribunal before which such a question of fact, involving important rights and large interests, could be dealt with. What are the facts ? There was not a particle of evidence brought before the Banking and Commerce Committee. If they had wanted to decide judicially a question of fact of a very important nature and involving so many millions of dollars, it was their duty to have moved to refer it to a special committee with power to call evidence, to put witnesses on oath and allow them to be examined and cross-examined. The only evidence that was submitted before the Banking and Commerce Committee was the evidence of the Hon. G. A. Cox, who is the chief beneficiary of this legislation, and his counsel. That was the only evidence upon which the Banking and Commerce Committee found that there had been a mistake in the legislation of 1879. None of the directors at the time were called. The minutes of the directors' meeting authorizing the promoters to seek that legislation in 1879 were not produced. Surely the Banking and Commerce Committee did not have proper evidence upon which to find as a question of fact that there had been a mistake made in the legislation of 1879. I submit that this legislation does for the policy-holders of the Canada Life Assurance Company that which the hon. member for South Essex declared had been done by the Ontario legislature with reference to the Florence Mining Company, that is that it deprives them of their right to go to the courts. The question that this parliament should decide, according to the contention of the Minister of Justice, is, was there a manifest error in the legislation of 1879? A person reading that Act of 1879 can come to no other conclusion than that the language is so simple that there can be no possible question of an error. The language was the language of the promoters of the Bill. The Bill was drafted by the legal representatives of the company and it was adopted by the company. There were no changes made in the Bill before the committee and I submit that there has been no proper judicial determination of the fact that there was an error in the legislation of 1879. I venture to express the opinion that if the paid-up capital had remained at $125,000, as it originally was, this legislation would not have been sought for because 10 per cent on the entire profits of the company with a capital of $125,000 would have been a very large profit, whereas 10 per cent on $1,000,000 would be a measurably smaller profit. The promoters of the Bill should have adopted the suggestion made by the hon. Minister of Finance (Mr. Fielding), namely, that if they had paid up the balance of the $1,000,000, or, $875,000 under a mistake as to the facts, they were entitled to be repaid. That was a reasonable suggestion. If they paid up the balance of their stock under a mistake as to the facts or as to their rights it would have been proper for them to come and get legislation enabling them to reclaim their $875,000. The policy-holders had nothing to do with the Act of 1879 and if there was a mistake made it was the mistake of the shareholders and not of the policy-holders. If it had been a mutual mistake the position might have been different, but the alleged mistake was on one side only and the shareholders have now no right to come to parliament and ask to have it rectified. But, in addition, there is a far more serious question. Thousands of policy-holders have obtained contracts and acquired vested interests in connection with their policies since the date of that mistake. What is to become of them ? Is parliament to violate the vested interests of subsequent policy-holders, those who have come in since the alleged mistake took place? The question whether there was a mistake has never been judicially decided. The whole matter should be referred to a judge or to a committee with judicial powers authorized to call witnesses, to put them on oath and to allow them to be examined and cross-examined and upon the report of that committee this parliament should act. The question that might be submitted to such a tribunal would be these: 'Was there a mistake and, if there was a mistake, what rights have since intervened?'

Now I desire to discuss the chief argument of the promoters of this legislation. They say that by this legislation the policy-holders get ninety per cent of the profits on the money paid for stock. I do not think that is any injustice at all. That is a part of the charter of the company, that is a term, a condition upon which they do business and which they hold up as a special attraction to prospective policy-holders. They get business on the strength of the fact that ninety per cent of the entire profits go to the policy-holders. Another argument was that the profits have always been distributed as provided by this Bill. I have a letter in my possession from a man interested in this legislation and he says that the profits have not always been distributed as provided for in this Bill. However, I contend that practice does not make legal any illegal distribution of profits. We have the instance of the New York Gas Company. The New York Gas Company for years had interpreted their statute under which they were doing business wrongly and they had charged an excessive rate for gas to the gas users of New York city. Years after the gas users discovered what their rights were and sued for recovery for the price of gas which

they had paid in excess of what they were entitled to pay and judgment was given against the company. Consequently I do not think that it can be contended reasonably that the policy-holders slept upon their rights and agreed to this illegal distribution of profits. The books of the company are not open to the policy-holder, he does not know what his rights are, and he is not likely to go to the Act of incorporation of the company to find out exactly the liabilities of the company or his rights. Consequently the argument that the policy-holders have slept upon their rights should not prevail with this House. Another question was that lawsuits would entail the company in disaster. I submit that this parliament has nothing to do with the results to the company of the legislation of 1879. The business of this parliament is not to interpret, but to make laws. Inasmuch as there is no precedent for this kind of legislation and it is dangerous class legislation, I venture to express the opinion that if any other person or company than the Hon. Geo. A. Cox came to this parliament asking a special Act of this kind, divesting policy-holders of hundreds of thousands of dollars of rights this parliament would refuse to grant such legislation.

The hon. member for Assiniboia (Mr. Turriff) also emphasized the important matter of differentiating the position of the Canadian policy-holders from that of the foreign policy-holders. If the foreign policy-holders' contracts are made in a foreign jurisdiction they will be governed by the law of that foreign jurisdiction and any legislation passed by this parliament will not affect the foreign policy-holders. But even if the contract were to be construed according to Canadian law, and even if this legislation did affect the foreign policy-holders, I say that there is danger of legislation of this kind leading to international complications. The United States policy-holders will not allow their vested interests to be taken away by this parliament without a strong protest to their government and that government may protest against this government passing legislation that would injure the vested rights of citizens of the United States.

I desire to quote a sentence from a letter I received from a policy-holder who says:

> In these reports to policy-holders no mention is made of a double dividend to shareholders. Will parliament, elected to protect the people of Canada, set its sanction on this gross diversion of funds from the pockets of the insured to the coffers of the few rich shareholders? When are citizens to believe in statements of public men and in the rights of private contract if parliament step in at the instigation of a rich corporation and annul agreements made in good faith under the law of the land at a time when the wrong-respectfully urge all interested in honest administration to reject the proposed amendments to the Canada Life charter.

Having made my protest I shall not delay the House longer. I gave notice of an amendment to strike out clause 2 in committee and I now beg to move that amendment.

Amendment negatived.

Section as amended agreed to.

Mr. DEPUTY SPEAKER. Shall I report the Bill?

Mr. LENNOX. Did the Prime Minister obtain the opinion of the Minister of Justice upon this question, and if he did would he either lay the communication on the table of the House or give the committee its purport?

Sir WILFRID LAURIER. The government has had no other opinion from the Minister of Justice than the opinion which he expressed some time ago in this House.

Mr. LENNOX. Had the Prime Minister a written communication from the Minister of Justice on the question?

Sir WILFRID LAURIER. No, I did not.

Bill reported, read the third time, on division and passed.

On motion of Sir Wilfrid Laurier, House adjourned at 5.40 p.m.

HOUSE OF COMMONS.

MONDAY, May 10, 1909.

The SPEAKER took the Chair at Eleven o'clock.

QUESTION OF PRIVILEGE—PERSONAL EXPLANATION.

Hon. WM. PUGSLEY (Minister of Public Works). I rise, Mr. Speaker, to a question of privilege. In the discussion which took place a few days ago on the report of the Central Railway Commission, I find, upon pages 5197 and 5198 of 'Hansard' that the hon. member for York (Mr. Crocket) is reported to have made the following statement:

> And another portion of the record, which is very suggestive, I think, in connection with the assignment of these subsidies to Messrs. Pugsley and Skinner, is a letter which will be found at page 192 of the book entitled 'Orders in Council and Documents.'

St. John, May 16, 1904.

G. N. Babbitt,
Deputy Receiver General,
Fredericton.

Dear Mr. Babbitt,—A note of the New Brunswick Coal and Railway Company of $14,106 came due to-day at the Bank of New Brunswick and I have given the bank a sight draft on you for the amount. Attached to the draft is a letter from Hon. Mr. Tweedie engaging to pay the bank the $14,000 on the 4th of April last, and the $106 is for the interest.

An order in council was passed for the payment, and I am sending a copy of Mr. Tweedie's letter to him to-night asking him to instruct you to pay the amount and likewise to pay an amount of $5,600 odd to David O'Connell.

Commenting on this the hon. gentleman said:

Mark that, Mr. Speaker, a direction in the year 1904 to pay out of further subsidies provided by an order in council the sum of $5,600 to the same David O'Connell, who held the order of first assignment and who was Mr. Pugsley's creditor in that connection.

Then he went on to read the remainder of the letter:

This cheque can be given to the Bank of Nova Scotia at Fredericton to-morrow if you get the premier's authority for payment. The exact amount is $5,630. These two accounts together will make less than $20,000 which is the sum which I assume the premier will direct you to pay on subsidy account. This is pursuant to the statute passed at the last session, which authorized the payment on branch lines and is authorized by the engineer's report. He reports 7:7 miles completed, and there is grading for some distance further, and also the chief engineer of the company reports about a mile of additional rails ready to be laid upon the extension to another of the coal mines. You need not accept the draft until you hear from the premier, and if it should be necessary to hold it over for a day or two, get the bank to so instruct its Fredericton agent.

Yours very truly,
WM. PUGSLEY.

Then the hon. member proceeded to say:

And in that way the entire amount of the subsidies which were authorized for the construction of branch lines was disposed of, $20,000 for branch lines, and of that same sum David O'Connell, money lender of the city of St. John, received $5,600 under the direction of Wm. Pugsley. Now, I think, in view of this record, the statement which the Minister of Public Works made, and the strictures he passed upon the commission for commenting upon this matter, will not carry very much weight, either in this House or with anybody who reads his speech, and who reads the record that I have adduced.

Any one reading the statement would assume—and no doubt the hon. gentleman intended that to be assumed—that the $5,600 was assigned and paid to Mr. Connell in satisfaction of some old claim in 1896, some eight years before, which Mr. Connell had against me. I desire to say that Mr. David O'Connell had no claim against me and that there were no transactions outstanding of any kind or description between him and me; and so far from this $5,600 having any connection with business between Mr. Connell and myself, it was for the payment of a promissory note of the New Brunswick Coal and Railway Company which Mr. Connell had discounted and the proceeds of which were used to pay for steel rails purchased from the Intercolonial Railway at Moncton and used on the branch lines of the New Brunswick Coal and Railway Company. Regarding the remaining portion of the $20,000 subsidy to the branch lines the $14,000 was paid the Bank of New Brunswick on account of a note which the bank had discounted for that company and the proceeds of which had gone into the construction of these branch lines. I felt it my duty to call attention to this as early as possible so that the House may understand there is no ground whatever for the suggestion sought to be conveyed by the hon. member for York referred to it, I suppose, by reason is to be found in the report of the commissioners. They did not refer to this matter at all, but the hon. member for York referred to it, I suppose, by reason of orders in council and documents which he found on file but which are not mentioned in the report of the commissioners, which has been printed and is now in the hands of many hon. members. The commissioners make no reference whatever to the $5,600 and make no charge against me such as is suggested by the hon. member for York.

REPORT OF SCOTCH FARMERS.

Mr. R. L. BORDEN. I would like to inquire whether the government propose to lay on the table the report of the Commission of Scotch farmers who visited this country some time ago. Their report has been published in Great Britain and seems to attract a great deal of attention there. It is evidently the work of a very shrewd, observant body of men, and it would be desirable to have it laid on the table and perhaps printed for distribution.

Mr. FISHER. That report has not been received officially by us from the commission. I was informed that a certain number of copies would be sent the department, but have not received any so far. I shall be happy to lay the report on the table when received and quite agree that it must be of great value.

INQUIRY FOR RETURN.

Mr. LENNOX. I beg to call the attention of the Minister of Railways to the re-

turn which I spoke of a week or ten days ago. It is not yet complete. One of the officers of the Transcontinental spoke to me about it when I called there the other day. He said the return was about being completed. That was some four or five days ago. I should like to have it brought down as early as possible.

Mr. GRAHAM. I have been telephoning about every day to have it completed and have not been able to get it yet.

THE CIVIL SERVICE BILL.

Hon. GEO. E. FOSTER (North Toronto). I desire to ask the Minister of Agriculture (Mr. Fisher) if he will lay on the table this morning the schedules of which we spoke. I would suggest to him also that if this is a chronic difficulty between the government and the Senate which it is impossible to remove quickly, it would seem better not to delay the whole legislation for that. If agreeable to him, as I suppose it is, it would be a convenience to myself personally if we could proceed with this legislation not later than Wednesday. I have to go away the latter part of the week, and would like to have this matter dealt with.

Hon. SYDNEY FISHER (Minister of Agriculture). I have received assurances from the chairman of the Internal Economy Commission of the Senate that their classification would be adopted to-morrow evening immediately on the reassembling of the Senate. I hope we shall receive it in time for Wednesday.

Mr. FOSTER. And go on with this?

Mr. FISHER. I will try to go on.

SCHOOL OF TECHNOLOGY.

Mr. SAM. HUGHES. Before the orders of the day are called, I desire to ask if the question has engaged the attention of the government of establishing at some convenient point in Canada—I should say, Ottawa —a school of technology for the study of sanitary science, chemistry, mineralogy and other departments of science that assist in the development of the industries of the country. In some countries these institutions are established, and afford very great assistance in the individual development of the nation. Has the first minister (Sir Wilfrid Laurier) given any attention to this matter?

Sir WILFRID LAURIER. This matter has not engaged the attention of the government.

LOBSTER FISHERY—DIFFERENCE BETWEEN PACKERS AND FISHERMEN IN CAPE BRETON.

Mr. J. W. MADDIN (South Cape Breton). I desire to ask the Minister of Marine and Fisheries (Mr. Brodeur) if he has cognizance of the situation that obtains in Cape Breton between the lobster packers and the fishermen, and if it is his intention to do anything to relieve the situation either by increasing the number of licenses or by cancelling any existing licenses?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). I do not know to what particular question my hon. friend (Mr. Maddin) has referred. He may be aware that during the session the newly appointed Committee on Marine and Fisheries has investigated this whole question of the lobster fisheries, and that it is proposed that during the recess, the clerk of the committee should go on with that investigation, meeting the fishermen and the others interested, in order that the House may be properly informed on all matters pertaining to the subject. With that information, of course, the committee, and the government also, probably would take some action.

Mr. MADDIN. I am familiar with the work of the committee during the session, but——

Mr. SPEAKER. The hon. gentleman(Mr. Maddin) cannot discuss the matter at this point.

Mr. MADDIN. I am not going to discuss it.

Mr. SPEAKER. In any case, it is not upon the orders of the day properly speaking.

Mr. MADDIN. I am only following the cue given by other members of the House.

Mr. SPEAKER. It is not regular.

PRIVATE BILLS.

THESSALON AND NORTHERN RAILWAY COMPANY.

House in Committee on Bill (No. 104) respecting the Thessalon and Northern Railway Company.—Mr. Smyth.

Mr. CONMEE. Before we proceed further Mr. Chairman, I wish to call the attention of the committee to this very peculiar measure. And I may say that I intend to move that the committee, rise, report progress and ask leave to sit again. This is a Bill which, I think, involves the question of provincial rights to a very great extent. I call the attention of the hon. member (Mr. Smyth) in charge of this Bill to the fact that this company was incorporated by the legislature of the province of Ontario, and that its Act of incorporation, which is referred to in the Bill which the hon. member proposes to put through, empowers the company to operate its line by steam or electricity. If this is to be an electric railway, the hon. member will see that to deal with it here invades provincial rights to a very great extent, and, as we have had no

intimation, either by way of order in council or correspondence, from the government at Toronto, I do not see how this Bill can be proceeded with. I call the attention of the hon. member for South Simcoe (Mr. Lennox) to this Bill, and I should be glad to call to it the attention of the hon. member for East Grey (Mr. Sproule) also, but I regret that that hon. gentleman is not in his place. It seems to me that this occasion affords a fair test of the principles of hon. gentlemen opposite on the question of provincial rights. I therefore move that the committee rise, report progress and ask leave to sit again, pending the time when we shall receive some communication from the authorities in Toronto with regard to this Bill.

Mr. SMYTH. Mr. Chairman, I am sure that my hon. friend (Mr. Conmee) will feel better now that he has had his little fling at this Bill. I take it that the only part of the measure that can be contentious is that which declares this work to be a work for the general advantage of Canada. Following, as my hon. friend from South Cape Breton (Mr. Maddin) said a moment ago, the cue given by the Committee of the House in previous Bills, I think it might be well that my little Bill should go through in the same way. This Bill proposes to declare this work a work for the general advantage of Canada only for the reason that the Thessalon and Northern Railway Company has entered into an agreement with the Canadian Pacific Railway, which, of course, is a transcontinental railway and is clearly a work for the general advantage of Canada. I would not ask this House to pass this Bill were it not for the fact that this railway is going to connect with such a railway as the Canadian Pacific Railway; but, I think I have good grounds in that fact alone for asking this House to pass the Bill. I am sure there can be no objection on this ground.

Hon. GEO. P. GRAHAM (Minister of Railways and Canals). This is an amendment which may come up on some other Bill. As my hon. friend explained, under the original charter a line four miles long was constructed, if I remember aright, from Thessalon to the Soo line. Now, they wish to connect with the main line of the Canadian Pacific Railway, and ask for a Dominion charter. Some hon. members do not agree with me in the view I take, that it is better that we should have these lines, as far as possible, under Dominion jurisdiction in order to bring them under control of the Board of Railway Commissioners. This is, strictly speaking, perhaps, an invasion of provincial rights to a certain extent. It is true also that the Ontario government appeared by counsel and protested against this and other Bills in committee. My hon. friend from Thunder Bay and Rainy River (Mr. Conmee) is right in saying that this is amongst those roads against the taking over of which the Ontario government has protested.

Mr. LANCASTER. But he did not oppose it in committee.

Mr. GRAHAM. But the point is——

Mr. LANCASTER. I was only explaining that I thought this Bill ought not to pass in the committee, because it was an invasion of provincial rights, but the hon. member for Thunder Bay and Rainy River did not back us up.

Mr. CONMEE. Counsel for the Ontario government was there.

Mr. GRAHAM. Counsel for the Ontario government was there and opposed the Bill. But on the broad ground ot bringing all these roads, as far as possible, under the Board of Railway Commissioners, I have favoured giving them Dominion legislation where there is reasonable claim for it. And I believe that a good many of the provinces at least are of the same opinion.

Mr. LANCASTER. That was the opinion of the large majority of the Railway Committee, I know. I quite agree that those of us who thought this Bill ought not to pass were in a hopeless minority. The Minister of Railways is right in saying that what he has just said is the opinion of a majority of the Railway Committee. But the hon. member for Rainy River did not do anything to stop this Bill in the committee.

Mr. R. L. BORDEN. Is there not a declaration in the Railway Act to the effect that any railway connecting with the Intercolonial is a work for the general advantage of Canada?

Mr. PUGSLEY. That was repealed. That was in the Act quite a number of years ago, but it has been repealed, and such railways are declared to be for the general advantage of Canada only as to the point of junction. I think it was repealed in 1893.

Mr. R. L. BORDEN. Some doubt has been expressed as to whether a declaration of that kind can be repealed. In fact since this was repealed there was some question raised about it in the House. I would suggest to my hon. friend the Minister of Railways that if the policy which he has outlined is wise—I am not disposed to discuss that question just now—it would be better to enter into negotiations with the governments of the various provinces, and then pass some general statute declaring that railways connected with the Intercolonial, with the Canalian Pacific Rail-

way, with the National Transcontinental, or with other great interprovincial lines, should be considered works for the general advantage of Canada, and in that way settle once for all the principle upon which parliament shall proceed, having secured the views of the provinces. Then we would have a general statute, instead of having the question come up in individual cases, and determined perhaps on partisan considerations. I venture to submit that to the government as possibly a wise couse, if this policy is to be purused.

Mr. W. F. MACLEAN. The proper test of the new doctrine laid down by the Minister of Railways is the efficiency of the Railway Commission and the general Railway Act of this country. Fortunately that commission is in a fairly good shape, and the general Railway Act is in fairly good shape. But in order to commend the new principle to the country we will have to show that the Railway Act is kept up to date, and that the Railway Commission is in every sense efficient.

Mr. CONMEE. I wish to point out, in answer to some of the remarks that fell from the hon. member for Lincoln (Mr. Lancaster), that when this Bill was before the Railway Committee that hon. gentleman, with some others, contended that the railway municipal board of the province could deal with this subject much better than could the Railway Commission of the Dominion. I may say that I was not opposed to the Bill in the Railway Committee, nor am I opposed to it now. I agree with the Minister of Railways that this class of Bill, if passed, is better dealt with by the machinery under the Railway Act of the Dominion than by the machinery under the province. But the new doctrine that has been laid down that this kind of legislation is not to be proceeded with until we hear from the government of Toronto should be followed in this case.

Mr. LANCASTER. Do you subscribe to that doctrine?

Mr. CONMEE. I am speaking of the doctrine laid down by the hon. gentleman and his friends opposite.

Mr. LANCASTER. Do you agree with it?

Mr. CONMEE. I will tell the hon. gentleman when the time comes what my opinions are. I am discussing now the position of my hon. friends opposite. They have held up one or two Bills in this House until the local government could be communicated with, Bills that are much less a violation of provincial rights, if such a question is involved, than this Bill is. Yet here is a Bill which because it is introduced by one of their own number, they accept it, and fling all their principles of provincial rights to the winds, and ask that this Bill go through, without any intimation from the government at Toronto, without a letter, without an order in council, without anything whatever.

Mr. LANCASTER. Is the hon. gentleman talking to me now? Because if he is, he is all wrong. I was consistent, he is inconsistent. I do not care who the promoter of the Bill was, I did not care anything about that in the Railway Committee. What my hon. friend from East Grey (Mr. Sproule) and myself fought for was that this Bill ought not to pass because we thought it was an invasion of provincial rights. Now that the hon. member for Rainy River has got his own Bill through he seems to be converted. He had better go to the Senate and tell the senators that he has been converted on this question of provincial rights, and ask them not to pass his own Bill.

Mr. CONMEE. Then the hon. member has been converted to the view that was expressed by myself and others in the Railway Committee; he has abandoned his principles.

Mr. LANCASTER. Not at all—I do not intend to be misrepresented here by the hon. gentleman. I have been absolutely consistent in this matter. I said frankly to the Minister of Railways that although I disagreed with him, I knew I was in a hopeless minority in the Railway Committee. What does the hon. member for Rainy River want? Does he want us to state what the facts are? Is he going to try to quarrel with an hon. gentleman who states what happened, and who agrees with the Minister of Railways himself? I am bound by the majority in the Railway Committee, I have respect for the majority of the Railway Committee, although I may still think that they are wrong on that principle. But I want to tell the hon. member for Rainy River that he himself is inconsistent in this House, absolutely and hopelessly inconsistent—I cannot go any further without invading the rules of the House, and I won't do it. Now one word to the Minister of Railways in regard to this sort of legislation. There is a section of the Railway Act which deals with this class of Railway—I am submitting this to the judgment of the House. If a majority of this House wants the Bill to go through, I am willing to be bound by the majority. But I want to call the attention of the committee to something they have overlooked. Section 8 of the Railway Act is not yet repealed, and it deals with this class of railway. It says that this Act shall apply even to a provincial railway if it intersects, or crosses, or connects with a Dominion railway. That is why, in the Railway Com-

mittee, I thought that this company ought to have a provincial charter. The Dominion Railway Act must apply to it for certain specific purposes. When a Dominion railway connects with a provincial railway, it has the benefit of the Railway Act; the Board of Railway Commissioners control it in regard to crossings, and traffic. All matters relating to navigable waters, traffic rates, tolls, crossings, and everything of that kind, are dealt with by the Railway Commission, even though the railway remains under a provincial charter. Therefore, I thought we did not need to give the railway a Dominion charter. But so far as I am concerned, if the House thinks that it is better to give it a Dominion charter, I am willing to bow to the will of the majority.

Mr. CONMEE. I think I am quite consistent. I was in favour of the Bill when it was in the Railway Committee for the very reason that has been explained to the committee by the Minister of Railways, for the reason that I believed that railway operation, railway construction, and the general interest of the public, are better provided for under the Dominion statute, in the control of the Dominion Board, than they are under the provincial system. But the hon. member seems to think that I am inconsistent because, in the Railway Committee, I called attention to the position taken by him on other Bills of a similar character. I think it is not out of the way for me to call the attention of the committee to that fact. Hon. gentlemen have from day to day made loud professions of their devotion to the principle of provincial rights; and now, in the case of this Bill, the hon. member for Lincoln acknowledges that although that was his view in the Railway Committee, he is now willing to swallow his principles—

Mr. LANCASTER. No, I said the very opposite.

Mr. CONMEE. —and willing to act in obedience to the order of the majority of the Railway Committee. Why was he not willing to act in obedience to the order of a standing committee of this House—the Standing Committee on Private Bills?

Mr. LANCASTER. I am not a member of it and I do not know what happened there.

Mr. CONMEE. The hon. gentleman knew from the records of the House perfectly well that the Bill in respect to which he made such great professions was carried by a majority of the private Bills Committee, yet he did not want to sacrifice his principles.

Mr. LANCASTER. I was not a member of the committee.

Mr. LANCASTER.

Mr. CONMEE. I want to put the hon. gentleman where he belongs. He has abandoned his principles and he cannot get out of that position.

Motion (Mr. Conmee) negatived, Bill reported, read the third time and passed.

CONSIDERED IN COMMITTEE—THIRD READINGS.

Bill (No. 91) to incorporate the Prudential Trust Company.—Mr. Macdonell.

Bill (No. 135) for the relief of Hannah Ella Tompkins.—Mr. J. D. Reid.

Bill (No. 160) to incorporate the Canadian Red Cross Society.—Mr. Macdonell.

GOVERNING COUNCIL, SALVATION ARMY.

House in committee on Bill (No. 142) to incorporate the Governing Council of the Salvation Army in Canada.—Mr. Miller.

On section 6, agricultural and industrial colonies.

Mr. LENNOX. I do not wish to oppose the Bill, but I would be glad to be informed of the intention of this section, which is broad in its scope, authorizing the army to

Establish at any place in Canada agricultural and industrial colonies and maintain and manage such colonies.

Mr. FOSTER. I am not in charge of the Bill but I know a little of the Army's plans, and what they have been doing for some time in some portions of the northwest. This section enables them to bring out a number of their people, selected under immigration supervision on the other side, and to locate them in settlements or colonies. The subsequent supervision over them is a moral and business supervision, going no further than giving them advice as to what is best to be done and how to do it. Then, under other subsections, they have a scheme by which the Army make to these settlers certain advances which the settlers undertake to pay back in certain times and under certain conditions. I know that in some places in the northwest it has worked very successfully.

Mr. LENNOX. I am very favourable to the Salvation Army. I believe they are doing a very excellent work and I do not desire to oppose their Bill. I inquired because I do not know what they are doing or if any one has given this Bill any special study. I do not know if there is any precedent for legislation of this kind. The wording of that section is very broad and we should know exactly what authority we are granting.

Mr. MONK. The only object of the Salvation Army in seeking this legislation is

to get legal incorporation in order to carry out the objects which have been referred to by the hon. member for North Toronto. (Mr. Foster). They now have no legal incorporation and the purposes they have in view are those indicated by my hon. friend from Toronto. As long as they confine themselves within those limits and observe the prescriptions of the immigration Act I do not think we have anything to fear.

On section 15, powers for investment of funds.

Mr. LANCASTER. While I am not opposing the Bill in any sense I am afraid we are there giving wide powers. Is any law officer of the Crown or minister of the cabinet prepared to say that these are proper powers for us to grant?

Sir WILFRID LAURIER. No special attention has been given to this Bill; we are taking the Bill as it came from the committee without further investigation. I suppose the law officers of the House have looked into it, but we have taken the report as it came from the committee.

Mr. LANCASTER. Perhaps it was properly considered in the committee.

Mr. ETHIER. This Bill came from the Senate. The Private Bills Committee considered it very carefully. Mr. Culbert of Ottawa, the lawyer who had charge of the Bill before the Senate Committee appeared before our committee and told us that the Senate gave it the most careful consideration.

Mr. LANCASTER. Did any one in our House give it consideration?

Mr. ETHIER. Yes, the Bill after careful consideration was passed by our committee without amendment. The powers asked for are sought only for the purpose of obtaining for this society a legal standing which it has not before enjoyed. I understand that the powers given are such as are usually given to societies of this class. There was no objection to the Bill before the committee and the lawyer in charge of the Bill advanced such strong arguments in its favour that no one objected to its passage.

Mr. LANCASTER. Did the committee ask if these powers would interfere with provincial legislation on the same subject?

Mr. ETHIER. I do not think the question of provincial rights was raised before the committee.

Mr. MACDONELL. By section 11, the Bill provides that the laws of the various provinces are to be held to apply. Generally the principle of the Bill seems to be a praiseworthy one, and the clauses do not seem to exceed what is necessary in order to carry out the powers and objects of the company in a legitimate and ordinary manner, according to the laws of the provinces. I think the Bill should be advanced.

Mr. LANCASTER. With that explanation I am prepared to accept it.

Bill reported, read the third time and passed.

RELIEF OF JOHN DENNISON SMITH.

House in committee on Bill (No. 157) for the relief of John Dennison Smith.—Mr. A. K. Maclean.

On the preamble:

Mr. R. L. BORDEN. The Chairman of the Committee on Private Bills, I believe, called attention in connection with one of these Bills, to a tendency towards acting on evidence of a more or less loose character in considering these Bills for divorce. I have already taken occasion to inform him privately that I entirely concur with the view he expressed. I think it is of the utmost possible importance that the evidence upon these proceedings in the Senate should be given and acted upon only in the way in which such evidence would be given and acted upon in a court, and I would most earnestly deprecate any tendency in the Senate or in our own committee, when examining the evidence, towards a view which would bring a looser condition of affairs than has prevailed in the past. I think these proceedings should be conducted exactly as legal proceedings are conducted in a court, and only such evidence should be received as is strictly legal evidence. Unless there is the clearest possible evidence, and unless that evidence is of a legal character, the Bill ought not to pass the committee and parliament ought not to concur in dissolving the marriage. Every one who is familiar with the proceedings in courts with regard to such matters is aware that there are some precautions observed in court which do not seem to have received very much attention in the proceedings of the Senate. For example, in Great Britain, and in all the provinces of Canada where any such courts were constituted before confederation and therefore remain up to the present, there is the King's Proctor who attends in court, who cross-examines the witnesses, who is paid by a fee taxed in the costs of the case, and whose especial duty it is to see that the evidence is sufficient and that there is no collusion between the parties. I do not know to what extent any safeguard of that character has been adopted in the Senate Committee, but I see no reason why every such safeguard should not receive careful attention and consideration in the Senate,

and if it be correct, as the Chairman of the Committee on Private Bills has already publicly declared, that there is a tendency towards the granting of divorce upon evidence of a looser and a less-satisfying character than that which has been required in the past, I, for one desire to raise my protest.

Mr. W. F. MACLEAN. Is not the conclusion to be drawn that the trial of these cases, if it is to be conducted after the manner of a court, should be conducted in a court created for that pupose, and that the principles on which divorce is to be granted should be accurately defined as in the case of any other statute? The parliament of Canada to-day is over-worked and we all know that these divorce cases are becoming more numerous. The function of parliament, to my mind, is altogether legislative, and it should not exercise the powers of a court. The way out of the difficulty would appear to be to decide that the time has arrived when Canada ought to have a general divorce law on the strictest lines, and that that law ought to be administered in a court and that this parliament, now over-worked, ought to be relieved of the work of dealing with questions of divorce.

Mr. MONK. For my part I am not prepared to say that the great amount of work which this parliament has to perform is much hindered or increased by the divorces with which we have to deal, because before the bills come to us they are practically settled by the judgment rendered by the Committee of the Senate. That has been my experience. I think that the great evil of divorce has not yet become serious enough in Canada for us to require the institution of a special tribunal for that purpose. We have examples in the United States and in Europe of the dreadful evil that divorce has produced there. We have been singularly free from it in this country, wonderfully free. It is an evil which has now reached us and is increasing, but the reason given by my hon. friend that we have a great deal of work to do in this parliament is not one which commends itself at any rate to me. As long as possible we should avoid passing any law on divorce, and defer the creation of any such tribunal as my hon. friend has proposed. That is my view of the case. We have hitherto been able to dispose of these cases by a very careful examination in the Senate, and I see no reason to depart from that course.

Mr. CARVELL. My hon. frend will not deem me discourteous if I say that in my judgment the position he lays down is almost untenable. If my hon. friend would propose that this parliament pass legislation absolutely barring the granting of divorces in Canada I almost think I would feel like sanctioning and agreeing to such a proposition, but the moment you admit that divorce is right in principle—and we admit that when we pass divorce legislation every year—then I think we are absolutely unreasonable when we say that this relief should be granted by parliament and should not be relegated to a proper court. I quite agree with the hon. member for South York (Mr. Maclean), once we admit the principle of granting divorce.

Mr. W. F. MACLEAN. We permit it by the British North America Act.

Mr. CARVELL. Yes, I understand that Act allows divorce courts in provinces which had these courts at the time, but this parliament has the right to abolish these courts. I have had some experience in connection with divorce courts in the province of New Brunswick and have read the reports of the Divorce Committee in the Senate. In the latter it seems to me divorces have been granted on evidence which would be laughed at in any ordinary court. My hon. friend the leader of the opposition pointed out that in England there is a King's Proctor. True we do not have a King's Proctor in New Brunswick, but it is the special duty of the judge to act as such, and I assure you he is very careful to perform the duties cast on him by the law. It is impossible to get a divorce in New Brunswick unless every condition of the law is complied with. In that law a number of fundamental conditions are laid down, and it is the duty of the judge to see that no divorce is granted until each one of these conditions has been complied with. But that cannot be said of the proceedings in the Senate. I have read the reports and have seen cases in which the question was never even asked as to whether there was any collusion between the parties, and divorces have been granted in cases which were the absolute result of collusion. That would be impossible in proceedings before an ordinary court such as we have in our province. On reading over the evidence in this case, I find that all sorts of hearsay testimony were admitted such as would not be considered in a police court or any other court in Canada. In my judgment, once we admit the principle of divorce, we ought to relegate the question to a court which will properly weigh the evidence, which will not allow improper evidence, and which will not grant a divorce unless the conditions of the law have been complied with.

Mr. LANCASTER. I would agree with the hon. gentleman in his conclusions if I could accept his premise, but that I cannot do. I cannot admit that the principle of divorce is right. I am satisfied that the best interests of the country are served by our doing all we can to prevent divorces. I had the temerity some two or three sessions

ago to make a considerable argument on the question, but it was useless in convincing the majority, and a divorce then went through on evidence which would not justify a court in granting even judicial separation. Speaking for myself, I do think that in the interest of the state, we ought to do all we can to prevent divorce and make our young people understand that once they get married they must remain married.

Mr. MILLER. There is one thing I notice, and that is that the Senate committee attaches too much weight to the evidence of paid professional detectives. Such evidence would not be admitted by our courts except with the greatest degree of suspicion.

Bill reported, read the third time and passed.

MANITOBA AND NORTHWEST RAILWAY COMPANY.

On the order:

Consideration of an amendment made by the Senate to Bill (No. 81) respecting the Manitoba and Northwest Railway Company of Canada.—Mr. Cash.

Mr. CASH moved that the amendment made by the Senate be disagreed to for the following reasons:

1. Because the condition imposed by the said amendment is unusual and embarrasing to the company and is of such a character that it would, if adopted, prevent the company going on with its operations.
2. Because the company has already shown its good faith by work already performed, and the penalty provided in the said amendment to meet the requirements is unnecessary and would be ineffective; and that a message be sent to the Senate to acquaint their honours therewith.

Sir WILFRID LAURIER. What is the amendment?

Mr. CASH. That they must build ten miles within twelve months.

Mr. D. B. NEELY (Humboldt). I wish to utter a word of protest against this motion. Let me be understood. I oppose the proposal of the hon. member for Mackenzie (Mr. Cash) and desire the amendment of the Senate to carry in this House. I think the reasons given why the Senate amendment should not be carried are not sufficient. When this Bill was originally before the Committee I made the proposal that the power proposed to be granted by the Bill to construct from Sheho to Prince Albert should be struck out. That was not acceded to, the Bill was sent to the Senate, and that hon. body, realizing that this company had held this charter for sixteen years and practically made no use of it so far as the original intent of the charter was concerned, inserted this clause placing the restriction on the company that they must build not less than ten miles. I have not seen the amendment made by the Senate, but have simply a verbal statement of it, but I understand that the object is to compel the company to utilize the charter to the extent of building ten miles of road. When the charter was before the committee of this House, I think I was misunderstood by certain hon. members. It appears that the company have utilized the charter to the extent of building from Yorkton to Sheho, but the original charter gave power to build from Yorkton to Prince Albert. The line that has been built to Sheho has not been extended to Prince Albert, and it is immaterial to me and to the people of that part of the country under what charter the Canadian Pacific Railway claim to have built this line from Yorkton to Sheho; the main point is that they have not carried out the original intent of the charter which provides for a line from Yorkton to Prince Albert. I do not see why the promoter of the Bill should say that this is an unreasonable amendment made by the Senate. In what way will it 'embarrass' the Canadian Pacific Railway to build ten miles of line? Are they without the funds? I notice that they have funds to buy up the Wisconsin Central and other lines in the United States. The people of western Canada are suffering from the lack of transportation facilities, —the people of a certain section of my own province have waited for sixteen years for the Canadian Pacific Railway to utilize this charter—but the Canadian Pacific Railway can take the wealth secured by the operation of their road in this Dominion, they can take the money got from the sales of western lands and can cross the line and buy up roads in the United States. I say that the amendment made by the Senate is reasonable and fair. Look at the case this way: If the Canadian Pacific Railway would simply make the statement that they do not intend to build this road, I am sure this House would not for a moment extend the time for this charter. My hon. friend (Mr. Cash) says this amendment of the Senate will embarrass the Canadian Pacific Railway. If they intend to carry out the terms of the charter, it cannot embarrass them to build ten miles of railway.

Mr. A. H. CLARKE. Where would ten miles take them to?

Mr. NEELY. That is not the point. The building of ten miles of road alone might not be of any special benefit to the community, but I am satisfied that if the Canadian Pacific Railway were compelled to build ten miles they would not stop at that but would carry out the project and make it of some benefit to the community. The promoter of the Bill, I think, is well aware of the fact that the people of that part of

the country are very anxious to have this branch line built. There is a settlement in my own constituency whose people have to haul the products of their farms forty miles to market over the worst possible road at this season. I refer to the settlement of St. Brieux. These people, mainly from the province of Quebec, came into that part of the country some years ago on the distinct understanding that this branch line should be built. I am here to speak for these people and to say that they would very much prefer that this charter, so much abused by the Canadian Pacific Railway, should be put out of existence, rather than that the company should be allowed to go on and fool the people as they have done for so many years.

Mr. LENNOX. Have they done anything?

Mr. NEELY. So far as the original intent of the charter is concerned, they have——

Mr. LENNOX. The hon. member does not understand me. I desire to know if the people to whom he refers have made any representations on the subject? Have they forwarded a petition or done anything to show their attitude?

Mr. NEELY. I have had personal letters from a large number of the settlers. I have had the strongest representations from them both by letter and by word of mouth. But, even if I had no such representations, the very map of the province would show that what I have said is true—that these people are forty miles from a market and that this line would go directly to the settlement.

Mr. J. G. TURRIFF (East Assiniboia). I agree altogether with the remarks of the hon. member for Humboldt (Mr. Neely). I think the amendment proposed by the Senate is a good amendment, and that the Senate showed good judgment, good common sense in adopting such an amendment. Let us consider what the motion of the hon. member for Mackenzie (Mr. Cash) says. This amendment of the Senate is objected to:

First, because the condition imposed by the said amendment is unusual and embarrassing to the company and is of such a character that it would, if adopted, prevent the company from going on with their operations.

Here is a wealthy company, as pointed out by my hon. friend (Mr. Neely), and here is a charter, twenty-nine years old, which this wealthy company has held for sixteen years, and they come before this House now and put a resolution into the hand of the promoter of this Bill that the building of ten miles of the road thus chartered will embarrass the company and will prevent them from going on with their operations. If that is the case—though I do not for a moment believe that it is the case—surely to goodness we ought to maintain in the Bill the amendment which the Senate has made.

My hon. friend asks what good it would do to build ten miles of road. The object is to get the terminus of the road ten miles nearer to the people who have to haul their grain 40 miles. But the Senate was very moderate, and we are proposing to accept their views. There is no doubt that if the company has to build 10 miles, and in all probability when they are at it, they may build 20 miles. But in a good many cases in the west these roads will add 10 miles to their line during one season, and not any more. I want to point out that it would be a great advantage to hundreds of people who are living 30, 40, or 50 miles from the road, to have 10 miles cut off at one end. Any one who has hauled wheat 40 miles to market will realize the advantage of that. I would also point out that the consideration advanced by the hon. member for Humboldt (Mr. Neely) should have greater weight with this House than the consideration advanced by my hon. friend from Mackenzie (Mr. Cash), because the point on the line where this branch will start, that is at Sheho, is practically on the west side of the constituency of my hon. friend from Mackenzie, it is only some seven or eight miles within the boundiary of his constituency, so the road is practically outside his constituency, and is nearly altogether in the constituencies of the hon. member for Humboldt and the hon. member for Prince Albert (Mr. Rutan.) They represent the views of the people, and the people have said that they prefer to have the charter cancelled altogether unless there is a clause put in the Bill this year providing for a certain amount of building to be done. The people have asked for that, why should they not have their way? Why should they not be considered? Why should we not adopt the amendment of the Senate? It is a fair and reasonable amendment, it is in the interest of the people and in the interest of the railway company also; and if it is a fact that the building of ten miles of railroad is something that the Canadian Pacific Railway cannot do, then let us annul the charter altogether and let somebody else come in that can build 10 miles of railroad in one year.

Mr. HENDERSON. I cannot agree with the hon. gentleman who has just taken his seat (Mr. Turriff). I think that if we compelled the company, in that great western country of such vast proportions, to construct 10 miles of a road, it might possibly land them in a ploughed field or in a slough.

Mr. TURRIFF. Then let them build 20 miles.

Mr. HENDERSON. The Senate in their wisdom ask for only 10 miles. But I want to draw attention to the evident lack of due consideration, on the part of the Senate, of the amendment proposed. I think they did not regard the matter as of great importance. When we come to think that the Senate added an amendment to this Act compelling the Canadian Pacific Railway to build 10 miles of a road that had been constructed and been in operation many years, that fact alone shows that the Senate did not very seriously consider the question. They ask that 10 miles be built of the line between Portage la Prairie and Yorkton. Every Senator there, if he had travelled in that country, ought to have known that that road was many years ago built from end to end. I have travelled on that road some six years ago, from Portage la Prairie to Yorkton.

Mr. TURRIFF. They are asking that ten miles additional be built from Sheho on towards Prince Albert, that is covered by their charter.

Mr. HENDERSON. I am sorry my hon. friend has fallen into the same error that the Senate did. If the hon. gentleman looks at the section he will find that it does not apply at all to the road beyond Yorkton. This seems to be a very unfortunate Bill. The hon. member for Humboldt some time ago propsed to repeal that portion of the charter covering the territory from Yorkton to Prince Albert, forgetting that 40 miles of that road had then been built and was in operation. Now the Bill goes over to the Senate and they propose to ask the company to build ten miles of the road between Portage la Prairie and Yorkton, a road which has been completed many years ago. It is certainly an evidence that the people who have been putting this legislation through have given very little attention to the matter, consequently I do not think I, at least, am obliged to pay much attention to the amendment proposed by the Senate. There is every evidence that it did not receive careful attention. I am told that since then the Senate has sent over a request through their officer to this House that what they choose now to call a clerical error may be rectified. It seems that clerical errors are in the air. Even the Senate is making clerical errors in its legislation—typographical, not clerical. But must they expect this House of Commons to adopt their typographical errors? I think that alone is evidence that the amendment had received no serious consideration.

Mr. LENNOX. Can the hon. gentleman tell us how it reads now?

Mr. HENDERSON. The amendment reads thus:

Provided, moreover, that if 10 miles of the uncompleted portion of the portion of the line mentioned in subsection (a) of clause 8, of chap. 52, of the statutes of 1893, is not built within twelve months from the passing of this Act, the powers of construction conferred upon the company to build the line last above referred to shall cease as regards such portion thereof as shall then remain uncompleted.

This amendment was passed by the Senate, that is what we were asked to confirm in this House. But I understand that since they passed this amendment a request has been sent to this House to permit the figure eight to be changed to the figure nine so as to make it read: 'Subsection (a) of clause nine, instead of subsection (a) of clause eight.' If I am correctly informed this House has conformed to that request, and has allowed the Senate to amend their legislation. Therefore I took the opportunity of pointing out to the promoter of the Bill that the Senate was all wrong, and by some means or other it got mooted round the Senate, the Senate came to know of it, and they suggested this change. But that is not what I am objecting to. My point is that there is every evidence that the Senate gave no serious consideration to this legislation. Otherwise, they would have had it in correct form. It simply shows that a suggestion was made by some member of the Senate, and it was adopted without fair consideration, without good reasons. As I said, it might simply land the road in a mud hole or in a ploughed field, and be little or no advantage to the people out there. I trust the suggestion made by the hon. member for Humboldt will be approved and that the House will not agree to the amendment proposed by the Senate.

Mr. LANCASTER. I remember that this matter was dealt with by the Railway Committee. It was also dealt with in this House on this very Bill. At all events I wish to say that I am in favour of the motion to strike out the amendment of the Senate made by the hon. gentleman promoting the Bill, because, it having been dealt with in the Railway Committee of the House of Commons, and that committee, after full discussion having decided the point, I am in favour of upholding the committee of the House of Commons as against the Senate.

Mr. GRAHAM. I think it would be a mistake to adopt the amendment of the Senate. We have difficulty in the Railway Committee and in trying to secure uniformity. I cited a case the other day where the House of Commons, some twenty years ago, put a clause in one of these Bills say

ing that 25 miles must be constructed withing a certain time.

An hon. MEMBER. In 1893.

Mr. GRAHAM. But up to the present time they have not constructed any of the road and we have renewed that charter ever since. The inserting of such a condition does not assist in securing the construction of the railway. The general Railway Act says that they must spend 15 per cent and complete the road within five years. If they do not do so they must come back for a renewal. The insertion of such a condition as is proposed by the Senate does not, to my mind, assist in any way in getting the line constructed. I think that we should not concur in the amendment made by the Senate.

Mr. J. A. CURRIE. This is a matter that the House should ask the Senate to reconsider. This Bill was discussed in the Railway Committee and also in the House. The condition requiring the building of ten miles is absurd. It would be a grave injustice to the people living along the remaining 30 miles of the railway to have only ten miles built and then allow construction to stop there. It would have been more consistent on the part of the Senate to have required that the whole 40 miles should be constructed than to require that only ten miles should be built. While the hon. member is anxious to get the railway built he is taking a step that will prolong the building of the road. He would secure the construction of the road at an earlier date by allowing the Bill to go through in the proper form. I do not think the Senate should establish a precedent of this kind and I think that this House would be well within its rights in rejecting this amendment and allowing this Bill to go through the same as every other Bill has gone through with a clause compelling the incorporators to expend 15 per cent and complete the road in five years. The building of ten miles only would be a great hardship to the rest of the people living along the remaining 30 miles of the projected road.

Mr. RUTAN. As this railway is in the constituency that I have the honour to represent, I wish to express my views with regard to it. It will be remembered that not long ago the Canadian Pacific Railway secured the renewal of a charter to build a railway from Lanigan to Prince Albert. At that time there was considerable discussion upon the question. Now, they have their plans registered for an extension from Lanigan to Prince Albert. It is also true that the Grand Trunk Pacific Railway Company have a charter to build a branch from Watrous to Prince Albert. This Lanigan line follows practically the same route as the Grand Trunk Pacific line from Watrous to Prince Albert. When (Bill No. 81), respecting the Manitoba and Northwestern Railway, was up for discussion we asked that the clause of the Bill providing for a line from Sheho north-west to Prince Albert should be struck out. This request was refused by the House. The Bill went to the Senate and an amendment was put in the Bill so that the Canadian Pacific Railway would have an opportunity of showing its sincerity in undertaking to build this branch railway. We do not believe that the Canadian Pacific Railway are ever going to build two lines into Prince Albert, but we do believe that they are holding this Manitoba and Northwestern charter for no other purpose than to keep other railways from building in there. We would like to see some legislation adopted that would compel this company to build the line this summer or abandon the charter which this amendment would compel them to do. If a condition were inserted that they should build a certain number of miles within a specified time it might not compel them to build the railway, but if they were sincere and expected to build it they would go ahead and build it. The people need it, they are demanding it and if the company do not build it they will be compelled to come back to this parliament in another year for an amendment to their Bill, and in that way we will ascertain whether they propose to build the line or not. They should either build the road or drop it altogether. That is the purpose of the amendment and I do not wish to see it struck out.

Mr. CASH. I do not wish to detain the House but I would like to place myself in a right position on this question which was fought out pretty thoroughly on a former occasion.

Mr. SPEAKER. The hon. gentleman has exhausted his right to speak on this question.

Mr. CASH.—I thought I had the right to reply.

Mr. LENNOX. Oh, let him go on.

Mr. LANCASTER. We would like to hear what the hon. gentleman has to say.

Mr. LENNOX. It is a substantive motion.

Mr. SPEAKER. By the consent of the House only the hon. gentleman may speak again.

Mr. R. L. BORDEN. Of course, it would be permissible if it were a motion to concur in the Senate amendment, but I do not understand that it is any such motion.

Mr. SPEAKER. The motion is that the House do not concur in the amendment of the Senate.

Mr. LANCASTER. I think that is a substantive motion and he is entitled to speak.

Mr. CASH. The hon. member for Assiniboia (Mr. Turriff) said that Sheho was within a few miles of the western boundary of Mackenzie district and that he did not think I would be much interested in this road. It was also stated, I think, by the hon. member for Humboldt (Mr. Neely) that this charter had been in existence for sixteen or twenty years. Both assertions are true, but the House may remember, in regard to the building of this particular line from Yorkton to Prince Albert, that forty-two miles were completed about four years ago. That does away with the contention that the company have done nothing in regard to the extension of this line for sixteen years. As to our not being interested in this line particularly I would say that I am directly interested in this road because a portion of it is in my constituency and it would be a benefit to us to have this road extended to Prince Albert. We are very unfortunately situated in my district as to getting lumber. Lumber is much dearer in our section than in other sections. If we could get our lumber from Prince Albert we could get it much more cheaply than from Winnipeg. The building of ten miles of this road will have the effect of extending the line to a point half way between Sheho and the Canadian Northern. The people in that district are fairly well supplied with railroads and therefore this will not seriously affect them in that way. I consider that the company would be to a certain extent embarrassed by having this provision tacked to their Bill. A requirement to put in an outfit there to construct this line within twelve months would certainly embarrass any company when they have all the other work they can possibly do now on hand. It is now late in the season and no company wishes to organize a construction outfit for the building of such a line. This amendment was carried in the Senate by only one vote and that was on a snap verdict.

Motion agreed to and amendments concurred in.

RELIEF OF JOHN WAKE.

On motion for the second reading of Bill (No. 178), for the relief of John Wake.—Mr. McCraney.

Mr. R. L. BORDEN. Mr. Speaker, I do not understand why the English orders of the day on private Bills are so different from the French Orders of the Day. For example, in the French orders of the day order No. 16 relates to an Act for the relief of John Christopher Cowan and I do not observe No. 9 on the English orders of the day on the French orders. There are 19 items on the English and only 18 on the French orders.

Motion agreed to and Bill read the second time.

ROYAL VICTORIA LIFE INSURANCE COMPANY.

Mr. CARVELL moved:

That the following Bills be placed on the Order Papers for a second reading at the present sitting of the House:—

Bill (No. 177) intituled: 'An Act respecting the Royal Victoria Life Insurance Company, and to change its name to Royal Victoria Life Insurance Company of Canada.'

Bill (No. 181) for the relief of Laura McQuoid.

Mr. LENNOX. As far as the Royal Victoria Life Insurance Company Bill is concerned I do not feel inclined to facilitate its passage in any way I can avoid. A number of protests have been sent in and I do not know why the Bill has stood over so long or why an attempt should be made to rush it through now. It is undesirable legislation; it is an endeavour to confuse the names of two companies and if any protest can be made I desire now to lodge that protest against its going on the order paper.

Motion agreed to.

At one o'clock the committee took recess.

Committee resumed at three o'clock.

SECOND READINGS.

Bill (No. 177) respecting the Royal Victoria Life Insurance Company.—Mr. Carvell.

Bill (No. 181) for the relief of Laura McQuoid.—Mr. Carvell.

Bill (No. 163) to incorporate the Prairie Provinces Trust Company.—Mr. Sutherland.

Bill (No. 167) to incorporate the Board of Elders of the Canadian District of the Moravian Church in America.—Mr. Wilbert McIntyre.

Bill (No. 168) respecting Mexican Transportation Company, Limited, and to change its name to Mexico and Northwestern Railway Company.—Mr. Turriff.

Bill (No. 169) respecting the Patents of Washington R. McCloy.—Mr. Rivet.

Bill (No. 166) respecting the Central Railway Company of Canada.—Mr. Fisher.

Bill (No. 171) respecting the Quebec and New Brunswick Railway Company.—Mr. Michaud.

Bill (No. 180) respecting the Montreal Bridge and Terminal Company.—Mr. Ecrement.

Bill (No. 182) for the relief of Fleetwood Howard Ward.—Mr. Lewis.

Bill (No. 183) for the relief of Aaron William Morley Campbell.—Mr. W. H. White.

Bill (No. 184) for the relief of John Christopher Cowan.—Mr. Turriff.

FIRST READING.

Bill (No. 185) to incorporate the Catholic Church Extension Society of Canada.—Mr. Gauvreau.

ST. MAURICE AND EASTERN RAILWAY COMPANY.

Mr. GEOFFRION moved second reading of Bill (No. 176) to incorporate the St. Maurice and Eastern Railway Company.

Mr. BLONDIN (Translation). Mr. Speaker, I will ask for a few moments the attention of this House, as I want to oppose the second reading of this Bill for many reasons ; first, because its wording is very vague, and secondly, its public utility very doubtful I will even say that it is very restricted.

If this line was constructed, it would have the effect of isolating the town of Grand'Mère, which has certain rights to protect its communications with the city of Three Rivers.

I must say that a railway is already being built under a charter, and that it will connect the city of Three Rivers with the Transcontinental. It is the railway of the Valley of Saint Maurice, which is already constructed as far as Shawinigan Falls. Work is going on upon another section which will reach Grand'Mère. This road will stop at the two most flourishing towns of the district and will connect with the Transcontinental. We will then have a most important railway all the more important because it will be fed by these two towns.

This Bill for which a second reading is sought to-day seems to give a concurrent right, and could only be detrimental to the other already in construction. If parliament grants this Bill, the town of Grand'-Mère, which has a population of at least 5,200 souls, will be separated from the city of Three Rivers, and as I said a moment ago, Grand'Mère and Shawinigan Falls have acquired rights.

I therefore oppose the second reading of this Bill, and I ask that it should be withdrawn.

Mr. MONK. I wish just to say a few words on this matter. There is a railway incorporated and partially built starting from Three Rivers and going back to the two important towns of Shawinigan Falls and Grand' Mère on the St. Maurice. That railway was incorporated by this legislature and has been built as far as Shawinigan Falls and is now being constructed about

five or six miles further to the still more important manufacturing town of Grand' Mère. Shawinigan Falls has a population of 2,500 and Grand' Mère has a population of over 5,000. Both are important manufacturing points utilizing the water-power on the St. Maurice at that particular place. Each is within easy distance of the other, and it is proposed by this Bill to incorporate a company for the purpose of constructing a line starting from the Grand Trunk Pacific in the county of Champlain, traversing the county of Champlain through the parishes of St. Stanislaus, St. Prosper, St. Nazaire and Mount Carmel, and finishing at Shawinigan Falls, leaving out that still more important point, a few miles further off, called Grand' Mère where there is a population of over 5,000. The definition of the line in question in the Bill is extremely vague. The St. Maurice Valley Railway was incorporated for the purpose of joining the Grand Trunk Pacific going through the valley of the St. Maurice river and serving these two important towns of Shawinigan Falls and Grand' Mère. But by this Bill we would be leaving out the most important point of all in that vicinity which is Grand' Mère. To say that a project of that kind is for the general advantage of Canada is, I think, contrary to what is apparent on the very surface of things. Under these circumstances, we have deemed it important at this point, before the principle of the Bill is adopted, to urge this protest in order to save the rights of the town of Grand' Mère. Perhaps the promoter of the Bill will consent to modify it in that sense.

Mr. BUREAU. Although I am not the promoter of this Bill, I may say that the railway will not compete with the St. Maurice Valley Railway. When that obtained its charter, it was given the right to run from Three Rivers to Shawinigan Falls through Grand'Mere and up the valley of the Mattawan river to connect with the Transcontinental Railway. At that time the promoters of the St. Maurice Valley Railway were under the impression that the Transcontinental Railway would run further south along the valley of the Mattawan river. By its charter the St. Maurice Valley Railway could not connect with the Transcontinental Railway unless it obtained power to cross the Mattawan river or the St. Maurice river. Therefore, it was decided to construct it to the the town of Grand'Mere,, and the only difficulty up to the present time has been the opposition of the town of Grand'Mere to the St. Maurice Valley Railway running into that town.

Mr. MONK. Has not that difficulty been now overcome?

Mr. BUREAU. It has been overcome after a good deal of discussion. My hon.

friend says that we are ignoring or passing by the largest town in the county, with a population of 4,000 or 5,000. I do not say that is exaggerated, but comparing the two points in importance, I may say that while the falls of Grand'Mere have a capacity of 40,000 horse-power, the Shawinigan falls have a capacity of 150,000 horse-power. The town of Grand'Mere has one industry, the Laurentide Pulp Company, while Shawinigan Falls has the Carbide Company, the Aluminium Company and the Belga Canadian Pulp and Paper Company; in fact, there are five or six industries there against the one at Grand'Mere, which requires all the power now available, and that is all the power that can be developed at that fall. The object of this Bill is to connect the St. Maurice Valley Railway with the Grand Trunk Pacific, running through Shawinigan Falls before reaching Grand'Mere. It was a question whether it ought to reach Grand-'Mere first or Shawinigan first, but this route has been adopted because by the other route it would be far more expensive and far more difficult to construct.

Mr. MONK. My hon. friend says that the object of this Bill is to connect the St. Maurice Valley Railway with the Transcontinental Railway. That being the case, does he see any objection to stating that the road, instead of being vaguely described as coming to the parish of Ste. Flore, will join the St. Maurice Valley Railway at Grand'Mere? The parish of Ste. Flore is a very large parish, from which has been detached the town of Grand'Mere.

Mr. BUREAU. To pass through Grand 'Mere it would have to build a bridge over the St. Maurice river at a cost of $75,000 or $80,000.

Mr. MONK. When the St. Maurice Valley Railway was incorporated it was intended to go to Grand'Mere, and it is there at present, I believe.

Mr. BUREAU. No, it is not.

Mr. MONK. It seems, from what my hon. friend has said, that the road will reach the Grand Trunk Pacific from Shawinigan Falls without passing through Grand'Mere at all. I do not think that is right.

Motion agreed to, and Bill read the second time.

QUESTIONS.

WESTVILLE N.S., POST OFFICE.

Mr. SEXSMITH—by Mr. Blain—asked:

1. What is the surface area of concrete walks, curbs, and gutters at the post office building, Westville, Pictou county, Nova Scotia?
2. Who was the contractor?
3. What were the prices to be paid for each class of the work?
4. What is the total paid and to be paid for each class of the work, and for the whole work?
5. What is the area of gravel walks constructed at said building, what were prices for same, what has been paid and what is to be paid for the work?
6. What is the area of road to station constructed at said building, what is the distance between the post office and railway station and of what material is road constructed?
7. What were prices to be paid for such work, and what is the total cost of the work?
8. Has the inspector reported upon the quality of concrete sidewalks, gutters and curbs laid at said building, and has he reported the work satisfactory?
9. Has he reported the fact that the sidewalk in places has sunk below proper level, is now undulating instead of level, and has already broken up in places?
10. Did the inspector report that a road was constructed to station, and recommend payment of contractor's price therefor, $478.80?
11. Is the inspector of post office building still inspecting? If not, when did he cease work, and what is the total now paid to him as inspector?

Hon. WM. PUGSLEY (Minister of Public Works):

1. 360 2-9 superficial yards of concrete; 163¾ lineal feet of curb and gutter.
2. E. F. Munro.
3. Messrs. E. F. Munro, J. McDonald and J. P. Fraser were asked to tender; two tenders were received as follows: J. McDonald, sidewalks, $2.65 per yard; E. F. Munro, sidewalks, $2.75 per yard; curb and gutter, $1.54 per lineal foot. McDonald's tender was accepted, but as he declined to carry out the work, Munro was offered $2.65 per yard for sidewalks and $1.25 per lineal foot for curb and gutter (McDonald's prices) which was accepted.
4. Concrete, $954.59; curb and gutter, $209 69. The total amount paid for the work, which included excavation for grading and lawn, &c., and for three sets of concrete steps, was $1,396.38.
5. Gravel was spread over yard between mail lobby entrance and examining warehouse and Intercolonial Railway station, 30 yards at $1.75; $52.50.
6 (a) About 180 by 50 feet; 9,000 superficial feet. (b) From the rear line of post office building to the nearest point of station building is about 125 feet. (c) Filling in of stone and cinders and with gravel spread on top.
7. Tender for road was $100 for filling and grading, and $1.75 per yard for gravel top dressing. Total cost, $478.80.
8. The clerk of the works certified the accounts. Mr. Hewitt, assistant architect, reported: 'The sidewalks are finished in good style.'
9. No.
10. Yes.
11. (a) Yes. (b) $1,893.50.

NATIONAL ART GALLERY.

Mr. BOYCE—by Mr. Blain—asked:

1. What amount of money has the government spent to date in the purchase of pictures for the National Art Gallery at Ottawa?
2. What money annually is devoted to this purpose??
3. What department of the government has the custody and control of the pictures?
4. Are the pctures, or any of them, at any time, removed from the gallery for the purpose of loan to any one? If so, upon what principle does the government act in permitting the pictures to be removed from the gallery and loaned or used by any person?
5. What supervision or care is taken of the pictures, and are they looked after by a competent and reliable officer of the department, and what is the practice of the government in this respect?

Hon. WM. PUGSLEY (Minister of Public Works):

1. $40,998.
2. There is no specific amount set apart for the purchase of pictures; the amount voted for the National Art Gallery includes the maintenance of the gallery, caretaker's salary and the purchase of pictures. At last session of parliament an amount of $15,500 was appropriated for the National Art Gallery, Ottawa, and in the estimates for the current year, now before parliament, there is included an amount of $10,000.
3. The Department of Public Works.
4. (a) Yes, loaned to the Speakers of Senate and Commons and the portraits of their Majesties in the House of Commons. (b) The principle has been that no picture can be taken from the gallery except for the purpose of hanging same in some government building in Ottawa.
5. A caretaker is in charge of the National Art Gallery during the hours it is open; there is also a curator who makes inspections of the gallery, receives all pictures and sees them unpacked and hung.

SALE OF FORT MALDEN.

Mr. J. A. CURRIE—by Mr Blain—asked:

1. Is it the intention of the government to sell Fort Malden, Essex county?
2. Has any portion of said fortress or works been sold to private parties? If so, who were the purchasers?
3. Were representations made by any society or individuals to the government having in view the retention in the form of a park or otherwise of this historical spot, so intimately connected with the early history of Canada?

Hon FRANK OLIVER (Minister of the Interior):

1. Fort Malden, Essex county, has been sold.
2. Yes, to John McLeod, and Andrew Borrowman; part to John McLeod on 28th November, 1875, and part to Andrew Borrowman, on 2nd November, 1886.
3. Representations with a view to the nationalization of Fort Malden have been received, but up to the present time no action has been taken.

NEW BARRELS FOR LEE-ENFIELD RIFLES.

Mr. J. A. CURRIE—by Mr. Blain—asked:

1. Is it the intention of the government to issue this year new barrels for the Lee-Enfield rifles on repayment to corps armed with these rifles?
2. What is the cost of these barrels to the government?
3. If corps are unable to obtain these barrels, and import them from Great Britain themselves, will duty be charged upon them?

Hon. Sir FREDERICK BORDEN (Minister of Militia and Defence):

1. A certain number will be available for this purpose.
2. $5 approximately. Duty paid.
3. Yes. It makes no difference whether these barrels are imported by the government or by a private individual, in either case duty has to be paid.

WEIRS IN PASSAMAQUODDY BAY.

Mr. DANIEL asked:

1. What reason exists for the investigation now being carried on by John F. Calder, inspector of fisheries for district No. 1, province of New Brunswick, into the ownership of certain weirs in Passamaquoddy bay, in the county of Charlotte?
2. Is the Minister of Marine and Fisheries aware that declarations of ownership, as required by order in council, dated, April 6, 1908, had been filed with the fishery officers, before this investigation was begun?
3. Why was the investigation confined to the particular weirs mentioned or referred to in the commission authorizing the investigation, or in the order in council under which the investigation is held?
4. Was the action in ordering the investigation based upon complaint or information? If so, who was the complainant or informant?
5. Is it the intention of the minister or of the department to order investigation concerning the ownership of other weirs in the county of Charlotte?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries):

1. Representations had been made to the department that the St. Andrews Company, limited, which applied for the licenses, though incorporated in New Brunswick, is made up very largely, if not exclusively, of United States citizens, and that the company was formed with the object of defeating the regulations, and that the weirs, if licensed, would be operated for the benefit of United States citizens.
2. Yes.
3. No representations were received that there was any doubt as to ownership or for whose benefit other weirs would be operated if licensed.

4. Yes. Wiliam Holt was a complainant and much general information on the subject was procured through the Inspector of Fisheries for the district.

5. Not as at present advised.

INTERCOLONIAL RAILWAY—CASE OF ANGUS GILLIS.

Mr. J. D. TAYLOR asked:

1. Has the Department of Railways and Canals received from Angus Gillis application for compensation in respect of injuries received by him while working on the Intercolonial Railway?

2. If so, what was the period of applicant's service on the railway, and on or about what date did he receive the injuries complained of?

3. Did the department exercise any supervision over the Intercolonial Railway Employees' Relief and Insurance Association, or has it had access to information respecting the business of that association?

4. (a) Did the department, or any officer of the department, write with respect to this applicant that: 'When application was made for total disability allowance, he was advised that he would be required to undergo a medical examination at the hands of a medical examiner of the association. He has declined to carry out the instructions sent to him at that time.' (b) If so, is the department aware that upon receipt of advice above referred to, and as soon as he was able to do so, Mr. Gillis did go from Fernie, British Columbia, to Halifax, Nova Scotia, to undergo examination, and that he obtained from Dr. Walsh a certificate of disability, which certificate he sent to W. C. Paver, the secretary of the association at Moncton?

5. Did the department write as a reason against granting the Gillis application that: 'He has allowed his fees to accumulate and the assessments have lapsed.' If so, is it aware that Mr. Gillis continued to pay assessments and fees for several years after leaving the service of the Intercolonial, and discontinued payment only when the disability resulting from his injuries forced him to do so?

Hon. G. P. GRAHAM (Minister of Railways and Canals):

1. Yes.

2. Mr. Gillis entered the service of the railway in January, 1887, and resigned on April 30, 1898; (11 years service) alleged to have been injured on December 18, 1899.

3. The Department of Railways does not exercise any supervision over the Intercolonial Railway Employees' Relief Association respecting the business of that association. The officers managing their affairs are elected by its members among themselves.

4. (a) Yes. (b) Mr. Gillis did not undergo the medical examination as called for by the rules of the association. The only doctor's certificate of disability produced was as follows: Halifax, January 6, 1903. 'Applicant states he fell from roof of car striking a post with shoulder; since, arm has been useless for work. I believe statement. Fell December 18, 1899.'

(Signed) Thomas D. Walsh, M. D.
Medical Examiner.

The matter of this claim was referred to General Executive Committee of the Association and the following resolution was adopted:

'That as Mr. Gillis for reasons unknown to this Executive Committee did not afford an opportunity to have his case investigated as required by the rules governing such cases; that his claim for total disability allowance be not considered and that a copy of this resolution be forwarded to Mr. Gillis.' Under date March 3, 1903, copy of this resolution was forwarded to Mr. Gillis. After this Gillis failed to pay his monthly assessment and his membership lapsed.

5. Answered by No. 4.

LIGHTHOUSE, MARGAREE ISLAND.

Mr. GEO. TAYLOR—by Mr. Blain—asked:

1. Has the government spent any money during the last two years on a road leading from the shore to a lighthouse or on a wharf, at Margaree island, or at Cheticamp island; county of Inverness, Nova Scotia? If so, how much, respectively?

2. Who has charge of the work, at what wages, who were employed and for how long, and what amount was paid to each?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries):

1. An amount of $121.25 was expended during season of 1907-8, in repairing the road leading from the shore to the lighthouse on Margaree island.

2. The foreman of the work was Mr. Alexander F. MacLellan, of Dunvegan, Nova Scotia, whose salary was $2 per day, for 11½ days. The following labourers were employed at $1.50 per day each: R. MacRae for 10½ days, Hugh Macdougall for 10 days, D. G. MacLellan for 10 days, A. V. MacRae for 9½ days, J. A. MacRae for 9 days, D. J. MacIsaac for 8½ days, A. L. MacIsaac for 8 days.

BOUNTY ON STEEL SHIPBUILDING.

Mr. CROSBY asked:

1. How many delegations have waited upon the present government soliciting and strongly pressing upon the attention of the government the necessity of a bounty to steel ship building, in order to establish that industry?

2. What years and dates did such delegations wait upon the government?

3. What assurance, if any, did any or all of those delegations receive from the government or any member of the government?

4. What is the intention or policy of the government with regard to this steel shipbuilding industry, so important to Canada, and particularly the maritime provinces?

Hon. W. S. FIELDING (Minister of Finance):

1 and 2. No delegation has been received lately, but several times in previous years delegations asked for such bounties.

3. No assurance of any kind was given except that the subject would be carefully considered.

4. In view of the liberal assistance already given to the steel industry the government have not to this time felt able to recommend the additional bounties asked by the delegations.

POST OFFICE IN TOWN OF UXBRIDGE.

Mr. SAMUEL SHARPE asked:

1. Has the site for the post office in the town of Uxbridge been purchased?

2. If so, has the title been accepted by the government and the money paid?

3. If so, when will building operations commence?

Hon. WM. PUGSLEY (Minister of Public Works):

1. Yes.

2. Yes.

3. As soon as the appropriation is obtained.

TRANSCONTINENTAL RAILWAY—TENDERS FOR TIES.

Mr. SAMUEL SHARPE asked:

1. In what papers and for what length of time was inserted the advertisement dated 24th of August, 1907, for 300,000 ties to be delivered in the neighbourhood of Thunder Bay, on the Transcontinental Railway, and the contract in pursuance to which was awarded to the Eastern Construction Company?

2. How many tenders were received, who were the tenderers, and what were the prices?

3. Was the successful tender on the printed form of the Board of the Transcontinental Commissioners, or was it typewritten, and were the prices therein typewritten or in ink?

4. What was the date on which this tender was received?

5. Who opened the tenders and who were present when the tenders were opened?

6. What kind of ties were delivered?

7. Were these ties according to specifications?

8. Was there any dispute as to quality or quantity delivered? If so, how was the difference adjusted?

Hon. GEO. P. GRAHAM (Minister of Railways and Canals):

1. In the Winnipeg 'Free Press,' Fort William 'Evening Herald,' Port Arthur 'Chronicle,' Kenora 'Miner and News,' Fort Francis 'Times' and the Dauphin 'Free Press.' Six times, two per week in daily papers. Four times, one per week in weekly papers.

2 and 3. The Eastern Construction Company, Limited, tendered for the whole 300,000 by typewritten letter with the prices in ink at 55 cents for both first and second class ties, deliveries to be made as per advertisement between the junction of the Thunder Bay branch of the Grand Trunk Pacific with the Transcontinental westerly to the 82nd mile. The tender did not specify the percentage of each class, and the chief engineer verbally requested the company to state the percentage and they replied by typewritten letter that the tender was based on 40 per cent first-class and 60 per cent second-class, but they would furnish 60 per cent first-class at 60 cents, and 40 per cent second-class at 55 cents, and the latter offer was accepted.

3. Mr. John T. Horne tendered for 200,000 ties, 60 per cent first-class at 60 cents and 55 cents for second-class to be delivered f.o.b. the cars at Canyon or Long lake, which is at the west end of the 80 miles, and was not in accordance with the advertisement, and would not suit the requirements of the commissioners.

4. September 20, 1907.

5. At a meeting of the board on the 20th of September, 1907, at which Commissioners Young, Reid, and McIsaac, the chief engineer and secretary were present.

6. 215,192, first-class, 84,808, second-class.

7. Yes.

8. No.

W. W. STORK, VETERINARY INSPECTOR.

Mr. BARR asked:

1. What section of the country has Mr. W. W. Stork, inspector at Brampton of the health of animals, travelled over during the year ending 31st March last?

2. What are the amounts in detail paid for all expenses of Mr. W. W. Stork, inspector at Brampton of the health of animals, during the year ended 31st March last?

Hon. SYDNEY FISHER (Minister of Agriculture). I would ask the hon. gentleman to let that stand as a notice of motion.

MESSAGES FROM THE GOVERNOR GENERAL—SUPPLEMENTARY ESTIMATES.

Mr. FIELDING delivered messages from the Governor General.

Mr. SPEAKER read the messages as follows:

GREY:

The Governor General transmits to the House of Commons further supplementary estimates of sums required for the service of the Dominion for the year ending on the 31st March, 1909, and in accordance with the provisions of the Brtish North America Act, 1867, the Governor General recommends these estimates to the House of Commons.

Government House,
Ottawa, May 10, 1909.

GREY:

The Governor General transmits to the House of Commons supplementary estimates required for the service of the Dominion for the year ending on the 31st March, 1910, and, in accordance with the provisions of the British North America Act, 1867, the Governor General recommends these estimates to the House of Commons.

Government House,
Ottawa, May 10, 1909.

Mr. FIELDING moved that the messages from His Excellency the Governor General, together with the estimates, be referred to Committee of Supply.

Motion agreed to.

HOUSE OF COMMONS—CLASSIFICATION.

Rt. Hon. Sir WIILFRID LAURIER moved:

That the organization and classification of the officers, clerks and employees of the House of Commons, submitted to the House by His Honour the Speaker on the 11th day of March, be approved and confirmed.

He said: I ask the consideration of the House to the three notices of motion which I have had, for some time, upon the Order Paper. The Civil Service Act which was passed last session provided for a new classification of the Civil Service. The classification which at that time had existed was discarded and a new one was adopted creating three divisions of the Civil Service and within these divisions, first and second subdivisions. Section 8 of the Act of last session provided that immediately after the coming into force, on the 1st September last, of the Act, or as soon thereafter as possible, the deputy head of each department should proceed to make a classification of his own department. The section is as follows:

As soon as practicable after the coming into force of the Act, the head of each department shall cause the organization of his department to be determined and defined by order in council, due regard being had to the status of each officer or clerk as the case may be.

The members of the House who were here last session will remember that there was a discussion as to what should be done with the officers of the House of Commons and Senate, whether they should be brought within the purview of the Act or whether they should be left out of it. After adequate discussion I believe everybody agreed that it would be proper and advisable that the officers of this House should be brought within the provisions of the Act. The same thing applies to the Senate. The Act provided that the same classification should be made as respects the officers of the House of Commons and Senate as was made with respect to the officers of the Civil Service itself. Of course, the classification could not be made, under such circumstances, by the Governor in Council, because the officers are not under the jurisdiction of the Governor in Council, but they are to be dealt with directly by the House and therefore the House thought it proper that the classification should be made by the House itself. It was provided by section 45 of the Act that:

Wherever under sections 5, 8, 10 (paragraph b of subsection 1), 21, 22, 23, 24, 26 (subsection 2) 32, 33, 36 and 37 (subsection 4), of this Act or under the Civil Service Act, any action is authorized or directed to be taken by the Governor in Council or by order in council, such action, with respect to the officers, clerks and employees of the House of Commons or the Senate, shall be taken by the House of Commons or the Senate, as the case may be, by resolution.

The classification has been prepared by the Internal Economy Commission and it is to be found in the Votes and Proceedings of the 11th March last, No. 36. The resolution for which I now ask the concurrence of the House is to be found at page 351 of the Votes and Proceedings. The task has been one of some delicacy, but I think it has been performed with as much care as possible and while I have heard some complaints they have been very few.

Mr. FOSTER. Will the Prime Minister state the principle upon which and the persons by whom the classification was made?

Sir WILFRID LAURIER. The Speaker and the clerk.

Mr. FIELDING. It was made largely by the Speaker and the clerk but acting later on with the Internal Economy Commission.

Mr. FOSTER. There are a few points that I would like to take up before we go into committee on the resolution.

Sir WILFRID LAURIER. I did not propose to go into committee unless my hon. friend desires it.

Mr. FOSTER. I do not know how we are going to discuss it backward and forward unless we do.

Sir WILFRID LAURIER. Very good.

On motion of Sir Wilfrid Laurier the House went into committee on the resolution.

Mr. FOSTER. There are some general observations that I would like to make. In the first place I find that, taking them in their order, we have a sergeant-at-arms, Col. Smith, who has been, I think, since 1859, an employee under the government. The duties of his office are defined by rule 63 of the House of Commons and are, I suppose, just the same as his preceding duties were. The proposed salary of the sergeant-at-arms is $3,300 and the former salary is stated to

be $3,300. The reference note says that the former salary of $3,300 includes apartments valued at $800 and there are included also in the proposed salary apartments valued at $800, the valuation to be deducted each year from the salary; so that the cash salary of the sergeant-at-arms was $2,500 formerly and is $2,500 at the present time. It strikes one that the salary of the sergeant-at-arms, an officer who has had so long a service in the House and with the government and who has performed his duties uniformly well, might have been entitled to some increase in salary, especially as, for a long series of years, there has been almost practically no addition at all to his salary. Large additions are made in the cases of other officers of the House and one scarcely knows of any good reason why the oldest and one of the most efficient of the officers of the House has not had an increase of salary. This would have been mitigated to a certain extent if the sergeant-at-arms had been the recipient of increases in the past, but for a long series of years practically no increase has been made to his salary. As I understand it, the room accommodation which the sergeant-at-arms had before has been curtailed, and he is charged at the rate of $800 per annum for the rooms he now occupies. I do not think my right hon. friend desires to do any injustice to any officer of the House but I would like to know what reasons led to this?

Sir WILFRID LAURIER. I am very sorry I cannot give any reason why these resolutions which I took charge of were made in this way or in that. As I understand it, the matter was dealt with by the clerk and afterwards by the committee on internal economy.

Mr. FOSTER. Of which the right hon. gentleman is a member?

Sir WILFRID LAURIER. I am not. It is difficult in a matter of this kind to lay down any fixed rule, but I believe the Sergeant-at-Arms is a very efficient officer, and for my part I would be glad to sanction anything that might be done for him. The Sergeant-at-Arms is an old officer, it is true, but I suppose in this House, as in the Scriptures, those who come at the first hour and the eleventh hour receive the same treatment. I am not aware that the Sergeant-at-Arms has not the same quarters now that he had before; I know that some years ago he very kindly gave one of his rooms to one of the members of the government and whether it was returned to him or not since the new wing has been built I do not know. However, that may be, those who prepared these resolutions came to the conclusion that the apartments were worth $800. As to that I have no knowledge and am not able to say whether the amount is too much or too little.

Mr. FOSTER. Somebody is responsible for the classification and the Prime Minister is introducing the resolution; the Clerk of the House has no status to give an explanation in the House but surely the Prime Minister ought not to rest content with saying that he does not know of any reason why this classification was made as it has been made. It must have been done for some reason or it must have been omitted for some reason, and it is the duty of the Prime Minister to give the reason.

Sir WILFRID LAURIER. I understand there is no change.

Mr. FOSTER. There is this change: That other officers in the House who have not been nearly so long in the service and who have certainly not been more efficient, have been given large increases. The Prime Minister says it is hard to lay down a general rule, but surely a thing like this ought to be fixed on some basis of consistency.

Mr. FISHER. My hon. friend (Mr. Foster) probably does not realize that officers of the House of Commons were not in the inside service until the Civil Service Act came into force last year. Then, the Department of Justice gave it as their deliberate opinion, and it has been acted upon, that on the first of September last all outside employees and officers had to come under the classification at the salaries which they were enjoying at that time; they came into the sub-division and division which was indicated by their salaries on the first of September. I am not very familiar with the facts as regards the employees of the House of Commons, but I understand that on the 1st of September last the Sergeant-at-Arms was receiving $2,500 as salary and certain accomodation in the House which was reckoned as being valued at $800 a year. Under the ruling of the Department of Justice, if only the salary of the Sergeant-at-Arms had been taken into account he would have had to be put into the class ranging from $2,100 to $2,800, but the Speaker, and the Clerk of the House, and the internal economy committee thought it would be unfair to do that, and they added the $800 a year the assured rental of his department, to the $2,500 and called the salary $3,300. In that way, on the 1st of September the Sergeant-at-Arms was enjoying a salary of $3,300 and under the ruling of the Department of Justice he came in the classification which ranged from $2,800 to $4,000. If the Sergeant-at-Arms or any other officer had been in a lower sub-division and the classification was so arranged that the officer should in the future be put in a higher sub-division, then his salary might be increased to the minimum of the sub-division in which he was placed. But if he comes into a

certain sub-division without having been promoted or raised from another sub-division he has to come in at the salary which he was enjoying on the 1st of September. I do not understand, how, under the law, it would be possible for the House at this present time to increase or change the salaries. Of course the House of Commons can at any time by a special vote in the estimates add to the salaries of its officers, but under a resolution of this kind and in this classification I do not think they can do more than transfer from the outside service to the inside service at the salary which the officer was enjoying on the first of September.

Mr. FOSTER. Let us see how that works out. Mr. Laplante was clerk assistant of the Commons on the 1st of September 1908 and Mr. Laplante at that time was getting $2,800. Mr. Laplante goes into this classification at $3,500. If the minister's position is correct how is it they have been able to raise the salary in the case of the assistant clerk.

Mr. FISHER. If that statement is correct I cannot understand it.

Mr. FOSTER. Can the minister understand this other case: Mr. Lucien Dubé was receiving a salary of $1,350 when the 1st day of September, 1908, was struck. He is put in here with a proposed salary of $1,550. If that rule laid down by the Minister of Agriculture is the rule, how is it possible that this could have been done? Now, the House will recollect very well an attempt which was made here on the last day of last session by the Speaker and the Clerk, to raise salaries and make promotions without any legislative authority at all. And in their action in attempting to raise salaries without an appropriation they proposed to raise the salaries of the clerk assistant and some others. The House will remember that we discussed that question and that both the Speaker and the Minister of Finance, I think, decided that there was no parliamentary appropriation. The Speaker argued at first that there would be sufficient bits left over from non-payment of the salaries as authorized by the House which, when all collected together would allow these promotions and these additions, but on further investigation I think he disabused himself of that idea because the matter came into this House and certainly we could only make these promotions and additions to salaries by first having the legislative authority, and there was no such authority. The conclusion which the House came to in the end was that this could only go as a recommendation and could not take effect. I am quite clear as to what took place at that time and also quite clear that the impression then left and still prevailing was that the contention that these promotions and additions could be made without having direct legislative authority was receded from and we understood that nothing could be done until parliament at its next session had made the proper appropriations. Then, if it was conceived to be right the will of parliament could have its voice.

It is not a pleasant thing to discuss these matters in connection with our own officers, but we have to do unpleasant things occasionally, and I for one propose frankly to discuss this matter. I am sorry it has to be but it is as well to do it here and to do it frankly as it is to discuss the salaries of outside departments whose members are not before you. In discussing this it is needless to say that I have no feeling for one or the other except on the simple ground of what I consider to be even justice and fair play all round.

Mr. PUGSLEY. As a member of the Internal Economy Commission, I certainly proceeded upon the theory that, except in the case of officers whose salaries were increased by reason of their being put in a higher classification, all others had to go in upon the salary which they were receiving on the 1st of September last, and it was upon that view of the law that the committee acted with regard to the Sergeant-at-Arms. I was informed that in computing the salary of the Sergeant-at-Arms his apartments were valued at $800. Adding to that the $2,500 salary which he had been previously receiving made $3,300, and if my hon. friend will look at page 351 of the Votes and Proceedings of March 11, he will see that the former salary is placed at $3,300 and the proposed salary at $3,300. We thought we could not increase that; I think the law is imperative and that we had no power to increase it. Speaking for myself I am not at all prepared to say that if we had had the power my judgment might not have been in favour of increasing that salary but I simply proceeded on the theory that we were absolutely powerless.

Mr. LENNOX. Could you not increase it by charging a lower rental, adding the rest to salary?

Mr. PUGSLEY. That of course would be doing what probably we have no right to do if the apartments are worth that much. If they are worth less, of course we could deduct from the value of the apartments, but my information was that the apartments were fairly worth $800 a year.

Mr. R. L. BORDEN. What is intended by the expression, former salary and proposed salary?

Mr. PUGSLEY. Former salary is the salary the officer enjoyed prior to the coming into force of the Civil Service Act. on the 1st of September.

Mr. R. L. BORDEN. I understood from the Minister of Agriculture that he considered that the former salary could not be increased.

Mr. PUGSLEY. My hon. friend could not have understood one portion of the remarks of the Minister of Agriculture. The former salary could not be increased unless by reason of an officer being, by virtue of the classification, placed in a rank the minimum of which was higher than the salary which he was before receiving. In that case he would get the minimum salary, but in all other cases, where his existing salary was higher than the minimum of the class he was entering, he would go in at the salary he was formerly receiving and we could not increase that salary. The salary of the clerk assistant is given in the first column at $3,500 and the present salary is given at $3,500. Does my hon. friend say that the salary of the clerk assistant was less than $3,500 prior to the 1st of September?

Mr. FOSTER. I say it was.

Mr. PUGSLEY. I do not so understand it.

Mr. FOSTER. My understanding is that on the 1st of September, 1908, the salary of the clerk assistant was $2,800. I do not think there is the least doubt in the world about that. If it were not, why did the Speaker, on the last day of the last session, propose an increase of $700 and then abandon the increase because there was no legislative appropriation?

Mr. PUGSLEY. It was not abandoned. The salary was fixed before the close of the last session of parliament which, as my hon. friend knows, ended in July, at $3,500.

Mr. LANCASTER. Up to that date what was it?

Mr. PUGSLEY. $2,800 I understand. The point is that it was increased, whether rightly or wrongly, to $3,500 before the 1st of last September. It being $3,500 when the Civil Service Act came into operation, we necessarily put it at $3,500; we could not increase it, we could not make it $3,550, or $3,525. Neither did we feel that we could add one dollar to the salary of the sergeant-at-arms. But take the case of the next officer, J. R. E. Chapleau: his former salary was $2,500, but as he was placed in the first division, subdivision 'A,' the minimum salary attached to that class being $2,800 his salary immediately went up by operation of law to $2,800. We could not then make it $2,825; we had to leave it at the minimum salary belonging to that class and my hon. friend will see that that is the principle which guided us all the way through. I repeat that so far as the salary of the Sergeant-at-Arms is concerned, the information given me was that the value of his apartments had been fixed at $800, they had stood at that for a number of years. That would be important later on when the Sergeant-at-Arms might apply for superannuation as the $800 would count as part of his remuneration in estimating his superannuation allowance. I understand that that was the Sergeant-at-Arms' own estimate of the value of his apartments. We found his salary to be $3,300 and we left it at that amount, feeling that we had no power to increase it.

Mr. FOSTER. I will just give in detail what took place. We were in the last days of last session, I think, July 18, and were passing votes and getting ready for concurrence. It occurred to me to ask whether there were any increases other than some we had been talking of in the de-department, or promotions, or any changes made in the staff of the House. Then the Speaker said that there were some. I asked for particulars, and I found that there were 14 or 15 or 16 either additions to salaries or promotions which carried additions. I got the information, one by one, about increases and the like. Then what occurred? I am now quoting from 'Hansard':

Mr. FOSTER. Will the Speaker tell us out of what money he is going to pay for these increases?

Mr. SPEAKER. They will have to be voted.

Mr. FOSTER. Is the Speaker making these appointments and these increases commencing with the beginning of this fiscal year, and waiting till next session for a vote to authorize them?

Mr. SPEAKER. That is the intention.

Mr. FOSTER. Is that the usual way? It seems to me that we have been usually getting the votes first and making the appointments afterwards. May be under the new deputy we are going to adopt a different system.

Mr. SPEAKER. We think there will be enough money for the purpose.

Mr. FOSTER. But the money was not appropriated for this.

Mr. SPEAKER. It was appropriated for the general salaries of the House. In the meantime we put this on the minutes of the Board of Internal Economy as our recommendation to the government. Of course, the matter will have to be dealt with in the ordinary way.

Mr. FOSTER. Have you included in these increases all the officials in connection with the House?

Mr. SPEAKER. I would not like to say we have included all. We have included quite a number but not all. Some of these cases have been standing a year or two, and others

have come up this session. In other cases the officials have not applied for an increase this year.

When we came to concurrence in the evening I took up the point again, and in the debate I am quite sure we came to the conclusion that these increases would have to wait until parliamentary appropriation was made. Mr. Speaker said that there was sufficient left over from the general salaries; but my hon. friend the Minister of Finance knows that it the House votes an amount for general salaries of the messengers and sessional clerks and it is not all utilized, the Speaker and the Internal Economy Committee have no right to add to the salaries of the permanent clerks and officials of the House and pay them out of this surplus. The one hold which the House of Commons has is that you must vote the money before paying it. You must first have the name of the person to be promoted and vote the amount necessary to provide for his promotion. There is no other way. We came to that conclusion, and parliament was prorogued with that understanding. There cannot be any doubt about it. If that be so, these increases should only be recommendations of the Internal Economy Committee which would not be given effect to until the votes were granted, which could not be done until this session. No votes had been granted dating back the increases to September, 1908, and therefore it was impossible to argue that they were operative on that date in the cases I have mentioned.

Mr. FIELDING. Touching first the question of the allowance to the Sergeant-at-Arms for apartments, I have always understood that that was fixed, not only with the approval of that officer but at his desire, in order that some day, when he wished to retire, it might be included as part of his salary when estimating his superannuation allowance. My hon. friend will see the importance of this from the point of view of the Sergeant-at-Arms. That was done, if not by his wish, to his entire satisfaction. In July 1908 the Board of Internal Economy, in pursuance of its usual practice, reported that the salary of the deputy clerk should be $3,500 on the first of September last. The point raised by my hon. friend is a legal one as to which I shall not offer an opinion; but in the estimates of the current session, when bringing forward our supplementaries for the last fiscal year, a vote was taken to increase the salary of Mr. Laplante $700 from the first of April, 1908. Parliament has therefore voted the salary. It appears that parliament did not appropriate the salary until after the first of September, and on the precise effect of this I do not care to offer an opinion. Parliament was asked to provide the money and it did so. It provided that the increase should take effect from the 1st of April, 1908. That vote is in the supplementary estimates for the year ending 31st March, 1909. Parliament has by this appropriation, confirmed the action of the Internal Economy Committee. What Mr. Laplante's precise legal status was on the first of September last, in the light of this discussion, may be a point of debate.

Mr. FOSTER. On the same day, July 18, 1908, in concurrence on the item:

House of Commons—sessional clerks—additional, $15,600.

I pointed out that we had no authority at all to increase special salaries out of a general vote. Let me quote what I said:

I want to emphasize what I said this afternoon, that I do not see anything in the past practice of this parliament which authorizes increases in special salaries out of a general vote or what may be left over from a general vote. No department, because it has a general vote which it has not used up, can out of that vote go behind parliament and raise the salaries of a dozen or twenty clerks. The universal practice has been that before you can raise the salary of a clerk whose salary has been voted by this parliament, you must come to parliament and get the money for doing that, and I do not see how it is possible, in the case of the House of Commons, any more than in the case of a department, to raise the salaries of a number of clerks without parliamentary authority, and to raise them from a period which anti-dates the time of the action. I am not saying this because I want to bar the increases to the officers of the House, but I am expressing a principle which, I think, is absolutely clear and definite, and I would be very sorry to see the House of Commons itself break one of the fundamental rules of parliament.

With his usual caution, my hon. friend the Minister of Finance said:

There seems to be some question as to the proper procedure in the matter. I am not sure that this is without precedent, though I am not sure that it is a wise practice to pay such increases out of general votes. I have not had the point brought before me before, and I will look into it. There is no desire to depart from sound rules in the matter.

Mr. FOSTER. I do not think there is, and I mention it in the same spirit in which the Finance Minister refers to it, I would be very sorry if there were.

That ended it. Now, let us come to the square dealing in the matter. At that moment, when this recommendation was made to the House on a previous recommendation by the Internal Economy Committee, there was no parliamentary authority for raising these salaries. We are all agreed upon that, and it is shown by the fact that this year the Finance Minister has come down with a supplementary vote for that purpose. Then it does not seem to me to be the square deal and to be putting the

thing on the old and well established rule, to come down, six or eight months after the recommendation has been made, to obtain parliamentary authority for this classification, and to say that on the first of September, 1908, Mr. Laplante, the assistant clerk for instance, was getting a salary of $3,500. He was getting at the rate of $2,800 a year on that date; he got his payment on that basis; he could not draw and did not draw a single dollar more; and he drew every dollar that was due to him at that date. Therefore this proceeding is not regular.

Mr. W. F. MACLEAN. In other words, this record is not correct.

Mr. FOSTER. This record, I contend to be wrong. With reference to Mr. Dubé, the same remark applies. His salary at that date was not $1,350 a year. There was a recommendation that he be paid $1,350, but there was no parliamentary appropriation for it, and therefore he could not and did not get it. He was drawing that amount less the addition for which an appropriation has been made in the year 1909. But when you come to the matter of rooms, why is it that you allow Mr. Dubé rooms without making any deduction at all from his salary on account of them, while in the case of the Sergeant-at-Arms, for his occupation of rooms he is paying a rental, which you deduct from his cash salary. As I understand, Mr. Dubé has eight rooms at his disposal, for what reason I do not know. I do not know why any official of this House should have eight rooms at his disposal and pay nothing for them. The Sergeant-at-Arms has rooms for which he pays a rental of $800 a year. Why you should make a difference in these cases, I do not know. Mr. Laplante has rooms, for which no deduction is made, from his salary. We have to take these things into consideration. It does not seem to me that sufficient consideration has been given to them. I contend that the record is incorrect in the case of both Mr. Dubé and Mr. Laplante, to this extent, that on the first of September, 1908, they were not in the possession of these salaries and they could not and did not draw them. Of course, if you are going to allow ex post facto legislation, you may take a vote nine years from now to bring up the salary of an officer, but I think that would not be a good rule to act upon.

Sir WILFRID LAURIER. My hon. friend in his opening remarks asked what principle had been followed in this classification. I understand, from the discussion that has taken place, that those members of the government who are members of the Internal Economy Commission, and who with the officers of the House prepared these resolutions, understood that there could be no increases, that the law would not allow them to make them. In the case of Mr. Laplante, it is a question whether or not there was a legal increase. The Internal Economy Commission, in fixing his salary of $3,500, were guided by what they had before them—the resolution raising his salary to that figure. While that may have been the intention of the Internal Economy Commission, that intention was not carried into effect by legislation. That is a point to be discussed afterwards.

Mr. FOSTER. Have we settled that point? I am not arguing to-day as to the sufficiency or insufficiency of these salaries. I am arguing as to the misapprehension under which they have been put in here. The Prime Minister sees that if the Internal Economy Committee, on some recommendation of the late Speaker and the clerk, had this year brought down an item to increase the salary of the Sergeant-at-Arms $400 or $500, it would have been exactly on a parity with the other two cases. What was the idea of those who made the recomendations in the first place that the Sergeant-at-Arms should have had an increase after his long service? We members of parliament, though we may want to be guided by a recommendation, must see that justice is observed towards all our employees. The fact that a recommendation has been made of an increase for one and not for another is no reason why we should perpetuate that injustice. My suggestion now is that the only proper way is to put all these men in at the salary they were actually getting on the first day of September, 1908, which the Minister of Justice will, I think, tell you is the only thing you can do; and then let this House of Commons, under the rules and under the Civil Service Act, if it be necessary, take into account what advances or what promotions should be made. I might as well bring up another case or two. Here is the case of the chief clerk of English journals. The chief clerk of French journals is an old officer, who came in in 1869, and had his present place given to him, I think, in 1887. He is a good officer, so far as I know, who does his duty thoroughly well; that is Mr. J. R. E. Chapleau. I am not finding any fault with reference to him. His old salary was $2,500; his present salary is $2,800, which puts him into the class where he will go on to $4,000. But alongside of him is another officer, Mr. A. G. D. Taylor, the chief clerk of English journals who has been in service of this country since 1849. Mr. Chapleau is the chief clerk of the French journals and Mr. Taylor is chief clerk of English journals. One is just as important as the other; I am not making any comparison between them. But you have left Mr. Taylor, who

has been an officer of the Canadian parliament since 1849, and has done his work well and faithfully, and is now an old man, with not many more years before him. Why was it that he was left at his old salary and given no increase, while the chief clerk of French journals and of Votes and Proceedings was moved into a higher class, and given a fairly large increase, and put into a class where he would have an opportunity of going further? With reference to the increase to Mr. Chapleau, it does not seem to be equitable treatment when you take it in comparison with others. There are many other cases open to a like objection, but these are the three or four chief ones that seem to me to require some explanation.

Sir WILFRID LAURIER. My hon. friend will observe that the salary of Mr. Chapleau is increased by $300, the salary of Mr. Bowles is increased by $300 also. Mr. Chapleau and Mr. Bowles are old and valuable servants, and excellent officers of the House. The same may be said of Mr. Taylor, he is also an excellent officer, and for my part I would have voted for an increase to him. But the difficulty is: How are you to deal with these matters? I regreat that Mr. Taylor was not given an increase of $300. When this matter was brought to my attention we tried to do the best we could, we tried to do justice in every case, and I think that has been done; at all events that has been our endeavour. My hon. friend said that in the salary of the Sergeant-at-Arms $800 is set down for the rent of the rooms. Nothing of the kind was done in the case of Mr. Dubé, who receives an increase of $200, and I believe occupies several rooms. So far as I know the chief messenger, Mr. Dubé, and Mr. Carleton, always had those rooms. If the rent has not been included for salary, it is because Mr. Dubé has not asked for it; whereas I am told by the Minister of Finance that the Sergeant-at-Arms himself wanted to have a simple increase of salary for reasons which I can appreciate and for very worthy reasons. But my hon. friend complains that an increase has been given to some which has not been given to others.

Mr. FOSTER. Who have had longer service, or as long?

Sir WILFRID LAURIER. I do not know the reasons which moved the Committee on Internal Economy in drawing up that schedule. I understand they wanted the service systematized. With regard to Mr. Laplante, I understand the criticism is not that he receives too much, but that the Sergeant-at-Arms does not receive enough.

Mr. FOSTER. If you are going to make a comparison, we must consider the length of service, and in that view I think Mr. Laplante's salary is too great. I think the general impression is that the salary of the Sergeant-at-Arms is not what it should have been, and that therefore there is an injustice. I am glad to see, too, that the Prime Minister agrees with me with respect to our old servant, Mr. Taylor. That seem to be a rather hard case.

Mr. SUTHERLAND. If I were to express my personal opinion, after four years occupation of the position of Speaker, I would say that the position of Sergeant-at-Arms and of assistant clerk of the House, are not to be compared so far as work and responsibility are concerned. The position of deputy clerk requires a great amount of technical knowledge that the position of Sergeant-at-Arms does not at all require. In my judgment the position of assistant clerk should be paid higher, notwithstanding the fact that he is here supposed to be an officer of inferior rank to the Sergeant-at-Arms. I would express my opinion that the present salary of $3,300, including apartments, is ample, in view of the responsibility and the work which fall to the Sergeant-at-Arms. With respect to Mr. Taylor, there is this point which has not yet been put before the House, and which really had a great deal to do with the increase of Mr. Chapleau's salary and the conclusion not to increase Mr. Taylor's salary. Mr. Taylor is a very old and competent official of the House; but Mr. Chapleau, from his knowledge of the French language, combines the work of both Mr. Taylor and Mr. Bowles; he has far more work and far more responsibility than Mr. Taylor, and it was because of the combination of these two capacities in the case of Mr. Chapleau that the board increased his salary to $2,800 as the minimum of that class. I am informed that Mr. Chapleau has also work to do in French which another official of the House, Mr. Colwell, does in English; so he is really one of the hardest worked and most responsible officials of the House. Those are some of the reasons which led to the increase of $300.

Mr. FOSTER. The Prime Minister has not yet stated what he proposes to do about this. I took it that he rather thought a different arrangement might have been made. I do not at all agree with the late Speaker (Mr. Sutherland) in his estimation of the relative importance of the positions of Sergeant-at-Arms and assistant clerk; I do not at all agree with him in his view of the length of service, nor of the arduous nature of the service, nor as to the hours of service. I would be quite willing to go into a comparison of those points if it were necessary. The office of Sergeant-at-Arms is an old and honoured office in the British

parliament, and always has been in our parliament; and it does not seem to me that the late Speaker would have stretched his conscience too far if he had looked upon it a little in that light, and had given to this old and honoured officer, and a representative of an honourable position, the increase of salary to which I think he was entitled. The late Speaker looked after some of his own friends, and looked after them well. He gave them increases, and saw that they were put in places of responsibility; saw that their salaries were well advanced. He may have had a kindly feeling towards them.

Mr. SUTHERLAND. What does my hon. friend mean when he says I looked after some of my friends, and looked after them well?

Mr. FOSTER. I mean to say that the late Speaker saw that some of his own friends got appointments.

Mr. SUTHERLAND. What does the hon. gentleman mean by saying some of my own friends?

Mr. FOSTER. They were your friends, I suppose.

Mr. SUTHERLAND. All the officials were my friends. The hon. gentleman seems to be suggesting something further.

Mr. FOSTER. I tell my hon. friend, who is not now Speaker, that I have now the right to defend myself against him. If he stated just now that I was trying to make an insinuation against him, I would ask him to take it back. I was making no insinuation.

Mr. SUTHERLAND. What did the hon. gentleman mean by suggesting that I was looking after my friends?

Mr. FOSTER. Exactly what I said, and what every other member would understand. What I said was that the late Speaker took care of his own friends. So he did. I did not say that they were relatives of his, or blood relations, or anything of the kind. I meant what I said, and that is all.

Sir WILFRID LAURIER. I do not think the gentleman meant exactly what he said. He said that the late Speaker had been a little partial to some of his own friends.

Mr. FOSTER. I will set that at rest at once. I had not the least idea of anything of that kind. I had before me the names of the gentlemen, and I knew that they were not kith and kin of the late Speaker. One of these is a Frenchman, and I do not think he can be any kith or kin of my hon. friend the late Speaker. I do not know what the other one is, but I had not the least idea that they were relations of the hon. gentleman.

Sir WILFRID LAURIER. Very good; I will stand corrected. My hon. friend did not mean as much as his language implied. I think that the only thing we have to do on the present occasion, now that my hon. friend has appealed to me, is to carry this resolution. I shall always be ready to consider the claim of any one who comes to me with a grievance, although as the hon. gentleman knows, it is not in my province to look into these matters. All I can do is to sit sometimes as a court of appeal to listen to the grievances which are presented to me. I do not generally meddle with these things as they are not within my purview. If the resolution is adopted I will be very glad to hear any representations which my hon. friend may make if he thinks an injustice has been done to any body.

Mr. FOSTER. I notice there are some increases and we might have these explained before we go farther. Mr. Dansereau, clerk of French journals, became clerk in 1901. He receives an increase of $100 and comes into the class which allows progress upwards to $2,100.

Mr. PUGSLEY. $1,600 is the minimum of his class.

Mr. FOSTER. That convenient minimum!

Mr. PUGSLEY. He had to get that salary.

Mr. FOSTER. They have to get them; they must get them! Then I find Mr. Paradis, translator, is increased from $1,500 to $1,600 and goes into the second division of subdivision 'A.' There are some appointments here that I have not been able to trace. One is that of Mr. A. G. Troop, secretary to law branch, and the other is that of Mr. F. X. R. Saucier, assistant clerk of French journals, Votes and Proceedings and Orders. There is an assistant clerk of French journals. Mr. Dansereau is the clerk of French journals, so that Mr. Chapleau has two clerks to assist him in the French journals department. Mr. Lalonde gets an increase from $800 to $900. There was no compulsion in that case.

Mr. PUGSLEY. That puts him in the minimum of his class—$900 to $1,200.

Mr. FOSTER. You might just as easily say that he was at the maximum of his class where a good many others were and where they remain. If a man is at the maximum of his class and does not get into the other class and he raises the question you say to him: 'We could not do it; the law would not allow it.' If he is at the maximum of his class and you want to raise him into the next class you give him $100 and raise him into the next class. It seems to be a good deal a matter of as you will, so you do.

Mr. SUTHERLAND. Mr. Lalonde was promoted from being a messenger to a third class clerk and he is performing new and more important duties.

Mr. FOSTER. Mr. George, steward of joint restaurant and Speaker's steward, gets $900 and residence. How many rooms has Mr. George?

Mr. SPEAKER. Three or four. He has the old dining room and two rooms in the new wing.

Mr. FOSTER. His duties are chiefly looking after the comfort of members of the House and Senate.

Mr. PUGSLEY. There was no increase in his case.

Mr. LANCASTER. What rent do you charge him?

Mr. FOSTER. He is not charged any rent.

Mr. SUTHERLAND. This is a very cheap arrangement. He discharges his duties as steward of the new restaurant as well as the duties of Speaker's steward with the very slight advance of $100 and his quarters.

Mr. LANCASTER. But he is doing it for his own profit.

Mr. SUTHERLAND. No, he is doing it as an officer of the House.

Mr. FOSTER. As I understand it he does not receive anything beyond the salary he gets.

Mr. SUTHERLAND. No.

Mr. FOSTER. What he does get extra are the rooms?

Mr. SUTHERLAND. Yes, and he discharges additional duties.

Mr. FOSTER. I do not now want to enter into the question of the restaurant at all, but I just desire to refer to one point. We give a salary to Mr. George for looking after the comfort of members in that way. As I understand, the restaurant is run as a club and this parliament does not take any financial responsibility outside of the plant and the salary of the steward.

Mr. SUTHERLAND. That is all.

Mr. PUGSLEY. I just wish to say a few words in regard to this classification. It may seem as if there was little work connected with the preparation of the classification, but I can assure the committee that it took a great deal of time. The Internal Economy Commission devoted a good deal of time to it and we also asked his honour the Speaker and the clerk of the House, who are attached to the committee, the Speaker being chairman of the committee, to give all the time which was necessary to the consideration of the matter. I am sure that they did devote a great deal of thought to the question. Of course, the committee had primarily to consider the different officers connected with the House of Commons with regard to length of service, efficiency and the importance of the duties that they were called upon to discharge. Having done that it was decided to arrange them in the different classes provided for in the Civil Service Act. The question as to the class in which the Sergeant-at-Arms should be placed came before us and after being carefully considered the committee decided that he should be placed in the first division of subdivision 'A' in which the salary will run to a maximum of $4,000. Well, then we had to consider what was the fair rental of his apartments and we found that it had been fixed at $800 and had remained at that for a number of years. That made his salary $3,300. We were powerless to increase it, to add one dollar to it. We put him in the very highest rank that we could, he being placed in the rank in which his salary will increase to $4,000, and we could not increase the amount under the law, no matter how desirous we might be to do so. As to the assistant clerk, we rightly or wrongly assumed that upon the report of the Internal Economy Commission presented last session and approved by the House, his salary was then fixed at $3,500 prior to the 1st of September, and that being so we had no power to either increase or reduce it. With regard to others it will be found they were all placed at the minimum salary attached to the class to which they were appointed, unless their then salaries were higher than the minimum. In the case of Mr. Taylor, the reason which actuated us was that Mr. Chapleau has duties of a somewhat more extensive character than Mr. Taylor has. If I understand it, Mr. Bowles performs jointly with Mr. Taylor the duties which are performed alone by Mr. Chapleau. As to all the others it will be found that where the salaries they were then receiving were equal to or greater than the minimum salary attached to the class in which they were placed we make no increases, but where the salaries which they were previously receiving were less than the minimum salary of their class then, we, under the statute, gave them the minimum salary of the class in which they were appointed. The only other gentleman whose salary seems to call for remark is Mr. Dubé who previously received $1,350 and who was placed by us at $1,550. Mr. Dubé was in the occupation of a number of rooms, but owing to the building of the new wing his entrance was completely closed up so that he had to use the en-

trance which is used by the Sergeant-at-Arms, and some of his rooms were darkened and their usefulness impaired to a great extent. He had the use of those apartments as part of his compensation, and we thought that the value of these apartments was reduced to the amount of $200. Bringing our best judgment to bear on the matter we thought it not unreasonable to add $200 to Mr. Dubé's salary. In all other respects there has been no change in the salaries since the 1st of September, except in those cases where we made the increases under the law which provided that they should go to a certain class at the minimum salary of that class.

Mr. LENNOX. The minister says that Mr. Dubé was forced to use the same entrance as the Sergeant-at-Arms and for that reason certain consideration was given to him.

Mr. PUGSLEY. And his rooms are darkened.

Mr. LENNOX. Did the minister think that matter of the entrance was a serious inconvenience, or did he, in considering it, also take into consideration that the Sergeant-at-Arms had to enter by the same entrance as Mr. Dubé.

Mr. TALBOT. In order to meet the point so well taken by the hon. member for Essex (Mr. Sutherland), the hon. member from North Toronto discovered that Mr. Chapleau had the assistance of Mr. L. Dansereau and Mr. Saucier, but he omitted to mention that Mr. Bowles and Mr. Taylor have also the assistance of Mr. Dalton at a salary of $1,900, of Mr. H. P. Macdonell at a salary of $1,600, and Mr. Wilfrid Dubé at a salary of $1,450.

Mr. FOSTER. The Civil Service List of 1899 which I have here shows the comparison. The clerk at that time was getting $3,400 and had had a service of 31 years; the present clerk gets $5,000 and has a service of six years. The Sergeant-at-Arms was then getting $2,400 with a service of 40 years and he is now getting $2,500 with a service of 50 years. In ten years the Sergeant-at-Arms has only been advanced $100. The assistant clerk had a salary of $2,000 with two years' service and the assistant clerk now with 11 years' service has a salary of $3,500. The advance has been rapid in his case, whereas there practically has been no advance in all these years in the salary of the Sergeant-at-Arms. The point is that we have here—maybe falsification is too strong a term—but we have here what is a misrepresentation of the record. When we pass a resolution saying that on the 1st of September, 1908, certain officers had a salary that they did not have, I think we should make the record conform to the actuality.

Mr. BRODEUR. Mr. Laplante was practically on the 1st of September in receipt of the salary mentioned in this report, and consequently there is no alteration or falsification of the record. The Civil Service Act formerly did not apply to the officers of the House of Commons and the Internal Economy Commission was free to give any increase of salary it might decide upon. In July, 1908, the Internal Economy Commission decided to increase these salaries and consequently on the 1st of September these officers were in receipt of that salary. When Sir John Bourinot was clerk of the House and I was Speaker, I remember this matter being discussed several times and he always claimed that once the Internal Economy Commission passed a resolution of that kind it was in force.

Mr. FOSTER. Who contended that?

Mr. BRODEUR. Sir John Bourinot. The Act creating the Board of Internal Economy states that the distribution of moneys voted by parliament is under the control of the committee, and as the Civil Service Act did not then apply to the officers of the House of Commons it may safely be contended that once the Internal Economy Commission had passed such a resolution it was virtually the law.

Mr. FOSTER. Did Mr. Laplante draw this pay on the 1st of September, 1908?

Mr. BRODEUR. I do not know. I am informed that the money had to be voted and that the amount was there and was available, under the powers voted in the Internal Economy Commission. I think it had a right to pass this resolution, which came to the knowledge of the House and was considered as being the law at the time.

Mr. R. L. BORDEN. I would not concur in the view expressed by the Minister of Marine and Fisheries, with all possible deference to his experience on the board and otherwise, in connection with these matters. All that we had before us last year was a recommendation which had not been acted upon up to the close of last session and was not acted upon until a vote was passed during the present session of parliament. If the Civil Service Act, 1908, had said that these officers were to come in upon the salary suggested or recommended by the Board of Internal Economy, the Minister of Marine's argument would have been unanswerable. But the Act does not say that, it says the officers are to come in on the salaries which they then received. Suppose the House had been in session in September 2, 1908, and had undertaken to pass a resolution of this kind, it is perfectly obvious

that these gentlemen could not have been put in at those salaries because they were not then enjoying or receiving them. It does not seem to me that that condition of affairs is altered by the circumstances that we may have made an appropriation in some instances during this session. We are proposing now to pass a resolution which is not founded upon the facts as I understand them, and I think, as has been already said, that we are departing from the record when we put the resolution in this form. The former salary of this gentleman is not what was stated in column 1——

Mr. BRODEUR. It had been increased by the Board of Internal Economy. The action of that board was not merely a recommendation, it was a resolution in this form:

Resolved that the salary of J. B. Laplante, assistant clerk, be increased to $3,500.

That resolution was passed July 14, 1908 and I maintain that with the powers invested in the Board of Internal Economy and with the money then at the disposal of that board, this salary was then increased and consequently on September 1 we must consider that Mr. Laplante was enjoying this salary of $3,500.

Mr. R. L. BORDEN. I understand the argument but do not concur in it. That resolution was undoubtedly passed. If nothing more had occurred, if the House had taken no action on that resolution by granting the necessary appropriation, Mr. Laplante's salary, or the salary of any gentleman mentioned in that resolution, would remain as it was before. In other words, the recommendation or resolution passed by the Board of Internal Economy, has no effect whatever until implemented by some action of parliament, and therefore, upon the ordinary acceptance of the words, I do not see how, within the meaning of the Civil Service Act, 1908, this gentleman could be said to have received that salary at that time.

With regard to the Sergeant-at-Arms, the member for Essex, the late Speaker (Mr. Sutherland) has referred to the nature and character of his services and to his status in this House. It must not be forgotten that the Sergeant-at-Arms, although he may not be required to possess knowledge of the rules of this House which are within the peculiar province of the clerk and the clerk assistant, who are supposed to assist the Speaker in that regard, has nevertheless a great deal of work to do and very important duties to perform which are not within the province of the two officers whom I have mentioned. He has a great deal of administrative work imposed upon him; he is brought constantly into contact with the members of the House, he has the control of a very considerable staff and he must be a man of tact. He has always been a man of standing, a man worthy of the service of the House of which he is one of the most important officials, and while I am not disposed to criticise the increases that have been made to any officers of the House, and thus what I say by way of illustration must not be regarded as any criticism of any officers of the House to whom I may allude, I would point out that in 1898 or 1899 the salaries of other important officers of this House were less than that of the Sergeant-at-Arms. For example the salary of the assistant clerk in 1898 was $2,000 or $2,200. The salary of the Sergeant-at-Arms at that time was $2,400 in addition to the rooms of which he enjoys the occupation during sessions. In other words, the salary of one officer was $2,200 and the salary of the other was $3,200. We see the salary of the Sergeant-at-Arms passing from $2,400 to $2,500 and that of another very worthy officer, the assistant clerk, passing from $2,000 to $3,500. I give this merely by way of illustration. I am sure the Prime Minister would not desire to take any such action in regard to this matter as would tend to impress itself upon the mind of an old, valued and respected officer of this House as designed to slight him or degrade him in any way. I would be inclined to think that the action now proposed might very well impress itself upon the mind of a man who I believe has been in the service of the House for about forty years as having been designed—no, I will not say that—as having some tendency to bring about that belief, not only in his own mind but in the minds of others.

For that reason I regret very much that sufficient consideration has not been given to what I consider the very legitimate claims of the position which the Sergeant-at-Arms has filled with a great deal of satisfaction and acceptance, with a great deal of tact and I am sure with every credit and honour not only to himself but to the House whose officer he is.

Mr. PUGSLEY. Does the hon. gentleman contend that the Board of Internal Economy could have granted any increase to the Sergeant-at-Arms?

Mr. R. L. BORDEN. They could have done it exactly as they did in the case of the clerk assistant in the House, whom I again select simply for the purpose of illustation, because I am not quarrelling with his increase of salary as I have every reason to know he is a thoroughly capable officer. His status here rests, as I understand it, not upon the recommendation of the Board of Internal Economy but upon the fact that this parliament has voted an increase of $700 to take effect from April 1908. Exactly the same course could have been pursued with regard to the Sergeant-at-Arms, a fairly respectable sum could

have been inserted in the estimates of this year as an addition to his salary, and in that case he would have been, in my opinion, in exactly the same position, so far as the purposes of this resolution are concerned, as are any of the other officers whose claims I think must be based upon the appropriation made by this House and not upon any resolution passed by the Board of Internal Economy.

Mr. LANCASTER. Before this resolution is approved of, I should like to say a word or two about these two officials, the assistant clerk of the House and the Sergeant-at-Arms. We are paying the assistant clerk $1,000 a year more than the Sergeant-at-Arms. I do not think that is fair. I am not saying that the assistant clerk is not earning the money, as I am not competent to judge, but I think that when he receives $1,000 more than the Sergeant-at-Arms, that excess is out of proportion. The clerk of the House has of course very great responsibility, but I do not quite agree with the ex-Speaker that the assistant clerk has so much responsibility. He has some but he has not all the responsibility of the clerk's work, and has the clerk over him who is really responsible. I agree with my hon. friend the leader of the opposition that a similar vote to that which was passed to increase the salary of the assistant clerk should have been passed to increase that of the Sergeant-at-Arms. The government ought at any rate to put through a vote to reduce the amount of rent charged the Sergeant-at-Arms. I do not see why you should charge him rent for quarters when you do not anybody else. The Finance Minister says that this is a benefit to that official because it will be computed in making up his superannuation allowance when he wishes to retire. But that is not what the people want. They want us to pay men according to the work they do rather than pay them more after they have given up work.

Mr. FIELDING. The question is whether the allowance for quarters, assuming it to be reasonable, is not just as good as a salary.

Mr. LANCASTER. No, he could get all the benefit he enjoys away from the building for much less than the rent of $800 which you charge him. If you want him to live in the building, you ought to give him his quarters free, the same as you do other officials who have quarters here. Or at all events, you should pass a vote reducing his rent to $300 instead of $800, so that he would get $500 a year more than at present. It is hypocritical to say that you are paying him $3,500 salary when you are taking $800 for rent out of it.

Mr. FIELDING. Then you will be giving an officer $800 worth of property for $300.

Mr. LANCASTER. Why should you allow the Speaker to have rent free?

Mr. SPEAKER. That is entirely a different question.

Mr. LANCASTER. And you do not charge any rent to the head messenger, Mr. Dubé.

Mr. FIELDING. Mr. Dubé has lesser quarters. The Speaker must have quarters in this building because he has to perform certain duties which attach to the House itself. I would favour the idea, that with the exception of the Speaker, no one should be provided with quarters in this building. There is little enough accommodation in it for the members. If the Sergeant-at-Arms approved of the suggestion, I would prefer giving him the $800 cash and asking him to move out of his quarters. If he would regard that proposition as an advantage, I would support it most cordially.

Mr. W. F. MACLEAN. But the Sergeant-at-Arms is the jailor of parliament. His jail is within his quarters and the jailor must live within his jail. He could not perform the functions of his office and be custodian of the tower, if he were away from the building.

Mr. SUTHERLAND. Before the new wing was built, I well recollect recommending to the former Minister of Public Works that if possible we should induce the Sergeant-at-Arms and Mr. Dubé to give up their quarters and thereby have some 12 or 14 or 16 additional rooms for the accommodation of members. With these I thought we could get along some little time without the construction of the new wing. But I found great difficulty in inducing the Sergeant-at-Arms or Mr. Dubé to place estimates on their quarters or to give them up, and I reluctantly abandoned the idea; but I thought then, as I do now, that it would be a great convenience if the rooms occupied by these officials were given up.

Mr. LANCASTER. But these officials must have quarters handy to the chambers.

Mr. SUTHERLAND. I think if each of them had an office in the House, that would be ample for their purpose. As far as the Speaker is concerned, the situation is entirely different. He represents the House in important social functions and must have quarters in which to receive people.

Mr. J. HAGGART. The fault lies in not following the principle which should underlie the appointments of all officers in

the departments and in the House. The first thing done by any department is to lay out what is called theoretical organization, showing how many clerks are required and their respective salaries. The duties in each case are prescribed and the amount of payment fixed. That is supposed to be done in every other department, but I do not know what is done here. We ought to have a theoretical organization giving the officers the required duties and the salaries they should be paid. We ought not to have an ex-Speaker coming to parliament and fixing the status of the different officers. We ought not to have him tell us that the deputy clerk is superior to the Sergeant-at-Arms and ought to have a higher salary. That is something we fix in this House. We have always fixed the standard of the Sergeant-at-Arms and the salary attached to that position. Why is it that the Board of Internal Economy raised the salary of a clerk? First of all, you ought to come to this House and show the necessity, in the interests of the country, of the increased salary and ask the appropriation for it, then afterwards make your promotion. First of all, there should be a recommendation showing the necessity of these officers and the salaries to be attached to them. Nothing of this has been done. The plan ought to be approved here, or if it does not come here it ought to go to the Governor General. And I venture to say that the appointments here belong to the Crown and are not vested in the House. To a certain extent, they belong to the Crown, and if the organization is to be approved of, it should be approved of by the Speaker of the House with the consent of the House itself. Let us fix the status of our own officers ourselves, and pay them according to the necessities of the service, not according to the accomplishments possessed by the gentlemen who happen to fill these offices as viewed by the Internal Economy Commission. What the service is worth to the country, pay that and pay no more. And let someone who is responsible have the approval of these salaries, and I think the approval of them ought to be with the House.

Mr. PERLEY. Without discussing the salaries given to other officers, it seems to me that a very good case has been made out in favour of an increase of salary for the Sergeant-at-Arms after his long service. He is responsible for good order, both in this House of Commons and in its precincts, and has a great deal to do with the comfort of members in every way. He has to put up with many complaints, and I know that he has hard work to do. It is hard work requiring a great deal of tact and ability; and it seems to me that after fifty years of faithful service, he is entitled to be remembered in this increase. The Minister of Public Works (Mr. Pugsley) has made a strange argument. He says that Mr. Dubé is entitled to $200 more because he has to use the same door as the Sergeant-at-Arms, and some of his rooms are darkened, but I understand that he has more rooms in proportion to the value of his service than the Sergeant-at-Arms has. But if the Internal Economy Committee wish to do justice and give fair play to this old officer of the House, they should have increased his salary $200 because he has to use the same door as Mr. Dubé. The committee seem to have given increases wherever they wished, and when they did not wish to, they have found some excuse for not doing it. The Sergeant-at-Arms has held his place for many years, and I am sure we will agree that he has filled it with ability and dignity. The office he occupies is one old and honoured in the House of Commons in England and equally honoured here. I appeal to the Prime Minister (Sir Wilfrid Laurier) on this subject. I know that it will be impossible to arrange this matter at the moment, but if the government wish to do it, it is the simplest thing in the world for them to give an increase such as ought to be given to the Sergeant-at-Arms. I appeal to the Prime Minister if he will not take it into his consideration and show fair play to this officer of the House who has been in the service of the House for fifty years and with whom no fault has been found.

Some hon. MEMBERS. Carried.

Mr. FOSTER. It is very well to say 'Carried,' but how is it possible for us, when we are face to face with inaccuracies in the schedule, to declare the schedule true? We talk of the sense of injustice, and I can assure the Prime Minister that there will be, and can not help but be, a very deep sense of injustice with reference to this matter. It is in the House and will remain in the House until it is remedied. But, outside of that, how can we say that a thing is accurate when it is manifestly inaccurate? Here are three schedules manifestly inaccurate, and we are called upon to vote that they are accurate.

Mr. FIELDING. I do not think that is quite correct. It seems to me that if there be the injustice to which the hon. member (Mr. Foster) refers, the only possible remedy would be by a further appropriation by parliament. With regard to the salary of the assistant clerk, whatever may have been said to his legal status on the 1st of September last, it is clear he is getting $3,500, because parliament made the appropriation. There can be nothing improper, therefore, in the present position. I do not see how the remedy, if there be one, can be applied in any way but by

an additional appropriation to any officer in whose case it has been shown there has been an injustice.

Mr. FOSTER. But what do you make of the legal interpretation? Here is your Civil Service Act; we abide by that, and it is as explicit as it can be. The employee is transferred into the new out of the old at a salary he was receiving on the first day of September, 1908. Ask the Auditor General if he paid the increased salary on September 1, 1908, and I think he will tell you that he did not, that he could not, that there was no such salary authorized at that date. There is just a question of fact. The Civil Service Act rules, and you cannot say the officer was getting a certain salary if he was not.

Mr. FIELDING. That might be possible if we had been asking the Auditor General prior to the present session of parliament. But since that time—not discussing the wisdom or unwisdom of any of these acts—as a matter of fact we have, during the present session, met my hon. friend's point by passing an appropriation which distinctly declares that an additional $700 should be appropriated from 1st April, 1908, for the clerk assistant. So far as the assistant clerk is concerned, if there has been any legal defect on September 1 last, we have by our action in the present session, cured it.

Mr. FOSTER. But we have not cured the schedule of its inaccuracies.

Mr. DEPUTY SPEAKER. Shall the motion carry?

Some hon. MEMBERS. Carried.

Mr. FOSTER. Lost.

Sir WILFRID LAURIER. I do not concur in these observations with regard to comparisons between official and official. All officers of the House are good officers. The work of all is not of the same nature. The work of the clerk is very different from that of the Sergeant-at-Arms. I would not be willing to say that one is more important than the other. But when an officer performs his duty to the House we cannot ask more. My hon. friend (Mr. Foster) will understand that, at the present time, we can do nothing but confirm this report, and, for my part, I do not think that any sense of injustice should rest with anybody on account of it.

Mr. LANCASTER. Could not the Prime Minister see his way to get that rent reduced? That would be a solution of the difficulty.

Sir WILFRID LAURIER. Not at this time.

Resolution reported and agreed to.

House in committee to consider the following proposed resolutions:

Mr. FIELDING.

That the organization and classification of the officers, clerks and employees of the Library of Parliament, submitted to the House on the 11th day of March, be approved and confirmed, and that a message be sent to the Senate to acquaint their Honours therewith. —Sir Wilfrid Laurier.

That the organization and classification of the officers and clerks of the distribution office of the Department of the Printing of Parliament, submitted to the House on the 11th day of March, be approved and confirmed, and that a message be sent to the Senate to acquaint their Honoues therewith. —Sir Wilfrid Laurier.

Sir WILFRID LAURIER. These resolutions are the work of the Joint Committee of the House of Commons and the Senate.

Mr. MONK. I understand the increased salaries provided for here are to date back to the month of September. I would like to call the attention of the Postmaster General to the desirability of meting out the same treatment to the Civil Service employees of the post office at Montreal. We have, under the report and the resolution introduced by my hon. friend, a change in their salaries, and I think it would be fair, in view of what we are doing here for the employees of the internal service, that we should date back the increases which have been provided by the minister to the same time. I think that would be fair and just to those employees. I do not see why we should treat them differently from those that are here at Ottawa. I would recommend the hon. gentleman to take that suggestion into consideration.

Mr. LEMIEUX. I will take it into consideration.

Motion agreed to.

Sir WILFRID LAURIER moved:

That the organization and classification of the officers and clerks of the distribution office of the Department of the Printing of Parliament, submitted to the House on the 11th day of March, be approved and confirmed, and that a message be sent to the Senate to acquaint their Honours therewith.

Motion agreed to, and resolutions concurred in.

AMENDMENTS TO RULES OF THE HOUSE RE PRIVATE BILLS.

Sir WILFRID LAURIER (Prime Minister) moved:

That the House do concur in the report and recommendations of the special committee appointed to consider and report upon certain proposed amendments to the rules of the House as to private Bills, presented to the House upon Thursday, 6th May.

He said: The purport of the report is that the rules which now apply to fees on Bills originating in the House of Commons

shall also apply to Bills originating in the Senate. We had some concrete cases before us a few days ago. Rule 88 provides for a scale of fees to be paid on Bills originating in the House of Commons, and this report provides that the same scale of fees shall apply to Bills originating in the Senate. The rule has also been amended in some particulars, but it is chiefly as to the drafting. A special committee was appointed to consider the recommendation contained in the fourth report of the Select Standing Committee on Railways, Canals, and Telegraph Lines, and that committee, through the hon member for East Grey (Mr. Sproule) as chairman, presented the following report:

In the opinion of your committee it is desirable that the additional charges provided for in rule 88 shall apply to private Bills originating in the Senate as fully as to private Bills originating in the House of Commons. They therefore recommend that subsections 4, 5 and 6 of rule 88 be redrafted to read as follows:—

In view of the preamble, it is important to compare subsections 4, 5, and 6 with the several sections of the report. The present subsection to rule 4 is this:

When a Bill is for the purpose of increasing the capital stock of a company, the additional charge shall be according to the above tariff, but shall be charged upon the amount of the increase only.

The proposed amendment is as follows:

When a Bill increases the capital stock of an existing company, the additional charge shall be according to the foregoing tariff upon the amount of the increase only.

Practically the same thing, but the language is more concise. Subsection 5 of the present rule reads as follows:

When a Bill is for the purpose of increasing the borowing powers of a company without an increase in the capital stock, the additional charge shall be $300.

The proposed amendment is in this language:

When a Bill increases or involves an increase in the borrowing powers of a company without any increase in the capital stock, the additional charge shall be $300.

Similar but in better language, it is to the same effect. Subsection 6 of the present rule reads as follows:

If any change in the amount of the proposed capital stock of a company, or of any increase thereto, be made at any stage of a Bill, the said Bill shall not be advanced the next stage until a certificate has been filed with the proper officer to the effect that the payment of the salaries consequent upon such change has been duly made.

The new draft is much the same, it is in these words:

If any increase in the amount of the proposed capital stock or borrowing powers of a company be made at any stage of a Bill, such Bill shall not be advanced to the next stage until the charges consequent upon such change have been paid.

The report of the special committee also goes on to recommend:

Your committee also recommend that subsection 7 be amended by adding thereto the following words: 'And where power is taken in a Bill to increase at any time the amount of the capital stock, the additional charge shall be levied on the maximum amount of such proposed increase which shall be stated in the Bill.

Subsection 7 of the present rule reads thus:

In this rule the term 'proposed capital stock' includes any increase thereto provided in the Bill.

A change is also recommended in subsection 8 of the present rule, which reads as follows:

The additional charges provided for in section 3 of this rule shall also apply to private Bills originating in the Senate.

The committee report:

Your committee also recommend that the word 'subsection' be substituted for the of subsection 8 of rule 88, be struck out, that the word 'paragraphs' be substituted for the word 'subsections' in line 8, and the word 'subsection' be substituted for the word 'section' in line 9 of the said subsection.

Rule 87 now reads as follows:

Petitions for Private Bills shall only be received by the House within the first six weeks of the session, and every private Bill shall be presented to the House within two weeks after the petition therefor has been favourably reported upon by the examiner or by the Committee on Standing Orders.

That rule is amended as follows:

Your committee also recommend that rule 87 be amended by inserting the words 'if presented' after the word 'House' on line 2.

Motion agreed to.

COUNTY AND DISTRICT COURT JUDGES.

Mr. AYLESWORTH moved:

That the House, on to-morrow, go into Committee of the Whole on the following proposed resolution:—

Resolved, that in the opinion of this House it is expedient to provide for the payment to one additional county court judge and one additional district court judge in the province of Ontario, and to one additional district court judge in the province of Alberta, each $2,500 per annum during the first three years of service, and after three years of service each $3,000 per annum.

He said: I beg to state that His Excellency the Governor General recommends to the consideration of this House the appropriation proposed in the resolution.

Motion agreed to.

RAILWAY ACT AMENDMENT.

On the orders of the day being called:

Mr. LENNOX. I would like to ask the hon. Minister of Railways and Canals (Mr. Graham) when he proposes to deal with the Railway Act which has been standing for a long time on the Order Paper.

Sir WILFRID LAURIER. It will be the first order to-morrow morning.

FOREIGN SHIPS IN COASTING TRADE.

Mr. CROSBY. I would like to ask the government if they would lay on the table of the House the Minutes of Council with regard to the privilege granted to foreign ships in Canadian coastal waters.

Mr. FIELDING. I have an impression that these orders were moved for at an earlier stage and that they have already been placed before the House. I am not certain but that is my impression.

Mr. CROSBY. If not, will they be laid on the table.

Mr. FIELDING. We will consider that. I have no objection.

GOVERNMENT HARBOUR AND PIERS ACT AMENDMENT.

House again in committee on Bill (No. 89) to amend the Government Harbour and Piers Act.—Mr. Brodeur.

On section 1, lease of wharfs and breakwaters.

Mr. BRODEUR moved:

That subsection 1 of section 1 be eliminated and that the following be inserted instead of it:—

16. If the minister deems it desirable to lease to any provincial government, municipal council, harbour commission, shipping company, or railway company any wharf, pier or breakwater under the control of the minister, tenders by public advertisement for such lease shall be invited by the minister for a term not exceeding three years, and the Governor in Council may thereupon lease such wharf, pier or breakwater upon such terms and conditions as are agreed on: Provided that nothing in this section shall interfere with the public use of such wharf, pier or breakwater; and provided further that the lessee of such wharf, pier or breakwater shall not charge wharfage tolls or dues in excess of the tolls and dues established under the authority of this Act by the regulations for the government of breakwaters, piers or wharfs in Canada as approved from time to time by the Governor in Council.

Section as amended, agreed to.

On subsection 2, yearly rental in lieu of tolls.

Mr. MONK. Will we have a report at the end of each year in the report of the department as to the arrangements that have been arrived at under that clause?

Mr. BRODEUR. There is no provision made in the Bill in regard to that, but I do not see any objection to it. In the report of the minister reference will be made to these arrangements.

Mr. MONK. I think it would be very desirable that we should have, under a special head every year, a report as to the arrangements made during the year.

Mr. BRODEUR. I will see that a report of these arrangements is contained in the report of the minister.

Mr. FOSTER. Is it not better that it shall be statutory, and that the report shall be laid before the House each year?

Mr. BRODEUR. I have no objection. We will add a clause to that effect.

Mr. DEPUTY SPEAKER. It is moved that there be added the following as subsection 3:

The minister shall submit within one month after the meeting of parliament a statement of the leases and the conditions thereof made under the provisions of this Act.

Mr. JAMESON. I would like to ask the minister whether this Bill proposes to relate to the public wharfs and breakwaters in Nova Scotia, more particularly to those in the county of Digby?

Mr. BRODEUR. I think so. When these wharfs are transferred to the department they will come under the provisions of this Act because the Act refers to all harbours, piers and breakwaters.

Mr. JAMESON. It seems to me from my knowledge of local affairs that if we pass this Bill without giving the people of the country previous knowledge of its provisions, and especially those interested in the use of these breakwaters and wharfs, a great deal of dissatisfaction may be caused. The breakwaters and wharfs in the county of Digby are largely used by fishermen and traders, and certain of them are used by steamers plying along the coasts of St. Mary's bay and the Bay of Fundy. If it were permitted that any of the steamship companies should secure the control of these wharfs or breakwaters it might inflict great hardship on the fishermen who now use them for the purpose of landing in all kinds of weather, and

without which privilege it would be impossible for them to prosecute their hazardous industry. If anything of that kind should occur this legislation would create a most intolerable state of affairs, and even if this amendment were adopted a new and disturbing condition would be introduced. At present the parties are on an equal footing before the wharfinger, who arbitrates between them, but if the control of the wharfs were secured by a company the wharfinger would be obliged to arbitrate not between the parties of equal standing, but between the lessee who had control of the wharf and the fishermen who would be looked upon as outsiders. Along the coast of western Nova Scotia, and particularly in the Bay of Fundy and St. Mary's bay there is a great rise and fall of the tide, and often it is impossible to land at these structures except within a very circumscribed space, which if it were monopolized by the corporation controlling the wharf would debar the fishermen and others from using them as landing places. At present these wharfs or breakwaters are used by fishermen without any charge whatever, and if under this law side wharfage fees were to be charged it would result in a great handicap being placed on the fishermen who are now barely able to make a living in the prosecution of their calling. These breakwaters were erected chiefly to aid the fishermen, and to curtail their use of them now would be a very serious thing indeed. As to the upkeep of these wharfs, I do not think it is reasonable to suppose that the lessee would relieve the department of that expense and maintain them as they should be maintained. The chances are that the lessees would allow the wharfs to deteriorate and the government eventually would either have to rebuild them or to leave them in a state of decay. I would respectfully submit that the minister should consider the advisability of staying the passage of this Bill—particularly so much of it as refers to the wharfs now almost exclusively used by fishermen,—until they should have an opportunity to be heard. I think the rights of the fishermen in these breakwaters should be very carefully considered before any step is taken which might prove a serious disadvantage to a very large proportion of the working people of western Nova Scotia.

Mr. BRODEUR. It is not the intention of the department to collect any fees from the fishermen who use these wharfs and breakwaters for shelter, and as a matter of fact we have never done so.

Mr. JAMESON. There is another feature. Take as an example the government pier at Digby. The government obtains an annual revenue of $2,500 from that pier or almost one-half the total revenue received from the minor public works of that kind in Nova Scotia. Is it in contemplation of the government that such a public work would be turned over to the company or corporation? The Dominion Atlantic Railway Company now uses that pier to a large extent. The pier is being extended and its facilities increased and a company operating a steamship line between an American port and the maritime provinces has, I am informed, been awaiting these increased facilities to put on a direct line of steamships which would be of great advantage to western Nova Scotia. If such a public work as that were turned over to any corporation it would be detrimental to the general commercial interests of my province.

Mr. BRODEUR. I have already announced that it was the intention of the department to lease only those wharfs to which only one line of steamers is plying, the object being that these wharfs should be kept up by the company which is most interested in them. But, where there is competition it is not the intention of the department to lease the wharfs.

Mr. JAMESON. There is no competition there now, but I understand, as I have stated, that within a year or two there may be competition and we should provide for such a case as that.

Mr. BRODEUR. The amendment provides for such a case, because the lease cannot be for more than three years.

Mr. R. L. BORDEN. In cases where fishermen at present use these public wharfs free of charge, I hope the minister in making any arrangement under this proposed law will see to it that their rights in that respect are not interfered with. It would be a very unfortunate thing if any doubt or misapprehension should arise in regard to it because the fishermen could never pay such tolls.

Mr. BRODEUR. We have not heretofore collected any fees from the fishermen, and it is not our intention to depart from that rule.

Mr. DANIEL. I do not understand what wharfs are under the control of the minister's department, and what under the control of the Department of Public Works. These wharfs that have been mentioned, in small places, that are mostly attended by fishermen, are on the Atlantic coast. Then we have up the St. John river quite a number of wharfs that are used by the steamers and vessels plying on the river. Would the minister state under whose control the wharfs on the sea-coast and on the

St. John river are, or are some of these under his control and some under the control of the Minister of Public Works?

Mr. BRODEUR. I think the wharfs on the St. John river are in a different position although I have not any definite information on the matter. These wharfs have not been transferred to my department, they are still under the Department of Public Works, but I understand that these wharfs are under two authorities; they are built by the provincial government with a contribution by this government. I do not know whether the owners of these wharfs are the provincial or the Dominion authorities. The wharfs covered by this have been transferred to my department.

Mr. DANIEL. Does the minister take any power with regard to these wharfs I have mentioned?

Mr. BRODEUR. No, only the wharfs under the power of the Department of Marine and Fisheries.

Mr. DANIEL. So far as I know there is only one wharf on the St. John river under the control of the Minister of Marine, that is the Oromocto wharf. This will empower him to charge side and top wharfage there, I presume?

Mr. BRODEUR. I have not the Oromocto wharf among the list of wharfs in New Brunswick.

Mr. DANIEL. Those on the minister's list seem to be all on the coast. Will the passing of this Act have any effect on the charges to be made on the wharfs of the St. John river?

Mr. BRODEUR. I do not think so because those wharfs have not been transferred to our department. So long as they are not I cannot do anything in regard to them, because this law is only concerning wharfs which have been transferred to my department.

Mr. DANIEL. The minister is astray in regard to the Oromocto wharf. I think he sent down a scale of tolls last year to be exacted there.

Mr. BRODEUR. That must be under the Public Works Department because it is not on my list here.

Mr. TALBOT. That is probably in the same position as the wharfs on the St. Lawrence river where the tolls are collected by the Public Works Department.

Mr. TURGEON. Am I to understand that in the event of a wharf used by deep sea and other fishermen being transferred to a contractor, a clause will be inserted in the lease by which the contractor would be compelled to grant the same exemption from wharfage dues to these fishermen as they are now granted by the government?

Mr. BRODEUR. Yes, we have never collected any wharfage dues in the case of these breakwaters used by fishermen, and I will see that such a clause is inserted in the lease. I am very glad my hon. friend called my attention to this and will take care that these fishermen are protected.

Mr. JAMESON. Mr. Chairman I must urge a respectful protest against the enactment of this legislation during this session. It should stand over until another session, in order that the people more particularly interested may have an opportunity of considering it and informing their representatives in parliament of their views and wishes. The chief argument for transferring these wharfs and dealing with them in the way proposed by this legislation seems to be that it will reduce the cost to the government of their maintenance. As a matter of fact, the cost of maintaining these wharfs is very much increased by the practice of appointing two or three overseers to look after two or three labourers. The Auditor General's Reports show that the expenditure of public moneys is thus very much increased. I make this formal protest. I can do no more and would do no less. I think the matter should stand over until another session.

At six o'clock the Committee took recess.

After Recess.

Committee resumed at eight o'clock.

Mr. DANIEL. Since six o'clock I have been looking into this measure and I find that it does not relate at all to the principal harbours in Canada, so that there is no necessity of my making the remarks I intended. Further, on reading over 'Hansard' of Friday last, I find that the minister said it is not the intention of increase the rates charged, but quite the reverse. If it be the intention of the government to lower the rates, I have no objection to it.

Bill reported, read the third time and passed.

THE NAVIGABLE WATERS PROTECTION ACT.

Mr. BRODEUR moved the third reading of Bill (No. 152) to amend the Navigable Waters Protection Act.

Mr. CONMEE. I desire to move that the Bill be not now read the third time, but be referred back to the Committee of the Whole with power to amend the same by adding the following subsections. Before reading these subsections I may say that they are taken from the Bill which stands in my

name for a second reading on the Order Paper, but which cannot now be reached. I stated in introducing that Bill that it was not my intention to press it——

Mr. SPEAKER. Is the hon. gentleman moving a Bill which stands in his name on the Order Paper?

Mr. CONMEE. I am moving amendments similar to it. I said it was not my intention to press the amendments, but I wish to discuss the principle of the Bill, if I may be permitted.

Sir WILFRID LAURIER. The hon. gentleman is out of order. If we want to reach prorogation next week, I must insist on his adjourning his observations until next session.

Motion agreed to, Bill read the third time and passed.

IMMIGRATION.

House again in committee on Bill (No. 17) respecting Immigration.—Mr. Oliver.

Mr. EUGENE PAQUET (L'Islet). (Translation.) Mr. Speaker, the government has again set to work to find out the social solution of the problem of immigration, by asking parliament to amend the legislation concerning immigration.

We want here desirable immigrants, physically and mentally sound, in order to till our fertile lands scattered with such profusion throughout our different provinces, and also to develop our agricultural industry, our lumbering industry and our mineral wealth.

On the other hand, we wish to eliminate that emigration which does not contribute to the material and moral progress of the Canadian people.

The Bill introduced by the Hon. the Minister of the Interior is not perfect, but it is certainly a progressive measure and makes for social peace.

The measure will prove a useful one if it is properly applied and if immigrants are chosen in such a manner as to meet the requirements of a young and prosperous people, proud of the fact that they are taking thier place among the nations.

Our immigration legislation must be much more severe than it has been in the past, if we desire to be in a position to make a good choice of future citizens, to diminish crime and to protect our homes.

Last year the Lieutenant-Governor of the province of Quebec sounded a warning note in an address to the members of the legislature. He said: 'The increase in crime in certain sections of this province, and particularly in those sections frequented by immigrants, has been the subject of much anxious attention on the part of my government, and we are firmly resolved that no effort will be spared to secure the absolute safety of persons and property.'

Some weeks ago, Hon. Judge Lavergne said in Montreal:

> Never have we witnessed up to the present time such an epidemic of house-breaking and of robbery.
>
> Thieves operate not only at night but in broad daylight in the public streets and in our houses, any time or place is the same to them.
>
> It is more than time for the protection of society that these malefactors should be placed out of harm's way or at least discouraged in their criminal work. Those therefore who are convicted will be punished in such a manner as to deter others.

On March 9, the Rt. Hon. the Premier submitted the annual report of the Northwest Mounted Police, for the year 1908.

According to this report, crime in the Northwest has assumed alarming proportions. There were 7,624 arrests and 6,377 convictions, a proportion of 84 per cent, and the convictions were more numerous by 692 than the preceding year.

It seems, therefore, urgent to alter our legislation, making it more severe for the purpose of protecting the property of the people.

Let us examine some new sections of the new Bill.

I approve of section 3; it contains very severe measures for the exclusion of immigrants suffering from contagious diseases or from other diseases of a dangerous nature. Those who are suffering from serious physical or moral disabilities cannot be admitted. The rule of exclusion is most severe as regards criminals and all those who cannot become useful citizens in their adopted country.

But I am rather doubtful as to the principle adopted in the subsection immediately following:

> Immigrants whose passage to Canada has been paid wholly or in part by any charitable organization, or out of public moneys, unless it is shown that the authority in writing of the superintendent of immigration or in case of persons coming from Europe, the authority in writing of the assistant superintendent of immigration for Canada, in London, has been obtained for the landing in Canada of such persons, and that such authority has been acted upon within a period of sixty days thereafter.

What security is given us by the Deputy Superintendent of Canadian Immigration in London? Will charitable associations be obliged to attend seriously to the placing and to the welfare of immigrants?

Such philanthropic institutions are attempting to do good work among the outcasts whom they endeavour to reclaim physically, morally and socially.

I fully appreciate their zeal, charity and devotion; their directors and members have made the most praiseworthy sacrifices in the name of religious and humanitarian principles, of Christian charity and of human dignity. They have penetrated deep into the ranks of the destitute in large cities, among the degenerate and the criminal classes, seeking to purify their hearts and brighten their lives.

Sir Clement Cook, chairman of the Central Emigration Board, recently sent an important communication to the London 'Times.' He paints therein a glowing picture of Canada which is, according to him, the very Eden for emigrants from the British Isles. He declares himself opposed to the system of bounties and believes that charitable associations have not sent any undesirable emigrants to Canada.

Such is not the opinion of all economists.

Very often have persons been sent to Canada who could be nothing but burdens on the state, persons in no wise adapted to the conditions obtaining in this country, and who would never have been able to succeed here even under the most favourable circumstances.

Have not those charitable institutions frequently shipped to Canada immigrants whose past life, especially during their minority, had not been without disgrace ?

I am not suspicious of the written authority of the Deputy Superintendent of Canadian immigration at London. Should not charitable associations be held responsible for the emigrants they recommend and ship to Canada ?

It seems to me that the minister should be very careful with respect to emigrants sent to Canada by charitable associations.

I particularly desire to call his attention to section 4 :

The minister may issue a written permit authorizing any person to enter Canada without being subject to the provisions of this Act.

Parliament here grants the minister very broad discretionary powers. In certain exceptional circumstances, he should perhaps enjoy such power, but parliament should be informed as to the classes of emigrants to be admitted under the operation of this section.

Should not parliament require the minister to mention in his annual report the names of those persons who are not submitted to the operation of the present measure.

Let us pass on to section 37.

Regulations made by the Governor in Council under this Act may provide as a condition to permission to enter Canada that immigrants shall possess money to a prescribed minimum amount, which amount may vary according to the race, occupation or destination of such immigrant, and otherwise according to the circumstances.

This section enables us to send back all emigrants who may become a burden upon the public. I hope that the Governor in Council will apply this legislation with wisdom and humanity. The main point is to accept desirable immigrants and to refuse those who are not so. According to the reports of medical inspectors, the restrictions imposed last year have helped to diminish the number of undesirable immigrants.

Section 30 concerning medical inspection is perhaps the most important of all:

Medical officers appointed under this Act shall make a physical and mental examination of all immigrants and passengers seeking to land in Canada from any ship or vessel, except in the case of Canadian citizens. Such examination shall be made in accordance with and subject to regulations prescribed by the superintendent of immigration under the direction or with the approval of the minister.

Last year, during the memorable debate on bounties, I said: "The medical examination is becoming more and more serious, at least at Quebec. I am in a position to state that the medical inspection bureau for immigrants at Quebec is not far inferior to any of those that are to be found at American ports." I still believe that this is true, but I find also that our neighbours are becoming more and more severe in their medical examination, if I may judge by the reports of medical examiners, and we must of necessity follow their example. Otherwise we will be receiving those emigrants which they have refused.

It appears to me important to call the attention of the House to the report of the last Labour Congress from which I will read an extract:

Last year's large immigration has seriously affected the conditions of the Canadian labour market. The first duty of our government should be to protect the interests of Canadian citizens. Let the population be less numerous but contented, instead of numerous, discontented and poor. But our governments appear anxious to increase our population at whatever cost and our legislators seem to consider as of no account the protests of labour associations.

We call the attention of the delegation to the report of our parliamentary representative and to that of Mr. Trotter, upon his European mission. The question of immigration is therein fully discussed. The report of Dr. Bruce Smith, inspector of hospitals and charitable institutions, is also of interest to us, inasmuch as he complains of the defective system of inspection of immigrants on their arrival in Canada. Mr. S. A. Armstrong, inspec-

tor of prisons, writes in the same strain, stating that 'many people of the least commendable type are allowed to settle in Canada.'

The importance of serious medical inspection is evident if we are to obtain the proper kind of immigrants.

I hope the government will understand that it is absolutely necessary to increase the number of medical examiners at Quebec.

During the fiscal year 1907-8, 138,932 immigrants underwent medical inspection at Quebec. The work was performed by three physicians under the able direction of Dr. Pagé. Each physician had to inspect 46,300 immigrants. If the work were equally spread over every month of the year, I might not consider it necessary to mention the matter, but this gigantic task is crowded into a few months only. According to the report of the Civil Service Commissioners (page 44) Dr. Pagé declared that as many as 5,000 immigrants had been inspected in a single day. Such a declaration is extremely serious. These physicians are moreover obliged to attend patients lying in hospital. They are obliged to devote hours to the study of certain diseases in patients classed as doubtful on first inspection. Medical inspection should be made more severe, especially when, as at the present time, the United States authorities are issuing the most drastic instructions to their medical inspectors.

Our medical inspectors soon learn to work quickly and to detect aimost instantly the physical deficiencies of immigrants. In the United States, the law requires that the medical examiner should have a few years professional practice. We should follow in their footsteps.

Let us go over the instructions given to our medical inspectors by the Department of the Interior. They are instructed, and rightly so, to do their work with the greatest care. The field is a wide one. Let us go rapidy over it. Is there any physical defect: ataxy, paralysis, deviation of the spine, tuberculosis of the bones? Are there traces of degeneracy, rachitis, tuberculosis, syphilis, strabism, diseased lips or throat? Hypertrophy of the neck glands? Is speech defective? The skin, eyes, heart and respiratory organs should be examined with the greatest care. Is the immgirant tainted with insanity or with some disease of the nervous system? Are there signs of epilepsy? Is the disease from which the immigrant suffers chronic or acute? Would he be likely to improve under treatment?

Such are the instructions given to our medical inspectors. Now, may I inquire, are doctors expected to size up the mental and physical condition of an immigrant in the space of a few minutes, even in ordinary cases? Are they expected to make sure in the space of a few minutes whether the immigrant suffers or not from some affection of the brain, or the nervous system, the eye, the heart or the lungs? The medical examination should last fifteen or twenty minutes, if we are to have really positive data.

I have perused with interest the instructions given to medical examiners contained in this handbook. They are in accordance with scientific requirements, but our medical examiners have seldom enough time at their disposal to carry them out. There are to-day four medical examiners in the port of Quebec. Very often in the course of ten hours they have to examine from 2,000 to 2,500 immigrants. The train is waiting to take them west. The doctors have barely two or three minutes at their disposal to put each one of them through.

The new regulations require that immigrants sent to Canada by charitable organizations subsidized by the state, should undergo a thorough medical examination. The certificate to be filled by the medical examiner should be in this shape. The previous history of the family and of the immigrant himself as regards health should be given. I attach great importance to that part of the examination which relates to the heart and to the lungs. Auscultation and percussion of the heart and lungs are required. All important organs are to be examined in thoroughly scientific fashion. These rules are not too exacting from the scientific point of view. But we are not to-day in a position to carry out such instructions. The government should reorganize the system of medical inspection, if the results sought for are to be obtained. A painstaking medical man cannot be expected to carry out such an examination in less than twenty minutes.

Immigrants sent to Canada by charitable associations are recruited largely in the densely populated centres of the British isles. They live in surroundings favourable to the development of tuberculosis. Hence the necessity of making a thorough examination as to the condition of the lungs. Dr. Pagé, in his evidence before the Civil Service Commission, stated: 'A certain number of immigrants affected with tuberculosis might escape our attention. It is a disease difficult to diagnose at its outset, and there is not sufficient time at our disposal to allow us making the required examination.

In 1904 and 1908, at the meeting of the Canadian association for the prevention of tuberculosis, Dr. Pagé made a strong impression on the minds of the people and especially of the medical profession by his study of tuberculosis from the standpoint

of immigration. At the very time we are taking energetic means towards preventing the spread of tuberculosis, we should be particularly careful about admitting into this country immigrants tainted with that disease previous to landing in Canada. The members of the association appointed a committee for the purpose of having a conference on the subject with the Minister of the Interior (Mr. Oliver). He gave the members of the committee a hearty reception and promised to take the strongest measures with a view to keeping away immigrants tainted with tuberculosis. That explains, I suppose, the further requirement of auscultation and percussion of the lungs included in the certificate. If the medical examiners are given enough time to carry out the instructions thus given, few tuberculous immigrants will slip through. But to obtain that result, it will be necessary for us to increase the number of medical examiners. I repeat it, medical inspection on the other side of the line is getting to be stricter all the time, and we should show even greater severity here, since we are selecting immigrants who are to be the progenitors of a great people.

The new Act provides wisely for the deportation of undesirable immigrants within three years of their landing in Canada. The inspector of jails for the province of Ontario, in his report for 1907, requests that regulations for the deportation of undesirables be made stricter. Since March 31, 1908, we spent $28,000 towards deporting such undesirables. That means the turning away of poor immigrants whose hearts are broken by sorrow, whose hopes are crushed, just at the time when they expected to enjoy comfort and liberty on Canadian soil. The sad necessity of deporting undesirables would in a large measure be done away with, by providing for medical inspection across the seas. Dr. Bryce, on April 25, 1906, stated that such medical inspection was undeniably of advantage to the Canadian people.

On September 24, 1906, United States citizens well posted on imimgration matters assembled in New York. Mr. P. Hall stated:

> We require larger appropriations for medical inspection. We already have medical officers in Italy and Japan, I think that system should be extended.

At page 242 of the volume Immigration, Mr. Hall writes, as follows: 'Since August 21, 1903, United States physicians at Kobe, Nagasaki, and Yokohama, Japan, and at Hong Kong and Shanghai, China, have been instructed to examine immigrants on their way to the United States,' The United States have also medical examiners at Naples, Palermo and in Canada.

I request that the government should, as an experiment, send a few medical examiners to the large European ports, whence the greater number of immigrants embark for Canada. Theoretically Dr. Bryce seems to favour the idea of a medical examination at the port of embarkation. However, he contends in his report, dated May 14, 1906, that it is a very difficult matter to carry on a system of medical examination in countries across the seas. Of course, immigrants arrive a few hours only before the departure of the steamship; but that condition of things might be altered. Fear is expressed that international difficulties might arise. I am satisfied that our Canadian officials could easily arrange for such a service through British officials. That is a question of scientific and humanitarian interest, and of international bearing, the settlement of which we should strive to bring about.

The ideal system would consist in a medical examination performed on board ship by a Canadian physician appointed and paid by the Department of the Interior. He would be permitted to take the necessary time to make an examination of a thoroughly scientific character. Such a system of inspection would be costly, but would ensure results. We do not want degenerates to build up our nation. Such a system of inspection would tend materially to cut down the expenditure entailed by the deporting of undesirable immigrants. Men whose opinion carry weight attach great importance to a system of medical examination by the physicians in the service of the navigation companies. At the inquiry carried on by the Civil Service Commission, it was shown that those physicians have not always been sufficiently careful. Cases of contagious diseases have been discovered on the ships entering the port of Quebec. The steamship is then required to return to Grosse Isle to be disinfected. According to the evidence of Dr. Pagé, immigrants undergo only a cursory examination on leaving Europe. However, the following figures are evidence of undeniable progress:

	Immigrants.	Detained.
1905..	83,000	1,300
1906..	112,000	1,000
1907.. .. ..over	112,000	500

Steamship companies take greater interest in the physical and moral condition of the immigrants, realizing that they will be called upon to deport all undesirables. Physicians appointed by these companies show a greater zeal in the fulfilment of their duties.

We have made constant progress since 1904 as regards the medical inspection and treatment of immigrants detained in hospitals. We should not halt on the road to

greater progress. I foresee for my country the brightest prospects, the most brilliant future. I have the greatest faith in our natural resources, in the energy and the character of the Canadian people. In order to fulfil these expectations, let us adopt the most rational methods in the selection of our immigrants. Let us vote the necessary amounts to organize on the best footing our medical system of inspection; let us give to our medical inspectors the required help; let us build isolation hospitals; let us receive in becoming and proper fashion those who are admitted into the great Canadian family circle. These immigrants, if they are properly selected, and dealt with will love Canada, our laws, our instutitions, and will help in the development of our agriculture, our commerce and our industries

From the point of view of immigration and hygiene, the quarantine service is in close touch with that of the medical inspection of immigrants. Why should they be kept separate? Dr. Pagé, in his evidence before the Civil Service Commission, made the following statement:

If the quarantine service and that for medical inspection in the port of Quebec were placed under the control of a single minister, difficulties would be avoided. We could work harmoniously in the interest of health.

Dr. Montizambert, director general of Public Health, spoke as follows:

The members of the Canadian Association and the officers of the Public Health Service have earnestly urged upon the government the necessity of gathering under the control of one minister all the subjects which relate to public sanitation. The sick inmates of our disinfecting station are under the control of the Department of Agriculture.

At the present time the sick sailors are under the control of the Minister of Marine; the sick immigrants are under the control of the Minister of the Interior; the sick Indians are under the control of the Indian Department. The analysis of food and drugs is under the Department of Inland Revenue. Such conditions are anomalous.

The increase in the number of our immigrants requires the erection in our seaports and disinfecting stations, of new buildings, of isolating sheds properly fitted up, with a view to scientific requirements.

This new legislation contains provisions which are strict enough to prevent the landing of undesirable immigrants. It also provides that undesirable immigrants shall be sent back at the expense of the transportation companies. Subsection 3 of section 33 binds the transportation companies to further obligations:

3. Any transportation company or person knowingly and wilfully landing, or assisting to land, or attempting to land, in Canada, any prohibited immigrant or any person whose entry into Canada has been forbidden under this Act, shall be guilty of an offence, and shall be liable, on conviction, to a fine of not more than five hundred dollars and not less than fifty dollars for each prohibited immigrant or other person so landed in Canada, or whose landing in Canada was so attempted.

The United States adopted that legislation in 1907, and the medical inspectors of the great republic declare that the penalties imposed upon transportation companies with regard to undesirable immigrants are the most efficient means to keep the latter away from the country. Allow me to make a few suggestions. Whoever intends to settle in our country should be the holder of a certificate stating that he has committed no crime involving moral turpitude. This certificate might be issued by a magistrate, by the clerk of a court of justice, or by a clergyman. Let us insert a similar text into our legislation and we shall have at our disposal a further means of keeping away bad immigrants.

I desire to make another suggestion. In 1907, the United States government instituted, under section 39 of the law of immigration, a commission composed of three senators appointed by the Speaker of the Senate, of three members of Congress appointed by the Speaker of the Congress, and of three commissioners chosen by the President of the United States.

Most far-reaching powers are vested upon these Commissioners. They may visit the various countries in Europe; they may hunt up all the necessary information in order to enlighten the legislators of the great Republic, with regard to this great question of immigration.

The President of the United States may convene International Congresses to study this problem. It is true we have a committee on Agriculture and Colonization, but the agricultural question absorbs the most valuable part of the time of our legislators.

The government would be accomplishing a fruitful and progressive work should they appoint a special committee or commissioners with power to investigate the question of Asiatic immigration, the method of recruiting immigrants, of medical inspection, of deportation of undesirables, of the distribution of immigrants and the assimilation of those who come to settle in Canada.

Under section 40 of the United States Legislation with regard to immigration, there exists an Intelligence Office, part of the duty of which is to organize the distribution of immigrants.

No doubt our immigration agents, our colonization societies and philanthropic in-

stitutions should point out to our immigrants the districts and localities where they may settle and prosper. But the Dominion government should establish a central intelligence office and office for the distribution of immigrants, which would serve to guide in their work our agents and national societies. This would be systematic work.

The authorities should make the most noble efforts in order to direct in the right path an influx of sound immigration. Immigrants must not overcrowd the labour market in large cities and manufacturing centres. One of our countrymen thus wrote:

> Let us not under the specious pretence of creating new parishes or of developing those already in existence, blindly lead settlers towards points where they will probably find it hard to make a living and where they will have great difficulty to bring up their children and to provide them with a home in the future.

We canot compare our commercial conditions with those of our mighty neighbors. Let us admit that they have made constant efforts to socially solve the problem of immigration. We may take a leaf out of their book of experience; we may draw inspiration from our own history and from our traditions, to elaborate a law worthy of a great people.

Parliament is giving great powers to the Governor in Council and to the Minister of the Interior.

Let me read section 89 :

> 89. The Governor in Council may establish and maintain immigration offices at such places within and outside of Canada as from time to time seems proper.

Our immigration offices are drawing at. tention. Immigration agents, here and abroad, are the representatives of Canada. They must do honour to Canada by their activity, their zeal, their prudence and their knowledge. These delegates from departments must be well informed on our resources and our economical conditions. Some of our offices in the United States are not organized in an efficient manner. The heads of these offices are not furnished with the necessary elements to make their work effective.

Parliament should instruct the hon minister to publish in his annual report the returns from immigration agents. For the last two years, the returns from our immigration agents in the United States and the reports of colonization societies, have not been inserted in the official publications delivered to the representatives of the people. I demand from the government and parliament, a legislation worthy of a people growing up among nations. I desire a law which would be strict, though human, and draw its inspiration from the pinciples of Chistianity.

In concluding, Mr. Speaker, I wish to say that I deeply regret the campaign of disparagement pursued by a few writers in Belgium. Our institutions, our immigration agents and our officers, who receive the immigrant at his arrival in the country, are one and all most wantonly slandered. Immigration agents may have done wrong ; they may not have understood the loftiness of their mission: but no one has the right to sling mud at faithful officers, alive to the greatness of their duties. Such a campaign is calculated to deter desirable immigrants from coming to our shores. The government should adopt methods, the effect of which would be the disappearance of the prejudices that seen to prevail in Belgium against Canada.

Mr. J. A. C. ETHIER (Two Mountains). I have listened with great attention to the able address of the hon. member for L'Islet (Mr. Paquet), and the remarks and suggestions he has made on the measure now before the House. This debate is of such vital importance that I have thought proper to take part in it, in order to communicate to the House and to the country my impressions on the subject, and also to give my opinion on the immigration policy pursued by the government of the day up to date. I beg for the indulgence of my English-speaking colleagues if I do not speak their language as correctly as it should be spoken in this House, but I will do the best possible. The Bill actually before us is a most important one. Immigration is the momentous problem to which , in my mind, this Bill, by its due inforcement, will bring a rational and successful solution. Before going into the merits of the measure, let us give a glance backward and consider what was Canada's standing in regard to immigration before 1896 and what has been done since. It is a well-known fact that, under the late administration, the word 'repatriation' was an unknown one, that the word ' immigration ' in its true sense was nearly if not quite an unknown word. In those days our population was stagnant, our people were leaving their native land to seek in the United States the living they could not earn in Canada. What was done by the government at that time to check this exodus of Canadians?—what efforts were made to repatriate thousands and thousands of those who emigrated? I cannot find any line of policy in the official reports of the time. In order to illustrate my remarks, let me refer to the report of the High Commissioner for the year 1896, dated 27th January, 1897. This report is from Sir Donald Smith, High Commissioner. He complains that emigration to Canada

had remained normal for several years, and had somewhat fallen off compared to former times, the movement to Canada not being so great as it was ten or twelve years ago. He also insisted that more money should be spent and more educational work done to encourage emigration to Canada. Let me quote his remarks on these points:

More money might, and, it appears to me should be spent in promoting emigration——

Of course Canada has to contend with some disavantages, more nominal than real, as compared with some of the other colonies; but I believe that much that occurs in Canada itself tends to somewhat discourage desirable immigration. More might be done in Canada to attract immigration, to keep it when it is there, and to co-operate in the endeavours made in this country to stimulate a flow of desirable immigration in the direction of the Dominion. The provision of a greater extent of free land nearer the railways and settlements would be a considerable attraction.

And he said:

I believe that the proper course to adopt is to continue our educational work, to spend more money upon it, to keep the country continually before the public; and I am sure, if that is done, the desired result will be achieved in course of time.

And, in conclusion, he said:

The emigration to Canada has remained normal for the last few years. It has somewhat fallen off as compared with former times. Although the expenses of the government in connection with emigration has decreased, the expenses of the steamship and railway companies have been more or less maintained, and there have been other agencies at work, notably the agencies of the provincial governments. Our own agencies have also been increased in number. Notwithstanding all this combination of efforts, the movement to Canada is not so large as it was ten or twelve years ago, a fact which seems to indicate that the diminution in the emigration does not arise from any want of attention on this side.

In conclusion, I may state it appears to me, as the result of my inquiries, that more money might, with advantage, be spent in connection with the encouragement of emigration to Canada, and that in the long run it would really be in the direction of economy. At the same time, however, my recommendation is accompanied with the qualification that it should be systematic and properly controlled, as I certainly do not favour any indiscriminate or purposeless expenses.

So by this early report of the High Commissioner made after the fall of the late administration and the entry into power of the actual administration, the High Commissioner pointed out that more money should be spent and more educational work done to encourage emigration from the British Isles to Canada. His suggestions were amply fulfilled by the actual administration, though since a few years the opposition in this House have complained of the great sums of money spent in order to promote immigration and to carry on the educational work which the High Commissioner favoured in 1897. What has been done? Since the Liberal party came into power, the government, by its immigration policy adopted in 1897, by the denunciation of the Belgian and German treaties, by the opening of new markets, by the developement of the resources of the country, by the encouragement of all kinds of industry, by public works throughout Canada, by the opening of new provinces, by the appointment of immigration agents in Great Birtain, the United States, France and Belgium, have called the attention of the whole world to Canada, and from that moment Canada started upon a new era of prosperity. The question of repatriation received the immediate attention of the government, and in proof of that statement permit me to mention the names of the agents especially appointed to carry on the work of repatriation from the United States: D. Gauthier, C. A. Laurier, Rev. L. P. Gravel, Rev. J. A. Ouelette, Rev. J. C. Sinnett, Rev. E. E. Gauthier, J. B. Carbonneau, R. Dupont, A. Ayotte, O. Tessier, R. Laurier, A. P. Berubé, W. H. Beaudry, Elzear Gingras. From the year 1900 to 1907 the Minister of the Interior subsidized the following societies which are especially charged with the work of repatriation and immigration from the United States: The Quebec and Lake St. John Railway was subsidized during these six years to the amount of $25,300; the Repatriation Society of Montreal was subsidized for $25,300; the Repatriation Society of Quebec was subsidized to the amount of $22,000, and, by the last report, that for 1908. I see that the Department of the Interior, in order to encourage these societies, has voted $8,000 to the Quebec and Lake St. John Railway, $4,000 to the Repatriation Society of Quebec, $1,500 to the Ottawa Valley Aid Immigration Society, and $1,000 to the Union Nationale Française. What is the effect of the repatriation policy? We have only to look over the reports of these societies to learn the facts, a few of which I shall bring before the attention of the House. By the report of the Repatriation Society of Montreal, in March, 1908, I see that from 1898 to 1907, 1,715 Canadians returned to Canada through the work of this society alone. Other statistics contained in the report of the society show that through the Rutland Railway alone, independent of all the other agents appointed by the government, independent of all the education work done by the societies I have mentioned, from 1901 to 1907, 78,866 Canadians were repatriated and scattered throughout the old parishes of the province of Quebec alone.

Take the agency at Biddeford, Maine, where Mr. J. B. Carbonneau is the agent. In his report of the 31st March, 1908, he states that he issued 405 certificates, representing 135 families, with $48,000 worth of effects. During the last five years from 1903 to 1908, during the continuance of the policy I have described, there were brought into the country 26,547, showing nine per cent of the total immigration coming from the States. The total immigration from the States through the various agencies amounted to 239,775. Now let me deal with the United States immigration. I think the agents appointed by this government have carried on a very successful immigration propaganda, particularly for the western provinces. The House may be anxious to know that the Department of the Interior, since 1896, have appointed the following immigration agents for the States: Benj. Davis, Great Falls, Montana; Thomas Duncan, Syracuse, New York; E. T. Holmes, St. Paul, Minnesota; Geo. A. Hall, Pittsburg, Pennsylvania; W. V. Bennett, Omaha, Nebraska; Chas. Pilling, Grand Forks, North Dakota; Thos. Hetherington, Boston, Massachusetts; H. M. Williams, Toledo, Ohio; J. M. McLachlan, Watertown, New York; Jas. N. Grieve, Spokane, Washington; M. V. McInnes, Detroit, Michigan; T. O. Currie, Milwaukee, Wisconsin; C. J. Broughton, Chicago, Illinois; W. H. Rogers, Indianapolis, Indiana; J. S. Crawford, Kansas City, Missouri.

So I do not think that anybody in this House will complain of negligence on the part of the Department of the Interior in promoting repatriation from the States, either into the old provinces or into the new. As I have already stated, 239,775 came from the States from 1901 to 1907. Now for 1908, 11 agencies out of those I have already mentioned, brought 28,676 persons who settled in Canada. Seven of those agencies reported 1,168 carloads of moveables, and five agencies reported moveables imported of the value of $5,735,355. This is an example of the work which has been done through these agencies during the last year. The Ottawa Immigration Aid Society during last year brought in 683 immigrants, scattered as follows: 470 in New Ontario, 229 in New Quebec, and 37 in the west. I understand that some of my hon. friends on the other side of the House complain that the province of Quebec has not been getting her fair share, but they must admit that the province of Quebec got her fair share of the immigration brought in by the Ottawa Society. Through the Grand Falls agency, 1,756 immigrants were brought in, with 32 carloads of settlers' effects, valued at $2,688,335. These people settled in Manitoba, Alberta and Saskatchewan. The Detroit agency sent in 3,521 immigrants, with effects valued at $1,777,000. The Boston agency sent in 744 immigrants, with effects valued at $432,620, representing an average value of $558.94 for each immigrant. I might cite similar statistics for nearly all the agencies I have mentioned. Thus we find that the volume of immigration coming into Canada is enriching the country, both by an increase of population and by an enormous amount of capital.

In the year 1907 the Department of the Interior spent $1,095,600 on immigration purposes. What was the result? There were 58,320 immigrants brought in from the United States alone, with an approximate value in settlers' effects of $58,778,496, as compared with a total value brought in by immigrants from Europe and the British Isles of $7,585,651. These figures show that the money spent by this government for immigration purposes is really an investment bearing compound interest, and of great benefit to this country.

Now, Mr. Speaker, having dealt with repatriation work from the United States let us consider what has been done with respect to European immigration. The official report of the Department of the Interior for 1907-8 shows that during the nine months from the 1st of July, 1906, to the 31st of March, 1907, the immigrants arriving at ocean ports amounted to 124,667, whilst during the last five years of the late Conservative government the number of immigrants arriving from Europe at ocean ports amounted altogether to only 113,000. Therefore these figures show that during the period of nine months I have mentioned, there were 11,000 more immigrants arriving in Canada by ocean ports than during five years of the late Conservative government. During the twelve months ended March 31, 1907, we received European immigrants to the number of 204,157. To what cause is that great influx of immigration due? I am sure that the committee will agree with me when I say that that great influx is due to the work of the agents appointed by this government in France and Belgium, to the distribution of immigration literature, to educational work, to the good will of the local press, to lectures delivered and to the splendid exhibits of agricultural products made at the Liége and other exhibitions. While I am speaking of agriculture with reference to immigration let me remind the committee that the Department of Agriculture, from 1896 to 1907, spent $1,568,140 for Canadian exhibits abroad. This has done much to assist the Department of Interior in bringing desirable immigrants to this country. A complaint had been made by some hon. members on the other side of the House—I do not say to-night—but a few months before this parliament met and, I think, in a debate at the beginning of this

session, that the government did not sufficiently encourage French and Belgian immigration. That complaint was made by the hon. member for Jacques Cartier and also by the hon. member for L'Islet. We should not ignore the efforts made by this government to establish commercial relations between Canada and France. The negotiation and ratification of the French treaty and the subsidizing of the Franco-Canadian line should do much to bring about an increased immigration. I do not think we should restrict ourselves to the efforts of immigration agents who are paid by the Department of the Interior to devote themselves especially to the work of promoting immigration. All these efforts of the government to promote better relations with France will contribute to the same end and will assist in creating a movement of immigration from France to Canada. I think that our efforts so far have been fairly successful. Hon. gentlemen opposite should not forget that the question of promoting immigration from France to Canada up to the year 1896 was practically ignored. We had, before 1896, Mr. Fabre whom everybody honours and respects, but to-day we have Mr. Wiallard, Mr. Geoffrion, Mr. Cyr, Mr. Foursin, Mr. Brutinel, Mr. Montpetit, and Mr. Vauriot.

This government have thought fit to appoint these prominent men to promote immigration from France to our country. While speaking of immigration from France I should also mention the work of Mr. DeCoeli, our Belgian immigration agent. From 1897 to 1907 the number of French and Belgian immigrants who came to this country was 14,207. Let hon. gentlemen opposite tell us the number of immigrants brought from France and Belgium before 1896, as the result of the work of their own immigration agents. I do not believe they are able to take up the immigration reports and show any such result. Taking into consideration the proportion of emigration going from France to other countries, except to her colonies, we have received a good share of the French emigration from 1897 to 1907. The reports speak also of emigration from the British Isles. There were a few immigration agents before 1896 in England, Scotland or Ireland, but since 1897 we have had the advantage of the work of Mr. Jury at Liverpool, Mr. J. Obed Smith at London, Mr. Mitchell at Birmingham, Mr. Webster at Belfast, Mr. Murray in South Wales and Mr. O'Kelly at Dublin. The reports of these gentlemen for the year ended March 31, 1908, demonstrate the enormous amount of work done by the Department of Interior to promote the interests of Canada and to bring to our shores a large number of desirable immigrants. It has been stated that there was discrimination against immigration from Belgium. Let us look at the record with regard to immigration from that country. I think that Canada is well represented in Belgium by Mr. DeCoeli and I think that we will all endorse the compliments which have been paid to this gentleman by the hon. member for Jacques Cartier and the hon. member for L'Islet. What does Mr. DeCoeli say with regard to immigration from Belgium? At page 84 of the report of the Department of Interior we find the following under date of Antwerp, Belgium, March 31, 1908.

I have followed up the introduction in our common and superior schools of the teaching of the geography of Canada. I had the honour to make mention of my endeavours to that effect in my report of 1905, when I stated that twenty-two schools were giving lessons on Canada; in 1906 this number increased to 505, and during this year I am pleased to state that in 1,875 more schools, forming the grand total of 2,380, the geography of Canada is taught.

That is the work of a man appointed by this government.

Every one of these schools has the large wall map of Canada in its classes, and a certain number of atlases and other pamphlets have been forwarded to them for free distribution. Special attention has been paid to provide also the schools of adults with the above.

It continues:

I think it my duty to remark that I was greatly encouraged in this distribution by the school inspectors of the different districts and by other educational authorities, and also that neither map nor pamphlets were forwarded except on demand and on special promise that the map should be used in the school and the pamphlets distributed gratuitously. Besides this, I loaned a good many Canadian views to be used for lectures.

I am quite sure that a more effective propaganda could not be made, and I expect the best results in the near future.

During the winter season I have given twenty lectures, generally in the localities where a certain movement of emigration was noticeable.

That is the report of Mr. DeCoeli, and I do not see any evidence of discrimination against Canada in regard to immigration in what he says there. Nor have we any evidence of local discrimination, except statements which have been made before the legislature in Quebec by one man who was brought here and who was forced to go back. We have our agents in Belgium, France and Great Britain who are making Canada known as it was never known before.

In every speech which was delivered by my opponents in the county of Two Mountains the government were accused of having brought undesirable immigrants and

criminals, especially from England. I am ready to admit that in the first years of the administration the rules with regard to immigration were not as strict as they should be. But, experience brought wisdom and as time went on the government wisely and prudently, gradually framed the regulations in the interests and for the protection of the community; and that gradual improvement in the rules has continued year after year until to-day we have the Bill which is now before the House. Now, Sir, if it be true that immigration is necessary to develop the natural and industrial resources of Canada and to enable our country to take the high place for which she is destined amongst the nations of the world, it is also true that there must be restriction on the character of that immigration. In 1896, this government continuing the regulations adopted by the Conservative government did not restrict immigration as it should be restricted, but the necessity for restriction soon became apparent. In the first place paupers and diseased persons were excluded. Then in view of the protest from western Canada the government raised the tax on Chinese immigrants from $50 to $500. Then, skilled Canadian labour objected to the unfair competition to which they were subjected, and the government passed the Alien labour law. Then, the Japanese immigrant question became acute and as the result of wise statesmanship the immigration of Japanese has been restricted. On this question, let me quote the remarks of our colleague, Mr. Mackenzie King, who has just returned from Japan. He says:

To preserve the standards which our industrial classes have reached, restriction of immigration is an absolute necessity. This is recognized by the authorities across the Pacific, hardly less than by ourselves, and as long as we act with forbearance and consideration of difficulties eastern statesmen have to face, we have nothing to fear from oriental immigration for years to come.

While in Japan I was invited by the foreign office to confer regarding the immigration question, and a frank exchange of views took place. Canada and the United States can rely upon the statement made eight weeks ago by Count Komura, Japanese foreign minister, in a carefully prepared speech, in which he announced that Japan proposed to restrict immigration across the Pacific.

This statement from Mr. King is proof of the efficacy of the agreement which was entered into last year by the Japanese government at the instance of the Postmaster General (Mr. Lemieux) the special envoy from Canada to Japan.

Let me deal for a moment now with the question of the medical inspection of the immigrants. Previous to 1904 there was no scientific system of medical inspection, but since that year the medical inspection of immigrants has been established on a sound basis. The House has not only my word for this, but I can go to the camp of those opposed to the government and there in the person of the hon. member for L'Islet (Mr. Paquet) I can find authority for the statement that there is in force to-day a scientific system of medical inspection on the St. Lawrence under the control of Dr. Pagé. On the 22nd of April, 1908, my hon. friend for L'Islet spoke on that subject on the floor of this House, and I quote his remarks from 'Hansard,' page 6953:

The Canadian Emigration Act is sometimes bitterly criticised. If it be properly applied, the Act would appear to answer to the economic and social requirements of the nation. It contains provisions for getting rid of bad emigrants. The medical examination has become more serious, at least at Quebec. According to Mr. Bryce's report (page 120) 1,422 emigrants were detained at the Quebec hospital in 1904-5; in 1906-7, 523 only were detained at that hospital. The examination in European ports is also more serious and this is to our advantage. The United States government fines steamship companies $100 for every person shipped without sufficient inspection or suffering from tuberculosis, epilepsy or any contageous disease. It is sometimes difficult to discover the true physical and mental condition of an emigrant at the time of his examination. But we can deport those who prove undesirable.

You will allow me to make a few remarks concerning the medical inspection of emigrants at Quebec. Dr. J. D. Pagé took charge of the emigrant hospital there in 1904. Before that there was no system of scientific medical inspection. Two inspecting physicians were appointed, but there was not place for sick emigrants or emigrants under observation. The government understood the necessity of efficient medical organization. Dr. Pagé was in consequence appointed, in addition to his hospital duties, medical officer of the port of Quebec. He has thoroughly organized the system of medical inspection at that place. I am in a position to state that the medical inspection of emigrants at Quebec is in no wise inferior to that of any American port.

I compliment my hon. friend from L'Islet on his fairness in admitting that our medican inspection of immigrants is of a high order, and I trust that to-day he is of the same opinion with regard to the morality and character of the immigrants who are brought to this country under the influence of the Minister of the Interior and of the government.

Mr. PAQUET. Do you think that the medical inspection in the United States is complete and perfect?

Mr. ETHIER. I have quoted the words of my hon. friend from L'Islet to the effect that our medical inspection is in no way inferior to the United States system, and as our friends on the opposite side are very fond of holding up the United States system as far superior to that of Canada, the House may draw its own conclusions. I do not think I can offer stronger evidence in favour

of the care exercised by the government in this regard than to take the words of my hon. friend from L'Islet in connection with the high praise which his friends give to the United States system of medical inspection of immigrants. Now, let me cite articles 28, 29 and 30 of the bill with regard to the medical inspection of passengers:

28. The master shall furnish to the immigration officer in charge at the port of entry a bill of health, certified by the medical officer of the vessel, such bill of health being in the form and containing such information as is required from time to time under this Act.

29. The immigration officer in charge, whenever he deems proper, may direct the medical officer, before any passengers leave the vessel, to go on board and inspect such vessel, and examine and take extracts from the list of passengers or manifest, and from the bill of health.

30. Medical officers appointed under this Act shall make a physical and mental examination of all immigrants and passengers seeking to land in Canada from any ship or vessel, except in the case of Canadian citizens. Such examination shall be made in accordance with and subject to regulations prescribed by the superintendent of immigration under the direction or with the approval of the minister.

Explanatory note.—It is considered advisable that the examination to be made by medical officers under this Bill shall not be rigidly prescribed in the Bill itself, but shall be made in accordance with rules and regulations to be prescribed, and which may be altered or suspended as deemed advisable on account of the class of immigrants, the time of the year, the prevalence of epidemics, the health conditions in the port of embarkation, &c.

Now, my hon. friend from L'Islet has made several suggestions with regard to the medical inspection of passengers; some of his suggestions are excellent and I do not quarrel with them, but I would point out that the essence of those very suggestions are contained in this Bill. By article 33, subsection 3, a penalty is imposed upon any transportation company bringing into Canada an undesirable immigrant. Hon. gentlemen opposite formerly compared our laws with the American laws which provided for a penalty of $100 on the captain of a boat bringing to the shore of the United States an undesirable or sick or proscribed immigrant. The language of this Bill is modelled on the American Act, and it imposes a penalty of $500 for each prohibited immigrant or other person landed on any transportation company or person knowingly landing or assisting to land or attempting to land in Canada such prohibited immigrant. Referring from subsection 3 of paragraph 33 to article 3 of the Bill we find that the prohibited immigrants are persons mentally or physically defective, diseased persons, criminals, prostitutes, and pimps, procurers, and charity immigrants. The suggestions made by my hon. friend may be good, and I am sure that the government will give them due consideration, but everything of this kind cannot be put in such a Bill as this; some things which might apply to one class of immigrants may not apply to immigrants from other countries, so that some latitude must be left to those charged with the administration of immigration matters. Many of these matters can be more satisfactorily dealt with by departmental rules and regulations which may be passed according to circumstances and to the needs of the moment.

The government has been accused of permitting the importation of criminals from England. During the last election Canada was represented as a dumping ground for the criminals from the old country, a sort of Isle aux Sables where criminals from the old country were brought instead of being sent to the penitentiaries of England. To demonstrate that these representations are quite unfounded, and that the government have energetically and consistently endeavoured to prevent such immigration of criminals, let me quote from Lord Strathcona's report of 1907. He is here stating what he had done in order to carry out the instructions received from the Dominion government in respect to this matter. He says:

The exercice of the restrictive powers provided for during the present session of the Dominion parliament will no doubt prevent the emigration of as many 'undesirables' as was the case last year and will doubtless ensure a better type of immigrant.

Thus the government had given instructions and were preventing the immigration of such undesirables.

So far as I am able to judge, official and public sentiment in this country realizes that the action of the Dominion government in taking measures to prevent indiscriminate immigration was justified by the conditions which have developed. Nevertheless it may be expected that a large number of persons who may not be able to comply to the letter with the regulations that have been devised will, in consequence of the industrial position here and on the continent desire to emigrate to Canada. A great number of these persons although engaged in towns and cities have had some experience of farm life, and in cases where the probability is that they may become good farmers or efficient farm labourers, the regulations will, no doubt, with advantage be administered in a generous manner. Cases have repeatedly transpired in which recorders, chairmen of sessions and others, have postponed passing judgment on transgressors against the law, on the condition of their being sent to Canada.

This is the answer from the report of the High Commissioner to the position taken before the country by hon. gentlemen opposite. He continues:

I have drawn the attention of those concerned to these cases, stating the strong objection which was felt by the people and the government of Canada in respect to them, and at my request wide publicity was given to the matter in the press, and it was hoped that as a consequence such practices would cease.

Correspondence in the same report bears out this statement. I shall read extracts from a letter signed 'Strathcona' dated June 28, 1907:

The Under-Secretary of State,
Colonial Office, S.W.

Sir,—I beg to state, for the information of the Earl of Elgin, that from time to time the Canadian government has had brought to its notice that, on occasion magistrates and others in this country have agreed, on the representation of interested persons, to defer passing judgment on transgressors against the law, on condition of their being sent to Canada. In these circumstances, the Canadian government greatly desires that, if possible, some notification of its views on the subject may be conveyed to magistrates and others concerned, in order definitely to put a stop to the sending to Canada of persons convicted of crime.

What does that show? That in the fall of 1908, when hon. gentlemen opposite were representing that the government were encouraging the immigration of criminals and encouraging the magistrates of England to send transgressors against the law to Canada, the government of Canada had issued proper rules and instructions to prevent the immigration of people of that class. In April, 1908, Lord Strathcona wrote to the Lord Mayor of London, as follows:

My attention has been drawn to the inclosed extract from the Montreal 'Herald' of the 8th of March, relative to a youth who appears to have been charged at the Mansion House with theft, and to have been discharged on the understanding that he would go to Canada and I have been asked to take official action with regard thereto. I feel however that it will be sufficient if I point out informally that the people and government of Canada strongly resent the sending to the Dominion of any person who has shown criminal tendencies. Indeed powers exist under the Canadian law for deporting such persons and these are rigidly put into force.

That is the stand that was taken by this government at a time when these criminals were supposed to be sent to Canada from England with the permission of this government. It has also been stated that diseased and immoral and prostitute immigrants have been encouraged to land on the shores of Canada. That has been stated, not perhaps in this House but all through the country during the last general election. In answer to this let me quote what Dr. Bryce, the Chief Medical Inspector of the Interior Department, says in his report of 1908, at page 137. After having inserted several tables in regard to immigration, he says:

Such, as summed up in the several tables, is the story of the largest immigration to Canada, viewed from the medical standpoint, which has taken place during any year in her history. It was the culmination of a remarkable influx of people to Canada from other countries, which, comparatively, has never had its parallel even in the history of the United States. Since April of the census year 1900 to April 1, 1908, the immigrant arrivals destined to Canada have numbered 1,066,684, as compared with 6,667,732 to June 30, 1907, to the United States; or to the census population of 5,371,315 has been added almost exactly one-fifth, and but one-eleventh to the 76,303,387 census population of the United States. Thus within these short years one person has had to be found a place for beside every other five workers in Canada, and until the financial stress of last winter, work in abundance has been found for all, as the absence of any notable increase in the inmates of charitable institutions up till then has shown. But if we are to judge by comparative statistics, the machinery for eliminating the undesirables has been so effective that in no class will it be found that even a proportionate number per 1,000 of defectives has been allowed admission to Canada. What nationalities have had the larger number of failures to make good has been shown, and now that the measure of the work of prevention requiring to be done has been fully gauged and experience in methods of working has increased we have a right to conclude, judging from the past, that, whatever number of immigrants may in future years come to Canada, while a welcome will be extended to all who are in earnest to make Canada their home and add to her strength and wealth, yet at the same time an equally positive refusal to allow any to make Canada the scene whether of their ineffectiveness, follies or crimes will be shown.

P. H. BRYCE,
Chief Medical Officer.

In view of statements of that kind coming from men who have had years of experience and whose statements are based on facts, all these charges made against the government, and which no doubt are made for political purposes, can have but little weight. After giving you the testimony of Lord Strathcona and of Mr. Bryce, let me quote from the annual report of the Commissioner General of Immigration of the United States for the fiscal year ending June 30, 1908. In that report we will find what our American neighbours think of the rules and regulations governing immigration into this country. These opinions I am about to quote are from officials of the American government who, my hon. friend from l'Islet (Mr. Paquet) tells us, are superior to ours. What do they think of our policy of immigration? On page 142 you will find the following in the report of the Commissioners General of Immigration:

Immigration through and from Canada to the United States for the fiscal year just ended presents many interesting phases, some of which I feel our department can afford to contemplate with genuine satisfaction. It is interesting to note that while immigration to the United States through other avenues of entrance shows a remarkable falling off, yet the addition to our population by the Canadian route shows an increase of more than 20 per cent over any preceding year. The unmistakable earnestness of protest appearing in leading Canadian journals, and from the speech of Canadian citizens in general, I believe it is safe to conclude that Canada has drawn the line at immigration stimulated by charitable or benevolent institutions, and shall hereafter rigorously insist that the immigrant who would make himself a home north of the 45th parallel, must be of the independent, self-reliant, self-maintaining class which after all is the only immigrant whose migration to a new country should be encouraged.

As applied to immigration to Canada, and from Canada to the United States, the recent industrial depression seems bound to prove a blessing, for it has undoubtedly aroused our Canadian neighbours to a fuller realization of the worthlessness of assisted immigration, a lesson long since brought home to our own government.

In a previous communication to the bureau on the subject now in hand, I had occasion to remark that 'so long as the Dominion Immigration Act authorizes hospital treatment for aliens who may be diseased, so long will the Canadian route be patronized by those doubtful of their ability to pass the scrutiny of medical officers at United States ports.' As the result of disclosures made at Halifax during the past year, it was learned that through connections touching Marseilles, Liverpool, and Halifax, unscrupulous persons, noncitizens in Canada or our own country, were engaged in an unlawful undertaking involving the migration of diseased and otherwise unfit aliens from southern Europe to the United States, such immigrants becoming the prey of the designing through the assurance that hospital treatment was always obtainable upon arrival in Canada.

The offenders were promptly dealt with by the courts at Liverpool and Halifax, and resulting in still greater benefit to the service was the issuance of an order by the Dominion authorities to the effect that in future hospital treatment will be allowed only in cases considered especially meritorious, and that in all ordinary cases where mental or physical unfitness is certified by the medical officers deportation must ensue forthwith.

With strict adherence to the above order, thus compelling more careful medical inspection before embarkation, the result must necessarily be to the advantage of both Canada and the United States, and it is confidently believed that another year's record will show justification for this contention.

These are the statements of American authorities regarding rules and regulations for the prevention of undesirable immigration, which are put in force by our Department of the Interior. They apply not only to immigrants to Canada, but even to people who land in Canada en route to the United States. I think I have given a fairly good resume of the work of the Minister of the Interior regarding immigration. The hon. minister certainly deserves our congratulations.

To show what are the requirements of Canada in regard to immigration let me quote the words of Mr. Flummerfelt in his letter of February 5, in which he says:

> They consist in wisely using our natural resources and judiciously seeking additions to our population, thereby encouraging a further advancement towards freedom, justice, popular education, a strong, well defined British-Canadian sentiment.

It is in order to comply with these requirements that this Bill has been introduced. Our hon. friends opposite have made comparisons between our rules and regulations and those of the United States government. Well, perhaps in early years there was ground for unfavourable criticism, but since July, 1904, our immigration policy has been equal, if not superior to that of the United States. After the resolutions passed in February, 1904, which were sanctioned by the American commission with reference to transportation companies carrying immigrants through Canada to the United States, the statistics show that, during the years 1905, 1906 and 1907, one immigrant out of 321 has been rejected by the United States. And in Canada the proportion is one out of 293. When we study the figures of the total immigration we find that the proportion is in our favour and that our system appears to be better than the other. And, as stated by the hon. member for l'Islet (Mr. Paquet) it is quite equal, if not superior to the American system. The present Act, as I have already stated, covers the needs of the moment. It is in accordance with the views and aspirations of the country. It meets the problems of the present and should be adopted. In conclusion, let me quote the remarks made in a recent pamphlet by Mr. Robertson, of Revelstoke, B.C., who, speaking of the actual situation of our country, and dealing with the immigration question, says:

> The future is full of promise. Our trade relations with the mother country are on the preferential basis, and our trade relations with the United States are harmonious on the basis of mutual protection. From these countries we look for the increasing population that is to direct and dominate the national life of this great Dominion. There are signs that our great statesman——

Referring to Sir Wilfrid Laurier,

> —will not sacrifice the highest interests of this country to the ignoble and the mean. And though to-day Canada has probably the most serious problem of immigration and assimiliation in the world, and though at first sight

the burden seems oppressive, still with loyal British hearts and strong Canadian hands we hopefully take up the burden and respond to the call to make this country a home of peace, a land of promise, a nation of righteousness.

Mr. F. D. MONK (Jacques Cartier). I sincerely regret the action of my hon. friend from Two Mountains (Mr. Ethier) this evening. I think that action is to be deplored. We came here this evening with the full intention of working throughout the details of this Bill, helping to make it as perfect as possible, because it is a step forward which had become absolutely essential and necessary. And I, for my part, having expressed my views often in this House on the subject of immigration, thought it better to abstain from making any general observations. On the other hand, my hon. friend from l'Islet (Mr. Paquet) under the circumstances which took place when the Bill was read a second time, had not then made the admirable speech which he has made this evening, a speech absolutely free from any political import whatever, and he took occasion, on one of the first clauses of the Bill, to give to this committee the benefit of serious study and particularly the result of his examination of immigration questions from a medical standpoint. I have no hesitation in saying, for I have given some study to this subject, my hon. friend has treated this subject immigration questions from a medical standpoint. And my hon. friend the Minister of the Interior (Mr. Oliver) will admit at once that there was not a shadow of any political feeling in what my hon. friend from L'Islet uttered here to-night. He stated what he thought as to the best method of inspecting immigrants medically. My hon. friend the Minister of the Interior himself will admit that there is room there for improvement;—he does admit it since he provides for it in this new measure. But what do we find? When we are about to enter a study of the Bill, my hon. friend from Two Mountains, primed by somebody —I say that to my hon. friend the minister because I have my suspicions,—for it was known that the hon. member for L'Islet was going to make some observations, and the hon. member for Two Mountains was primed to make a political harangue which he has done without any necessity, without—

Mr. OLIVER. Will the hon. gentleman (Mr. Monk) allow me?

Mr. MONK. Certainly.

Mr. OLIVER. I wish to say that, so far as I am concerned, the hon. member for Two Mountains (Mr. Ethier) was not primed by me. And I think the evidence before the committee is that he did not need to be primed by anybody.

Mr. ETHIER.

Mr. MONK. I do not agree with the latter part of what has been said by the hon. minister. I do not say that the minister himself primed my hon. friend from Two Mountains, because I am willing to admit that since he came into the conduct of his department there has been a change, a change from a frightful state of things that existed before. I am willing to admit that. But I did think, in the innocence of my heart, that, perhaps, as the hon. minister is not familiar with the French language, knowing that the hon. doctor (Mr. Paquet) had some observations to make, he had confided the refutation of those observations to the hon. member from the province of Quebec. As to the utterances of the hon. member for Two Mountains, surely the members of this House who have followed the question of immigration with any degree of attention since a few years must know that they are of a character that ought not to commend them to this committee. With all the praise which my hon. friend from Two Mountains has bestowed on the past state of affairs, how can he commend this Bill which is an absolute revolution, an improvement upon that state of affairs? No. We have been interrupted; and, if there is delay in the work, which work we were entirely prepared to second the minister in carrying forward this evening, the fault is due to my hon. friend for Two Mountains. And I will say this also, that I think I interpret as fairly as does the hon. gentleman (Mr. Ethier) the opinion of the province of Quebec,—and we hold strong views on that province with respect to immigration. Nothing which my hon. friend (Mr. Ethier) has said this evening will find an echo in the opinion which we entertain in the province of Quebec. Remember I do not say we are entirely right, I do not say we do not, in some respects, go too far, and especially I do not say that we are not prepared to respect the opinion of representatives from other parts of the country who hold different views from our own. But I say that what we have heard to-night from the hon. member for Two Mountains is not the opinion of his compatriots and mine in the province of Quebec. We do not say, as my hon. friend has said to-night, that immigration is necessary. He would not go into the province of Quebec and utter that sentiment, because we do not hold that view. We are glad to receive into this country immigrants of a good kind. We are delighted to see them. And we believe also that we should make our country known abroad. But we of the province of Quebec do not believe in bonusing immigrants. That is a matter which is often referred to in our political meetings, and everybody in the province of Quebec knows that the idea of paying so much a head

for immigration irrespective of the qualities, moral and physical, of the immigrants is not at all a view which we entertain. We hold, in the province of Quebec, and I think these views are shared to-day rightly throughout other provinces—that the time has arrived for us to carefully examine every immigrant, to make sure that we are receiving the best kind, and not to proceed in the indiscriminate and destructive way in which we have proceeded in the past and which has led the government and the Minister of the Interior to bring before this House the present measure which I commended when it came up for its second reading, and which my hon. friend from Two Mountains has spent a great deal of time to-night in lifting up as if we were endeavouring to knock it down.

That is not the view we entertain, we want to improve it. I say therefore that my hon. friend has not echoed faithfully the feelings of his own province on this measure. He made a brief comment upon the remarks of my hon. friend from L'Islet (Mr. Pacquet), remarks which were the result of careful study. My hon. friend from L'Islet is a medical practitioner of much study, and has looked carefully into the medical aspect of the immigration question. The hon. member for Two Mountains remarks that only $124,000 were spent on immigration during the years which preceded the advent of this government to power. And he says: 'We have spent millions since, therefore we have done better than you.' Now I ask any member of this House who has followed the proceedings of the immigration committee and the discussions here during the past years, who have read the report of the inspectors of prisons and asylums of the various provinces, whether that is a fair statement of the case. It is true that in the year before 1896 the country spent $124,000, but I would ask the hon. gentleman if he is aware that in that very year Sir Richard Cartwright moved that that small sum, relatively speaking, should be reduced by $50,000? We have spent since 1896 yearly increasing sums of money up to 1904, absolutely without discrimination. The hon. gentleman admitted himself that up to 1904 there was no such examination as we have provided since, and which we are now endeavoring to improve. Millions were spent yearly, spent indiscriminately, and a large number of immigrants came to this country who were objectionable. In the report of the United States immigration Commission of 1905, the members of this committee will find the statement that in consequence of that condition of affairs they had made serious representations to this government. Why? Because there were poured into the United States from Canada a number of people whom we admitted here, and whom they were obliged to refuse at the border, and it had become necessary for them to establish posts of examination along the frontier and to exclude those immigrants. At one place they refused 600 immigrants because they were affected with trachoma. They say in that report that they made representations to this government, if we are to quote from the authorities of our neighbours, of such a nature that this government finally came to the conclusion that it was necessary to take some measures to protect ourselves against this indiscriminate immigration.

We have never on this side of the House treated this question as a political question, I have never treated it in that sense. My hon. friend from Lennox (Mr. Wilson) has taken a great deal of interest in this matter, my hon. friend from L'Islet and others have interested themselves in this matter, and they have never treated it as a political question, never viewed it as the hon. member for Two Mountains has viewed it to-night. We wish the conditions of immigration to be improved. We have pointed out to the House the great dangers that existed previous to 1904, and some that still exist, and that have necessitated this legislation. But we never made it a party question. Why does my hon. friend do so this evening? Does he consider that we were treating immigration as a party question when we denounced the dealings of the North Atlantic Trading Company, a company organized by Mr. Preston and his friends and relatives? when we stated in this House that this country had paid nearly $500,000 to that company, and we could get no account from them? Were we wrong because we complained of the conduct of Mr. Preston, who came here from England and refused to tell us where that money had gone, and insulted those who examined him in the committee? Is that giving a political aspect to the question?

Mr. MACDONALD. Does my hon. friend seriously pretend to say at this late day that anything incorrect was ever shown in regard to the payment of moneys to the North Atlantic Trading Company, and that this country did not get value for it?

Mr. MONK. My hon. friend must be joking to put such a question to me.

Mr. MACDONALD. My hon. friend is romancing.

Mr. MONK. I am not romancing when I say that we asked Mr. Preston in the committee, he being the organizer of this company, and knowing every man interested in it, to whom this money had been paid, and he told my hon. friend from East Grey (Mr. Sproule), 'You may be a good watchdog, but you will not get an

answer to that question.' When we brought the matter up in the House the leader of the government and his supporters maintained that emploee of this country in that attitude, and we have never known to this day to whom that money was paid.

Mr. MACDONALD. The question I asked of my hon. friend was whether he was in a position to say that there was ever any evidence given to that committee, or before this House, to show that one dollar was paid to the North Atlantic Trading Company in bonuses for immigrants who did not come to this country, and for which this country did not get value?

Mr. MONK. Why, unquestionably. We had evidence of that kind in every way. We used to pay to that company a certain amount for advertising, and we never got any satisfactory evidence of that advertising. We paid bonuses for children born on the ocean, we paid bonuses for them as farm labourers, at the rate of $5 each. But the fundamental and important question was this; when we ask that man, an employee of the people, who knows where this money is gone, to tell us what he knows, have we not a right to get an answer from him?

Mr. FIELDING. Is it fair to hold Mr. Preston responsible for that, when the ministry accepted the responsibility for the regulations which were disclosed? Is it fair to attack Mr. Preston for it?

Mr. MONK. I do not attack Mr. Preston, although I must confess that I have not much confidence in that gentleman. But I blame the government for it. I say that when we, who were here on behalf of the people of Canada, insisted upon our right to obtain that information, we were not playing a political role, we were claiming the rights which we, as representatives of the people, were entitled to. Even then I say that I never viewed the action we were taking here as political action in the sense that the member for Two Mountains spoke of it this evening. It is impossible to hear such a statement as we have heard to-night by the member for Two Mountains without feeling that he has made a very hasty examination of the question himself, that he knows very little about it, that he has imported into the discussion of this measure a political element which we on this side of the House were desirous of getting rid of. I hold that this question of immigration, like some others, should be viewed from a national standpoint, and ought to be treated by this House without such appeals as the hon. member for Two Mountains has made this evening.

Mr. MONK.

Now, let me take up some of my hon. friend's statements just to show how ridiculous—he will pardon the expression—I think have been his affirmations. My hon. friend has spoken of the question of repatriation. We hold views in Quebec on the question of repatriation. We believe that there are on the other side of the line about 50,000 Canadian-born men, to put it moderately, familiar with our institutions, knowing our language and who have not given up their Canadian nationality or their love for their country. We believe that these people could be brought back and settled here, and that they would be a great gain to our own country. They went over to the United States at a time when they had no work here, and when they were earning large sums of money in manufacturing institutions there. They wandered over to the United States; they are suffering at the present moment from the depression which exists there, and we believe that they really would make better citizens of Canada than some that we are bringing here at a cost of millions. The hon. member for Two Mountains says they are coming back and that we are doing justice to the cause of repatriation. He has given us statistics which I find very curious. Where has he got those statistics? He gives them as having been furnished by Mr. Carbonneau, agent at Battleford. Mr. Carbonneau was only appointed about nine months ago. That is what Mr. Scott, Superintendent of Immigration—an excellent officer in my estimation—told us the other day in the committee. My hon. friend from Two Mountains was not in the committee and never heard any of the statements made by Mr. Scott or he would not have talked as he did to-night. Mr. Carbonneau, who has only been nine months there, is not mentioned in the report of the Minister of the Interior. I find at page 86 a report of operations in the United States by Mr. White, inspector of agencies there. No mention is made of Mr. Carbonneau, the reason probably being that Mr. Carbonneau has only been there for nine months. He has received $900. His son, I am informed, a minor, is also an agent and he has received $150. He was appointed two months ago. I do not say that he is a minor, but I have been so informed. There is a man called Gingras in Providence, Rhode Island. He has been there for ten months, and why was he named for that position? Because of the representations that we made on this question of repatriation. The government felt that they had to do something, and they named three agents that are of French origin. There is Mr. Gingras, Mr. Carbonneau, father, and Carbonneau, fils, one of whom has received $833, another $900 and another $150. Then we have Mr. Hetherington, agent at Boston, who has received $1,200. This is the only expenditure we

have made in connection with this particular question of repatriation. That is what Mr. Scott said to us in the committee the other day, and I have no doubt it is true. Yet my hon. friend rises in this House and says that we did admirably towards carrying out that task. I do not agree with him. When we remember the large number of our compatriots, people of our own flesh and blood, born in this country, whom we could recover and who would make good Canadian citizens, I do not think this trifling expenditure justifies my hon. friend in rising in this House and stating that full justice has been done to this important question. My hon. friend seems to say, as far as I understand him, that we are having a very large return of our compatriots from the United States. His authority for that statement is Mr. Carbonneau. I doubt—I say it seriously—if Mr. Carbonneau is right in those statistics. I have received numbers of letters from the New England states stating that, on the contrary, the exodus is still continuing. Then, in justification of that statement, my hon. friend quoted from page 143 of the Immigration Report of the United States for 1908. Why did he quote from that page? He quoted to show that this measure now before the House had the approval of the American authorities. He quoted incompletely. He did not finish some of his quotations in which it is stated that the Canadian government seems at last to recognize the necessity of further precautionary measures, that the industrial depression has had the good effect of enlightening the government upon that subject, and that the measures which they are adopting at the present time are in tendency the opposite of those which they adopted in the past and are in the right direction. That is what they say at page 143. My hon. friend did not quote that because he was making a speech for political purposes. He failed to quote the end of the page particularly. Let us see what is the move of immigration as regards the United States:

Citizens of Canada entering the United States for permanent residence, 18,111.

How can one say that the exodus has ceased when in one year citizens of Canada entering the United States for permanent residence number over 18,000?

Aliens who applied for admission to the United States after a residence of more than one year in Canada, exempt from head tax, 12,250.

In each of the reports of the United States for the last few years my hon. friends will find, as they will find in the immigration report of last year, an increase in the number of Canadians going to the United States. The letters I have from the United States say that these numbers are increasing. How can we, upon the mere ipse dixit of Mr. Carbonneau, a man appointed only nine months ago, with his son, a minor, as immigration agent, come to a different conclusion than the one which I have time and again affirmed here, that the exodus continues, perhaps some years diminishing, other years increasing, but still going on? My hon. friend referred to the criminal statistics, and he said that we accused the government of admitting to this country, particularly previous to 1904, a large number of people belonging to the criminal classes. We made statements to that effect. I have here to-night the report of the inspector of hospitals for the insane, the inspector of prisons for the province of Ontario for the past two years, and I have the report, just received to-night, of the inspector of prisons and asylums for the province of Quebec. I will not quote fully from these reports, because I do not wish to take up the time of the committee. The quotations are all to the same effect, and although I have not been able to probe well the report of the inspector of the province of Quebec, I have no doubt that it is in exactly the same sense as that made by the inspectors of Ontario, because exactly the same conditions exist in Quebec as exist in Ontario. I give as a sample a quotation from the report of the inspectors of prisons and public charities and common jails of the province of Ontario for 1907, page 15:

Although the year closes with the largest number that have been in confinement in the gaols of Ontario within the past twenty years, this increase is not due to any increase in crime in the province, but is largely due to Canada, and especially Ontario, being made the dumping ground during the past year of some most undesirable immigrants. Every gaol I have visited within the past six months has had among its prisoners persons who have been only a few months in this country. Some of them have spent most of their lives in English prisons. Several have admitted that they have been discharged by English magistrates on condition that they would emigrate to Canada. There must be something radically wrong with immigration regulations that will permit such apparent neglect in the inspection of persons seeking and obtaining passage as immigrants to this country. The whole system of encouraging such people to seek a home in Canada is wrong, and the sooner the conditions complained of are recognized and changed the better. It has cost this country a large expenditure during the past year that might have been largely avoided if a more rigid system of investigation and inspection had been made before allowing undesirable immigrants to embark for Canada. The system that permits and encourages immigration without proper discrimination cannot be defended. Some of the prisoners in our gaols do not hesitate to place the responsibility for immigration on the agents abroad who urged them to seek shelter in this country. During the past year it has cost the prisons and public charities of Ontario thousands of dollars

to provide for these people, many of whom are quite incapable of earning a living here. Several of them have, when landed in this country, been afflicted with chronic diseases which could not pass unobserved if a proper inspection had been made. It is a mistake to think that the inspection can be made satisfactorily in the hurry and bustle of landing on this side of the Atlantic. The inspection to be successful should be made before embarking in the old country.

There is another page and a half to the same effect which I need not trouble the House to read. I say without fear of contradiction that what is pointed out in this report with regard to Ontario exists in precisely the same degree in the province of Quebec, and I believe our magistrates in the city of Montreal will confirm every word I have cited in this report. It was made one of the principal arguments against me in my election campaign that I uttered certain words in this parliament which meant that I was opposed to immigration, and a number of printed circulars were distributed through my county in an attempt to sustain that contention. Well, Sir, I do not believe that we have in this country the population which the Minister of Finance recently stated, and, whether that be so or not I may say that we are in favour of immigrants of a proper sort coming to Canada but, for the sake of the undesirable immigrants as well as for our own we are opposed to the system which has existed for the past few years and which this Bill is an attempt to correct. Does my hon. friend from Two Mountains (Mr. Ethier) pretend that because I denounced the contract with the North Atlantic Trading Company I am opposed to proper immigration? Does he not know that that contract was rescinded by the present Minister of the Interior the moment he came into office, thus admitting that it was a bad contract? Does the hon. gentleman pretend there was not a mistake made when that contract was entered into? Surely not, because the facts of the case and the acts of his own government prove that we were right in our contention. Now, as to discrimination against immigration from France and Belgium, there is no doubt in the world that we made a contract with the North Atlantic Trading Company which excluded France and Belgium, and even at the present moment, I do not believe we are making proper efforts in either of these countries. Do my hon. friends from the province of Quebec think that our immigration agents in France and Belgium at the present moment are doing a profitable work? Is it not true that Mr. Wiallard, who is I believe our chief agent in France is in disagreement with the other agents? Do my hon. friends from the province of Quebec state that Mr. Geoffrion who was sent over to France to promote immigration to this country is doing the proper work in the proper way. I receive letters from France and I meet people from France, and they complain bitterly of the manner in which our immigration system in France is managed. Certain it is that in our contract with the Trading Company we omitted France and Belgium for reasons which were no doubt best known to Mr. Preston. The Belgians make excellent immigrants, and let me give some statistics to show the very meagre extent of the immigration from that country, notwithstanding the large expenditure we are making. In 1901-2 we received 130 immigrants from Belgium; in 1902-3, 303; in 1903-4, 858; in 1905-6, 1,106; in 1907-8,1,214. It was said by my hon. friend (Mr. Ethier) that Mr. De Coeli is doing very admirable work in Belgium, but we made a large expenditure in that country, and while the United States have not spent one cent they received immigants from Belgium between 1891 and 1900 amounting to 18,167; from 1901 to 1905, 16,884 Belgians came to the United States; in 1906, 5,097; in 1907, 6,326; in 1908, 4,162. I am told by my hon. friend from L'Islet that it is possible to establish that over 25,000 Belgians leave their country every year. Therefore, I ask, is there any foundation for the statement made by my hon. friend (Mr. Ethier) that the expenditure we make on immigration in Belgium is producing excellent results, and in the second place could we not with the same expenditure, get more of these 25,000 Belgians to leave Belgium every year? I think the statement made by my hon. friend (Mr. Ethier) is a rash one. The United States spend not one single cent for advertising their country, and I believe that we should not do more than such advertising as comes incidentally through exhibitions and the like. I think the direct system of advertising for immigrants to come here and offering bonuses, is not a good one. My hon. friend (Mr. Ethier) has stated that we found fault with the medical inspection, but perhaps he did not attend a meeting of the Immigration Committee last year when it was proved by Dr. Bryce himself that the medical inspectors passed four immigrants a minute. I do not think any sane man will say that that is sufficient inspection. The House knows that we spent last year in the vicinity of $25,000 for the purpose of deporting a number of immigrants who had already landed in this country and had passed the medical inspection. In these circumstances I do not think it rash to say that the medical inspection is inefficient. We had valuable evidence from the Superintendent of Immigration which I think we should discuss at the proper time in the study of this Bill. I asked Mr. Scott, who seemed to have given the subject much study, whether he saw any objection to the examination of immigrants on the other side of the Atlantic. He said he did not see any objection and that a scheme was

actually under consideration by the government to make the doctor of the ship an examining physician. Why is this? Because the statement made by my hon. friend that the medical inspection is perfect is not correct, the government have themselves found it is not sufficient, and they are studying some plan by which a more thorough inspection, medical and otherwise, can be made of the incoming immigrants. In that connection I expressed the idea, founded on the statement of Mr. Scott, that if at all possible, we should provide for the examination of the immigrants on the other side. Deportation has given rise to so much sorrow, so much trouble, so much difficulty, so much harm to our own country that we should endeavour by every possible means to avoid it, and I think we can do that by an examination on the other side and by exacting from immigrants what we exact from any man who arrives in this country if he wishes to be introduced into our society or to have dealings with us commercially, letters and recommendations, something which I think would be easily susceptible of realization. In France, Belgium and all European countries every man has a book with him containing a certificate of what we require here, a statement of what he has done all his life. That 'livret' which he carries with him would be amply sufficient on his arrival here. British immigrants might bring with them some documents of a similar character coming from towns or parishes or the immigrants could be provided through the instrumentality of the booking agent with a medical certificate and particularly with moral certificates. I am sorry to have taken up the time of the committee, but I believe that after the remarks of my hon. friend from Two Mountains and the tone he has attempted to impart to the discussion, some statement was necessary. I believe that this Bill is an improvement. My hon. friend from L'Islet (Mr. Paquet) would like a perfect Bill, an ideal Bill, and I believe that there is room for great progress even upon the present legislation. Before many years, before many months even, I believe we will be persuaded that we have to amend and improve this Bill and to guard this country more jealously against the invasion of undesirable immigrants. My hon. friend has referred triumphantly to Oriental immigration. I think the answer to his remarks in regard to that may be found in the statement made here by members from the province of British Columbia and by the general sentiment which exists in that province. But has my hon. friend given any reflection to this side of Oriental immigration? I am informed that Orientals coming here cannot become legally absolutely naturalized British subjects. For instance, a Japanese coming here would be prepared, when the time came, to go through the formality of endorsation. He would then be entitled to the same rights as every one of us, but he does that as a formality, he cannot, according to the dictates of his conscience and according to the principles which he holds dearest to his heart, change his allegiance. Is that a desirable kind of immigration for this country? Taken from that point of view only I think not, and although we are desirous of assisting my hon. friend as much as we possibly can in the details of this Bill, those details require to be examined and to be modified in certain respects. It is not by any means perfect legislation, and I venture to predict that at the very next session it will be necessary to bring in further improvements.

I was prepared to suggest improvements to the particular sections as they came before us, but I deemed it my duty in the face of what took place this afternoon, after the speech made by the hon. member for Two Mountains (Mr. Ethier) in answer to the very mild words, which had no political portend, of the hon. member for L'Islet (Mr. Paquet) to say what I have said.

Mr. BICKERDIKE. I quite agree with the hon. member for Jacques Cartier (Mr. Monk) that the Bill is a very good Bill, but I also agree with him in saying that some of it might be improved a little. My hon. friend the minister in his zeal to keep out any undesirables has absolutely made an immigrant of myself and a great many more of the citizens of this country. In fact he includes the whole cattle trade as immigrants. I do not think the minister intended to carry it quite so far. A passenger is defined as follows in the Bill:

> The term 'passenger' shall be held to include a workaway, or person who works for his passage, and shall also include a cattle man or a person engaged in tending cattle on ship board.

I respectfully enter my protest against that clause. We do not feel like losing our citizenship if we go over with our cattle on board a ship. We are all right going over but the moment we put our foot on a ship coming back we lose our Canadian citizenship and become immigrants. Against that I most certainly protest. The cattlemen, the live stock exporters have met and passed a resolution asking the minister to drop that clause. The shipping federation have also met and passed resolutions protesting against it. The

principal reason advanced by the cattlemen is that the men who are hired to attend cattle on ships are engaged as sailors, they are signed on by the representatives at Montreal of the Marine Department and really come under the jurisdiction of the captain and officers of the ship. The minister says that these men in returning to Canada must be treated as immigrants. The shipping federation have sent this petition to me asking me to present it to the House and with your permission I shall read it:

1. A Bill has been introduced in your honourable House, intituled: 'An Act respecting Immigration,' and by section 2, clause K of the Act, cattle attendants are included within the scope of the Bill. Without admitting or disputing for the purposes of this petition, the general proposals contained in this Bill, your petitioners respectfully, but very strongly urge that it should not apply to the sea service as proposed.

2. The main reasons for this contention are as follows:—

(a) As the law stands at present all cattle attendants have to be duly approved of by the cattle inspector, who is an official of the Department of Marine and Fisheries.

The petition then cites the different clauses.

Shippers are required to notify the inspector at least twelve hours before the sailing of the ship of the name of the foreman to be in charge of their shipment and of the names of the attendants and must furnish the inspector with satisfactory evidence of their sobriety, experience, ability and general good conduct and every such foreman and cattle attendant shall sign the ship's articles of agreement before the ship clears on her intended voyage, and be subject to the authority of the master.

The cattlemen think that that is quite sufficient. They cannot understand why a Canadian citizen, because he happens to be a cattle man or a live stock exporter, the moment he starts on the home voyage should no longer be treated as a Canadian citizen but as an ordinary immigrant. Take the Speaker of the legislature of Ontario., who is one of the largest cattle exporters in Canada; on his trip across to England he would be a Canadian citizen all right, but the moment he has started to come back he would be an immigrant.

Mr. WILBERT McINTYRE. Does it not exclude the Canadian citizens? They do not come under this Bill?

Mr. BICKERDIKE. If my hon. friend will look again he will find they do. If they were excepted, the shippers' federation and the cattlemen would not be protesting against this measure.

Mr. MONK. The interpretation clause covers that. It excepts Canadian citizens.

Mr. BICKERDIKE.

Mr. BICKERDIKE. Whether he be a Canadian citizen or not, if he is a cattleman he is an immigrant. If there be one cattleman on a ship coming this way, he is treated as an immigrant, and that steamer has to stop at the immigration wharf at Quebec and put him off. Is that fair to the steamship trade? We have quite enough drawbacks in the St. Lawrence river without having one more. Let me point out the number of places where a steamer has to stop. The mail steamers stop at Father Point for a pilot, they land their mails at Rimouski, where they are given a clearance. They must proceed direct to the immigration wharf at Quebec if they have immigrants on board. If there be any sickness, the vessel has to stop at Grosse Isle. The government seems to be not quite satisfied with making a steamer run all those gauntlets but wants to cause it one more stoppage. Would not think it is fair to ask these vessels to stop in order to have cattlemen examined. We do not think trade should be interfered with to that extent. Why single out the cattleman and say that he is to be treated as an immigrant? Why not apply the same rule to the men who go over in charge of horses or apples or cheese? Both the shipping federation and the cattlemen have waited on the minister and protested against this discrimination, but still I see this clause in the Bill. As a cattleman I protest against it; it is an insult to the cattle trade. And if the minister insists on it, I shall vote against the clause.

Mr. DEPUTY SPEAKER. The discussion has been rather too broad. The speeches made have been really arguments on the principle of the Bill, which should have been made on its second reading. All the points can come up from time to time as each clause is read, and I would ask the committee to take the Bill clause by clause.

Mr. MONK. I merely want to point out that I think clause 'H,' read in conjunction with clause 'K,' distinctly admits cattlemen as Canadian citizens.

Mr. BICKERDIKE. According to clause 'K,' a passenger shall be held to include a work-a-way or a peson who works for his passage and also cattlemen.

Mr. OLIVER. Section 2 is the interpretation section. It defines the meanings of the different important words which are used in the Bill. Subsection 'K' is the subsection to which the hon. member for Montreal (Mr. Bickerdike) alludes, and it contains the definition of the word 'passenger.' It does not say anything about what is to be done or not with the passenger. It merely defines what a passenger is and it includes men who, although they have

signed as members of the crew, are only working their passage, and on reaching Canada are discharged from the vessel. The Bill treats these people as passengers and not as members of the crew. For all purposes connected with immigration, they are passengers, and that is the whole purpose of this section. It does not deal with them in any way but merely defines them. However, I wish to say that, on consultation with representatives of the steamship lines it was decided to change the wording of the Bill, and I have an amendment to offer. They objected that there is no such term used nowadays as 'work-a-way.' A person who works his passage signs as a member of the crew, subject to the ship's discipline, but is discharged on reaching our side of the water. I would therefore propose to make the following amendment to subsection 'K': Strike out from the word 'work-a-way' to the end of the subsection and substitute the following:

A person who has been engaged in tending cattle or doing other work on an outbound voyage from Canada and who is being returned to Canada under his contract, and shall also include a person who was signed on as a member of the ship's crew and who is discharged at any port of entry in Canada.

These words, I think, make more clear the intent, which is to define what should constitute a passenger distinct from a member of the crew. That is the whole purpose of the subsection, and I am sure the committee will agree that it is not only desirable but necessary that this definition should be made if we are to have a close enforcement of the Act.

Mr. R. L. BORDEN. I agree with the member for St. Lawrence, Montreal (Mr. Bickerdike) as to the inexpediency of putting any difficulty in the way of these men returning to Canada. It would not seem to me that under section 3 there is any difficulty in the way, provided these men are Canadian citizens. Am I correct in that?

Mr. OLIVER. Yes. We absolutely debar ourselves under the Act from prohibiting under any circumstances the landing of a Canadian citizen in Canada. The expression 'Canadian citizen' is defined in subsection (g). It includes a person born in Canada who is not an alien, or a British subject domiciled at least for three years in Canada who has not subsequently lost Canadian domicile, or a person naturalized under the laws of Canada who has not subsequently became an alien or lost Canadian domicile.

Mr. AMES. If for example, a Canadian citizen abroad should contract tuberculosis there would be no objection to that Canadian citizen coming back?

Mr. OLIVER. None. We have divested ourselves of the power to prevent him returning.

Mr. BICKERDIKE. What seems to strike our people as peculiar is that the minister should pick out the cattlemen. They are generally looked upon as intelligent men. But I think the minister must have the American idea. We had a fine steamer called the 'Erin' lost on the Scilly islands in which a large number of people were lost, as well as stock. And one of the American newspapers stated the following day in large headlines, 'Perished forty-two souls and sixteen cattlemen.'

Mr. FIELDING. I think the hon. member (Mr. Bickerdike) must have been told the story of the disaster in Nova Scotia waters which was announced as 'Loss of six precious souls and two men from 'Gaspereau.'

Mr. BICKERDIKE. Does the amendment mean that the cattleman is to be treated as an immigrant?

Mr. OLIVER. He is merely being defined as a 'passenger.' The line is being drawn between the man who is a member of the crew and the man who is not a member of the crew. He is either a member of the crew or he is a passenger. There are these two classes of people who might be considered under some circumstances to be one or the other, but the Act defines them as passengers and not as members of the crew —that is all.

Mr. BICKERDIKE. I must say I cannot understand the object the minister has in taking away the privileges of any members of the crew. Is there any good reason for it? I do not see why we should interfere with an existing trade unless there is some good reason for it. Has it been abused? These men are signed on, are inspected, and come under the authority of the Minister of Marine and Fisheries. It does seem strange, unless there is good reason for it, that the minister should make a selection of the cattleman for this change. A man may go in charge of cheese and his brother go in charge of cattle. The cattleman, it seems to me, becomes an immigrant, whereas the other may come back anyway. If there is any good reason for the change, the livestock shippers will not object, but if there is no reason, why make it? Why humiliate the cattlemen in this way?

Mr. MONK. As I understand it, the cattleman, if he is a Canadian, has an absolute right, under section 8, to enter the country. He is not an immigrant, and cannot be an immigrant. Whatever may be his position on the ship, he cannot be considered an immigrant if he is a Canadian citizen. He is among the excepted classes and has an absolute right to enter the country, just as the consul or other governmental representative, officers of His Majesty's regular forces and others. The only reason I can see why it was necessary

to say something about the cattlemen, is because, in another part of the Bill, the expression 'passenger' is defined. There may be some reason for that in the interpretation clause. And it seems from that disposition in the section that sometimes the cattleman having gone over as a cattleman comes back as one of the crew, or fills the position of cattleman and one of the crew and therefore not to be considered a passenger.

Mr. OLIVER. Yes.

Mr. MONK. I do not see any harm in a cattleman signing as one of the crew if he is a passenger—because his engagement is an exceptional one—for purposes of discipline or some other purpose which will appear as we go through the Bill. One thing is absolutely certain, and that is that the Canadian cattleman has a right to enter the country.

Mr. LAKE. In the explanatory notes which have been drawn up, I suppose, by the minister's officers, there is given an explanation of the point under discussion. I do not know whether that has been read by the hon. member for St. Lawrence (Mr. Bickerdike). It says:

Paragraph (i). —At present persons classed as cattlemen who attend to cattle on voyage from Canada to Europe are given free passage back to Canada. They do not work on the return voyage and are in effect passengers, but being usually an unruly lot of men——

Which is rather insulting to the cattlemen, I think.

—are signed on as members of the crew so that the captain may have better control over them.

That is the explanation given by the minister in connection with this class of men. It is very insulting, I think.

Mr. BICKERDIKE. I think a little bit insulting.

Mr. OLIVER. It is certainly intended that these people, not being members of the crew, shall be subject to regulation and restraint as passengers. I submit to the committee that, if we are to have an intelligent knowledge of our administration, we must define what a passenger is and what a member of the crew is, and that it is right and proper that a man who is not a member of the crew should be considered a passenger and subject to whatever liabilities a passenger is subject to. It would be entirely improper that any man or set of men should be allowed to escape the responsibilities of either crew or passenger by being neither one nor the other or by being something of both. The purpose of this provision is that not only cattlemen, but, by the amendment I have offered, any man who comes under these circumstances and is discharged on arriving in Canada is to be considered, for the purposes of this Act, a passenger and not a sailor.

Mr. R. L. BORDEN. What is the difference in the legislation applying to the respective classes? My hon. friend from St. Lawrence division (Mr. Bickerdike) would prefer to have them come under the regulations of the Act as members of the crew, the minister thinks they should come under the regulations of the Act as passengers. What is the practical difference?

Mr. OLIVER. As members of the crew they do not come within the provisions of the Immigration Act at all. As members of the crew they are part of the vessel, they do not land in Canada, that is, officially, and of course we have nothing to do with them. But as these people do land in Canada and become residents here, then we have to do with them. We have to account to the people of Canada for all who are landed in Canada. We ask parliament to give us the authority which will enable us to deal with these classes of people who come into Canada, and as they become residents of Canada we become responsible for seeing that they are proper residents. If they are members of the crew we have nothing to do with them. If they are passengers we have to do with them. We wish to define those who, under some circumstances, might be held to be members of the crew, and those who are passengers and subject to the regulations respecting passengers.

Mr. R. L. BORDEN. What is the position of members of the crew who are paid off and discharged from the vessel by the company?

Mr. OLIVER. They are in the same position.

Mr. R. L. BORDEN. If these men are signed on as members of the crew on the other side and are discharged from the company's employ, they are to be treated in the same way as if they were registered as passengers, there is practically no difference.

Mr. OLIVER. There is no difference whatever.

Mr. SINCLAIR. Must a man submit to a medical examination every time he arrives in Canada when he comes across free as a cattleman? When John Smith, who is not a Canadian subject, makes a business of crossing the Atlantic as cattleman, and arrives on a certain ship and is treated as an immigrant, goes through a medical

examination and goes back on the next trip, when he arrives in this country again after three or four weeks, does he have to submit to another examination? If that is the meaning of the clause, why is it done? Why do we put shippers to all the trouble of having their sailors, who act as regular cattlemen, subjected to an examination every time they arrive at a Canadian port? Once they have undergone a medical examination at a Canadian port, it seems that should be sufficient, and that thereafter they may arrive as often as they please without the medical examination.

Mr. OLIVER. This Bill has been drafted with the view of meeting the conditions which have grown up in Canada, and to satisfy public opinion with regard thereto. The provisions have been drawn with that object in view. The purpose is to place in the hands of the Department of the Interior the power to exclude undesirable immigrants, undesirable passengers if you please. It is not the intent of the Bill, nor of the department in administering the Act, to hamper the trade of Canada. My hon. friend who suggests the likelihood of the Department of the Interior tying up a cattle boat for the purpose of putting the men on board through a medical examination, is of course only suggesting an absurdity in the administration.

Mr. BICKERDIKE. That is the law.

Mr. OLIVER. It would be the law, and as I had occasion to say to the gentlemen whom he and I had an interview with, this is simply a matter where either the cattlemen will have to trust the government to administer the law in the best interests of the country, or we will have to trust them to act independently of the law and of public opinion, and we do not feel like doing it.

Mr. BICKERDIKE. It was done up to now: Have you suffered?

Mr. OLIVER. That is the opinion of the country as it has come to me, the country requires restrictions to be imposed that have not been imposed hitherto.

Mr. BICKERDIKE: On cattlemen?

Mr. OLIVER. On passengers. We require care to be exercised that has not hitherto been exercised, and by this Bill we are asking parliament to empower us to do what we have not hitherto been able to do in the way of restricting undesirable immigration to this country.

Mr. BICKERDIKE. I have stated the objection of the cattle trade to this Bill. Now here is an objection I have just received from Montreal from the steamship men, it is a memo from the Shipping Federation. The object is this, that the Bill gives the minister a power that they do not wish him to have by the law. They are willing to trust the minister, but they do not always trust the officials to that extent. This is what they say:

> Cargo vessels stop for pilot at Father Point, and again at Grosse Isle quarantine station, and if cattle attendants are designated as immigrants, cargo vessels will be required to stop at the immigration wharf at Quebec.

Now, we do not want them to be stopped unless there is good reason for it. The trade of the St. Lawrence is hampered enough during six or seven months of the year when navigation is open, and why make them stop at an extra port? The minister has not given any good reason for that yet.

Mr. GEO. TAYLOR. He says that they are an unruly lot.

Mr. BICKERDIKE. I do not think they are any more unruly as a whole than newspaper men or members of the Cabinet.

Mr. OLIVER. What I said was that the government, or the Department of the Interior, had no intention to stop cattle boats for the purpose of stopping the returning cattlemen, but we wish to have this provision in the law so that in case such a thing might occur as that returning cattle boats might be made a vehicle for introducing undesirable immigrants into Canada who would otherwise be stopped we shall have the privilege and the right of stopping these boats and requiring these returning cattlemen to pass inspection.

Mr. BICKERDIKE. Will every boat have to stop?

Mr. OLIVER. No, unless we say so. The provision will enable us to compel a boat to stop if we see fit and either the cattlemen will have to trust us or we will have to trust the cattlemen. I put it up to this committee as to which is the safer to be trusted in the interest of satisfactory immigration into this country. If the government is to be held responsible for the proper restriction of immigration the government must be given power to properly restrict that immigration, and parliament cannot in reason leave an open door through which undesirables can freely come and then hold the government responsible because they have come through that door. I am free to say to the committee that in this Bill, as in the existing Act, there are many points in regard to which the decision and judgment of the department have to be accepted or else a hardship will be done. There are many

such points and there can be no effective administration of restrictive legislation under any other circumstances. Extraordinary powers have to be given if you are going to have effective restriction. These powers must be exercised with judgment and discretion. Otherwise people would be inconvenienced and trade would be hampered. But it is to be assumed that the government, which is responsible to the people for the good management of their affairs, will use every reasonable discretion and will only exercise arbitrary powers when the circumstances render their exercise necessary.

Mr. BICKERDIKE. The minister has not given one good reason yet why that change should be made. At the present time this matter is under the jurisdiction of the Minister of Marine and Fisheries. We get along all right and there is no trouble at all. The men are signed on by one of the representatives of the Minister of Marine and Fisheries. When these men go on board they are put on by the shipping master, they sign the articles and everything works well. Now, the Minister of the Interior wants to take power to make the steamers stop at one more port. If there was any good reason for it, if there was a single case which the minister could point to in which there has been an abuse of the present system, I would withdraw my opposition. But as this is some fad of one of his subordinates I object to it. If he shows some good reason why that change should be made and why the jurisdiction should be taken from the Minister of Marine and Fisheries I will withdraw my opposition, but in the absence of that reason I will have to oppose it. I will have to vote against it, and this is the first time that I have ever had occasion to vote against a government measure.

Mr. R. L. BORDEN. You have had better chances than this. I might make a suggestion to the minister. If you merely say that crews discharged in this country will be considered as passengers will not you include everything that is necessary without making any invidious reference to the cattlemen?

Mr. OLIVER. No. These men are not, as I understand, signed on as members of the crew coming back. They are under contract to go and to come, but are not signed as members of the crew. They do not work their way coming back. It is other people who work their passage back and who are signed as members of the crew. Therefore we have to make provision for the two classes—those who come back on contracts entered into on this side of the water and those who come across and work their way.

Mr. OLIVER.

Mr. R. L. BORDEN. I was misled by the explanatory note which declared that they are signed on as members of the crew.

Mr. OLIVER. That the cattlemen are?

Mr. BRODEUR. The cattlemen go before the shipping masters and sign the articles.

Mr. OLIVER. As members of the crew?

Mr. BRODEUR. Yes, as cattlemen, they go before the shipping master. There must be some mistake in the note.

Mr. SINCLAIR. I think that under the shipping laws a ship is bound to bring them back to Canada. If a man goes abroad as a sailor the law will require the owner of the ship to return him to this country. My objection to the clause is that you make him a passenger every time he comes back. There might be some reason for making him a passenger the first time. The man who works his passage across the first time ought to be considered as a passenger, because he must submit himself to examination, but I can see no good reason for his being subjected to an examination every time he comes across. My hon. friend from Montreal (Mr. Bickerdike) tells me that there are men who make a regular business of going across in cattle ships and returning time after time to Montreal. These men are not in the same position as men who arrive for the first time.

Mr. AMES. I think there are a great many who take employment on a cattle ship as a convenience to get across.

Mr. BICKERDIKE. Does the hon. gentleman see any objection to a poor man making a convenience of a cattle boat in order to get back to England?

Mr. AMES. That is not what I said.

Mr. BICKERDIKE. Let us hear what you have to say.

Mr. AMES. I have said what I have to say.

Mr. OLIVER. If the cattleman is signed on as a member of the crew then the suggestion of the leader of the opposition will be acceptable. If he is not signed on as a member of the crew—and I would rather imagine that he is not—do I understand my hon. friend the Minister of Marine to say that he is?

Mr. BRODEUR. I have just read the note and I think it does not correctly describe the procedure. I will give my hon. friend all the information with regard to the procedure. My information is that the men go before the cattle inspector and then go before the shipping master and sign with the shipping master.

Mr. OLIVER. They sign as members of the crew?

Mr. BRODEUR. As cattlemen.

Mr. BICKERDIKE. They sign the articles of the ship as cattlemen.

Mr. BRODEUR. I will get the information because I think there is a mistake in the explanatory note.

Mr. OLIVER. Assuming the statement of my hon. friend the Minister of Marine and Fisheries to be correct it would be satisfactory to strike out the words of the amendment down to the place where the words 'a person' occur, and it would then read:

A person who was signed on as a member of a ship's crew and who is discharged at any port of entry in Canada.

Mr. BICKERDIKE. There would be no objection to that.

Mr. OLIVER. Well, then I move that in place of this amendment.

Mr. BICKERDIKE. Do I understand that they are to be treated the same as sailors who are discharged on this side?

Mr. DEPUTY SPEAKER. It is moved that:

The words 'a work-a-way or' in line 3, page 3, and all of lines 4, 5, 6 and 7 be struck out and the following inserted: 'A person who was signed on as a member of a ship's crew and who is discharged at any port of entry in Canada.

Section, as amended, agreed to.

Mr. R. L. BORDEN. In clause 2 is there any other change from the existing law to which attention ought to be directed?

Mr. OLIVER. This is a very serious change from the existing law and I hope my hon. friend is not under any other impression. The principle is not changed, but the provisions are increased in number and amongst many new features is the definition of a Canadian citizen.

Mr. MONK. Under clause 2 the immigration agent has considerable powers and responsibilities and an immigration agent is defined to be, among other things, an officer who may act as such without formal appointment. The expression 'without formal appointment' is very broad.

Mr. OLIVER. It is.

Mr. MONK. The powers we give immigration agents require so much judgment and discretion that the definition ought not to be so broad. I suppose this son of Mr. Carbonneau would under this be an immigration agent, but if he is a minor living with his father I do not think it is quite right to give him such power. There ought to be a formal appointment.

Mr. OLIVER. I presume that Mr. Carbonneau would be a formal appointee. At all events, this is intended to be used in case of a sudden emergency when there would be no possibility of giving a formal authorization. The provisions of this Bill are essentially provisions intended for the selection or exclusion of immigrants, and while the Bill may be called an immigration Bill it is really an Act respecting immigration, and is rather an Immigrant Exclusion Bill than a Bill to promote immigration. It is in view of the necessity that arises under many different circumstances for the exercise of authority in regard to exclusion that this provision has been made so wide.

Mr. MONK. I quite agree with the minister as to the character of this legislation, and while I do not insist on the objection it seems to me that it is difficult to imagine an emergency in which the agent could not get a formal appointment. Some immigration agents of late have been appointed in a very loose manner by word of mouth even, and it seem to me we ought to be careful in giving such appointees this very great authority.

Mr. OLIVER. The wide power of appointment is intended to cover such cases as may arise at any time along the international boundary where the trains have to be dealt with and where people having been stopped on the train may see fit to leave the railway for some distance and come by road. We desire to have the law in such shape that any authority will be sufficient to make action taken under these circumstances legal.

Mr. MONK. I do not wish to delay the Bill in any way, but my hon. friend from Ste. Anne's (Mr. Doherty) calls my attention to the novel manner in which you define 'domicile' in this clause. There is a general understanding as to what domicile really is, and why we should adopt a special definition in this Bill is hard to understand.

Mr. OLIVER. Is this definition of 'domicile' different from the generally accepted meaning of the word 'domicile' except so far as the proviso is concerned?

Mr. DOHERTY. I think it is susceptible certainly of being interpreted in a sense different from what is usually understood and what the general law would understand to be a domicile. For instance you have it declared here that domicile means

the place in which a person has his present permanent home, or in which he resides. As a matter of ordinary law, there is a very substantial distinction between the place where a man resides and the place where he has his domicile. A man may reside in Canada, he may come out here leaving his family and home and his principal establishment in some other country. Nevertheless he may reside in Canada for six months or a year. Residence implies the actual matter of fact of being or living in the country; domicile, in the ordinary interpretation, means the actual matter of fact of residence in the country with the intention of making it one's permanent principal establishment. Here, it is true, when you are dealing with a person who is returning you do say something about intention of making Canada his present permanent place of abode. I notice in the explanatory note it is stated that this is based on the dictum of vice-Chancellor Kindersley:

> I would venture to suggest that the definition of an acquired domicile might stand thus: 'That place is properly the domicile of a person in which he has voluntarily fixed the habitation of himself and his family, not for a mere special and temporary purpose but with a present intention of making it his permanent home, unless and until something which is unexpected, or the happening of which is uncertain, shall occur to induce him to adopt some other permanent home.'

It does not seem to me that it carries out the dictum.

Mr. OLIVER. A comma in the second line, after the word 'returns' would perhaps give the meaning.

Mr. DOHERTY. Then you have his domicile made because he intends to make it his present permanent abode. There seems to me to be a contradiction between present and permanent. The law ordinarily looks on the place of a man's domicile not so much as what would be called his present abode as to whether he intends to make it his principal establishment. There is, in the ordinary authorities on private international law, a pretty clear definition of what does constitute a domicile. Confusion might be created by making a particular domicile for the purpose of this Act which would be different from what the ordinary law would look upon as a man's domicile.

Mr. OLIVER. I am aware of the difficulties in connection with the definition of domicile and it was with a full appreciation of these difficulties that this Act was framed. Yet it was thought that as the Act comes into contact with the common people it was only right and fair that there should be on the face of the Act a definition of this word domicile, which in the administration of the Act is so very important. If this is not the generally accepted definition of domicile then of course it should be. It is not with any intention of causing a difference, it is because we have made an error in giving a definition other than we intended. We desire to give the generally accepted definition of the word domicile.

Mr. DOHERTY. I think the minister will get nearer the general definition if he omits the word, present. I do not grasp what is meant by a man's present permanent abode. Permanent means something that is to go on in the future, and inserting the word present, makes it mean a home that he means to be permanent for the present.

Mr. OLIVER. That is a difficulty which exists especially with people who are emigrants, who are moving about. My present permanent abode is Ottawa, but if you asked me if that was my permanent abode I would say certainly not.

Mr. DOHERTY. If it be not intended to cover what the man looks upon as his permanent abode then you are making a special definition of domicile for the purposes of this Act. It is not very easy to give a perfectly adequate definition of domicile. But owing to this difficulty should we not leave it to the operation of the general law rather than make it possible that a man who by the common law will be domiciled in one place may by this Act have his domicile in another.

Mr. OLIVER. I appreciate the difficulty, but on the other hand it seems to me there is a difficulty in giving a definition of this word, which is not a word in common or ordinary use, and in regard to which the ordinary public have very indefinite ideas. Even if we are not absolutely right, as it would seem to be impossible to be absolutely right on account of the somewhat indefinite limits of the meaning of this word domicile, it still seems to me we are achieving a good purpose.

Mr. DOHERTY. Perhaps if the minister used the form of expression used lower down in dealing with the change of domicile, 'the place where he has the present intention of making his permanent abode' it would be more clear than the form here used. I think the ordinary idea of the law is that in order that a man may have a domicile he should have actual residence and actual intention, at the time at all events, of making it his permanent abode.

Mr. OLIVER. It is perhaps just as well not to undertake to make an alteration at

the moment, but if the hon. gentleman would consent I would have an amendment prepared which would meet his suggestion and be able to present it at the next meeting of the committee. I would move that this subclause be allowed to stand.

Mr. MONK. There is a disposition in section 2 which provides that a British subject, to become a Canadian citizen under this Act, must have been domiciled for at least three years in Canada. That seems to me to be rather a long period of residence to require of a British subject who has arrived in Canada and passed all the necessary examinations. Why should we require him to stay three years before he is considered a Canadian citizen?

Mr. OLIVER. We have made the limit of time for deportation three years, and we do not want to give Canadian citizenship before those three years are up, because Canadian citizenship absolutely prohibits deportation.

Mr. HERRON. As the minister has agreed to let clause 2 stand over——

Mr. OLIVER. Only subsection (e).

Mr. HERRON. I would like him to consider paragraph (j) and see if he could not alter its wording a little. I think it casts reflection on a very creditable class of men and might be worded in some other way. I do not think that the term 'unruly class' is applicable to the men engaged in that business, generally speaking.

Mr. OLIVER. The hon. gentleman is referring to paragraph (i) in the explanatory notes. But that is not part of the Bill at all, and is merely there for explanation.

On section 3,

Mr. MONK. I think we would make better progress if the committee would now rise. We have to meet at eleven o'clock to-morrow and it is now very late.

Mr. OLIVER. I have a little amendment I would like to offer to subsection (e) of section 3. After the words 'prostitution' in the second line, insert the words 'or for other immoral purposes.'

Mr. MONK. I have an amendment to section 3.

Mr. URIAH WILSON. I would suggest that in subsection (a) of section 3, 'persons afflicted with tuberculosis' should be added. That is in the American law. It is a dangerous and a contagious disease.

Mr. OLIVER. Everybody will agree as to the desirability of excluding people who are suffering from that disease, but it is difficult to diagnose it in its various stages, and we would be throwing a responsibility on the department which the department could not satisfactorily discharge.

Mr. URIAH WILSON. While it may be difficult to diagnose in its early stages, it is not later. Persons who come to our northern climate to be cured, we might by another clause give power to admit; but persons in advanced stages of the disease should be excluded.

Mr. OLIVER. If we include tuberculosis in the subsection, it would be very difficult to draw the line, and I do not think that any system of supervision could adequately deal with it.

Mr. GEORGE TAYLOR. Might I suggest the advisability of referring this Bill to a select committee composed of the hon. minister, and Messrs. Monk, Brodeur, Sinclair, McIntyre (Strathcona), Bickerdike, Wilson (Lennox), Lake, and let them deal with this Bill to-morrow. That would facilitate the close of the session very materially. This Bill is a large one and it will take two or three days to put it through if it be discussed in this way. But these gentlemen could get together and whip it into shape with very little discussion.

Mr. OLIVER. There would be no difficulty in the committee my hon. friend has mentioned putting the Bill into shape, but would they be able to whip the House into shape?

Mr. GEO. TAYLOR. I think the House would accept their verdict.

Mr. OLIVER. If the hon. gentlemen's friends will agree, I think the suggestion is a good one, but I am a little afraid that the Bill would be subject to still some criticism because it is of such a character that there must be many varying opinions regarding many of its provisions.

Mr. G. TAYLOR. It is very late in the session to deal with such a large bill.

Mr. OLIVER. It was the first Bill on the Order Paper.

Mr. G. TAYLOR. You should have gone on with it.

Mr. OLIVER. Well, I have been always in the hands of the House.

Mr. MONK. I think there is something in the suggestions of my hon. friend, in view of the position we are in in relation to the end of the session. I am afraid he will take up considerable time with the

Bill. The Bill has for its object to extend restrictions, as the minister has stated. Many details of it can be disposed of easily. But I think it is a great pity that the Bill was not brought on sooner. It is a condition that has existed ever since I came into this House that important measures are brought in only after prorogation has been determined upon. But I desire that the Bill should be gone on with, and I think we can put it in shape with a small committee.

Mr. HENDERSON. I do not like the reference of a Bill like this to a small committee. The discussion in the House is a great educator to the members of the House. We do not all follow a Bill of this kind as closely as my hon. friend from Jacques Cartier (Mr. Monk) or my hon. friend from Lennox (Mr. Uriah Wilson), who has given it special study. For my part, I prefer hearing the discussion in order to get acquainted with the character of the Bill. I may give my special attention to some other measure, while other hon. members devote their attention to this, and I want to get the benefit of their researches and the benefit also of whatever the minister has to say. I believe that is the feeling of many hon. members. I am not one of those willing always to accept the dictum or opinion of other hon. members without giving some consideration to the matter. The first minister informed me to-night that prorogation will take place not later than the 19th. It does not make any difference whether we are to spend another half day on this Bill or not, because prorogation is going to take place at that time.

Mr. GEO. TAYLOR. While there is a great deal in what my hon. friend from Halton (Mr. Henderson) has said, yet, when the sub-committee brings in its report, if he wishes to ask a question a member of the committee will be able to satisfy him in a moment or two why a certain decision was arrived at, while the discussion across the floor of the House may take an hour or two.

Mr. FIELDING. I suggest that the hon. member for Halton be put on the committee.

Mr. HENDERSON. I am afraid the minister's experience of putting me on a sub-committee is not very satisfactory.

Mr. FIELDING. In the case the hon. member refers to, if he did not attend the sub-committee, I take it that it was because he had confidence in me.

Mr. HENDERSON. No doubt, and there were other matters coming on in the House that I felt it my duty to attend to. We are not like birds, we cannot be in two places at the same time always.

Mr. GEO. TAYLOR. A few more names might be added to the sub-committee.

Mr. OLIVER. I think it would be a disadvantage to have a large committee. The House will be sitting, and as the hon. member for Halton (Mr. Henderson) has said, members desire to be in the House and know what is going on.

Mr. DEPUTY SPEAKER. A motion of that kind would need to be put with the Speaker in the Chair.

Mr. FIELDING. We could report progress and make the motion afterwards.

Mr. JAMESON. I think this Bill is of such an important character to the whole country, that the representatives of the people generally should have the privilege of hearing the discussion and of participating in it. It seems to me that this is a matter which should not be referred to a small committee, but which should be threshed out in the House. The further welfare of the country is vitally concerned in this Bill. The measure is lengthy as well as important. It would be better that it should stand over for another year rather that it should be dealt with in a sub-committee, and, perhaps, hurriedly pushed through the House as a result of their report. I confess that I cannot consider favourably the suggestion of my hon. friend.

Mr. AMES. I share the feelings of the hon. member for Digby in this respect. It is Monday night, and twelve o'clock. Not many members are here now, but I hardly think that that can be taken as a fair index of the interest that may be expected to be displayed in this Bill. Some of us have read the measure through, and some are looking forward to the full discussion from an educational point of view. There are many members absent, who, I think, will be disappointed if they have not an opportunity of hearing the explanation given by the minister on the various clauses as the Bill goes through.

Mr. MONK. I appreciate the desire expressed by our friends. It was only a suggestion, and the moment members express the desire that the usual course be followed, I think their suggestion should be adopted. We have done considerable work on the Bill, and to-morrow we might get here early and by making short speeches confined only to——

Mr. FIELDING. Another Bill has priority to-morrow, the Bill to amend the Railway Act.

Mr. GEO. TAYLOR. The sub-committee could be working on the Bill, and, when the measure comes before the Committee of the Whole, the members of the sub-committee by their explanations, will facilitate the discussion. If the minister is satisfied with the names of the committee, I think it would be better in view of the other important and large Bills that we have, and in view of the desire to close on the 19th, to leave it to a committee.

Mr. URIAH WILSON. I would much prefer that the discussion should take place in the House. I think everybody is anxious to hear the discussion., This is one of the most important Bills of the sesssion, affecting not only ourselves, but it will affect our children and our grandchildren, and deserves the most careful attention this House can give it.

Mr. GEO. TAYLOR. Perhaps the minister will let it lie over until next session.

Mr. OLIVER. I move that the committee rise, report progress, and ask leave to sit again.

Motion agreed to progress reported.

ADJOURNMENT—BUSINESS OF THE HOUSE.

Mr. FIELDING moved the adjournment of the House.

Mr. MONK. Can the hon. gentleman give us some information of what Bills will be taken up to-morrow? It would help us a great deal to know the exact programme.

Mr. FIELDING. There are one or two Bills in the name of the Minister of Justice that may be taken up, one of which I think is a Bill to amend the Criminal Code. There is a Bill standing in my own name to amend the Annuities Act, a Bill from the Senate, which we will take up if if time permits. We would like to be free to take up any other Bill on the Order Paper. In the evening it is proposed to move the House into Committee of Supply to enable the Minister of the Interior to deal with his estimates, as he will be obliged to be absent for several days, and it is for the convenience of the Interior business that we will ask the House to go into Supply. No doubt there are some gentlemen who desire to use the first motion for Supply for the purpose of discussing some public questions but I hope they will not do so to-morrow evening, but permit the House to go into committee for the purpose of dealing with the estimates of the Minister of the Interior.

Motion agreed to, and House adjourned at 12.10 a.m. (Tuesday).

HOUSE OF COMMONS.

TUESDAY, May 11, 1909.

The SPEAKER took the Chair at Eleven o'clock.

WATER CARRIAGE OF GOODS.

Mr. G. H. PERLEY (Argenteuil). Before the orders of the day are called, I desire to ask a question with regard to Bill (No. 105), from the Senate, relating to the water carriage of goods. This appears in the list of public Bills and Orders, and it cannot be reached this session unless the government decides to take it up. This is a very important Bill. As I understand, it was drafted after a great deal of discussion in the Senate committee, and practically by arrangement between shippers and steamboat owners. It refers to the shipment of goods by ocean steamers. It is a measure which has been required by the trade for a good many years, and I think if the government could see their way to take this Bill up it would be in the public interest. I bring it to the attention of the government, and ask if they will give it consideration.

Sir WILFRID LAURIER. This subject has been brought to our attention, and I shall be able to give an answer to my hon. friend (Mr. Perley) within a day or two.

RAILWAY ACT AMENDMENT.

Hon. GEO. P. GRAHAM (Minister of Railways and Canals) moved the second reading of Bill (No. 106) to amend the Railway Act. He said: I wish only to make explanations of three amendments to the Bill as printed, which I intend to propose in Committee of the Whole, in addition to some minor amendments. There are three additional sections. Section 11 is to provide that the Railway Act shall apply to railway companies incorporated outside of Canada and owning or controlling or running their trains upon any through lines in Canada, owned or controlled or operated by such company, also railway companies running railway trains from any point in the United States to any point in Canada—that is, the Canadian part. Section 12 refers to the time of making the report by the Board of Railway Commissioners. The present Act provides that the report shall be made within three months of the end of the year and placed on the table within fifteen days of the opening of the session of parliament. I propose to amend it so that they shall have two months in which to make a report, and, if the House is then in session, the report should be placed on the table at once and not wait for the following

year. In that way, we shall have the information fresh. Section 13 is practically the Bill sent back to us by the Senate, the foundation of which was the Bill of my hon. friend from Lincoln and Niagara (Mr. Lancaster). Besides adding this Bill as a section, I shall propose two additional stringent provisions. One of these is to the effect that at any crossing where an accident has occurred through which life has been lost or serious injury inflicted, no train shall run over such crossing at a greater speed than ten miles an hour until protection has been afforded according to the direction of the board. In addition, I shall propose another clause providing that when the board has given an order for the protection of a crossing, trains shall not run over that crossing at a greater speed than ten miles an hour until such an order has been complied with. These are the only important amendments I am proposing to the Bill as printed.

Mr. HAUGHTON LENNOX (South Simcoe). As I discussed the most important question involved in this Bill, the protection of railway crossings, on the 17th of February last, it will not be necessary for me to go very fully into the matter on this occasion. At the same time, having for many years taken a very great interest in this subject, and having placed before the House an outline of certain propositions which I think will be in the interest of the public, I hope I shall have the indulgence of the House while I refer to a few of the salient features of this Bill. In reference to the provision of a certain fund by the country to assist the railways in affording better protection for the public at crossings now in existence, I have already said that I quite approve of the country doing something in that direction. We have to look back to the time when this country was new, when the necessity for immediate development by means of railways was very urgent and when we were obliged therefore to have our railways built under conditions that we could not be expected to tolerate now. Therefore, I think it is reasonable that the government should do something towards assisting the railway companies in getting rid of the dangers that exist at these grade crossings. What amount the country should contribute is a more difficult question. Let me point out to the minister that I think the provision made now is exceedingly moderate, and probably too moderate, having regard to the system adopted in the adjoining republic. In the state of Massachusetts the amount set apart for the elimination of grade crossings not for protection by gates, or bells or any other device is $5,000,000, to be expended within a period of ten years. A great deal of that has already been expended. Now we propose to set apart $1,000,000 to be expended within a period of five years. I do not think it is contemplated that that will be the end of our contribution, and it is not necessary for me to discuss at present whether that is a sufficient amount or not. But as regards the manner in which it is proposed to be expended, I think the wisest provision has not been made. I do not know why we should have a lingering death in this matter, and, for instance, I cannot realize why, by the provisions just read by the minister, he should wait until we have evidence of a death at a crossing before we make provision for protecting that crossing.

Mr. GRAHAM. It won't bear that construction.

Mr. LENNOX. It does in one respect, it makes provision that if a death has occurred at any crossing then the company shall slow down until the Board makes an order. In regard to this million dollars we are voting, I do not know why we should spread it over five years. I think we should set to work and expend this $1,000,000 just as rapidly as we can, and as soon as the conditions can be ascertained, and so prevent the sacrifice of life that has been going on with such alarming rapidity. As regards the feature of the Bill that the Railway Board shall not only have power to make an assessment upon the municipalities but that they should have an unlimited power, that is a provision of the Bill that I am altogether opposed to. As regards the assessment on rural municipalities for anything in the way of protecting highways by gates or bells, I submit it is not just that they should pay one dollar as long as the grade of the railway and the grade of the highway are maintained upon the same level; in other words, as long as the railway company take up a portion of the King's highway for their convenience, nothing should be asked from the rural municipality. Then as regards the elimination, I am just as rigidly opposed to the rural municipality contributing anything for the separation of grades unless there is a definite provision that the Railway Board shall not be at liberty to exceed a certain amount. I have said before that I have a reasonable measure of respect for the Railway Board, they are a competent set of men; but I have not that confidence in the Railway Board, nor in any other two or three, or half a dozen men, selected from any portion of our community, that I am willing to give them an absolutely free hand as to what they shall charge municipalities for the elimination of grade crossings, and all the more when we adopt the policy that as regards this $1,000,000 the minister is asking for, he will not allow the same liberty to

that board. Even if the minister were prepared to go to the length of saying that he would give them an absolutely free hand as regards the money of the Dominion, I would not be prepared to give the Railway Board an absolutely free hand as regards the municipalities. I would not, in fact, be in favour of giving them an unlimited right to assess the people either through the Dominion government or through the municipalities.

In reference to that we are not without example in the United States, furnished by the action of several states. In the state of Massachusetts they have passed a law leaving it to the Railway Board, as we propose, to regulate this matter; but they have distinctly provided that the assessment to be made by the Railway Board shall be within certain limits and controlled by the action of the state legislature. They say that in the case of the separation of grades the railway is to pay sixty-five per cent of the expense, and the municipality can be assessed to an amount not exceeding ten per cent, and it may be less, and the state can be assessed to an amount to make up the difference of the thirty-five per cent, which will be twenty-five per cent or more. In the state of New York the companies are bound to pay fifty per cent, the state cannot be assessed beyond thirty-five per cent, and the municipality cannot be assessed beyond twenty-five per cent. In Ohio there is a definite provision that the railway shall be assessed sixty-five per cent. In Connecticut the company is to be assessed seventy-five per cent and the state is to be assessed twenty-five per cent. There are other important provisions. For instance, the railway company is bound to eliminate one grade crossing every year for every sixty miles of railway, and that has had a very significant effect upon the protection of level crossings in that state already. In Maine there is a definite provision that the utmost the municipality can be assessed is ten per cent. There the state pays twenty-five per cent and the railway company sixty-five per cent. In Michigan it matters not whether it is a new road or an old road, the board can make whatever order it thinks fit, and the expense must be borne by the railway company. There is no range given to the Board as regards expense but absolute control is given as regards what order they shall make for the separation of grades, the building of bridges, or protection in any other way. Under these circumstances, and under the circumstances existing in Canada to-day, I submit to the minister that his Bill fails in the main essential of anything approaching to a valuable measure unless he makes a definite provision that if a municipality is bound to pay at all, the extent of their contribution shall be limited by the Act.

I repeat that as regards the crossings which are left at grade in rural municipalities they should not be called upon to pay one cent. The railway companies are occupying highways, and they are occupying them on terms of increased danger as the speed of trains and the amount of traffic increases. But, as regards the separation of grades there should be a distinct limitation. A gentleman who is of considerable prominence as an engineer, Mr. G. L. Somerville, recently issued a pamphlet which, I think, was published in the 'Canadian Engineer' first. He was a consulting engineer in connection with the viaduct scheme in Toronto, and I want to read a line or two of what he published in reference to the question of cost. He said:

> There are strong arguments in favour of the public in cities and towns bearing a portion of the cost. However, there are many crossings in the rural districts which were comparatively safe when the railways had but one track with infrequent train service which have been rendered dangerous by the increased quantity and speed of the railway traffic and the multiplication of tracks. On many such crossings the highway traffic has remained nearly stationary, and on some, by reason of the construction of the railways, it has decreased. In such cases, it appears to the writer that, as the increased danger has been caused wholly by the railway, it would be unfair to make the users of the highway bear any portion of the cost of the increased protection.

I have not overlooked the difficulty of fixing a limit, keeping in mind the different conditions that exist as between rural municipalities and city municipalities. But it does not appear to have been regarded as a difficulty in the states of the union that I have referred to, with the exception of the state of Massachusetts, and in that state a special Act was passed with reference to certain cities. I can give the minister a reference to that if he desires it. I will not take time to repeat the figures which I quoted when last I spoke, but definite figures are laid down which are to cover the liability of each of the parties to the undertaking, a small amount being put upon the municipality, a much larger amount upon the railways and an intermediate amount upon the state. I am not prepared to discuss the question as to the amount to be contributed by rural and city municipalities. I am inclined to think, however, that it is not a difficulty that the minister need be prepared to shirk. This is one of those matters of detail that, after proper investigation, he can work out satisfactorily. As regards the disposal of the money that the country is to contribute towards the removal of grade

crossings, I expressed the opinion when this matter was up for discussion before, that is when the Railway Act amendment was introduced, that the contribution of the country should be confined to cases where there is a separation of grades, and should not be applied to cases where there is merely protection by gates or the like and the crossing is maintained- at rail level. In that opinion I am more confirmed upon further thought and a little further investigation. There is much reason for the argument that if the railway sees fit to maintain its crossings upon a level with streets or highways it should not have this fund available to assist it. Aside from all other considerations you will demonstrate to the railway companies the desirability of separating the grades if you adopt a law providing that there shall be no contribution in reference to grade crossings. As a matter of fact, I made a rough calculation as to how the matter would work out, and, taking the figures the minister has furnished as to the cost of erecting and maintaining gates and employing watchmen, I find, taking into account the contribution which will be made by the country towards the elimination of grade crossings, that it would pay the company, if we provide in the law that they shall get no contribution in the case of a crossing on the level or for the erection and maintenance of gates or bells, to separate the grades at an expenditure of $20,000 or $25,000 rather than to put up a set of gates and have men employed from year to year to watch them. This is an important feature of the matter and I would urge upon the minister—and I have reason to believe that he is inclined to accede to that proposition now—to confine the payment by the country to cases of separation of the railway from the highway. It is amazing in a great many cases how a little judicious management and a reasonable expenditure of money throughout the country would bring about a separation of the highway from the railway either by the highway being carried above the railway or by the railway being carried over the highway. Speaking of that, there is a little phamplet issued by Mr. Robert Larmour, a gentleman who my hon. friend from Lincoln (Mr. Lancaster) says is an employee of the Grand Trunk Railway.

Mr. LANCASTER. He was until lately.

Mr. LENNOX. I noticed by a careful perusal of this document that he says that he has been closely identified with railway matters; and that he is holding a brief for the railway companies as against the people's interests, hon. gentlemen who read this pamphlet will realize. We talk about the scare lines in newspapers, but there is a scare picture on the front page of this little document and he points, in the language of Mr. Hays, to the number of crossings on the Grand Trunk Railway system and makes a sympathetic plea for the farmer saying that if you build a bridge over the railway according to this picture the farmers will not be able to make the grade, that it will cause such an embankment that they will not be able to haul their loads up over it. I want to say to that gentleman, but particularly to the minister, that no sane man ever proposed that in Canada, we would have separation in the rural districts where all is upon the level, where there is an open country and the train may be seen approaching and the people managing the train may see the people approaching on the highway. All we want provided for is that in every case where there is something in the nature of a trap, where the railway is screened off by an embankment or buildings or the like, from the highway, so that the person driving through the country on the highway has no reasonable means of seeing the danger that he is entering upon, protection shall be provided. We do not pretend that you would ever put highways on a high embankment where all is open and where all is upon a plane. But where the topographical features of the country lend themselves to easy carriage of the railway above the highway or the highway above the railway, this shall be taken advantage of, and in every other case of danger that there shall be gates or such reasonable protection as will prevent the frequently occurring disasters we have witnessed of late years. I shall not at this late stage of the session delay the committee by speaking at greater length, but I wish to quote further from Somerville:

Other states have followed the example of Massachusetts by placing part of the cost of the elimination of grade crossings on the public, but some have forced the railways to bear the whole cost without any public contribution whatever.

The Pennsylvania railroad, while invariably avoiding grade crossings on new work, has in the last six years been eliminating many old grade crossings. On January the 1st, 1902, on the lines of heaviest traffic between New York and Washington and between Philadelphia and Pittsburg, there were 994 grade crossings, while up to January 1, 1908, 568, or more than 50 per cent were abolished.

The completion of the new Washington terminals marks the consummation of the plans of the late President Cossatt, viz., to eliminate all grade crossings in the important cities between New York and Washington. This has involved the elevation or depression of tracks in Jersey city, Newark, Elizabeth, New Brunswick, Trenton, Philadelphia, Chester, Wilmington, Baltimore and Washington.

Of the 101 grade crossings between Altoona

and Harrisburg on January the 1st, 1902, only 51 remained on January the 1st, 1908, another 50 per cent reduction.

What the United States find it necessary to do it is in our interest to set seriously to work to do, and I am glad the Minister of Railways realizes that there is a necessity for doing something. There are features of the Bill I would like to see changed, and one which I pointed out before the minister introduced his Bill is, that I would like to see the onus thrown upon some one who represents the government of looking into these matters. There is provision in the amendment given notice of this morning by the minister that the board of Railway Commissioners shall from year to year obtain certain information. I believe that the railway companies should be compelled to submit to the railway board a statement as to the necessity or the absence of necessity for protection in every case. I do not think we should wait for the municipalities or individuals to take action, but that the country should charge itself with the duty of finding out what should be remedied, and on a report from its inspector the railway board should assume the duty of initiating proceedings. If you leave it to the initiation of municipalities deterred by the liability of being taxed to an unlimited amount as this Bill leaves it, the municipal representatives will be handicapped by the fear that on election day they will be met with the cry that they have increased the taxes. I think this is a matter of national importance, and it is the duty of the government to see to it that the initiative in every case shall be taken by the state. It is not that I am wedded to the form of resolution I introduced on the 17th of February. It is not that I fail to realize that in many features it could be greatly improved, but inasmuch as it expresses in somewhat concise language many of the views I entertain, I shall take the liberty of reading the resolution and I shall urge that the government take into serious consideration whether or not the suggestions therein contained, in addition to those already adopted, should not be incorporated in this Bill. The resolution says:

That in the opinion of this House, the appalling number of accidents at level crossings demand that the matter of railway crossings throughout the whole of Canada should at once engage the earnest consideration of the people's municipal and parliamentary representatives.

2. This imminent, and increasing peril incident to the present method of railway construction and operation may, by slow degrees, and in isolated instances, be mitigated by the exercise of powers vested in the Railway Board, but they can never reach the thousands and thousands of cases crying out for safeguards, and cannot reach even a tithe of them within any reasonable time.

Mr. PUGSLEY. What does that mean; you say that the peril cannot reach the thousands of cases.

Mr. LENNOX. I do not think I say that.

Mr. PUGSLEY. You do, just analyze it.

Mr. LENNOX. I do not analyze it as the minister does. I say the peril may be mitigated by powers vested in the railway board. I will not quibble with the minister because he is more astute than I am. My meaning can be appreciated by every member of the House and what is more important to me it will be appreciated by the people of the Dominion who realize that there is a duty cast upon the government, and it is not a question of quibbling in the face of an effort to remove grave dangers which the people are now exposed to. I point out that I desire that the government should ascertain the actual position of the crossings by having inspectors to make reports to the railway board and that the railway board should take action of its own initiative:

3. The question of railway crossings from ocean to ocean is a matter of supreme importance and urgent to the last degree. The toll of sacrifice increases with the multiplications of lines and the increase of speed and traffic, and no sensible improvement can be hoped for so long as the initiative for redress is left to casual and individual action.

4. The rule, and the presumption from the acceptance of a charter, should be separated, or protected crossings elsewhere, with the onus upon the company of establishing a justification for exceptional treatment in exceptional cases.

5. It is the duty of the government early this session to deal with the whole question of railway crossings in a thorough and comprehensive way and with a view of eliminating, as far as reasonably possible, the level crossings from our system of railways, and where this cannot be done, the adoption of such other methods and devices as will secure, in as great a degree as is possible, the safety of the people using the highways.

I introduced this resolution with no party feeling. When the minister afterwards introduced his Bill I gave it my earnest support. I shall support as far as I possibly can the measure introduced by the minister, believing it is a step in the direction we want to travel. I urge upon the minister the serious consideration of such additional safeguards as will be suggested by some of the members of the House, and I am prepared to believe that the minister is anxious to bring about a remedy as speedily and as effectually as possible.

Mr. FOSTER. Is any portion of this one million dollars applicable to any other use than the permanent elimination of the danger; is it provided that it may not be de-

voted to employing watchmen or erecting gates or things of that kind?

Mr. GRAHAM. I purpose adding a clause to section 3 which makes it clear that none of this money shall be used for the purposes of operation or anything of that kind.

Mr. LANCASTER. In view of the fact that with regard to what might be fairly considered the main questions of this Bill, I have for six years past been advocating in this parliament protection for the people, perhaps a few words from me may be appreciated. I am bound to say that in my opinion the Bill brought in by the minister is retrograde as far as the rights of the people are concerned. To a certain extent it has the effect of causing dangers to be more or less guarded against, but under the Bill that will be done more at the expense of the people than the railways, and I do not think that is fair. Six years ago I began to try to remedy this evil, and after three years discussion in this House and in its committees we passed legislation, which every year since we have passed unanimously, providing that in cities, towns and vilages where the railway is running on the level of the highway where the most danger exists, the principle shall be recognized that whatever protection is necessary should be provided at the expense of the railway company. We sent that Bill to the Senate four times; thrice they rejected it, and this session they have sent it back with an amendment which does not in any way meet the needs of the country, and which, without any disrespect I say is not sensible legislation. The minister has sent me a copy of the amendment which he proposes to substitute for the Bill which we have sent to the Senate on these four occasions. I do not object to the matter being dealt with in that way; I care not how it is dealt with as long as the resultant legislation is proper; although I should have thought that the better way would be to have this House concur or reject the Senate amendment to my Bill as the House might deem fit. In my opinion, the legislation which provided that the railways should at their own expense, as might be decided by the Railway Board in each case, protect level crossings in the thickly populated areas through which they run, was fair legislation. I do not see how the railways can possibly object to protecting the King's highway which they use without toll and which they are increasing the use of and danger on every day by the increased number and speed of their trains. I impress upon the House that the congested parts of the country where the buildings obscure the view and the noises deaden the sound is where there is the greatest danger and where, as the records show, nine out of ten accidents occur. For four years, as I have said, this House unanimously has declared for the principle that the Railway Commission should decide where that protection was necessary, what it should be, and that the expense should be borne by the railway for such protection as the Board in its judgment might direct. The amendment proposed by the Minister of Railways eliminates the principle of protection and requires that an order must be specially made in each of these cases for the protection of the public. Well, that is the present law and it is because it is the present law that we amended it four years ago. Without this section all that protection can be obtained under the general jurisdiction of the Board. A special order is made where the danger is special, and if protection is put in, the municipalities must contribute a portion of the cost; if they do not, protection is not put in. The proposed subsection 3 of section 275 does not change the present law at all. It simply provides that the railways must protect those portions of crossings in cities, towns and villages which are on the rail level, as specially ordered by the Board. That is the law to-day, and has been ever since the Railway Act was passed in 1903, and long before that. If the Board makes a special order, we say, apparently wisely, but I think very carelessly, that the railway company must do what the Board orders them to do; but we do this much worse; we say that if they do not, they may still run their trains if they reduce their speed to ten miles an hour. That I call retrograde legislation. We enact the present law, which the whole country says is not sufficient. We say the present law is good enough for the people, but we will allow the railways to evade even the present law. Then the minister proposes this morning to add a rider, which is a new thing, that protection of a crossing is to be ordered by the Board after some one has been injured or killed at that crossing. With all due deference, that is not a good principle to enact. A most dangerous crossing might be used by people without an accident if they were extremely alert and careful; but are they to be in that trouble all the time, and is no protection to be afforded until some accident happens or life is lost?

Mr. GRAHAM. It does not intimate that.

Mr. LANCASTER. As it reads the board will not have the conditions precedent until an accident or death has happened.

Mr. GRAHAM. What the Bill proposes to do is to take the fact that an accident has occurred at a particular crossing, not at some time to come, but in years gone by, as prima facie evidence that the crossing is dangerous.

Mr. LANCASTER. If that is what the hon. gentleman means, he will have to

amend the proposed section by inserting the word 'heretofore,' because as it reads it carries the construction I put upon it. If an accident has not happened, it practically says that the provisions of the Bill do not apply. What is the effect of that?

Mr. GRAHAM. The effect is just this. This provision will not interfere with the Board dealing with any dangerous crossing; but it starts with the positive assertion that it proposes to take as prima facie evidence that any crossing where an accident has happened is a dangerous crossing. There are many of these which if they are not protected at the present time ought to be protected immediately. It does not interfere with the working of the Act with regard to other crossings which are dangerous.

Mr. LANCASTER. Let me point out how it will interfere. The administrators of this law will say: 'We have an Act that indicates to us clearly that unless these conditions apply, unless an accident or death has happened at a crossing, we are not to bother the railways.'

Mr. GRAHAM. Not at all.

Mr. LANCASTER. That is the effect of it. When the Board is asked to protect a crossing, the first thing it will ask is: 'Has an accident or death ever happened at this crossing?'

Mr. GRAHAM. If this were the only section in the Act, my hon. friend's argument might be good, but all crossings are covered by the other sections.

Mr. LANCASTER. That is true; but we are inserting here a subsection which is specially designed to protect dangerous crossings in the congested parts of the cities, towns and villages.

Mr. GRAHAM. No. It does not apply only to cities, towns and villages. One of the objects of the provision is to call attention to the fact that dangerous crossings exist throughout the country where accidents have occurred. This is much broader than the provision applying to cities, towns and villages, because it applies to all crossings where accidents have occurred, whether in city, town or country.

Mr. LANCASTER. Grant, for the moment, that that is so, what are the administrators going to do? We put principles before them, and we ought to put more principles before them. As a matter of fact, we often give the Board power to make the law as well as to administer it. What we ought to do is to give them the power to administer it and declare the principles that they are to administer? And that is the character of the Bill that was passed here for four sessions. Now, what we put before the Board is this: unless a death or serious accident has happened at a crossing, whether in a thickly-settled portion of the country or elsewhere, they need not order protection at that point.

Mr. GRAHAM. It does not mean that.

Mr. LANCASTER. We ought not to use words in our legislation here if we do not mean something by them. If the Bill means anything, it means what I say. This provision may be put in to make the people believe that some progress is being made in their interest when it is not really so. If the minister means that the Board is expected to still make the same order upon the same evidence as before, then this ought to be struck out. I do not wish to delay the House, but as to the question of the municipalities and the provinces contributing, or the Dominion bearing all the public expense for the elimination of level crossings, at an early day in this session I said what I thought about that, and I will repeat it in a few words. I hold that the Dominion exchequer is the only public exchequer that should be called upon to contribute toward the elimination of level crossings, and the creation of the ideal condition we desire to see which will prevent people on the highway being killed or injured by railway trains. I hold that the railway company ought to bear a portion of that burden, but not the whole of it. These corporations have been given an easement over the highway, and if you were to put upon them the whole expense of establishing the ideal condition under which a traveller on the highway cannot come in contact with a train you would take from them, in effect, that which has been granted. It is reasonable, therefore, that the public should contribute towards the creation of what we desire to see. But I hold that no exchequer but that of the Dominion should contribute to this work. Otherwise you have taxation without representation, you are compelling a city or a province to contribute towards a work which the Dominion has taken under its sole control and which it has handed over to Railway Commissioners appointed and controlled by itself. Suppose, for the sake of argument, that it were decided that $30,000 should be contributed toward making safe a certain crossing, of which $5,000 was to be contributed by the province and $5,000 by the municipality, and the remainder by the railway company. I say that that $10,000 contributed by the public should be paid by the Dominion, and not a cent by either the municipality or the province. For the obvious reason that, otherwise, you are taxing the people with regard to that over which they have no control as a city or a province, and over

which the Dominion has entire control. On this being thought over, I believe it will be found to be the right principle. The Dominion makes this legislation, and the Dominion ought to bear the expense connected with it. Under any other plan, the people might be taxed three times in connection with the one work. Suppose, for instance, a taxpayer in the city of St. Catharines and a work of this kind ordered in that city. The taxpayer would pay first as a Dominion taxpayer, then as a provincial taxpayer, and third as a municipal taxpayer. While these works are declared to be for the general advantage of Canada and are controlled by the Board of Railway Commissioners which is entirely constituted and controlled by this Dominion parliament, it is outside of all principle that they should have a power to tax people three times for a work which, so far as the locality is concerned, they have no control over and about the management of which they have nothing to say.

Then we come down to the cases where we are not eliminating the level crossing, but still allowing the railway to run on the highway, but where we require protection. In such cases, whatever protection is ordered should be at the expense of the railway alone; neither the Dominion, nor the province, nor the municipality should pay anything. We have a Board of Railway Commissioners, business men, who decide what protection is necessary—electric bells in some cases, watchmen in some cases, watchmen and gates in other cases. But there are other inventions and appliances to promote safety at these crossings. I have seen lots of them which do not cost one-third as much as gates, but which, had they been in use, would, I believe, have saved nine out of ten of the lives that have been lost at these level crossings. The railways are not trying to find means of protection, and will not do so until the law puts the cost upon them. Then they will very soon find the most inexpensive way of doing it. As I say, I have seen many inventions of this kind. One of them is on exhibition now at the Ottawa Supply Company on Bank street. Any hon. member can go and see it. I do not know the names of the people controlling it, but I went and saw it. In my humble opinion, such an appliance would have saved nine out of ten of the lives that have been lost on these level crossings. It is operated generally like the bells that are in use. When the engine reaches the rail at a certain distance from the crossing, the electric connection is made, a lamp lights, if it is at night, a sign flies up in day time, and a bell is set ringing—not a tinkling like the bells of a sleigh, but a bell like a school bell, or the bell on a locomotive engine; so that a man must be blind and deaf to get into trouble at a crossing so protected. I do not advocate that this should be adopted. I say it is one appliance that has been made, and it costs about one-third of what it costs to install gates, and, except for the imposition of a physical barrier to actually prevent the person crossing the track, it affords every protection.

I believe that the people of the country will stand behind the minister, and I in my humble way will back him up if he will decide to contribute from the Dominion exchequer to a reasonable extent to eliminate the level crossings. For, as I say, we have no right to take from the railway this easement over the highways which has been given to them without helping them to create the other condition which we desire to see established. But the railway company should pay a part of the cost of bringing about this condition. Then, so far as the Board of Railway Commissioners are concerned, in their making of orders for the protection of crossings, the public should not be at the mercy of the opinion of a judge or jury, but we here should decide what will be satisfactory, as was done in the Bill which was sent to the Senate, and which, in my opinion, the Senate should have passed. But where these business men order protection, it should be provided that it should be at the expense of the railways where they are using the highway on the rail level. Nothing else will be just to the people, and that alone should be adopted by this House in regard to the protection of level crossings.

Motion agreed to, Bill read the second time, and House went into committee thereon.

On section 1,

Mr. GRAHAM. There is no change made in this except in the wording. The department thought it would be better that the section should be redrafted, and they redrafted it accordingly. It is the old section in a new form.

On section 1,

Mr. LENNOX. There was a contention made by the hon. member for East Hastings (Mr. Northrup) that this power given to the Board was not wide enough. Has the hon. gentleman considered that? Why was that clause redrafted?

Mr. GRAHAM. The Justice Department have been looking into it, I do not know what their reason was, but they thought it should be worded in a better form. There is no new principle in the section.

Mr. J. D. REID. Would this section compel a railway either to operate a portion of the road on which they had received a

bonus from the government, or refund the amount? Take the case that my hon. friend from East Hastings has cited, where a railway received a bonus from the government and from the municipality, and yet it ceased operating the line, and the people are not served in that particular section. Here is an opportunity of compelling the railway either to operate or refund the money.

Mr. GRAHAM. I do not wish to take up the time of the House in discussing a matter that has been brought up for two or three years by the hon. member for East Hastings. It is an old matter, where a bonus was given to one road which was transferred to another company. After full discussion last year, the House declined to entertain the proposition. This clause is not designed to meet that case.

Mr. J. D. REID. Then the government do not intend doing anything to compel the Grand Trunk Railway to operate that portion of the road in the county of Hastings?

Mr. GRAHAM. No.

Mr. LENNOX. If we pass this section, I think the minister might allow it to stand until the hon. member for East Hastings comes in.

Mr. GRAHAM. Yes.

Mr. R. L. BORDEN. I would like to ask the minister why it should be the law, that when a piece of road happens to be transferred from one corporation to another, all the liabilities and responsibilities which were created by the agreement in the first instance are simply to dissolve into thin air, and are to be no longer observed.

Mr. GRAHAM. All that took place under the law as it existed for years. It is really asking us to amend a piece of legislation in a general Act in order to apply it to a particular case, it is asking us to make legislation to cover a case that happened many years ago. While I would not object to that altogether, still my hon. friend will remember that this matter was discussed thoroughly in the House last session between the Minister of Justice and the hon. member for East Hastings, and the weight of argument was strongly against the passing of any special legislation for that particular case.

Mr. R. L. BORDEN. What I have to say does not in any way relate to the matter which the hon. member for East Hastings brought before the committee, I am not discussing the advisability or otherwise of passing legislation of a retroactive character. There might be good reasons why that should be done, and there might be cogent reasons against it. What I am discussing is the importance of so amending the law that the thing cannot occur in future, and I see no reason why that should not be done.

Mr. J. D. REID. We are still in the same position. If any railway in Canada that has received a subsidy from this government, or from the local government, or from several municipalities through which it passes, chooses to amalgamate with another railway running only a few miles apart through a certain portion of the country, that railway can cease to operate that portion of the line, and there is no way of compelling it to resume. They simply take up the rails and leave them there. From the discussion that took place last year I understand there is no way of compelling them to operate the railway, and if we cannot compel them to operate, we cannot compel them to refund the subsidy. I thought when this Bill was introduced that the minister would put in a clause to meet a case of that kind which might arise in the future, if he did not wish to make it retroactive. I think this is an opportune time to introduce such an amendment. No railway company would object to such a clause, whereas railways do object to retroactive legislation.

Mr. GRAHAM. I think my hon. friend will find that this clause applies to the case he was speaking of:

> Where it is complained by or on behalf of the Crown or any municipal or other corporation or any other person aggrieved, that the company has violated or committed a breach of an agreement between the complainant and the company—or by the company that any such corporation or person has violated or committed a breach of an agreement between the company and such corporation or person—for the provision, construction, reconstruction, alteration, installation, operation, use or maintenance by the company, or by such corporation or person, of the railway or of any line of railway——

The only point at issue is the one raised by the leader of the opposition, whether liability would be obviated by the railway company selling out to some other company. I think under this section it would not. As I understood the member for East Hastings, he wanted a section inserted that would cover retroactively the case he had in point, and allow the commission to try that. I think this will cover all such cases in the future.

Mr. NORTHRUP. This clause as redrafted is very much along the line of the amendment I asked for last session; the only difference between this and the one I asked for is that the present clause is practically inoperative, while the one I asked for would compel the railway company to act.

Mr. GRAHAM. That is only a matter of opinion.

Mr. NORTHRUP. I understood the Minister of Railways to say a moment ago that he thought this would cover the case of an agreement made between a railway company and municipalities. I would ask the minister to look at the condition of affairs that exists in the province of Ontario. We have a couple of large railways which have bought up the smaller railways, and the case I wish to meet is not confined to my own county of Hastings. After I brought that matter before the House last session, different members came to me and spoke of similar conditions existing in their constituencies, where small railways were locally assisted, and people gave their money on a distinct contract that they would receive something in return. Then these smaller railways were absorbed by the larger railways, and consequently the only remedy the people had was against a railway that had ceased to exist. Now, this present clause will not apply, I take it, practically to any such case in the province of Ontario. Take the case the minister referred to in my own constituency, where money was advanced by the Crown and municipalities. When the Crown advanced money under a statute of this House by which the Belleville and North Hastings Railway was to receive certain assistance, the Belleville and North Hastings had ceased to be in existence. At the very time that statute was passed by the House, on the application of the Grand Trunk Railway, by which the House agreed to give the money to that railway, there was no such railway. The cheque was made out by the government payable to the Belleville and North Hastings Railway, but there was no such corporation to endorse the check. It was endorsed, however, by the law clerk in the office of the Grand Trunk, the cheque was handed over to the Midland Railway, endorsed by Joseph Hickson, vice-president of the Midland Railway, and deposited to the credit of the Grand Trunk Railway. There we have a concrete case of one great railway coming to parliament and getting assistance in the name of a railroad that did not exist, and endorsing on the back of the cheque the name of a railroad that had ceased to exist.

The company had passed out of existence years before. The municipalities which gave their money in good faith are prevented from having any remedy as the law stands at the present time. If the minister chose to proceed against the Grand Trunk my impression is that he could succeed in an action at law. But it is clear that the Railway Commissioners have no authority over the Grand Trunk at all. It may be said that an amendment to cover this case would be retroactive in one sense but I would point out to the minister that the whole statute is retroactive. This very cause which we are considering is retroactive. If anything has been done that comes within the terms of this Act and if it has been done prior to the passing of the Act it will be affected by the Act. If anything under the bargain made between the Belleville and North Hastings Railway Company and the government and betweeen the Belleville and North Hastings Railway Company and the municipalities has been done by the Grand Trunk Railway, contrary to the clause, the clause would apply to it and in that sense it would be retroactive. All I ask in my amendment is that if a case arises in which a contract has been made and if one of the large railway companies, the Grand Trunk or the Canadian Pacific Railway, ties up a line of railway so that the people or the Crown are deprived of the rights which they otherwise would have had, the railway company shall be put in the position of the company which received the assistance and be held responsible for the carrying out of its obligations.

Mr. PARDEE. Does the Railway Act not cover that case?

Mr. NORTHRUP. I do not think there is anything in the Railway Act covering that case. I think it was agreed here last session that there was nothing in the Railway Act which would cover it. It would be a simple matter for the municipalities in the county of Hastings to come before the Railway Board and lay their charge against the Belleville and North Hastings Railway Company. There is no doubt the Railway Board would have jurisdiction as against the Belleville and North Hastings Railway Company which was the company with which the contract was made but which really ceased to exist fifteen or twenty years ago. At that time it disappeared as an entity and there is no such thing in existence to-day as that railway company. What they have is the doubtful right to proceed against a non-existing company whereas the Grand Trunk came into the field, actually got the $21,000 which the government paid and then ceased to operate the road. The country paid the $21,000 for which it received no return and I am asking the minister now to amend this clause in such a way as will meet a case of that kind. I had an amendment drawn up but this has come up unexpectedly and I have not got it with me, but this afternoon I would be prepared to give the minister half a dozen words to be added to this section which would enable the Railway Board to deal with the company that got the money. If the minister desires to meet the evil and to make the clause really operative he will add a few words so that the company that got the money may be made to disgorge or carry out their contract and not leave the people or the government helpless against a non-existing company.

Mr. GRAHAM. I think the section we have here, coupled with sections 362 and 363 of the Railway Act, fully meets every case that could possibly arise. This section that I have referred to here certainly will meet any case of an agreement made by a company with another company. I think sections 362 and 363 will meet the case where companies amalgamate because they provide that the new company taking possession shall carry out the responsibilities of the original company. Section 362 reads as follows:

Upon any agreement for amalgamation coming into effect, as provided in the last preceding section, the companies, parties to such agreement, shall, subject to the provisions of this Act and the special Act authorizing such agreement to be entered into, be deemed to be amalgamated, and shall form one company, under the name, and upon the terms and conditions in such agreement provided; and the amalgamated company shall possess and be vested with all the railways and undertakings, and all other the powers, rights, privileges, franchises, assets, effects, and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies parties to such agreement, or to which they, or any or either of them, may be or become entitled; and shall be liable for all claims, demands, rights, securities, causes of action, complaints, debts, obligations, works, contracts, agreements, or duties, to as full an extent as any or either of such companies was, at or before the time when the amalgamation agreement came into effect.

This certainly covers every liability that the original company had—agreements, duties, obligations. Surely this covers the case of my hon. friend. He said last session that the transfer was fraudulent and that the money of this company was paid to a company which my hon. friend said at the time did not exist. Still, we should not burden our statutes with provisions applicable to a special case which happened many years ago. The people interested did not take steps in the courts to enforce their rights, but they let them go until this late date. I think it is clear that the Railway Act does, in the event of an amalgamation, impose on the amalgamating companies every obligation that either or any of the companies had. If I should take the time to read section 363 it would make it still clearer.

Mr. NORTHRUP. There is one very simple answer to what the hon. gentleman has said. Would the minister contend that the Railway Act applies at all to railways that are chartered by the Ontario legislature and which are amalgamated by statutes of the Ontario legislature? This Dominion statute applies only to railways over which this parliament has jurisdiction. This is not an isolated case but there are half a dozen railways in a similar position. I happen to remember one case that my hon. friend who then represented Perth, Mr. Maclaren, brought to my notice. There were two or three other members who spoke to me about similar cases in their constituencies. Even if we admit that the Act applies to this case it must be evident then that the clause is in the right direction and that we should have the remedy which the minister says we now have in this case. Now, if it turns out that the clause does not materially apply to the matter in question because it is a matter of provincial jurisdiction, the roads being incorporated under provincial charters and amalgamated under provincial authority and subsequently taken over by the Grand Trunk, which, of course, would be under Dominion jurisdiction, does the minister not think that a remedy should be provided by this parliament? The original amalgamation was under provincial legislation and therefore the Dominion Railway Act would not apply at all. If the minister admits that an injustice is done, if he agrees with me in my contention, and I think he can hardly dispute it, that the clause does not apply to provincial railways, and if I point out to him that all that would be necessary would be to add to this clause two or three words to meet the case, surely the minister would not contend that such a remedy should not be provided. The case would be met by the addition of such words as these: If any such railway had been absorbed or amalgamated or come into the possession of another company then the company which is in possession of the one in question should be considered liable for the obligations of the original company. One word more as to what the minister said. He spoke of the people slumbering on their rights and allowing this state of affairs to continue for years. I would like to ask what action any person on behalf of the county of Hastings could have taken against the Grand Trunk Railway which had obtained the $21,000 to compel the company to do that which it agreed to do? This money was paid by the government—a former administration—and when it paid the money it made a mistake. I think the people of the country have a perfect right to complain to the government when a wrong of this kind has been done. The right hon. Prime Minister (Sir Wilfrid Laurier) and the hon. Minister of Railways know, and a year ago they both admitted, that there had been a wrong done and that a remedy ought to be provided. The Minister of Railways said that he was looking for a remedy and that he hoped he would be able to find one. The Prime Minister and the Minister of Railways both recognized that an injustice had been done and

that a remedy should be provided. When two ministers frankly admitted that a wrong was done, that the public had been improperly deprived of $21,000 it seems extraordinary that the Minister of Railways and Canals will sit in this House and not allow a few words to be put into this Bill by way of an amendment which would compel the railway company who fraudently obtained this $21,000 to either pay back that money or to carry out the agreement which they entered into.

If the minister will take the trouble to look at the documents he will find that the application was made by Mr. William Wainwright, one of the high officials of the Grand Trunk; he will find an agreement made by the Grand Trunk that they will furnish the rolling stock, and he will find that after all that was done the cheque was made payable to the Belleville and North Hastings Railway, improperly endorsed to that name and deposited to the credit of the Grand Trunk. Surely if the minister cannot dispute the fact that the country was fraudulently deprived of $21,000 it should not require argument to see the impropriety of that, and to take steps to enable the country to get back the money they paid and for which they received nothing.

Mr. GRAHAM. The general Railway Act fully covers the cases referred to by the leader of the opposition. I have full sympathy with the hon. member for Hastings who wishes to insert a clause in this Act to enable him to proceed on an old case of many years standing, but I think it would be a mistake to include such a provision in the amendment. We have, however, been careful in the Railway Act and in this amendment to provide that the Board of Railway Commissioners shall have power to see that all agreements are carried out and that the amalgamated companies shall assume all the responsibilities that individual companies had before they became amalgamated.

Mr. BLAIN. I wish to ask the minister whether the Railway Act or this proposed amendment will cover a case which has arisen in my county? Many years ago the Credit Valley Railway Company procured a charter and constructed a road, part of which runs through the county of Peel. Subsequently the Canadian Pacific Railway purchased that road and have been operating it for a great many years. Last year they proposed to close up some of the stations at certain points along the line. I want to ask the minister, will the Railway Act or these amendments give the municipalities that contributed bonuses to the old Credit Valley Railway, the power to enforce the original agreement against the Canadian Pacific Railway who have purchased the road and are now operating it?

Mr. GRAHAM. That is a question of law and probably a case for the courts to decide on a suit for damages. If a case is made out that a station is necessary at such a place, the Railway Commissioners will have full power to compel the railway company to have a station there.

Mr. LANCASTER. I had occasion recently to make an application for a station and I was surprised to hear the chairman of the Board doubt his jurisdiction to order a station.

Mr. GRAHAM. They have ordered a good many.

Mr. LANCASTER. I think he said they had only ordered one, and his opinion seemed to be that unless the railway is willing to erect a station the Board has not the power to order, which of course is nonsense because if the railway is willing to do a thing you do not want a Railway Board. It would not be quite fair to say much about that case, because the Board has reserved judgment upon the question of jurisdiction and upon the merits.

Mr. GRAHAM. They have ordered a good many stations.

Mr. LANCASTER. I think myself they have jurisdiction.

Mr. SPROULE. Would it not depend entirely upon the nature of the original agreement made between the company and the municipality. In connection with the Toronto, Grey and Bruce several municipalities had agreements made to the effect that in consideration of granting bonuses to the railway the company would build the road and operate it in perpetuity, and keep stations open for the convenience of the public. I think the Canadian Pacific Railway tried once to get out of the obligation, but whether or not they found they could not do it legally, they decided to allow the station to remain.

Mr. DANIEL. Will the level crossings features of this Bill have any effect on the government system of railways?

Mr. GRAHAM. The Intercolonial Railway will not be affected by this Bill. The chairman of the board of managers and myself have discussed the level crossings on the Intercolonial and I am getting a report on the various crossings. I suppose it is natural that these places where accidents have occurred should be attended to at first. We have in the main estimates put through items for the elimination of several crossings on the Intercolonial Railway.

Mr. R. L. BORDEN. Upon a hasty reading of sections 361 to 363 I should be inclined to doubt whether they go as far as the minister has suggested. Section 361 deals with agreements of two distinct characters; one for selling, conveying or leasing the railway and undertaking in whole or in part, and the other for amalgamation. Section 362 says: That upon any agreement for amalgamation coming into effect the amalgamated companies shall be vested with all the powers and rights and shall be liable for all claims and demands to which both companies would otherwise have been liable. Section 363 subsection 2 seems to be to the same effect, but I do not observe that where there is simply a conveyance or lease in whole or in part, without amalgamation, any such result follows.

Mr. PARDEE. Section 363 says:

'Notwithstanding anything in any agreement made or sanctioned.'

Would that not necessarily take you back to subsection 2 of 361 covering any agreement either of lease, or selling, or conveying, or amalgamation?

Mr. R. L. BORDEN. I appreciate that, but the difficulty is that it simply makes the company leased or sold subject to the agreement, but it does not make the company to which the road is sold or leased so liable. That is my view of it on a hasty reading. I think it would not make the company receiving the road by means of sale or lease liable for the performance of the conditions, although it is distinctly liable in the case of amalgamation.

On subclause 2,

Mr. GRAHAM. Owing to certain decisions of the courts it seems to be now accepted that any securities deposited with a bond as collateral cannot be reissued even after they are redeemed. They are by the court considered as having been issued once they are deposited as collateral in the bank. That places the large companies in a very awkward position. Before they choose to issue their securities and put them on the market they place them in a bank and obtain loans upon them, with the intention that they shall afterwards redeem them when the price has appreciated and sell them on the market. By decisions recently given in the English courts these bonds are considered as having been issued once they are placed in the banks as collateral security, and this has necessitated legislation in the old country. It has been thought wise that we should pass legislation here to make it clear that these securities, although they have been placed in the bank for collateral, can, on being redeemed by the bank. be considered as never having been issued at all.

Mr. DANIEL. I cannot see how you can by an Act of parliament declare that a security has not been issued when as a matter of fact it has been issued and you have raised money on it. That does not seem to be honest.

Mr. GRAHAM. It has not been issued in the sense that it has been sold to the public. It would be as if my hon. friend took a bundle of notes to the bank, placed them there as security, obtained an advance on them, and having afterwards redeemed them collected their value. These bonds are placed in the bank merely as collateral security and they are not issued, distributed or sold.

Mr. DANIEL. I do not see how they could have any value as collateral security if they never were issued, because it is the issuing of them that makes them valuable.

Mr. LALOR. They are issued but not sold. They may be said to issue for the specific purpose of collateral security, but they have not been sold or placed on the market.

Mr. R. L. BORDEN. This proposed legislation may be harmless in its result, but it seems to me to be rather unusual. It would distinctly affect pending proceedings in the courts if the judgment thereon should be pronounced after the 1st day of July, 1909. I do not see why legislation of this kind should affect pending proceedings in the courts. I have never known it to do so unless the circumstances were extremely unusual.

Mr. GRAHAM. The Minister of Justice points out that if no date were fixed the parties could delay the decision for months and years and they would never come under this Act.

Mr. R. L. BORDEN. The answer to that is that it is the courts and not the parties who control the date at which the judgment shall be given. But my point goes beyond that. It is that legislation of this kind, retroactive in its character, should not apply to pending proceedings in the court. Suppose a proceeding is commenced tomorrow, before this legislation is enacted, I do not think it would be wise for us to pass an Act by which that proceeding should be affected.

At one o'clock, committee took recess.

Committee resumed at three o'clock.

On section 2,

Mr. GRAHAM. In order to meet the point raised by the hon. leader of the opposition, which is I think under the circumstances well taken, I move the following amendment:

That clause 'a' of subsection 2 be amended by striking out the words before the 1st day of July, 1909, in the second and third lines respectively, and insert in lieu thereof the following: 'in any legal proceeding now pending.'

Amendment agreed to, and section as amended agreed to.

On section 3,

Mr. GRAHAM. This is the section to which my hon. friend from Cape Breton referred the other day. Heretofore it has been held that when a railway company files their plans for the construction of a line of railway, it could practically retain the land for which its plans were filed for any number of years. For example, if a railway company filed plans for a line from here to Brockville and had its charter renewed from time to time, in ten years from now, if it wished to build a line, the value of the lands to-day would be their value then, so that the company would not have to pay the increase in the value caused by the construction of the railway. But conditions have arisen, especially in the west, where towns spring up very quickly, which makes this interpretation of the Act very unjust, and the amendment proposed is practically this, that a railway company must, within two years, take possession and acquire title of the land for which it files plans or it will have to begin over again; so that the increased value will go to the owner and not to the railway company.

Mr. MACDONELL. Does that apply to a transaction that is at the present time incomplete or pending? Take, for instance, an arbirtration for a right of way for a station?

Mr. GRAHAM. I had an amendment made to the preceding clause to cover the point raised by the hon. leader of the opposition, and this amendment is similar, providing that this provision will not interfere with pending litigation.

Mr. MACDONELL. The effect of that will be that if notice has been given of intention to expropriate land, and plans have been filed and nothing further has been done for perhaps ten years, that would in a sense be pending at the present time. The legislation, which I think is very wise and proper, should apply to an existing state of affairs of that kind.

Mr. GRAHAM. I will read the amendment:

And provided further that the foregoing proviso shall not prejudice the operation of any award of arbitration or of any judgment of any court of competent jurisdiction heretofore made or pending between the parties and any appeal from any such award, order or judgment, shall be decided as if the foregoing proviso had not been enacted.

As I understand, this makes it clear that this provision will not interfere where any award is made or is pending. I am free to say that I do not want the clause to interfere with any existing arbitration or award.

Mr. LANCASTER. If it read 'award or proceedings for arbitration,' I think it would be better. There might be proceedings pending, but no award.

Mr. McKENZIE. If this is an amendment of the section, it may possibly be regarded as having been passed when the section itself was passed, in which case it would take effect from the time that law was enacted. If it is regarded as new legislation, it would not be retroactive, unless it specifically said so. If it is not retroactive, I fully sympathize with the views expressed by the hon. member for South Toronto (Mr. Macdonell) that plans now filed would have right of way, and the remedy sought for would not be accomplished.

Mr. GRAHAM. Would my hon. friend state that that ought to be done, that we ought to go back and open a judgment that took place under the old Act of some years ago? It is to be borne in mind that if they did not proceed they would come under the limitations of this Act; from this time forward if they did not proceed with the construction within the limit placed in this clause, they would fall under the terms of this Act.

Mr. MACDONELL. The point I desire to ask is this, would not the legislation apply to anything that is pending, that has been commenced, or is in a legal sense pending? There may be and doubtless are a large number of cases that are standing to-day in which railway companies have given the necessary notice of intention to expropriate, and have filed plans and so forth. Now, these might go back three, five or ten years, but nothing has been done, only the initial notice has been given. Now, if this Act is passed without reference to these cases, all arbitrations that are in that sense initiated will be rushed to a completion by the railway companies, and the value of the land ascertained as of two, years, five years or ten years ago, and that would be a great hardship. I think that with regard to arbitrations that are pending, in which proceedings have been only initiated, this legislation should not interfere with them. Where formal notice has been given, and the railway company has, so to speak, laid down on that notice a notice given years ago, I think that the

section should govern cases of that kind, so as to prevent railway companies from taking advantage of this new law and fixing the value of properties as of ten years ago.

Mr. PARDEE. Would it be the idea of the hon. gentleman that where they have been going on for a considerable number of years there should be a limit within which they should be closed?

Mr. MACDONELL. I would not interfere with existing cases. But where notice has been given—I know of cases where notices have been given six years ago and nothing has been done since. If this legislation passes, the railway companies will rush these arbitrations to a conclusion, and they will ascertain the values of properties as of two, five or ten years ago when the initial notice was given.

Mr. PARDEE. Not under this present amendment. It says that no pending cases shall be affected by the section, therefore, there is no reason why the inquiry should be closed. If they have been going on beyond a period of two years, then there should be a limit within which they should be closed.

Mr. MACDONELL. I would not include those pending arbitrations. I do not think a railway company should be entitled to get the benefit of putting a price on the lands of the value of ten years ago.

Mr. GRAHAM. I have explained the situation to the Minister of Justice and he is quite clear that as long as arbitration proceedings have not been begun they will come under the new Act; where arbitration proceedings have been begun they will have to be settled under the old Act.

Mr. AYLESWORTH. I do not know whether I understand the difficulty the hon. gentleman (Mr. Macdonell) feels, sufficiently well, to enable me to state my understanding of the law in regard thereto. The new section which this Bill is proposing simply fixes the date with reference to which compensation money is to be assessed, if two years have elapsed between the filing of the plans and the conclusion of the proceedings. In cases in which two years have not elapsed, the proviso which it is proposed to add would not have application. But in a case in which two years have elapsed there might have been nothing done except filing the plans, and no proceedings taken toward an arbitration. In any such case the new section would have application, and the compensation money would be fixed with reference, not to the date of the filing of the plans, but to the date of the acquisition of the property. But there might be a case in which, after the filing of the plans, the company had taken the initial step toward arbitration, that is, the serving upon the land owner of a notice naming their arbitrator, and making him an offer of the amount they think is proper compensation for his lands. The giving of such notice to the land owner would be, I take it, the initiation of arbitration proceedings, it would be naming the company's arbitrator, it would need only the action of the land owner in naming his arbitrator to close the matter so far as completing the board is concerned. In case of a delay after the railway company has served its notice, the fault would be that of the land owner himself. In any such case the railway company, having not only filed its plans, but proceeded to serve the land owner with a notice offering him a certain amount of compensation money and naming its own arbitrator, in case he did not see fit to accept that amount, the arbitration proceedings would be on foot, and this new provision would, under the proviso the minister has proposed to add, have no application. And if proceedings should continue under the old law, the compensation money would then have to be fixed as it would have been fixed if this Bill had not been introduced.

Mr. MACDONELL. I think that explanation is quite satisfactory.

Mr. DEPUTY SPEAKER. It is proposed in amendment to section 3 to add the following words at the end thereof:

Provided further, that the foregoing proviso shall not prejudice the operation of any award, or of any order, or judgment of any court of competent jurisdiction heretofore made, or any arbitration now pending, and any appeal from any such award, order or judgment, shall be decided as if the foregoing proviso had not been enacted.

Mr. LANCASTER. I think we are taking a complicated way of doing what could be done in a very simple way. I would suggest that the original section of the Act be amended by the insertion of the words 'as of the date that notice is given by the railway.' I never could see any merit in the valuation being fixed at the time that they file their plans. The merit is in the valuation being fixed at the time they tell the man that they are going to take his land. If we were to provide in the original section that in all cases damages shall be assessed as at the time they give the man notice that they are going to take his land we would be doing something of substantial value. Some amendment is required because there is an injustice under the law as it stands to-day in that the railway company can file their plans and then delay, not saying whether they are going to take the lands, and then, a few years afterwards, they decide to take the lands and pay the

owner the price at which the lands were selling for at the time they filed their plans. More substantial justice would be done if instead of this amendment we amended the original section 192 in another way. At the present time that section reads as follows:

The date of such deposit shall be the date with reference to which such compensation or damages shall be ascertained.

Make it read that the date upon which the notice shall be served upon the land owner shall be the date upon which the damage shall be ascertained. Then, the railway company have to pay when they serve their notice on the land owner which is the first time the land owner knows that his land is going to be taken. That seems to be a fair basis of compensation to both parties. The company know if the lands are going to be taken and the owner should not be affected by the valuation until he knows that his lands are going to be taken. They may lay out a route running across one man's land and afterwards they may take another man's land. They do not necessarily have to adhere strictly to the route as laid down in the plan filed in the registry office. They can vary it a hundred feet or so on either side and they might take a neighbour's land instead of the land originally intended to be taken. Till the owner knows his land is to be taken by the company he should not be affected. This may not prove to be an unmixed blessing. It is possible that a man's land may deteriorate in value. It is possible that the railway company may gain by the amendment which the hon. gentleman is putting in. The land may deteriorate in some localities in Canada just in the same way as it may increase. Perhaps the minister has not considered that aspect of it, but in view of that it does seem to me that the proper way of getting at this matter would be to amend section 192 of the Act by saying that damages shall be assessed as of the date at which the notice is given to the man that his land is going to be taken.

Mr. GRAHAM. I had this matter investigated pretty thoroughly. There are two sides to it. The railway company's interests have not been disturbed for a great many years and there is that side of the question to deal with On the other hand, there is the injustice which has been done to the public particularly owing to the changed conditions in the west where towns spring up in a few weeks or months. The question, to my mind, resolves itself into this: Should we give them two years after filing their plans to acquire title, or should we say one year? At the present time they have as many years as they like. Several cases were brought to my notice. I was led to put two years into the Bill from the fact that in the ordinary railway charter two years is allowed for commencing operations.

Mr. LANCASTER. There is no reason why one year would not be fair because under the statute of limitations you must sue a railway within one year.

Mr. GRAHAM. That has been brought to my attention too. I do not want to be too revolutionary in changing a practice which has been adopted hitherto. I want to be fair to the railways, but I think that if it were made one year instead of two it would not be too stringent a measure.

Mr. LANCASTER. I think one year is plenty if you are going to leave it in its present form.

Mr. GRAHAM. I therefore move:

That in line 25, page 2, clause 3, the words 'two years' be struck out and 'one year' be inserted in lieu thereof.

Mr. LENNOX. How long after they file their plans can they keep a man's land tied up? Does the minister know of any provision in the Act in reference to that?

Mr. GRAHAM. This amendment I am making limits the time to one year.

Mr. LENNOX. Not in the sense that I mean it. It limits the time for the purpose of ascertaining the value.

Mr. GRAHAM. Yes.

Mr. LENNOX. But it does not say at what time these lands are to be freed after the plans have been filed and registered.

Mr. GRAHAM. If the company fails to proceed and get title to the land within one year after filing the plan they have to proceed de novo—I think that is the legal term.

Mr. LENNOX. Yes, that would be the legal term, but it does not say so here.

Mr. J. HAGGART. Suppose a railway company, under their charter, have five years to commence work, and five years to complete it; you oblige them to file their plans and complete the purchase of the land within a year after the filing of the plans. How are you going to deal with the question in view of that?

Mr. GRAHAM. Under our present Railway Act and under the clause that we put into railway charters they must begin within two years and expend fifteen per cent of the capital. That is why I put two years in the original Bill. I thought it was right to give them two years as they are allowed two years in their charter to begin operations. Unless it were a charter with special provisions that clause would be in.

Mr. J. HAGGART. How do you apply this plan to the charter? Their charter gives them power to commence in a certain time?

Mr. GRAHAM. It gives them two years in which to commence, but they would have to commence within two years and expend 15 per cent.

Mr. LANCASTER. It does not follow that they would have to take that particular man's land. They might begin with other people.

Mr. GRAHAM. If they have to start within two years, and are a bona fide company, they must have a certain time limit, in justice to the man as well as to the railway, in which to proceed. When the railway company files its plans for a man's property, he is virtually tied up. He cannot build on the property, for, under the present law, he will not get anything for his buildings. He cannot sell to any person else, because there is absolutely a blanket on his land. The object of this legislation is to fix a time after which, if the company does not proceed to get title to his land and make it theirs —because it is theirs so far as increase in value is concerned—it reverts to him and they must begin their proceedings again.

Mr. J. HAGGART. Suppose a party has a charter to build a road. He complies with that charter, commences within two years, and spends fifteen per cent. He may have ten years within which to complete. How is he to expropriate the land for the purpose of building and fulfilling the remaining conditions of his charter?

Mr. GRAHAM. He would have to begin again after the expiration of the time limit and any increase in the value of the land would go to the owner instead of to the railway.

Mr. J. HAGGART. Does the minister mean he would have to apply again for a charter ?

Mr. GRAHAM. No. The filing of the plans does not make or unmake the charter. But he would have to have the filing of the plans renewed.

Mr. LENNOX. That is not in the Act.

Mr. GRAHAM. If the hon. gentleman wants me to make it tighter, I can do so. But I think I have it stringent enough.

Mr. LENNOX. He does not have to file the plans again.

Mr. GRAHAM. I did not say he had to file them again.

Mr. LENNOX. We understood you did.

Mr. GRAHAM. No.

On section 4, plan of crossing of highway—powers of the board of supervision—details to be improved by the board—regulations by the board.

Mr. GRAHAM. Let me explain this section briefly. It gives the board enlarged powers. This section 237 provides for the granting by the board of applications for leave to construct crossings, the leave of the board being requisite in all such cases. The section gives the board certain scope within which to grant such application. But under the section the board is limited to the diversion of the highway only. The section now proposed gives them power to divert either the railway or the highway. It also makes the further provision that the board can send their engineers and supervise the construction, if they desire. Under the old Act, the construction of the new crossing or elimination or protection work was done by the company, and approved by the board.

Mr. R. L. BORDEN. I think that, in these public Bills, which are of great importance, it would be better to read each clause. Some hon. gentlemen may not have been able to study the Bill very carefully before it comes up in committee. While the debate is going on, it is almost impossible to concentrate one's attention upon the section so as to really understand its meaning. When you, Mr. Chairman, read a clause, there is silence—at least there is supposed to be silence—elsewhere in the Chamber, and so one is able to concentrate his attention on the clause as he could not otherwise do. I know the practice has been followed of passing private Bills by reading side notes instead of the sections, but in important public Bills such as this, it is desirable, if it is not imposing too great a tax upon yourself, to have it read.

Mr. DEPUTY SPEAKER (reading):

4. Section 237 of the said Act, and section 12 of chapter 61 of the statutes of 1908, are repealed, and the following is enacted as section 237 of the Railway Act:

237. Upon any application for leave to construct a railway upon, along or across any existing highway, or to construct a highway along or across any existing railway, the applicant shall submit to the Board a plan and profile showing the portion of the railway and highway affected.

Mr. GRAHAM. Allow me to point out the difference in that section. It is practically a reprint of the existing section, but there is the repetition of the word 'along or across' so as to make it apply either way.

On section 4, sub-section 2,—

2. The board may, by order, grant such application in whole or in part and upon

such terms and conditions as to protection, safety and convenience of the public as the board deems expedient, or may order that the railway be carried over, under or along the highway, or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, or that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the board best adapted to remove or diminish the danger or obstruction, in the opinion of the board, arising or likely to arise in respect of the granting of the application in whole or in part in connection with the crossing applied for, or arising or likely to arise in respect thereof in connection with any existing crossing.

Mr. GRAHAM. The main change there is that we have inserted the words 'in whole or in part' and carried them through the section.

On subsection 4, subsection 3,

3. When the application is for the construction of the railway upon, along or across an existing highway, all the provisions of law at such time applicable to the taking of land by the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by he Board.

Mr. LANCASTER. What does the minister think these words are going to effect—'all the provisions of the law'? What does he mean? Does he mean the statute in regard to compensation or for land-owners? If that is what he means, I would advise him to say so. 'All the provisions of the law' would apply whether we say so or not.

Mr. GRAHAM. This is not my wording. This subsection 3 is copied exactly from the existing law.

Mr. LENNOX. I call attention to the word 'existing' before the word 'highway.' The clause says 'existing highway.' I should think this clause should apply to a highway existing in law as well as to a highway actually existing. The word 'existing' should be left out.

Mr. GRAHAM. I have no fixed conviction on the matter, but the question is whether we should not pay some attention to priority of location. I think there ought be a distinction in the amount to be paid by each where the highway comes after the railway, and where the railway comes after the highway. I notice that a good many of the laws of the different states make a distinction in that regard when it comes to the question of contributing towards the expense.

Mr. LENNOX. If a municipality grows and you project a new street over a railway the municipality contributes a larger amount than if the railway crosses an original highway, and I think that is reasonable. But, where a highway has been established according to the original survey of the municipality and the railway company when they cross know it is a highway whether work has been done on it or not, I think it should be regarded as an existing highway.

Mr. GRAHAM. If it is a highway at all is it not existing?

Mr. LENNOX. Probably it is, but I do not want any doubt about it. I move to strike out the word 'existing' wherever it occurs before the word 'highway.'

Mr. SPROULE. Would it not be better to say 'existing highway or road allowance,' that would cover what the hon. gentleman wants?

Mr. GRAHAM. If we simply say 'highway' it may raise a quetsion in the courts as to what is a highway. What is the suggestion?

Mr. LENNOX. That the word 'existing' be struck out.

Mr. LANCASTER. The courts might hold that if it were not travelled it would not be a highway, and so I do not think my hon. friend (Mr. Lennox) would accomplish his purpose. I think the hon. member for Grey is more right in saying that it would be better to add the words 'road allowance.' How would it do to say 'established highway or road allowance?

Mr. R. L. BORDEN. If any change is to be made in the statute in this respect I think it would be better to do it by widening the definition of highway in the interpretation clause. Highway is defined in the Act to include 'any public road, street, lane, or other public way or communication.'

Mr. LANCASTER. According to that definition the courts would decide that a highway meant something now being used. I think we should widen the definition.

Mr. MACDONELL. The definition of highway as it is the Act would seem to be sufficient.

Mr. LANCASTER. The definition would mean a highway that is now used and existing as such. There may be places intended to be used as highways that are not yet open and we should see that the definition covers them.

Mr. GRAHAM. Without the definition which we have in the Act I could imagine that a highway might not be considered a highway unless it was travelled upon; but if it is an allowance laid out for a

road surely it comes under the definition of 'public road' and is public property. But if it is a road allowance, then it is a public road and public property.

Mr. R. L. BORDEN. What is a road allowance?

Mr. GRAHAM. It is a strip of land 66 feet wide, set apart for a road.

Mr. LANCASTER. The last words are to be taken in connection with the former ones of the definition, 'or other public way or communication,' as the lawyers call it, ejusdem generis. The minister must see at a glance that it is clearly qualified to mean something used as a way, a means of communication. That is to say it must be a road or a street or a lane which is used as a street or communication.

Mr. PARDEE. Suppose it is laid down on a plan in a registry office?

Mr. LANCASTER. Then it is not a way or communication, it is not used as such. We could make it clear what is intended.

Mr. CONGDON. I would quote from a judgment at page 13 of cases on the Railway Act: In the township of Gloucester vs. the Canada Atlantic Railway Company, Judge Lount says:

> The defendants say that by this interpretation and the construction to be placed on it by the section of the Act where the word 'highway' is used, the proper meaning to be given is 'a public road opened up and in actual use by the public' and not an unopened road. I do not see why this restricted meaning should be adopted, more especially as the word 'highway' includes any public road, street, lane or other public way or communication. I think it must be conceded that parliament intended to give and did give, to the word 'highway' a full and not a limited meaning.

I do not myself quite like the word 'existing,' because a highway must exist or not exist; it is not a highway unless it exists. I think it will be wiser to insert the words used in this judgment, 'a public road opened up and in actual use by the public.' That would confine it to the limited class.

Mr. GRAHAM. We do not want to do that. Suppose we leave it as it is. Whether we strike out the word 'existing' or not I think is immaterial. Then it would apply to a road allowance so long as it was surveyed and laid out, even if it was not in use.

Mr. CONGDON. So I understand from that case.

Mr. GRAHAM. I had rather intended to have it apply in a broader sense, so that if a municipality had a road allowance laid out and intended to construct a road, the railway company in the construction of its line would have to take into consideration the fact that a road was to be built there and build their line accordingly.

Mr. R. L. BORDEN. I think the word 'existing' used both in regard to the highway and the road was intended to distinguish a highway actually in use from what is termed a road allowance, and in the other case distinguish a railway actually constructed and in operation from a mere right of way.

Mr. GRAHAM. There would be this difficulty in giving it the broad acceptation there. In the clause both in the old and in the new Bill we have:

> When any application or leave to construct a railway upon, along or across any existing railway——

&c., &c. The Board may by order grant such application in whole or in part, but it must have a plan, &c., where a railroad does not exist. I think there is a clause further on which meets the point raised by my hon. friend.

Mr. R. L. BORDEN. If you struck out the word 'existing' and just said 'highway' and 'railway,' it would cover everything.

Mr. GRAHAM. I would be quite content to strike out the word 'existing.'

Mr. SPROULE. The word 'highway' would not seem to me to cover the whole thing. In an ordinary township survey there are first the concession lines which are usually a mile and a-quarter apart and then there are blind lines between the two rows of lots. These blind lines are provided as road allowances and may or may not be opened up according to the nature of the country. In the plans and field notes of the surveys, these blind lines are registered as road allowances, but I do not imagine they would be called highways until somebody used them.

Mr. LANCASTER. While the hon. member for the Yukon (Mr. Congdon) is quite right that in this case the judge decided that the term 'highway' included that unopened road allowance described by the hon. member for South Grey (Mr. Sproule), he also says it does not include a road on a plan owned by a private owner and not opened by a municipality. That is the principle I had in mind. Judges are holding that unless something had been done to show that the intention to use the roads, unless it had been adopted by a municipality or some similar authority representing the Crown as a public highway, it would not become a public highway. The

term 'highway' would include only road allowances originally laid out by the Crown as highways or else those that were actually adopted and used by a municipality. We ought to insert some words which will show that this would include a street or highway or lane which the owners of the land at the time the railway proposed to build across it, had treated as going to be used as a highway.

Mr. SPROULE. If a lot is laid out for a village the plan is registered in the registry office, but may not be adopted by the municipality. I think that is the reason for adopting that provision. In laying out lots for a village, owners sometimes make the road allowances only three rods wide. The municipal law provides that the road allowance must be four rods wide and that makes it necessary for the municipality to pass a by-law adopting it before it becomes a legal road allowance.

Mr. LENNOX. If we use the word 'highway' we are employing the word in the definition, and I do not think we improve it by adding the word 'existing.' I think we weaken it by that and therefore I want to have the word 'existing' removed. I am not at all sure that when we have done that we have done all we ought to do, and I will not take the responsibility of the section, but I think we might do that at present and probably consider it further at another time. I would move to strike out the word 'existing' where it occurs before the word 'highway' and before the word 'railway.'

Mr. SPROULE. Would you not increase the difficulty where you did that? There are surveys made for railways which are never constructed, and in such cases you would compel a railway company that required to cross a surveyed line to go before the board to get permission to cross it, although in all human probability the other railway might never be built.

Mr. GRAHAM. Even where a railway company desires to cross a projected line of railway, the probability is that it will appear before the Board of Railway Commissioners. Personally I do not think it makes much difference whether the word 'existing' is there or not. It makes more difference as referring to a railway than it does to a highway.

Mr. J. HAGGART. Where there is no existing highway, a railway company does not require to go before the Railway Commission for the purpose of getting the privilege to cross. If you leave out the word 'existing,' you do away with all the effect intended by the clause in the Act.

Mr. GRAHAM. A case may occur where a person in speculative days decides to lay out a town on the prairie, but it never was anything, and never will be anything but prairie. In order to build a railway across that land, a company would have to go before the Railway Commission and file plans and make application, which it would not have to do if no town or highway existed there.

Mr. LANCASTER. That is all that could happen if the word 'existing' were left out. But I think we ought to go further and say that if there were a highway laid out and not yet opened. But if you use the word 'highway,' you are only dealing with what is there.

Mr. CONGDON. The word 'existing' means no more in the case of a highway than in the case of a railway. Railway means any railway which the company has authority to construct. I do not think the word 'existing' adds anything to the clause, except the difficulty of interpretation, as the board would have to give some meaning to it. When you say a highway, you mean either an actual highway or a highway existing as a legal right, and the same is true with regard to a railway. It seems to me that it is impossible to attribute any special value or meaning to the word 'existing' with reference either to a highway or to a railway.

Mr. ELSON. As this Bill repeals certain sections of the Railway Act, I would like to ask if it will affect in any way farm crossings?

Mr. GRAHAM. I think it does not affect a private farm crossing, as that would not be a public highway. I think the protection of a farm crossing would not be dealt with particularly in this Act.

Mr. WRIGHT. Inasmuch as there may be some differences in the interpretation of the word 'highway,' would the minister have any objection to adding the words 'or road allowance'?

Mr. GRAHAM. I think the conclusion we have arrived at is the only safe one. We have a definition of 'highway,' and if it includes 'road allowance,' the latter will be dealt with. If not, I do not think we should insert it. We would have to put in an interpretation clause to say what is a road allowance.

Amendment agreed to, and section as amended agreed to.

On section 5,

Mr. GRAHAM. This amends section 238 of the Act, which provides for the protection of crossings already constructed. The amended section provides for an investigation of any and all railway crossings of the highway at rail level, and when dealing with new crossings or the reconstruction of

existing ones, the board can apportion the cost as it deems advisable.

Mr. LANCASTER. The objection I see to this section, taking it as a whole, is that the board may put part of the cost upon the municipalities. Under section 238a railways not yet built shall provide the protection at their own expense, while railways already constructed shall be assisted by the municipalities. That is a discrimination which I do not think is right. I have spoken of that two or three times, and I repeat my protest. When we come to that section, I shall move to insert words to limit it to cases were they are eliminating crossings, and not the cases where they are still crossing the highway on the level.

Mr. GRAHAM. So far as the municipalities are concerned, I think that no new power is given to the board, or not to any great extent. Orders have been made before now in which the municipalities are required to do certain things.

Mr. LANCASTER. They do not do them.

Mr. GRAHAM. They are doing them.

Mr. LANCASTER. Because they agree to; they do not need to do them.

Mr. GRAHAM. It can be made an order of the court——

Mr. LANCASTER. You cannot tax a municipality.

Mr. GRAHAM. So far as the question of jurisdiction is concerned, I shall not argue that with my hon. friend (Mr. Lancaster). But on this question I have very good advice that we can enact anything here incidental to the carrying out of the Act. And, as a matter of fact, municipalities are paying under these orders. The municipality of my hon. friend from Frontenac (Mr. Edwards) is contributing a certain amount, as I understand it, to the removal of a crossing. Incidentally that case may illustrate the point raised by my hon. friend from South Simcoe (Mr. Lennox). This is not a city crossing in reality.

Mr. EDWARDS. It is on the boundary.

Mr. GRAHAM. Yes. If you were to confine this to crossings within cities, towns and villages, you would leave out this crossing, which is a very dangerous one, I believe that three out of five of those in the cities, towns and villages of Canada, though it is in a rural section, legally speaking. But that county is contributing under an order of the Board. So far as that is concerned, I feel sure that no question as to our right will ever be raised. As to the question of advisability, this Act is not based upon the ground of what we are absolutely compelled to do, but what it is desirable should be done in order to obtain a practical result, and to cure certain evils to the making of which we have all been parties more or less. In that sense, this parliament is contributing money which it is not compelled to contribute. Generally speaking, I believe that the Dominion of Canada will receive a benefit from the elimination of these crossings. The municipalities will receive an extra benefit. I have heard no contention from municipalities themselves in opposition to this, but I believe that they are willing to contribute fairly to the elimination of these crossings as a matter of their own protection.

Mr. LENNOX. This is not confined to elimination.

Mr. GRAHAM. I mean the elimination of the danger. I think the hon. member (Mr. Lancaster) will find that if we are to get this through and make it practical we must go along practical lines rather than on the line of considering the niceties of who shall pay for this or that.

Mr. LANCASTER. But you are making what I call a retrograde step. You have never undertaken yet to say that the municipalities shall pay for the protection of dangerous crossings. It is true that the old board, the Railway Committee of the Privy Council which preceded the present board established in 1903, did impose terms before they would order the protection of a municipality in some cases like that of the county of Fontenac. It is possible, even probable, that the municipalities thought it wise to submit to the terms rather than endure the continued evil. But that does not make it just. It is a good deal of the nature of a hold-up. The same proposition may have been put by the Board of Railway Commissioners to a municipality. If you prefer to contribute to this, we will make the order; but if not, we will not make the order. The fact that the board might do it that way would not make it just. But here we are declaring in favour of that as a principle. We realize that, because of the multiplication of trains, the greater speed of trains and other conditions, the danger is greatly increased, and all that for the benefit of the railway. But, notwithstanding that, and notwithstanding the opinion of the people that the time had come when a change should be made and that the railways should be ordered to protect these crossings—such protection as the board thought necessary, but entirely at the expense of the railway because the danger had been increased by them—and notwithstanding that this parliament in three separate sessions passed a Bill embodying that principle, now the Minister of Railways comes forward and proposes this retrograde step,

declaring that it shall be the law that municipalities shall pay for the protection of crossings at the rail level. I protest, and I think the municipalities will protest when they understand the matter. This is the time to make the point clear and avoid trouble. The way to do that is to confine this to cases where the level crossings are being eliminated, and the ideal condition is being established under which there is no danger of the train coming in contact with people, so that a man, though blind or deaf, cannot be hit by the train, and children going to school and playing along the way, as is natural for them to do, cannot be run over by the train and killed. But if a railway will not apply for the elimination of the level crossing, will not assist in establishing the ideal condition, but will persist in running their trains as cheaply as they can across the King's highway, wherever protection is ordered it should be at the expense of the railway, leaving to the board always to say what crossings shall be protected and what the nature of the protection at any particular crossing shall be. But when this House has declared itself on three separate occasions, for us now to rescind our actions, to stultify ourselves—as I say we are doing—to give up this principle merely because thirty senators against sixteen have declared in favour of a different principle, is a thing against which I protest and shall protest as vigorously as I can both here and in the country.

Mr. EDWARDS. As to the municipality contributing towards the elimination of these level crossings, and as to the right of this parliament to assess the municipality of this parliament for the cost, I can only conclude that they have the right. The reason I come to that conclusion is the action that was taken with reference to the crossing referred to by the Minister of Railways and Canals at Kingston Junction. The Railway Committee of the Privy Council passed an order in connection with that crossing and assessed the cost partly on the railway, partly on the county of Frontenac and partly on the city of Kingston. The county wanted to have a subway constructed, but the city of Kingston opposed it and signified their intention of carrying it to the courts. Our solicitor for the county of Frontenac took proceedings. I think the mode of procedure was to have the order of the Railway Committee of the Privy Council made a rule of the Exchequer Court—whatever that may be—I do not pretend to be up in these legal technicalities. I was the clerk of the county at the time, and I know that is the proceeding we took. And it was understood not only by our municipality, but by the municipality of the city of Kingston that they would have to obey that order. This House seems to have the power, through the Railway Committee of the Privy Council or through the Railway Commissioners, to give any orders they choose with regard to assessing costs on municipalities.

Mr. SEXSMITH. Is it the county municipality or the township municipality that is made responsible?

Mr. GRAHAM. Whichever is affected. If it is a county road, I imagine the county would be responsible. It is also provided that if it were a toll road owned by a corporation they would be the responsible parties.

Mr. SEXSMITH. I would like to point out that there are cases where individual municipalities might be asked to contribute for the protection or abolition of a dangerous crossing in which they had no interest. I have in mind a municipality in which the Canadian Pacific Railway runs along the southerly boundary all the way across the municipality, from one to two miles of the boundary. There are a number of very dangerous crossings there, and a number of people have been killed. Now you propose a law under which the municipality would be compelled to bear the expense of protecting those crossings, whereas if it were that municipality alone that furnished the traffic—it furnishes so little that the crossings would not be dangerous—there would probably be no accidents. But there are several leading roads running out into other townships which furnish the bulk of the traffic, and you ask the people of that individual township to pay all the expenses. I think that is very unfair. The Dominion or provincial government, or the county should bear the burden. You cannot justly saddle that individual municipality with the whole expense. It would be unjust to ask those people to provide for five or six dangerous crossings which they use so little, while the other people in adjoining municipalities and who use the crossings would go scott free.

Mr. GRAHAM. My hon. friend will find that the board has wide powers to make any distribution of the cost they like in a case of that kind. Where the benefit was derived by other municipalities they would be made to bear a portion of the burden, as in a similar case at Kingston. The Board has ample powers, I think, under this new Act to apportion whatever part of the costs they like upon the municipality that is affected or benefited thereby.

Mr. EDWARDS. The point raised by my hon. friend (Mr. Sexsmith) is a very good one in many respects. Take, for instance, the crossing which the Minister of Railways has referred to; that is on a leading road into the city of Kingston. Many municipalities in the county of Frontenac used that road, and the Board of Railway Commissioners did apportion the cost on the county as a whole. Now a question has been raised in my own county. There are certain municipalities in the extreme north of the county who never use these crossings, and they would protest against paying any portion of the cost that is assessed on the county. It has occurred to me that where the Board of Railway Commissioners assesses a portion of the cost on the county as a whole, that cost might be apportioned amongst the different municipalities by the county judge, in much the same way as the county judge fixes the amount which a municipality or a township should pay in regard to certain bridges known as county bridges. So the municipality in which the crossing exists, or where the immediate necessity exists, should pay a larger proportion of the cost than the municipalities which, from their situation, never use this road and never use the crossing. Perhaps it would be possible for the Board of Railway Commissioners to deal with such matters. But it seems to me that where they put the cost on the county as a whole it might be left to the county judge to divide it equitably amongst the various municipalities according to their interest in the work.

Mr. A. H. CLARKE. I would like to ask whether, under the proposed Bill, the Board of Railway Commissioners will have authority to assess whatever municipality they choose, irrespective of whether the railway is in that municipality, or to assess any municipality according as they think proper.

Mr. GRAHAM. That is the question that has been raised. Section 59 of the Railway Act covers that point. It reads thus:

When the board, in the exercise of any power vested in it by this Act, or the special Act, in and by any order directs any structure, appliances, equipment, works, renewals, or repairs to be provided, constructed, reconstructed, altered, installed, operated, used or maintained, it may order by what company, municipality or person, interested or affected by such order, as the case may be, and when or within what time and upon what terms and conditions as to the payment of compensation or otherwise, and under what supervision, the same should be provided, constructed, reconstructed, altered, installed, operated, used and maintained.

2. The board may order by whom, in what proportion, and when the cost and expenses of providing, constructing, &c.

This is a very broad power, under which the board may order by what county, municipality or person; it can divide the cost as it sees fit amongst those affected, or the railway may be ordered to do it all.

Mr. J. HAGGART. Does the minister think that if a railroad does not touch any municipality, that municipality could be ordered to pay part of the cost?

Mr. GRAHAM. If the municipality uses the road I think it could.

Mr. LANCASTER. The minister had better be careful in coming to conclusions. This very section of his Act speaks of a highway. Now what highway? The highway of a township ten miles away. The highway surely is the highway that the railway crosses, and that is the highway of the township that the railway runs through. I am strongly of the opinion that the board could not legally order a municipality to pay, which municipality was not crossed by the railway, the highway crossed not being a highway of the municipality in question. That road might be ten, twenty or thirty miles away and running into two or three more townships. The township which is not affected by the railway, the township within whose confines the highway does not run, which highway crosses the railway, surely cannot be assessed by the board. It has nothing to do with the railway.

Mr. PARDEE. It ought to be.

Mr. LANCASTER. The point raised by the hon. member for Peterborough is an important one and we should be very careful what we do.

Mr. GRAHAM. We are not changing the Act at all in that respect. Section 59 has been in the Act. The proportion of expense that has been imposed on any municipality has been imposed for some years. To give an illustration which is in my mind, it is a principle of the Drainage Act that you can assess a municipality, affected although it may be miles away from a stream.

Mr. LENNOX. Do not go into that.

Mr. GRAHAM. I am not going very deeply; I am pointing to an illustration.

Mr. LANCASTER. That is not an illustration because it is not on all fours.

Mr. GRAHAM. I believe that section 59 of the Act was drawn for the sole purpose of allowing the board to exercise its judg-

ment in imposing part of the cost upon any municipality which, in its opinion, ought to pay a portion of the cost. It is not confined to any particular municipality.

Mr. LANCASTER. It must be taken to mean the municipality affected by the crossing. The provision must be taken subject to the understanding that the board is exercising one of the powers vested in it by this Act. This particular section which we are passing is limited to where highways cross railways and railways cross highways, and no municipality can be meant except the municipality in which the railway is.

Mr. SEXSMITH. I think it would be a mistake to place any more burdens on the municipalities. I think the minister knows that the urban and rural municipalities of the Dominion, or, to speak more particularly of the province in which I live, are heavily taxed at the present time to keep up their schools and highways. To make them liable for another burden, it seems to me, would be unfair.

Mr. GRAHAM. This has been in the Act for years.

Mr. SEXSMITH. If there has been no action taken to relieve the municipalities I think the time has come when it should and they should be responsible for removing it. If the government wish to assist I have no objection, but when it is proposed to further tax the municipalities I certainly object. The municipalities are over burdened with taxation now.

Mr. LANCASTER. If the minister will not do anything I will move, to test the committee, that the section be amended by inserting after the word 'may' in subsection 3 the words 'when ordering the railway to be removed from the highway crossing at rail level and'. This will make it clear that the board cannot apportion the cost amongst the municipalities unless they are taking the railway off the highway levels. That is something that no railway company ought to object to. They are mighty lucky when we help to place their tracks where they are saved the expenditure of the maintenance of protection. It is a great advantage to a railway company not to be running on the highway with regard to the maintenance and keeping up of the track. It should be to their interest to get into a condition were they are beyond the possibility of coming in contact with people on the highway, and when we are willing to assist them to get into that position and to assist to pay for eliminating the danger which they have created by crossing the highway at rail level they ought to be satisfied and they ought not to ask any municipality to contribute while on the highway. Once more I want to say if they are obliged to protect upon the rail level on the highway they will find lots of ways of protecting at very little expense. If they are not required to do it at their own expense while they remain on the highway, increasing the danger by the accelerated speed and the multiplication of their trains, the board should not have power to make a municipality pay part of the expenditure. That would be in opposition to the Act which this parliament has passed unanimously in regard to the protection of crossings in cities, towns and villages. In order to test the committee I will move:

That after the word 'may' in subsection 3, as it occurs in the second line of the said subsection, the following words to be inserted, 'when ordering the railway to be removed from the highway crossing at rail level and.'

Mr. LENNOX. That does not seem to cover the whole range of cases. We have the case where the highway is carried above the railway or where the railway is carried above the highway. Or, there may be a diversion. This only speaks of the one case.

Mr. LANCASTER. It covers them all.

Mr. LENNOX. I suppose the meaning is fairly evident but it is not so worded as to cover them all.

Mr. LANCASTER. The contribution is to be limited to cases in which we eliminate the danger of the level crossing.

Mr. GRAHAM. Where we eliminate the crossing, not the danger.

Mr. LANCASTER. Let us not quibble; the main danger is if the train runs on the level of the highway and the ideal condition is to remove that danger. The qualification I have inserted would prevent them charging the municipality for any of the cost of protecting the highway while they still run on the level of the highway.

Amendment (Mr. Lancaster) negatived.

Mr. BRISTOL. Assuming there are certain cases in which it would not be fair to ask the municipality to contribute, the clause as drawn must mean that there are no such cases. If you insert the words 'if any' after the words 'what portion of the cost,' you would attain what is desired. That would give discretion to the Railway Commissioners to order the whole or any part to be borne, as the facts might justify.

Mr. PARDEE. Somebody must pay.

Mr. BRISTOL. But there are cases in which it may not be just to ask the municipality to pay, and there might even be

cases where it might not be just to ask the railway to pay, and my suggestion would allow the Railway Commissioners to do as they thought proper. If you do not insert those words they would have to order the municipality or the railway in each case to pay something.

Mr. GRAHAM. They can apportion the cost as they see fit; they could order the railway to pay it all if they thought they should do so.

Mr. BRISTOL. Not under the section as it is, but if you insert the words 'if any' there will be no doubt.

Mr. GRAHAM. The intention is to leave it absolutely in the hands of the Railway Commissioners, subject to what restrictions we place on our own contributions.

Mr. LANCASTER. The suggestion of the hon. member for Toronto (Mr. Bristol) to insert the words 'if any' should be adopted. As the clause is you are practically directing the Railway Commissioners to apportion the cost on the municipality and you are not leaving it to the direction of the Board as to whether they shall do so or not.

Mr. EDWARDS. I do not myself see why the words 'if any' should be inserted. As it is now, it is within the jurisdiction of the Railway Commissioners to apportion say only $1 on the municipality even if a crossing should cost $100,000.

Mr. LANCASTER. They are not likely to do that.

Mr. EDWARDS. They are not any less likely to do it if you insert the words 'if any.'

Mr. LANCASTER. You should not imply in this clause, as you do, that the Railway Commissioners must in all cases apportion some part of the cost on the municipality.

Mr. BRISTOL. You certainly cannot apportion nothing, and when you say 'the apportionment of the cost,' you must mean that a part of the cost shall be put on one party or the other. I am not asking the House to decide whether the railway or the municipality should pay all; but I do say it should be left to the board to decide

Mr. EDWARDS. I spoke of one dollar, and if that should be the apportionment it is not much more than nothing.

Mr. LANCASTER. That would not be a reasonable apportionment.

Mr. EDWARDS. It might.

Mr. BRISTOL. The Minister of Railways, although not a lawyer, has a legal mind, and he must see that if you insert the words 'if any' it means beyond doubt that the commissioners could apportion the whole, or any part, or none at all. I have heard the minister deliver lectures to this House saying that he wanted the Railway Commission to stand between the railways and the public.

Mr. LANCASTER. In the next clause, where the minister is dealing with the money of the country, he takes good care to restrict the commissioners to allowing 20 per cent, but in this clause he gives them the widest power to do what they like. I do not think we should give the commissioners any such power. We should give principles to the commissioners and power to administer them; but we should not delegate to them the making of the railway laws of the country.

Mr. GRAHAM. There is no desire to get around the point made by the hon. member for Centre Toronto (Mr. Bristol). My desire is that the Railway Board shall have full power to order a crossing to be protected and to say that the railway company shall pay for it all, that the railway company shall pay a part and the municipality a part, or that both shall pay a part and a part shall be paid for out of the fund we are making. If the committee think we ought to insert the words ' if any ' after ' apportionment,' I am willing.

Mr. BRISTOL. The same result would be expressed more plainly by putting in the word 'respectively' after the word 'borne.'

Mr. GRAHAM. I move to insert the words 'if any' after the word 'apportionment' and the word 'respectively' after the word 'borne' in line 50.

Mr. CONGDON. I cannot see that the words 'if any' have any significance there at all, as there must be an apportionment or a payment.

Mr. LENNOX. I think the word 'apportion' should be changed to 'portion.'

Mr. GRAHAM. I move that.

Amendments agreed to, and section as amended agreed to.

On section 6,

Mr. LANCASTER. I would like an explanation from the minister about this. The trouble is being created by the railways now constructed, and you are preventing other people constructing railways in opposition to them by putting a burden upon these, which are not doing the harm. The company which is to build a new railway has to do at its own expense what I contend all railways should do. But those which are already constructed and which are actually doing the harm are to be as-

sisted by the municipalities or by the fund raised by the Dominion of Canada as a whole, or by both. I protest against this legislation which is discriminating. It is an obstacle to other railways building. If it is true that existing railways should not be expected to protect their crossings at their own expense, you are putting an unfair and undue burden on the new railways which you are chartering to compete with those existing railways.

To provide that on railways hereafter to be built all crossings must be protected by the railway companies, but that existing railways on whose lines people are to-day being killed and injured there shall be no protection unless the municipality or the state contributes towards the expense, is absolutely nonsensical legislation, not using the word offensively. Any railway that is to be constructed in the future is to protect its crossings entirely at its own expense because as it creates the danger it is fair and reasonable that it should afford protection from that danger. Is it not equally fair and reasonable that existing railways, which have caused the deaths of so many people, should also afford protection against future danger on their lines? The question of vested rights does not arise because the railways had no right to increase the speed and number of their trains, thereby greatly increasing the number of accidents at level crossings. A statement has been attributed to the Chairman of the Board of Railway Commissioners—I do not believe that he made it—that 90 per cent of those killed at level crossings are killed through their own negligence. If he made that statement I am sure he made it without the knowledge of the facts as it is absolutely incorrect. Statistics may have been furnished by the railways that might indicate that to be the case, but the statistics were not true. Men are reported as being killed through their own negligence, without any inquest or inquiry, simply upon the report of men who are interested in the railway side of the case. If the alleged statement of the commissioner is true then it is negligence to send children to school, to come home from church after dark, to drive a wagon to market, and it is negligence to go anywhere where a train may pass at 60 miles an hour without warning to those on the highways. We must stop listening to nonsense of this kind. People are being killed because the trains run at a terrific speed without warning to the people at dangerous crossings. I protest against this section because it is inconsistent to vote here to-day that the railways which are doing the harm shall be permitted to continue doing harm or shall be assisted by the state or the municipality to protect these crossings while the railways required to open up new sections of country are to receive no assistance, are to provide protection entirely at their own expense. The fact that this section is to apply to railways not yet constructed is the very best argument why the House should say that the existing railways should bear the same burden in regard to existing crossings.

Amendment agreed to.

Mr. LENNOX. I would move to add at the end of the subsection the words:

Or of any crossing of a railway by a highway.

We have always used the double expression.

Mr. GRAHAM. If a highway exists we must cross it.

Mr. LENNOX. We provide here that for any protection in respect of any crossing by the railway the railway company shall pay, but all through the Act we use the reverse expression and we ought here to provide that the railway shall pay in respect of any crossing of the railway by a highway.

Mr. GRAHAM. The difficulty there would be that if a highway should be constructed after the building of the railway that is a different position from a railway running over an existing highway. In the case of a new highway it should be left to the board to say what proportion of the expense each party should bear.

Mr. LENNOX. I will not press the point unduly, but I think we are not making the section as full as we should.

Mr. SEXSMITH. In the case of a railway running through a great tract of unorganized territory, the public would be responsible for all crossings erected as settlement proceeds.

Mr. GRAHAM. No, that is absolutely left to the commission. My hon. friend will see that this is fair. A railway gets a charter to run through a section of the country where there is no road allowance or anything of that kind. Years afterwards highways are constructed over the railway. It is not unfair to leave it to the commission to say what proportion of the cost each shall bear. This section says that in future where a railway is constructed over existing roads, the railway shall bear the cost of providing protection.

Mr. LENNOX. I do not see why the minister does not put this subsection as a subsection to section 237 instead of section 238, where we are dealing with new railways. What is the meaning of the expression 'subject to the order of the board?'

Mr. GRAHAM. That means that the ?board shall say what amount of protection they shall provide. The railway company might put a bell where the board would think they should have gates. The board designates the kind of protection that they think would be sufficient. As to the section to which this subsection shall be attached, we will discuss that later on. I desire that this section shall be as prominent as possible so that it will not be mixed up with any other.

On section 7, appropriation to aid in providing for safety of public at highway crossings at rail level.

Mr. EDWARDS. I desire to move an amendment to add after the word 'April' the words 'although the construction of the necessary works had been ordered prior to the said date.' There is an old maxim of law, they tell me, that equity considers things done that ought to be done. It just occurs to me that there might be a possibility of the board taking that view of the matter, and considering, where the board had given an order, say, in March, and the subway had not been constructed, that because the order was given the work should be considered as done. I have in mind, of course, the subway which is being constructed at Kingston, at the outer station. The actual work of construction did not start until after April 1, but the order of the board was given a few days previous to that. By inserting the words I have proposed, this case will be covered, and perhaps there may not be another case in the country that will be affected by it. I think the Minister of Railways (Mr. Graham) will agree with me that no possibility should be allowed of shutting out the municipality of the county of Frontenac and the municipality of the city of Kingston from a share of this fund.

Mr. GRAHAM. It will be remembered—I think my hon. friend (Mr. Edwards) will bear me out—that this is a pretty old order, one given years ago, but the latest order on the subject I believe was given in March last. The difficulty I see is that if we do not make an exact date but make changes to take in special cases, we may find a large number of cases coming within the exception. It is a dangerous thing, generally speaking, to amend a general Act to meet a special case.

Mr. LENNOX. Cannot the minister give the assurance that what the hon. member (Mr. Edwards) asks will be carried out.

Mr. GRAHAM. That will be left to the Board of Railway Commissioners. The amendment proposed by the hon. member leaves an opening for other cases. I do not know that such cases exist, but I should think that there would be a good deal of danger if we make it as broad as that. I have no antipathy to his project.

Mr. EDWARDS. The section is made to apply to 'highway crossings of the railway at rail level, in existence on the said first day of April.' This crossing was in existence on that day. My fear is that the board might take the view—I do not say they would, nor do I say that it would be reasonable for them to do so—that because an order had been given for the elimination of this crossing, therefore the crossing did not exist. The amendment I propose would not affect any level crossings not in existence on April 1, nor any that were partly done away with on that day, but it would avoid the possibility of quibbling over a legal point of the kind I speak of. The object of this grant of money is to assist in removing these dangerous crossings, and this crossing, as the Minister of Railways has said, is more dangerous than three out of five of those in the cities, towns and villages of Canada.

Mr. GRAHAM. I think the board would have the right to deal with this matter without change in the Bill, and I would not be averse to it. If the hon. member (Mr. Edwards) had upon him the responsibility of the Act, he would not want to make changes in this way. In the case he refers to, the level crossing was in existence on April 1, the work not having been begun. That being the case, I think the board will have full power to deal with it.

Mr. J. HAGGART. The minister could add a few words which would include only this particular order. I think there is a good deal in the argument of the hon. member for Frontenac (Mr. Edwards) that, once an order is given, this clause would not have retroactive effect and apply to it.

Mr. EDWARDS. I do not see how any harm could be done to any person by adding the words I have suggested. It does seem a hardship that if an order were passed on the 31st of March the case would be excluded, and if passed on the following day it would be included.

Mr. GRAHAM. Has the cost been apportioned under the order?

Mr. EDWARDS. Yes.

Mr. GRAHAM. Then, the hon. member will see we should need a new order altogether.

Mr. EDWARDS. Not necessarily. We shall know what we have to pay as soon as the work is completed, but we hope to get a portion of this $200,000 for the county of Frontenac and the city of Kingston. And I think we are entitled to it. It has been no fault of the county of Frontenac that this

subway was not constructed long ago. But merely because we, unfortunately, happened to meet the board a few days before the first of April—had we known that this date was to be fixed, we might have made it a day or two after the first of April—it seems unreasonable to exclude us from the benefit of this section. Had we known this date was going to be the 1st of April it would have been better for us to wait until the 2nd of April before we got the order from the board. I do not think it is anything unreasonable to ask that we make it plain that where orders had been given and crossings had not been changed, they would get recourse from the board.

Mr. GRAHAM. My hon. friend will see that we will be passing legislation asking the board to make a new order. The board might vary its order on account of our legislation. I would not be averse to suggesting to the board that it would not be unreasonable to take that into consideration. But they will certainly have to make a new order as to the apportionment if they get any of our funds. If they are going to draw on these funds that we are appropriating, they will have to make a new order and a new appointment.

Mr. CONGDON. I should think the crossing would be considered the one in existence on the 1st day of April, unless the order required the work of change to be completed before that date, and in that case it should receive special consideration.

Mr. DEPUTY SPEAKER. I have an amendment to the earlier portion of the clause to this effect: That in line 20 on page 4, after the word 'providing' there shall be inserted the words: 'By actual construction work.'

Mr. LENNOX. What is the meaning of that?

Mr. GRAHAM. That we are not assisting in the maintenance and operation. But we want to make it clear that any aid given by the government is for actual construction of work for safety and convenience.

Mr. LENNOX. Has the minister finally decided to allow this Act to apply to matters such as gates and bells?

Mr. GRAHAM. Yes. I threshed that all out with the chairman of the board.

Mr. LANCASTER. The chairman of the Railway Commission no doubt likes to get all the power he can. The chairman of the Railway Board is human, as everybody else is, and he doesn't care whose special rights are affected so long as he has charge of a question of right or wrong as to who pays is one for which the parliament is responsible. I think we are giving the board responsibility that we should assume ourselves. We ought to be more careful, lest we be accused by the people of shirking our responsibility. We have all through this Railway Act been avoiding responsibility and throwing it holus bolus over to the Railway Commission. They are in fact making the law as well as administering it. The minister is giving power to the Railway Commission to tax a municipality to any extent they like in regard to the cost of protecting railway crossings where the railway is on a highway level, and he is saying that that should apply to the construction of anything they want done. Why, the board is given more power to tax a municipality than the mayor and aldermen of that municipality possess. The mayor and aldermen can only do certain things within the limits prescribed by the municipal Act, but this Board of Railway Commissioners, created by the Dominion, is to have the widest power in the world, and can throw cost on any municipality for the purpose of protecting the lives of people which are endangered by the railway running through that municipality, and without at all eliminating the danger by a reconstruction of the track.

Mr. A. H. CLARKE. There are a good many municipalities where it is almost impracticable to build subways on account of the level nature of the ground. I know of cases where grades were ordered to be separated, and it was found afterwards to be absolutely impracticable on account of the level nature of the land, and other expensive apparatus would have to be provided to keep the water out, that would have very considerably increased the expense.

Amendment agreed to.

On subsection 2 of section 7, railway grade crossing fund.

Mr. DEPUTY SPEAKER. I have an amendment placed in my hands to strike out the words 'as hereinafter set forth' in the last line, and insert the following instead:

Subject to the limitations hereinafter set out and solely towards the cost, not including that of maintenance and operation of actual construction work for the purpose specified in subsection 1 hereof.

Mr. R. L. BORDEN. Is the net result of it that while the country's contribution must be applied to actual construction the contributions of the municipality may be applied towards maintenance?

Mr. GRAHAM. We are not altering the law as far as municipalities are concerned.

Practically, in towns and large cities, the Board does make orders, for instance that a man shall be engaged and, owing to the peculiar conditions, that the municipalities shall pay a certain portion of the cost. We are trying not to interfere with any powers the board has as between the municipalities and the railways as they have worked very satisfactorily to both. But, we are trying to put safeguards around our own contribution by saying that our own contribution shall not be applied to maintenance or operation.

Mr. LENNOX. Practically it has no effect.

Mr. EDWARDS. I would like to ask the minister if it is the intention to leave it to the discretion of the board to apportion that money among the railway companies as well as the municipalities.

Mr. GRAHAM. Yes.

Mr. EDWARDS. If that is the intention I protest. I think the municipalities have contributed enough towards the railways of this country. I take the ground that this House should move in the direction of relieving the municipalities and that it should not leave it to the discretion of the board to apportion the cost in this way.

Mr. LANCASTER. The whole effect of this legislation is to give relief to the railways. The people will still be paying what they have paid before. The board will give an order but that will likely impose a heavier tax on the people because we are providing by this legislation that both the municipalities and the federal government are to pay so much money for relieving the railways from the dangers which they have created. If you want to convert the people to the doctrine of public ownership you are passing legislation which will have that effect. The people will take the ground that if they have to pay to eliminate the danger that the railways create they might as well own the railways. The people are to be taxed through the purse of the province, through the federal exchequer and though the municipalities and the railways are to go on still running at highway level, still killing people and the effect of this legislation simply is that we carry a greater proportion of the burdens of the railway while they get the profits, and the people are going to pay the expense for the sake of seeing the trains run. The only remedy for that will be to acquire these railways and publicly own and operate them.

On subsection 3 of section 7, apportionment of money by board.

Mr. GRAHAM moved:

That subsection 3 be amended by striking out the word 'actual' before the word 'cost' in the fourth line thereof and inserting the word 'actual' before the word 'construction in the same line thereof.

Mr. LANCASTER. Does not the minister really think, while he is saying to the board that they shall not take more than 20 per cent from the people of the Dominion, that he should say that they shall not take more than 20 per cent from any municipality. It is all very well to pass legislation and not care how much you put upon some one else who is not here specially to deal with it. We are not here to deal with anything but federal matters, but when we are called upon to deal with municipal and provincial matters we should not give the board power to tax municipalities as highly as they like. I am not going to move an amendment because I am absolutely opposed to municipalities paying anything where the railways are still running on the highway level. But, I appeal to the minister. He says that the government should not contribute more than 20 per cent out of the money of the people. Is it fair legislation that to limit to 20 per cent the amount which is contributed from the Dominion exchequer while you place no limitation on the amount that the municipality may be called upon to pay? Suppose the board order a municipality to pay 50 per cent; we pay 20 per cent and the railway company get off with 30 per cent. When the minister finds out that such an order has been made will he not be a little ashamed of his legislation? Why not put in a provision that the municipality shall not be called upon to pay more than the same share of the contribution as the Dominion?

Mr. EDWARDS. If we get, for the crossing which I have referred to, any portion of this money, and I still have hopes that we will get it, and if the Board of Railway Commissioners divide the amount of $5,000, we will say, in the same proportion as they apportion the cost of constructing the subway—and it is only reasonable to suppose that they will divide it in the same proportion—the railway company will get about $3 to every $2 received by the municipality of Kingston and the municipality of Frontenac. In that way, as has been stated by my hon. friend from Lincoln (Mr. Lancaster), the people of Canada will provide the whole $5,000 which will be contributed for that work. They are getting back $2,000 and contributing $3,000 to help the railway out.

Mr. LANCASTER. How do they get back anything?

Mr. EDWARDS. If the board sees fit they may give a portion of this money back to them. They are getting part of their money back and they are giving to the railway company $3 when they get $2.

On subclause 5,

Mr. GRAHAM. I move to amend this clause so as to add the word 'county' after the word village, to make it read:

As well as incorporated city, town, village, county, township, or parish.

Mr. SEXSMITH. I see nothing in the Bill empowering the commission to place responsibility on any municipality other than that which the railway runs through.

Mr. GRAHAM. That is covered in section 59.

Amendment agreed to.

Section as amended agreed to.

On section 9,

Mr. J. HAGGART. To what extent does this amendment extend the liability of the railway company?

Mr. GRAHAM. The liability before was confined to certain specified things, and now by adding the word 'property,' if property is destroyed, the railway company will be liable.

Mr. LANCASTER. I have contended that the company ought to be liable for any damage they do, whether it is to property or anything else. Does the minister think that in principle we should not limit this to property? Why should the widow of a man who is burned to death in a fire started by a railway not be able to recover, when if a horse is burned the owner can recover damages?

Mr. GRAHAM. The Railway Committee reported twice in favour of this amendment and I have incorporated it in the Bill.

On section 11,

Mr. GRAHAM. I beg to move:

That as section 11 the following be inserted:—

The Railway Act is amended by adding thereto the following sections:—

(5a) The provisions of this Act shall apply to:

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

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

Mr. LENNOX. What is the effect of this?

Mr. GRAHAM. The effect is to enable the board to control rates on roads that come in from the United States. Not a few of the roads that are incorporated in the United States have obtained running rights over lines in Canada which have a provincial charter, and by certain roundabout proceedings known well to railway men they escape the operation of this Act. I am not sure whether this will afford the remedy or not. If it does not, I have something else in view which I think will afford it. But in the meantime I am in hopes that this will do so in cases in which the board has not jurisdiction because the railway companies say that they are not operating in Canada or are operating under a provincial charter.

Mr. LANCASTER. It seems to me that this amendment deals with the very things part of which are dealt with by section 6, so that these two clauses will be in conflict with each other. I think you should reconstruct the two sections which, as they now read, are rather inconsistent.

Mr. CONGDON. I can point out one instance in which I trust this section may be of some advantage. The White Pass and Yukon Railway Company controls the stock of a number of railways. It embraces, first a railway with a United States' charter; secondly, a railway with a British Columbia charter; thirdly, a railway with a federal charter. The consequence is that the Railway Commission is quite unable to exercise any jurisdiction over the undertakings of this company. That some such jurisdiction should be exercised upon the rates that company charges is pretty well established. The lowest rate from Puget Sound to Dawson is $50 a ton and it varies from that up to $200 a ton. The portion from Puget Sound to Skagway is only from $5 to $7 a ton, and the portion from Whitehorse to Dawson is only from $10 to $12; so that the difference is appropriated by the railway of only 110 miles running from Skagway to Whitehorse. The Railway Commission investigated this matter and I think was prepared to pronounce the rates exorbitant but for the fact that a portion of the railway being under a British Columbia charter, the Commission had no jurisdiction to give any relief in the matter. In regard to this portion of the railway I communicated with the Hon. Mr. McBride, the Premier of British Columbia, who expressed his concurrence in legislation which would seek

to bring that portion of the road under the jurisdiction of the Railway Commission of Canada.

Section 11 agreed to.

On section 12,

Mr. GRAHAM. This merely has reference to the report of the board being placed on the table of the House within two months, if the House is then in session.

Section agreed to.

On section 13,

Mr. LANCASTER. This is a contentious clause, because the House has four times passed legislation contrary to it. This parliament has dealt with the same subject in an entirely different way, and this section is adopting the amendment of the Senate. There will have to be considerable discussion before it can go through as drawn.

Mr. GRAHAM. Of course, we are very anxious to get this Bill on the statute book this session. We discussed the very thing to which my hon. friend refers for at least two hours and a half this afternoon. I want to point out that we have simply taken the old Act with the amendment of the Senate and added to it this clause, which I think goes further than the Bill of my hon. friend did.

If a serious accident has occurred at a crossing, I propose that that shall be taken as prima facie evidence that the crossing is dangerous, and it must be protected. Such crossings therefore do not have to be dealt with by the board. Then we are amending the Act to provide that where the board gives an order that a crossing shall be protected, until that order is complied with the trains must run at a reduced rate of speed. My hon. friend contends that that will enable the company to evade the law by running its trains slowly as long as it likes. But the board may require the company to comply with the order within thirty days or come under the penalty. I think we have met the situation as fairly as possible. The House passed what is known as the Lancaster Bill three or four times, it is true; but we had not then undertaken this larger work of dealing with the whole question of railway crossings. I have tried fairly to meet every case that has been brought to my attention, and prominent men with whom I have discussed this amendment seem to think that it will pretty well cover the ground. The Bill is drawn on broad lines. It may not meet the wishes of every person; no Bill was ever drawn which did. I have tried to meet them as far as possible, and if the Bill is to go on the statute book this session, we cannot delay it for any great length of time, or we will have to drop it.

Mr. LANCASTER. If it comes to that, we had better drop it than enact legislation in a hasty way simply for the sake of getting legislation. This legislation is of no advantage to the people. It is worth hundreds of thousands of dollars a year to the railways, and is really for their protection. This legislation, to begin with, is contradictory. You have three sections, one after the other dealing with the thickly peopled portions of cities, towns and villages which absolutely contradict each other and create confusion. The Senate, instead of leaving the section as we had it, repealing the original clause, added another section and now we add a third and the result is that we secure only what we already had under the Railway Act in much better form. If a railway is bound to do a thing under the Railway Act it is bound to do it when ordered by the board. We now say that unless the railways reduce the speed of their trains to ten miles an hour they must obey the board when they are ordered to protect a crossing.

Mr. GRAHAM. We do not say that.

Mr. LANCASTER. That is the effect of the legislation. The amendment made by the Senate was bad enough but now the minister is adding a third amendment; he seems to think that by multiplication of words he is imposing further conditions on the railroads whereas he is simply creating confusion for their benefit.

Mr. EMMERSON. My objection to the clause as drawn is that a crossing may be a very dangerous one and yet, perchance, through the intervention of Providence, no accident may have occurred, but this Bill only provides for crossings where there have been serious accidents. I prefer the Bill which we passed four years ago, which was called the Lancaster Bill, it is true, but was the work not of my hon. friend from Lincoln alone, but of the Postmaster General (Mr. Lemieux) the Minister of Justice (Mr. Aylesworth) the late Dr. Stockton, Mr. Lennox and myself. We all gave the matter a great deal of thought and study and it does seem to me that there should be some further discussion with respect to this proposed amendment. I certainly would ask that it should stand for further consideration.

Mr. R. L. BORDEN. I would ask the minister when we take it up again to direct his attention to the similarity between the first clause of the Senate's amendment and the first section of the paragraph which it amends. The two appear to be the same thing in different forms, and this must lead to some confusion. There may be some dis-

tinction which I have not observed, but it struck me that they were almost precisely similar.

At six o'clock, House took recess.

After Recess.

House resumed at eight o'clock.

PRIVATE BILLS.

SECOND READINGS.

Bill (No. 185) to incorporate the Catholic Church Extension Society of Canada.—Mr. Parent.

Bill (No. 170) respecting the Brockville, Westport & Northwestern Railway Company.—Mr. Geo. Taylor.

SUPPLY.

House in Committee of Supply.

Civil Government—Department of the Interior—salaries, $762,473.77 ; contingencies, $32,000.

Mr. MONK. Is this vote connected at all with the outside service?

Hon. FRANK OLIVER (Minister of the Interior). I may explain that there are transfers from the outside service of 504 officers with salaries aggregating $501,-951.27.

Mr. MONK. This has nothing to do with immigration agents' salaries?

Mr. OLIVER. This has to do with the immigration staff located in the city of Ottawa, but has nothing to do with those outside of Ottawa.

Mr. BLAIN. How many additional clerks were appointed last year?

Mr. OLIVER. During the calendar year 1908, there were 114 appointments, but, on account of vacancies caused by death, resignation or other causes, the total increase of appointments was 53.

Mr. BLAIN. What is the highest salary?

Mr. OLIVER. $1,200.

Mr. OWEN. What are the contingencies for?

Mr. OLIVER. To meet the cost of books of various kinds for the use of the different branches, special paper for patents, typewriters and stationery required for the general use of the inside service. There are ninety typewriters in use in the inside service, and the cost of repairs amounts to a large figure each year.

Mr. LAKE. I understand the hon. minister (Mr. Oliver) to say that this large increase of over $500,000 is due to taking in officers from the outside service and paying them out of this vote. Would not that involve a decrease in the votes for Dominion lands and immigration?

Mr. OLIVER. It involves an increase in the Dominion Lands vote on account of that part of the outside service connected with the Dominion Lands which has now become part of the inside service.

Mr. LAKE. And the same is true of the Immigration vote?

Mr. OLIVER. Yes.

Mr. FOSTER. I think there were a large number of those who were in the inside service that had their salaries increased prior to the 1st of September. Will the minister tell us how many of that 505 that were brought in from the outside, had their salaries increased, before the 1st day of September, and the principle on which this was done?

Mr. OLIVER. There was a total of 196 increases that is, 196 officers of the outside service had their salaries increased shortly before they came into the inside service. Of that number 52 were from Dominion Lands, 2 from School Lands, 119 from Dominion Lands Capital, 17 from Immigration, and 6 from Boundary Service. The principle on which these increases were given was to meet the necessities of the service, and the condition created by the Civil Service Act which was about to come into force. It will be noticed that by far the larger number of these increases, that is 119 out of the 196, were made in the service which was paid for out of Dominion Lands Capital, in other words, the service of the Topographical Survey. The employees in the topographical service are almost entirely technical men, men who necessarily have, must have, a college education, or what is equal to it. In order to secure and retain the services of such men a special arrangement was made by the Surveyor General by which they were taken in at $900. After two years experience, after they had remained in the service long enough to show their usefulness, they were increased to $1,200. Afterwards they were given increases at the discretion of the minister, together with the statutory increase. When the Civil Service Act was about to come into force we had a number of men who had entered on these conditions. If the Civil Service Act were brought into force with these men working at the $900 salary, they could not then get more than the statutory increase provided in the Act; in that class the maximum increase would be $50. Under those circumstances the conditions upon which those men had entered the service would be broken. Not only would we have broken our agreement with them, but we would not have been able to retain them in the service. There-

fore, in order to meet that condition in the case of these 119 members of the topographical service branch, the increase was made and in order to keep faith with the men according to the bargain they made when they entered the service, and so that their services might be retained. The explanation in regard to the other branches is analogous.

Mr. FOSTER. The explanation that the minister has given is a very general one, and it might be a very good one with reference to some members of the force. But it seems to me that, in looking over the table of increases which was brought down in answer to a question, and with reference to which we have already had some discussion, the explanation cannot hold good for all. The peculiarity seems to be that it is spread over a good many men who are not technical men, in fact it went beyond the men and distributed itself as well over the other sex in generous proportion. There seems to have been a series of increases made, some of those employees having had a double increase, and at different dates. It does not seem as if the minister's description, which he applied to the members of the Topographical Survey, can apply to all those. I find that the total increases that were given to these outside men amounted to $42,500, or a little more. There were a number of those increases which were doubled. How does the minister account for that?

Mr. OLIVER. Could the hon. gentleman give a case as an example?

Mr. FOSTER. If the minister will refer to the 'Hansard' of February 4, his own return there, he will find four or five pages out of which he can pick a large number. But I will give two or three cases. I find there was one gentleman at a salary of $850 who, on the 27th of August, was increased $50. On the 27th of August, the very same day, he received an increase of $300, bringing his salary up to $1,200. That is a very large increase to give to a clerk who at the time was doing service at $850. The name is Cohoon. I do not know any of these men. Then there is Mr. Featherston, who enjoyed a salary of $850, and on July 2, an increase of $350 was given. On August 27, a further increase of $400 was given, that makes an increase of $750 given to a clerk who at that time was doing work for $850, that is, his salary was practically doubled. Then he was brought up to the 'A' class. Now what is the explanation in those two cases? The increases seem to be enormous, just like appointing two men.

Mr. OLIVER. In the case of Mr. Featherston, he had been employed in the registration branch at a salary of $850. It was necessary to secure another clerk in the minister's office, and Mr. Featherston was brought in on trial, to see whether he could fulfil the requirements. We found that he could fulfil the requirements very satisfactorily, and accordingly, it being the desire to keep him in the office, and the work being of a much more responsible character than the ordinary work in the registration branch, it was thought that the work and the service should be recognized by a fair increase. As long as the Civil Service Act was not coming into effect, as long as there was no Act absolutely governing the increases they could get, it was not necessary to make such a sudden increase as this because the power was in the hands of council to make increases from time to time. But, once the Act came into force that power was taken away. The position was that Mr. Featherston was employed in the minister's office in an entirely responsible and confidential capacity, and unless he were given the sharp increase to which my hon. friend has referred before the coming into force of the Civil Service Act, he could not get it at all or could get it only in a very long time. I think my hon. friend will agree that service should be paid for according to its value and that when service of a specially important character is rendered it should receive recognition accordingly. It was upon that principle that Mr. Featherston's case was dealt with.

Mr. FOSTER. When did Mr. Featherston come into the service and what did he do?

Mr. OLIVER. He came into the service on the 27th April, 1905, and was employed in the Registrar's branch.

Mr. FOSTER. What salary did he come in at?

Mr. OLIVER. $500.

Mr. FOSTER. It is all very well for the minister to say that when you find the work satisfactorily done you must raise the pay. This is the evolution; see how rapid it is; In the year 1905, three years before the Act came into force, Mr. Featherston was appointed at $500. In the year 1908 he was advanced to $850. On July 2, $350 was added. He improved so much that between the period of July 2, 1908, and August 27, 1908, he proved himself worthy of an increase, within two months of $400 more. Here is a man who comes in in 1905 at $500 and in four years he gets $1.600 and is put in the division which runs up to $2,100. The minister has given no explanation of that except to say that he was removed from the registrar's branch into the minister's office, and that he is doing more responsible work. If he had

been a deputy head you could hardly have given him such immense increases as those. What kind of work is he doing that makes such rapid progress necessary?

Mr. OLIVER. He is really the private secretary. The health of the gentleman who was private secretary technically broke down and he had to be employed at outside work. He could not remain at all and it was necessary to get some other person to do the work. Mr. Featherston was found to be suitable to the work, and does it quite satisfactorily. It seemed to me, therefore, that he was entitled to consideration.

Mr. FOSTER. Is he really the private secretary now, or is the other man the private secretary?

Mr. OLIVER. The other man is the private secretary, but this man is doing the work during the other man's absence on account of physical breakdown.

Mr. FOSTER. The other man, of course, drawing his pay while on leave of absence?

Mr. OLIVER. He has not leave of absence, but he is doing important outside work, although not the work of a private secretary.

Mr. FOSTER. Is he receiving a private secretary's allowance for doing outside work?

Mr. OLIVER. Yes.

Mr. FOSTER. That is a little irregular. It seems to me that if you import a man from the inside and he is not your private secretary and you give him this work outside, it is not proper to pay him the private secretary's salary during the time that he is employed at outside work. However, that does not amount to much. Here you cannot get away from the fact that this man came in in 1905 at $500, that he is now getting $1,600 and that he will go on up to $2,100. I do not think there is any justification for it. Then you have Mr. Reiffenstein, who was paid $1,800. On August 6 you increased him by $100 and on August 27 you added $200 more to his salary, putting him up to $2,100, which is a large increase. Why was Mr. Reiffenstein treated in that way?

Mr. OLIVER. Mr. Reiffenstein has been in the department since January 1, 1899. He is a Dominion lands surveyor and has been employed in the department as a draftsman. He entered the service at a salary of $730. He is a very satisfactory officer and he has a certain measure of responsibility. Being in the outside service he had not been receiving the increases of salary which he would have received had he been in the inside service. It seemed that now that he was being brought into the inside service his length of service and merit entitled him to the recognition which we gave him.

Mr. FOSTER. That is one way to look at it. The minister has in his department, many and many and many faithful servants who came in earlier than 1889 who have given good, square, solid, honest, satisfactory service from that time up to this, who have had to be satisfied with their $50 increases year by year during a certain period, even having had in some cases these refused them, and to-day are not getting as large a salary as you are giving to this gentleman. This gentleman is brought into a grade where he gets $2,100, an increase of $300 added to $1,800. If he had been in the outside service, having come in in 1889, was in the receipt of a salary of $1,800 and had been advanced to the maximum of his class, or if he had got into the next minimum, it would have been considered very good progress indeed. By the minister's selecting one officer, giving him rapid progress, putting him in the service under the new arrangement on the 1st of September so that he gets an incease and thereby gets a position over and above that of hundreds of those who came in under the regular rules, who have conformed to all these rules and who have been regular, honest and faithful servants of the Crown, dissatisfaction is created. There are scores and hundreds of examples of that kind and one effect of that has been to create a sense of injustice and of unfairness on the part of those old and faithful servants of your department. In my hon. friend's department, in the Department of Public Works and in the Department of Agriculture, this thing was carried to the extreme. In the three departments, probably 400 to 600 were increased in that way so that they went into the higher grades, and you have them to-day in the regular service having no more ability, having less service by many years, being not a bit more faithful, and yet they draw salaries above the old and regular employees. That creates a sense of injustice amongst others and the minister would feel it if he suffered in that way himself. I am not saying what is more than true when I say that this kind of work, especially in these three departments, has not been to the benefit of the Civil Service. When did Mr. Umbach come into the service?

Mr. OLIVER. May 26, 1893, at a salary of $900; he is a draftsman.

Mr. FOSTER. He received an increase of $50 in July and then an increase of $250 on the 27th of August, which was sufficient to give him a salary of $1,600 and to put him into the service in the grade running

from $1,600 to $2,100. This is rapid progress and it was brought about by the mechanical means of an addition of $250 to his salary shortly before the Act came into force, and the hundreds of regular employees who have given much longer and equally good service find themselves outranked and outclassed. When was Mr. Turcotte employed and at what rate?

Mr. OLIVER. October 1, 1906, at a salary of $500, and he was given an increase on the 27th of August of $100, bringing his salary up to $600.

Mr. FOSTER. And the minister forgot to mention that on the 26th of August, the day before, he was given an increase of $200. In 1906 he gets the appointment at $500; in 1908 he is getting $600, then on August 26 preparatory to the new Act he is given $200 increase and on August 27, the day afterwards he has proved himself so efficient that he gets an increase of $100, raising him to $900 and putting him in a class which makes it possible for him to run up to $1,200 or $1,600 according to the wish of the minister or the deputy. There is a flagrant example of extraordinarily rapid promotion simply through the will or whim of a sub-officer of the department or of the minister himself. How many men who have come into the service twenty years, or ten years, or fifteen years before Mr. Turcotte ever used a pen in the service of the country, who from that time to this have been steadily and faithfully at work and who to-day are not getting more than Mr. Turcotte gets. What justification can there be for that extraordinary increase?

Mr. OLIVER. I can only state that the general principle upon which increases have been given was in the line of recognition of service and of ability to perform the service, with a view to the fact that with the coming into force of the Civil Service Act there was no further opportunity to give that recognition. If service which deserved recognition were not recognized before the Act came into force it could not be recognized afterwards. I am sure that my hon. friend will realize that in a large department where such a large proportion of the employees were in the outside service, and where it was always possible to recognize merit on the recommendation of the deputy, that there were many cases which lay awaiting consideration. When the time came that this condition was going to change, then it was only right and just that there should be a general review of the salaries and the service rendered to the department with a view to placing the different members of the service as fairly and as reasonably as possible in the class to which they should properly belong.

Mr. FOSTER. That is all very well as a philosophical disquisition of general principles, but it has no application to this case. This case had not been waiting long. This gentleman was put into office in 1906 and he got $100 increase, in the two years. It is not quite the fact is it, that all gates were barred the moment the new Act came into force and that merit and good work could not thereafter get its reward? The thousand and more who are in the regular Civil Service have to take their chances, under the principles and methods of the Act of rising on their merits, in the classes where increases of salary and promotions are provided for. So it is not fair to say that all the gates were barred to these men when they came in on the 1st of September. They had all the privileges and avenues open to them which the great mass of the Civil Service have. Nor are these avenues few or unimportant. It seems strange that such increases as these should take place in numberless instances where the minister or the deputy had the power and used it, and, as I have always contended, used it unfairly; because the understanding in the House was that these gentlemen in the outside service were to come in on the 1st of September with the salaries they received at that time, with no idea that in a month or two the minister would pick out 196 and advance them arbitrarily as he pleased and add nearly $50,000 to the salaries, so that those gentlemen might be in a position of advantage when they came in. If that had been explained when the Civil Service Bill was going through the House, I am quite sure that there would have been a very strong protest against individual ministers taking advantage of power they possessed to raise the status of those whom they chose to take up without any examination or selection except on their own mere will. No use of my taking up time to discuss it; it has been done. The three ministers have done it. Some of the ministers who did not do it, but stood loyally by the spirit of the Act have had hard work with their employees to justify their seeming lack of adventurous action, while the three ministers have specially signalized themselves by undertaking this form of advancement. What are Mr. Turcotte's duties?

Mr. OLIVER. I cannot give my hon. friend the details of his employment. I can only say that he is in the secretary's branch of the department.

Mr. FOSTER. The minister is very fortunate in bringing in his estimates on the last leg of the session, otherwise we would have to ask him to wait until he could get information as to these. I notice that there have been very large increases in

other cases—$250, $300, $200, and so on. How long has R. B. Matheson been in the service?

Mr. OLIVER. He entered the service of the Dominion Lands on the 15th of December, 1902, at a salary of $600. He received increases to the 20th of August, 1908, up to $1,300. On the 1st of September, 1908, he was getting $2,000, bringing his present salary up to $2,100.

Mr. FOSTER. Where was he employed before he came here?

Mr. OLIVER. In the outside land offices. He was transferred from one place to another as his services were required. During the past summer he was brought from Calgary, where he was acting agent while the agent was absent through illness. He was brought here as special Assistant Commissioner of Dominion Lands.

Mr. FOSTER. I just happened on that remarkable instance. This man had been in the service of this country exactly six years, having entered on a salary of $600, and he is now getting $2,100 and is on the road by regular increases to a very much higher salary. What are the special abilities of Mr. Matheson that have brought him from $600 in 1902 up to $2,100, with a favoured and permanent place in the new schedule?

Mr. OLIVER. I think Mr. Matheson's case may be taken as a fair sample of the reasons for the increases which my hon. friend criticises. A person entered the outside service under entirely different circumstances from the person who entered the inside service. The latter came in on an examination, entered a certain class and had a certain recognized standing and a certain permanence of position, supposed at any rate to be based upon his abilities and attainments. In the outside service, outside of Ottawa, men were taken in under any circumstances. There might be a very competent man who for the time being was out of employment. An opening occurring in some branch of the government's work, he was glad for the time being to take employment at a very small salary. As time went on it was shown that he had ability and that the department had need of that ability, and it was right and proper that he should receive such increases in salary as would enable the department to retain his services. That is the general statement in regard to these increases. I have not knowledge as to where Mr. Matheson entered the service or as to what office he worked in. My knowledge began with his position as senior assistant at the Humboldt land office when that office was opened. After serving there for some time, he was transferred to Calgary to take the place of the agent at that very large and important agency during the absence of the agent through illness. He retained that position for about a year and the agent having then recovered we found that our work in the head office had increased to such an extent that it had become a physical impossibility for the commissioner to transact it alone. We had to have some person to assist him and my hon. friend will understand that it was not simply a matter of clerical knowledge or knowledge of the land law that is required, the man who administers the Dominion Lands Act should have a practical working knowledge of settlement conditions throughout the country. This knowledge Mr. Matheson had by reason of his experience in the western land offices, and owing to that, and to his general abilities, we decided that he was the man for the position. He was brought here as assistant Commissioner of Dominion Lands. Mr. Matheson's work has been found entirely satisfactory and my view is that it would have been very unfair to Mr. Matheson, occupying the responsible position and doing the responsible work he does, if he had not been given this classification.

Mr. FOSTER. Of course the minister does not mean to say that those who come into the regular service come in as chief clerks at first. He quite understands that the man who is now a chief clerk has had to commence at the bottom of the ladder, to submit to all the rules and requirements of the regular Civil Service, and that many men not devoid of ability, have taken a score or two score of years to arrive at the salary of this gentleman who was picked up in 1902, and was transferred after a year or so to the head office here. Was Mr. Matheson at all recommended by his capacity for party work or anything of that kind?

Mr. OLIVER. I am satisfied there was nothing of that kind.

Mr. FOSTER. Mr. R. E. Young receives an addition of $400. That is a large addition and it certainly could not be contended that he was in want as his salary before that was $3,000. What is the reason for that large increase, just one day before the Act came into force.

Mr. OLIVER. Mr. Young occupies a very responsible position at the head of an important branch of the work of that department. His responsibility has been increased by the addition of sub-branches and is likely to be further increased. His work has been eminently satisfactory, not only to the department, but I am satisfied to the public with whom he has to do. It is true that he was getting $3,000 a year, but my hon. friend is aware that the report of the

Civil Service Commission and the sentiment of parliament was that the officers of the department, and especially the higher officers of the various departments were not receiving salaries proportionate to their responsibilities and their work, and it was the purpose, as I understand it to give adequate salaries in the higher branches of the service. At any rate that was the view I held, that we must pay for efficient service and for responsibility. We had the efficient service, we had the discharge of every responsibility by Mr. Young, and we felt it was right and proper that his services should be recognized and his salary placed on a par with those of other officers in our department and other departments whose duties were not more onerous and responsible than his.

Mr. FOSTER. When did he come into the service?

Mr. OLIVER. The first of February, 1904, He is a Dominion land surveyor by profession and therefore has special qualifications for the work he is doing.

Mr. FOSTER. What salary did he receive in 1904?

Mr. OLIVER. $1,800.

Mr. FOSTER. He now receives a salary of $3,400, and is on his way onward and upward. I congratulate the minister on being particularly apt in hunting out these men of genius and young men of promise. Every man whom he puts up in this way is a paragon and has some latent abilities which have been wonderfully discovered by the minister on the evening before September 1, when this Act was to come into force. How long has the minister been neglecting these men of ability? They have been in his service for years and he never wakened up to their value until the day before the Act was to come into force. There are two others who receive $400 increases, but it would take a month of Sundays to run through the list. To pick out one example, how was it that Mr. Lesueur was granted an increase on August 31, and is he still in the service?

Mr. OLIVER. Mr. Lesueur came into the service in June 19, 1907, at a salary of $1,200. He was given an increase up to the 26th of August of $50 and on the 27th of August he was given an increase of $150, making his salary $1,400.

Mr. FOSTER. Is he still in the service?

Mr. OLIVER. No, he is not.

Mr. FOSTER. Why?

Mr. OLIVER. Although Mr. Lesueur was an efficient clerk and his efficiency was recognized by the increase that was given him here, there was an occurrence in his transactions with the department that made it desirable that his connection with the department should cease and it ceased accordingly.

Mr. FOSTER. How did he come to be appointed in 1907 at $1,200? What special influence had he to bring him in?

Mr. OLIVER. He was employed in the accountant's branch, and was taken into that branch because of some experience that he had had in a bank. He was, I understand, an entirely efficient man in the work he was employed in, and was trusted with some responsibility.

Mr. FOSTER. Does the minister say that this gentleman's experience in the bank was such as to make him a fit man to come into office here at $1,200 above men whom the minister should have known for years and trusted in? What experience had he in the bank that recommended him for the public service?

Mr. OLIVER. I am given to understand that he was an accountant at the Smith's Falls branch of one of the banks.

Mr. FOSTER. By whom was he recommended?

Mr. OLIVER. I could not give that offhand.

Mr. FOSTER. I do not wish to pry too much into this sort of thing, but it has been a very unhappy experience, has it not? Extending to what amount now?

Mr. OLIVER. No loss at all to the department—no money loss.

Mr. FOSTER. Has Mr. Robinson returned to his duty? Has the minister made any thorough investigation into the whole matter to get at the root of it?

Mr. OLIVER. The matter has been thoroughly investigated, so far as the accounts are concerned.

Mr. FOSTER. As I say, I do not wish to pursue the matter. But this, I think, indicates a very good lesson to be learned, —not to take men in without proper credentials and put them over the heads of old and trusted servants, giving them financial responsibilities which afterwards the minister has to regret. I am told that if the minister had inquired of the bank he would probably have got some information that would have prevented this appointment. I observe that Mr. Fred Taylor gets an increase of $220 some twelve hours before this eventful 1st of September. What is the reason for that increase?

Mr. OLIVER. Mr. Taylor was employed in the Railway Lands branch. He entered the service on November 25, 1907, at $500, and was increased to $720 on August 31, 1908.

Mr. FOSTER. That, again, is a very generous increase. Was Mr. Lesueur employed simply for his work as accountant or were there other considerations?

Mr. OLIVER. Only for his work as accountant.

Mr. FOSTER. And Mr. Turcotte—was he employed only for his services as clerk of the correspondence branch, or had he other qualifications that were pressed upon the minister?

Mr. OLIVER. I am not able to answer at the moment. As I say, I am not able to have all these 190 people in mind. But I shall be glad to get any information I can.

Mr. FOSTER. Is Mr. F. H. Maynard in the department?

Mr. OLIVER. No.

Mr. FOSTER. He received an increase of $200.

Mr. OLIVER. Mr. Maynard was draughtsman in the Topographical Survey, entering the service on April 9, 1907, at $900. He was given an increase of $200, but that was not sufficient to retain his services, and he left.

Mr. FOSTER. What position does Mr. W. E. Morgan hold?

Mr. OLIVER. He also is a draughtsman in the Topographical Survey. He entered the service on January 2, 1905, at $720. He received increases up to August 26, 1908, of $100, when he was given an increase of $80, bringing him up to $900.

Mr. FOSTER. He is put down here as a 'clerk.' The minister says he is a draughtsman.

Mr. OLIVER. Yes.

Mr. FOSTER. Mr. T. S. Nash got a very large increase. Will the minister please explain that?

Mr. OLIVER. Mr. Nash was given a special increase, as he is chief of a division of draughtsmen in the Topographical Survey. He entered the service in 1902 at $900.

Mr. FOSTER. And he is now receiving?

Mr. OLIVER. Twenty-one hundred dollars.

Mr. FOSTER. On August 27 he was given an increase of $550.

Mr. OLIVER. Yes.

Mr. FOSTER. Then there is a series of increases running down the page. I see one here of $450 to Mr. N. B. Sheppard. That is a very hearty increase. What is the reason for it?

Mr. OLIVER. Mr. Sheppard entered the service on November 3, 1883, at $730. He received increases up to August 20, 1908, of $920, and was given an increase of $450 on August 27, 1908, bringing his salary up to $2.100. Mr. Sheppard is chief draughtsman in the Patents Branch and has special and important duties.

Mr. FOSTER. I do not know any of these men personally, but I must say with reference to Mr. Sheppard that his length of service is far beyond that of most of the others. Having entered in 1883, as the minister says, he has had twenty-six years of service, and gets at this time $2,100. For a man of parts, and engaged in important work, I should not consider that too much. But there is a wide difference between that length of service and that of some men who have been but a few years in the service, yet receive equal or greater remuneration.

Mr. OLIVER. This instance bears out what I have already said, that there were cases in the outside service where, by reason of the fact that the salary could be increased at any time, it was not increased, and men who were deserving were allowed to remain at their old salary. It was only when the new condition was impending that attention was drawn to it.

Mr. FOSTER. Then this list goes on, increases of $300, $100, $200, $250, $350, $170, $180, $100, $100, $180, $200, $100, $200, and so on to the end, when it winds up with a grand burst of $300, $200 and $300. Time does not permit me to go into these different classes, and getting the same stereotyped answer with regard to them. But sufficient has been shown in the short examination to warrant the statement that in that department the minister has won pre-eminence in picking out the largest number of those who came latest in the service, and giving them the largest increases of any one of his three competitors, the other two competitors being pretty good seconds and thirds in the person of the Minister of Agriculture and the Minister of Public Works. Then I find that the minister went to work shortly before the Act came into force, and made a number of new appointments, 45 in number, with a total salary of $31,580. Now what troubles me there is that the minister did this when he had no parliamentary appropriation for it. It seems strange that a minister has the power, when a new Act was coming into force as this was on the 1st of September, or a few days after that came into force, of making off his own bat 45 independent new appointments at a cost to the country of $31,500, and launching these into the new Civil Service without any reference to par-

liament at all. I suppose the minister justifies this by saying that he took it out of outside votes. But let him see the situation which would be created if every minister did the same. Here was parliament which was looking into the whole Civil Service. It wanted to reform the basis of the service, it wanted to include certain persons in it. It looked over those that were in the regular Civil Service and those which were in the outside service, and it came to the conclusion to include those that were in the outside service—the outside-inside-service, we will call it for the sake of definition,—to include them and them only in the new schedules, at the salary they were receiving at the time, which of course meant that the House of Commons had supervised those salaries, had voted them, knew what they were, knew about the number of men and authorized those to be brought in by that Act. Then a few hours, speaking generally, before the new Act came into force the Minister of the Interior made 45 new appointments without reference to parliament, without reference to council, without having any special vote, and on the 1st day of September they come automatically into the Inside Civil Serviec. Suppose every other minister had exercised his authority in the same way, why, you would have the Civil Service doubled without parliament ever having authorized it, or having contemplated it, without parliament having had the slightest idea it would be so. It was not the fault of the Minister of the Interior that it was not doubled, he did his part manfully towards that end, and brought into existence these 45 men and saddled them upon the new Civil Service without any authority of parliament, and without the least idea by parliament that such a thing would be done. That is where I think the minister travelled beyond anything that was fair or right. Where did he get the money to do all that? It is a most extraordinary occurrence.

Mr. OLIVER. The question of where the money came from my hon. friend I think has already answered. As he knows and as the committee knows, the money to carry on the work in connection with Dominion land and immigration is voted in bulk, and it is at the discretion of the minister and of the government what special service that money should be used in. It is for this very reason that the money is voted that way, so that when a special occasion arises it may be met, and that the business of the department should not be tied up by lack of the necessary funds. As a matter of fact, the new Land Act came into force on the 1st of September. It was known before that Act came into force that it would result in a very large increase of the land business, an immediate increase of the business of Dominion lands, not only in the western country where the lands are located, but in the head office here. It was known that the increase of business must be met, or the government would suffer very serious criticism and the business of the country would suffer serious injury. At the same time it was known that although the Civil Service Act became effective on the 1st September, the commission was not organized, and that it might be weeks or months before it got to work. As a matter of fact, I believe even yet the commission is not in a position to supply the necessary help to the department, or if it is in that position, it is only very recently. Now clearly it would not have been sound public policy to allow such a condition of affairs to occur, a great rush of business coming in, and by reason of the Act coming into force preventing new appointments, we would be unable to meet that rush of business, so it was only the part of wisdom to make adequate provision for that business which must necessarily occur. As a matter of fact it did occur. In the month of September there were 7,934 homesteads, 7,374 pre-emptions, and 445 purchase homestead entries. In the month of October there were 5,221 homestead entries, 2,193 pre-emptions, and 126 purchased homestead entries. The number decreased somewhat since, but my hon. friend will understand that this enormous rush of business had to be attended to, or the public interest would suffer. We took means to meet the necessity, and I may say to the committee that we did not take any means that were not necessary. All the help we got we needed to transact the business.

Mr. FOSTER. My hon. friend says that it was the part of wisdom. Now in calm words, all that I can think to say, that would be the least that should be said, would be to say that it was, under all the circumstances an act of absolute unsurpation of power by the minister, which power resides in this parliament and nowhere else. There is not the least doubt about that. The Civil Service Act is not an unworkable machine. Instead of making these appointments on the 31st July, and along through the different days to the last day of August the minister could have waited with the knowledge that every legitimate want could have been supplied although the minister would not have had the picking of them, the statement of their salaries or the patronage that he otherwise has had. There is a provision for temporary help, full, free, and permanent, in the Civil Service Act, and that provision could have been availed of just as well as not,

but when the minister, without asking parliament, in the face of a stated condition of things to be brought in under the law passed here on the first day of September, goes to work, two or three days before that makes forty-five new permanent appointments and apportions the salary of each, he usurps the power of this House of Commons and he is not simply doing a work of necessity. It is the strangest thing to me the way some ministers have undertaken to use their powers in the face of what was the clear understanding as to what should be the basis upon which men should come under this new Civil Service arrangement. We had yesterday another example of it, an example which we cannot allow to pass although, I suppose, this is not the place or the time to bring it up. Of all these names I have mentioned I do not know a single man. I have not been criticising these increases with the idea of criticising the persons except in the one case. I have just been pointing out a few, not one fiftieth of the examples which I could give from the return which was brought down similar to this, and if I had pointed out others I have no doubt that I would have been answered just about in the same way.

Mr. OLIVER. It may interest the committee if I mention that since the 1st September there have beeen three resignations from the surveyor general's branch even amongst those to whom increases have been given. Mr. T. A. Davies, who had a salary of $1,350 received an increase of $100 on the 27th August, 1908, and resigned. Mr. H. S. Day, who had a salary of $1,100, received an increase of $200 on the 27th August, 1908, and resigned. Mr. F. H. Maynard who had a salary of $1,100 received an increase of $200 on the 27th Auguse, and resigned. I merely place this before the committee to show that it was necessary to make the increases we did at all events in the Topographical Survey branch to hold the men.

Department of the Interior—scientific institutions and hydrographic surveys, astronomical surveys—investigations and demarcations of the exterior boundaries of Canada, and the astronomical and geodetic work of the Department of the Interior, including expenses of the Dominion Astronomical Observatory, and $1,000 for W. F. King as boundary commissioner, $208,400.

Mr. FOSTER. Generally what is being done by the expenditure of a fifth of a million in astronomical work?

Mr. OLIVER. First, there is the carrying on of the astronomical observatory, the head office of this particular class of work being the observatory at the Experimental Farm.

Mr. FOSTER. How much does that cost?

Mr. OLIVER. The cost is largely for salaries, which are included under civil government.

Mr. FOSTER. Are there any running expenses included in this vote?

Mr. OLIVER. Yes, the general expenses of the observatory are included in this vote.

Mr. FOSTER. How much for that?

Mr. OLIVER. $8,000. I will give the details as follows:

International boundary surveys.. ..	$132,400
This is made up as follows:	
141st meridian between Alaska and Yukon..	$ 50,000
Alaskan Boundary Award between Alaska and British Columbia.. ..	25,000
International boundary, 49th parallel, from the Rocky mountains to Lake Superior..	20,000
St. John river..	12,000
Boundary line in the Gulf of Georgia and Straits of Fuca..	10,000
St. Croix river and Passamaquoddy bay..	5,400
Monuments..	5,400
Geodetic survey..	50,000
Field astronomical work..	5,000
Travelling expenses..	1,000
Books, maps, photo material, &c.. ..	5,000
Instruments..	6,000
General expenses, observatory..	8,000
W. F. King as boundary commissioner	1,000
Total	$ 208,400

Mr. FOSTER. In reference to these boundaries, how much have you to do before you complete all the different stretches?

Mr. OLIVER. I am afraid I cannot give the hon. member the information he asks in all the cases.

Mr. FOSTER. What is being done and how much remains to be done?

Mr. OLIVER. The director of the surveys would have to be here to enable me to give as full details as my hon. friend would wish.

Mr. MONK. Have we reports from each of these groups of surveyors on the different works?

Mr. OLIVER. Yes. The director of the astronomical survey reports and I think his report appears in the blue-book, but the detailed reports from the different parties are not printed.

Mr. MONK. In the United States the officers similarly employed placed before congress a very interesting annual report, and I have often wondered why our officials should not give us a like resume of their

work each year. This is a work of great national importance which costs a great deal of money and we are absolutely informed as to the progress of it. These officials ought to be instructed to send in an annual report which should accompany the report of the minister to parliament.

Mr. OLIVER. It is only a question of printing the reports they make and as it is a matter of considerable interest we might have that done.

Mr. MONK. I do not think they make a report of a general character showing the progress of the work during the year.

Mr. OLIVER. I should think that in the ordinary transaction of their business they would make such a report to the director, and if the report is not made in that form at present there is no doubt it could easily be put in such a form for the information of parliament.

Mr. MONK. I believe the officers could better realize the importance of their work if they knew that parliament would have under close scrutiny the progress of the work during the year.

Mr. FOSTER. Part of this money is for marking the international boundary between the two countries.

Mr. OLIVER. Yes.

Mr. FOSTER. Do these officers make maps showing the delimited portion and just where the line runs which they have during the course of the year completed? Of course they must as the work proceeds, prepare maps of the line which divides the two territories, but I do not remember ever having seen one of these. I cannot conceive that scientific men would do this work and not put down the results in permanent form.

Mr. OLIVER. The work is done in conjunction with the United States survey and the work is not finished until both parties settle between themselves exactly what the boundary is.

Mr. FOSTER. Do they agree upon the work which is done for a season or do they go on for a number of years and then come together and settle?

Mr. OLIVER. They go out together and work conjointly season by season and check each other as they go along and when it is done it is done. The maps are made by the surveyors, but we have not published them separately. The information which is secured is of course available to the geographer when he is getting out the maps of the country.

Mr. MONK. I must say that the maps which have been issued by the Interior Department have always been very well executed.

Mr. FOSTER. When a portion of the boundary is delimited, that portion should be embodied in the form of a report.

Mr. OLIVER. If we were getting out a special report of the survey work as my hon. friend (Mr. Monk) suggests, it would of course be accompanied by a map showing the work done.

Mr. HERRON. Are you keeping the international boundary fence between Montana and Alberta in repair?

Mr. OLIVER. I am not able off hand to answer that question. There may have been a fence built by private parties but I am not aware of any fence having been built by the government, and I am satisfied that none such has been erected since I have been minister.

Mr. HERRON. The fence was built by private individuals, but I did not know whether the government had taken it over or not, though there were at one time some negotiations regarding it. It was about 500 miles long.

Mr. MONK. Were there not negotiations in regard to this fence just about the time the minister took office?

Mr. OLIVER. Not that I am aware of.

Mr. FOSTER. What is to be done with the $50,000 for geodetic purposes?

Mr. OLIVER. Triangulation stations have been prepared for carrying the survey for from thirty to fifty miles wide in the province of Ontario. In the province of Quebec the country has been covered between the 45th parallel and the St. Lawrence river as far east as the city of Quebec, and reconnaisances have been had in the provinces of New Brunswick and Nova Scotia about the Bay of Fundy.

Mr. FOSTER. Under whose direction is that done?

Mr. OLIVER. Under the direction of Dr. King. Mr. Biggar is the gentleman directly in charge of the geodetic survey.

Mr. FOSTER. There are maps published of that work as soon as it is done?

Mr. OLIVER. Yes.

Mr. PORTER. I would like to inquire of the minister what is the modus operandi of obtaining land for sites for these stations. How is the value of the land fixed? Is it expropriated and the value fixed by arbitration?

Mr. OLIVER. As a general thing it is not required either to buy or to expropriate. It is only in very isolated instances that any special arrangements has to be made, and in such cases the land is purchased.

Mr. PORTER. What instructions are given to the officers of the department who are obtaining these lands from the farmers along the route of the survey? In my county and in a couple of the counties adjoining some farmers have represented to me that the officer would say that he was going to take such and such land for a site for a station, and when he was asked how long he was going to occupy the land or what they were going to pay for it, he refused any information. It seems to me that is a very high-handed way of dealing. I have been consulted in my professional capacity four or five times within the last four months in regard to this very matter, and I have been unable to give any information. I hope the minister will give me a full explanation of the matter so that I may be able to advise these people in regard to it.

Mr. OLIVER. The hon. gentleman knows that the surveyors have no arbitrary authority to take any man's land or to go on it without his consent. If the surveyors assume such power they are acting improperly, as they have no such instructions. The amount of land required for the erection of a monument is so trifling that in very few instances does any question of value arise. So far as we are aware, there have been no difficulties in that connection. Occasionally a small amount has been paid for the land. If my hon. friend has reports that there has been uncivil and domineering action on the part of the surveyors, I will look into the matter.

Mr. PORTER. I have. One station I refer to particularly is a station near Tweed or near Halloway, P.O., where the officers conducting this service or erecting these stations refused to give the farmer whose land they were taking any information whatever, simply telling him that he would find out later on. When a man came to me I have felt reluctant in advising him not to allow the officers of the government to take the land. I told him he had better let the officers take it and I had no doubt the government would treat him properly. Only a few days afterward I was consulted by another farmer in the same way. I do not know to what extent this has gone on. If it is a common practice, it is a very improper one and should be put an end to. I have been advised that in some cases an arrangement is made for the occupation of a piece of land for a station for a period of years without the government acquiring the absolute title to the land, while in other cases the land has been purchased. It has been represented to me by some farmers that as high as $1,000 has been paid for a location. I would like to know whether any such sum has been paid or not, and whether there is any rule or procedure in fixing the value or whether it is left to the officer to make the best arrangement he can. It seems to me that there ought to be some regulations in regard to the matter.

Mr. OLIVER. I would be very sorry if the agents were bluffing the owners of the land. I can assure my hon. friend that it is quite contrary to my idea of administering public business. It is absolutely impossible to say what value would be paid for land acquired for this purpose. If I understand correctly, the officer has to establish a certain point. and it may happen that in one case it may make no difference to the farmer, while in other cases it may make a great deal of difference, so that the payment would have to be larger in one case than in another. I am satisfied that my hon. friend is entirely misinformed or misled in regard to any such sums as $1,000 having been paid. The accountant informs me that the payments for the land are generally very trifling amounts with a maximum, as far as he can judge, probably of $50, which will no doubt be in cases where the location of the towers would cause serious inconvenience to the farmers.

Mr. FOSTER. What is the width of base required?

Mr. OLIVER. A very few yards. The towers are perhaps 20 or 30 feet high. It is probable that a lease for a term of years would be sufficient. However, as my hon. friend has drawn attention to the matter, I shall certainly deal with it and see that at least no attempt is made to bluff people out of their rights. At the same time I would hope, since as my hon. friend says this is for scientific purposes, there would be no attempt to hold up such a work, as might be done if the farmer absolutely refused to allow the tower to be placed at the point where the survey required. That would render that particular work absolutely useless.

Mr. PORTER. That was very largely my object in bringing the matter to the attention of the minister in order that there might not be unnecessary friction or delay. The officers who go to locate the towers should be instructed to inform the farmers of the steps they must take if they desire to secure some remuneration or to make some bargain for the use of their land.

To provide for an inquiry into water rights on the St. Mary's and Milk rivers, $7,500.

Mr. FOSTER. What is the difficulty with reference to that?

Mr. OLIVER. The difficulty there is that the St. Mary's river rises in the United States and flows into Canada. In the lower part of its course the water has been diverted by a Canadian enterprise and is used for irrigation over a very considerable area of country. The Milk river rises not far from the St. Mary's, flows into Canada and out of Canada again and finally enters the Missouri. On the lower part of the Milk river in the United States a considerable area of country is irrigated from its waters. The Milk river, however, is a very small stream not having a permanent flow, and the St. Mary's river is a comparatively large stream with a permanent flow. Besides the St. Mary's rises in a large lake on the American side, called St. Mary's lake. It is possible to use this lake as a reservoir to store up water and thereby increase the flow of the river out of the lake. There is much more land capable of irrigation on the Milk river than there is water in the Milk river to irrigate with. The idea has struck the Reclamation Commission in the United States that it would be well to make a storage reservoir of St. Mary's lake and divert the St. Mary's river into the Milk river so that there would be abundance of water for the irrigation of land on the Milk river, leaving the irrigable lands along the St. Mary's river of course without any flow of water.

Mr. J. A. CURRIE. On the Canadian side?

Mr. OLIVER. On the Canadian side. In the exercise of the right of diverting the water of St. Mary's river on their own side of the line to the Milk river, the authorities of the United States would be ignoring any claim that Canada might have to the use of these waters as they would naturally flow down the St. Mary's river. But having diverted the water of the St. Mary's river to the Milk river and the Milk river afterwards entering Canada, Canada by the same rule would have exactly the same liberty to divert from the Milk river these diverted waters and to use them on the irrigable lands of Canada, and as a matter of fact there is a canal now dug to do that. Under these circumstances it has seemed best to the United States Reclamation Service to come to some amicable arrangement with the Canadian authorities for a diversion of the water of these two streams, both of which rise on the United States side, both of which derive their water from the United States, but both of which come into Canada, one remaining in Canada and the other afterwards entering the United States. It is a somewhat complicated situation with reference to which difficulties might be made by one country for the other, and an effort is being made to come to an amicable understanding in regard to this matter. This vote is to meet the expenses of such an effort.

Mr. FOSTER. Who are going to conduct the inquiry?

Mr. OLIVER. Some inquiry has already been made. That was conducted on behalf of Canada under the control of Dr. King, of the astronomical survey. Dr. King was assisted by an irrigation expert from the United States, a Mr. Anderson, who, of course, had to be paid a very considerable salary.

Mr. WRIGHT. There was a vote of $10,000 last year and this smaller vote this year. How long is it expected that it will be necessary to continue this work, if you do come to an arrangement or agreement with the United States?

Mr. OLIVER. Last year's work was preliminary and was carried on before the boundary treaty was negotiated. This expenditure is to be provided with the expectation that the Boundary Waters Treaty will be ratified, and with a view to bringing this question of the St. Mary's river to a conclusion in the terms of the treaty.

Mr. FOSTER. And would this empower the commission to settle the matter, or will the government enter into an arrangement with the government of the United States in regard to it?

Mr. OLIVER. Under the treaty there will be a commission nominated by both countries who will decide any question arising. This money is asked for the purpose of preparing the Canadian case for submission to a commission.

Mr. FOSTER. Is the St. Mary's river a boundary river?

Mr. OLIVER. No.

Mr. FOSTER. Then how does it come in under this treaty?

Mr. OLIVER. The river rises on the United States side and comes into Canada, and, inasmuch as it crosses the boundary, it affects the boundary and is a boundary water.

Mr. FOSTER. It does not seem to me that that would follow. As I understand it, the waterways matter is based on the idea of boundary waters, distinct from waters which arise in one country and pass into the other not forming the boundary. The boundary waters come under the treaty and subsequently under the commission appointed by virtue of the treaty. But does the minister contend that a river that rises in Canada, for instance, and goes into the United States straight across the boundary also comes under the commission? Of course, international interests are at stake

in such rivers, but of a different kind from those in the boundary waters. There is no delimitation of boundary, no question of trespass, no need for demarcation. International questions arise from the fact that the water supply begins in one country and goes into the other, and it becomes a question how far the country which raises the water, so to speak, may use it wastefully or divert it wholly or partially from the other country into which it finds its natural course. But I should not have thought that such rivers came under the Waterways Commission.

Mr. OLIVER. I am afraid the hon. member (Mr. Foster) has been misled by the name of the treaty. Though it is a treaty with regard to boundary waters, it also includes provisions with regard to waters which are not part of the boundary but which bring in questions of international rights. At any rate, whether for good reasons or not, these questions of the St. Mary's and Milk rivers are made a part of the treaty,—there is an article of the treaty dealing with these questions.

Mr. J. A. CURRIE. Is it not a fact that the commission have already dealt with them in the report they have given, and that they have had engineers examining into the matter? I think the minister is right when he says that there is a clause in the treaty that refers distinctly to the St. Mary's and Milk rivers. But what I do not understand is why, when there is a vote dealing with the Waterways Commission, there should be another vote here. This matter is entirely in the charge of that commission. That commission is voted large sums of money for these purposes by the government. Why should there be a special vote in this case and not a special vote to help the investigation, for instance, in the case of the Niagara or the Sault? The commission have full power to consider these matters, and they have their staff of engineers and have plenty of money to carry on this work. Therefore, I cannot understand the reason for the special vote in one instance only.

Mr. OLIVER. I tried to explain that the vote last year was to secure information that would enable Canada to place her case properly with a view to securing a fair treaty. Dr. King and Mr. Anderson went up and examined the ground in conjunction with agents of the reclamation surveys of the United States. The treaty having been negotiated—we will assume that it has been, though it has not been ratified—the question of administering the waters under the treaty, of actually dividing the waters according to the terms of the treaty, comes up. And, while my hon. friend says the commission have the power to take all measures, it seems to us that as the interests of individual citizens of Canada require protection, and as these come especially within the view of the Department of the Interior, which is responsible for the administration of the lands affected by this water, it is desirable that the case of Canada and the protection of the rights of its citizens should be placed as fairly as possible before the commission to the end that the interests of those individual citizens should be as fully protected as possible. Of course, the Department of the Interior is not responsible with regard to the Sault or to Niagara.

Mr. J. A. CURRIE. I think the Minister of the Interior (Mr. Oliver) did what was right. He lives in the section affected, and, having knowledge of the conditions, took the precaution of having the case in relation to the Milk river and St. Mary's river properly prepared outside the commission. But the question arises why was not a similar course pursued in the case of Canada's rights at the Sault, where there is a division of water and also at Niagara Falls, where there is considerable friction over the way in which this Waterways Commission have decided the question involved? The people of Ontario think it is a case of heads I win at one end of the province, and tails you lose at the other end. Why is there not a vote for the division of the waters at the Sault, and a vote to secure a proper division at Niagara Falls? I think the minister deserves a good deal of credit for what he has done, more than do some of the other ministers. I think the matter should have been called to their attention, and that the case of Canada should have been presented in the matter of Niagara Falls and of the Sault, just as well as in the case of St. Mary's river.

Government of the Yukon Territory—salaries and expenses connected with the administration of the territory, $170,750.

Mr. OLIVER. The salary vote is the same as last year.

Mr. PORTER. How many judges are there in the Yukon?

Mr. OLIVER. Three.

Mr. PORTER. How many cases are tried in a year?

Mr. OLIVER. I am not able to answer that, the Justice Department would have control of the work of the judges. But I may say that there are three judges in the Yukon, so that there may be a trial of appeals without the necessity of going outside. No doubt on the basis of the amount of business done, there does not seem to be

a necessity for three judges; at the same time, considering the importance of the cases that are tried there, and the great cost of carrying appeals to the east, there is a necessity for three judges.

Mr. PORTER. Have not two of those judges within the past year left their business up there for about six months' each? How do they get along with the appeals when there is only one left?

Mr. OLIVER. It is customary for judges to allow cases to wait their convenience.

Mr. CONGDON. In the Yukon territory they have four months' vacation in the winter, when it is impossible to do judicial business. The court of appeal sits not later than October nor earlier than April, and I think it has been arranged among the three judges that each winter one of them is entitled to go out and spend his vacation elsewhere.

Grant to local council for maintenance and repairs to roads, $37,500.

Mr. FOSTER. Is there anybody travelling on those roads now?

Mr. OLIVER. A great deal of business is done in the Yukon, a great deal of money is spent, and some money is being taken out. There is a considerable population which, I understand, has not decreased during the last year or two.

Dominion Lands—chargeable to capital—surveys, examinations of survey returns, printing of plans, &c., $555,000.

Mr. LAKE. I wish to ask the minister in regard to the South African veterans' land grants. There is one matter which I think has been brought to his attention, that is a request of the imperial service veterans for a grant of land in Canada. Has the minister considered that request, and what conclusion has he come to?

Mr. OLIVER. The question of a grant to the imperial South African veterans has been brought to the attention of the government, and it has been decided that Canada discharged her full responsibility in providing for the volunteers who went from Canada, and it is not the intention to make provision for the volunteers who went from other parts of the empire.

Mr. LAKE. Would the minister tell me in regard to the Fenian Raid veterans who sent a deputation to Ottawa on which many of us were present? I would like to know whether the government has taken their petition into consideration, and with what result?

Mr. OLIVER. I am not able to answer definitely on this subject, but so far no action has been taken looking to the granting of recognition to the Fenian Raid veterans.

Mr. J. A. CURRIE. The Minister of the Interior is reported in the press as saying that the government would not make a grant to the Fenian Raid veterans. Is that correct, or is it just postponed until the next election?

Mr. OLIVER. No, I do not think that the Minister of the Interior used that language as it is not a matter that is within the gift of the Minister of the Interior.

Mr. LAKE. I would also like to ask the minister a question in connection with the land grants which were given to veterans of the Northwest rebellion of 1885. A case came before me in which the grantee had failed to take advantage of the grant within the period limited by law. That period was extended time and again, but it has finally expired, as I understand. Has the minister any intention of asking parliament to extend that period, and has he had any other cases of a similar nature brought to his notice and, if so, does he propose to come to the rescue of these people? No doubt it is their fault that these land grants have been allowed to stand in abeyance, but at the same time it is rather hard on them that through carelessness or some other cause they have failed to avail themselves of these grants which they certainly earned in those days.

Mr. OLIVER. It is not possible for the minister to come to the rescue of people who have been so careless. It would have to be parliament who would have to come to their assistance. Personally, I would not wish to see any man deprived of the reward that is justly his. At the same time there is no reason why a man should require parliament to relieve him from a disability which he placed upon himself by his own inaction. I would rather be inclined to decline to grant an extension of the privilege such as my hon. friend suggests, and for this reason: We have now issued some 7,000 or more similar grants, and it is in every way desirable that the rights arising under them should be exercised as soon as possible. I think it might have a salutary effect in urging people to exercise their rights if it were known that there were two or three holders of previous grants who had lost their rights by failure to exercise them. It might have the effect of the frightful example.

Mr. HERRON. Has the government come to any conclusion with regard to the claims of the early settlers of Manitoba and of the Northwest, those who went

into that country in 1836 and 1870. There have been correspondence and negotiations of different kinds, and I would like to know if the government has come to any conclusion in regard to it.

Mr. OLIVER. The government has not decided to take any action in regard to these claims.

Mr. MONK. It was in reference to the matter that is referred to now that I wanted to ask a question, because I have been requested to do so. These men have not been guilty of negligence in having failed to previously urge their claims because they have never had any warrants to use in the recovery of or the certification of their claims. Their position is a peculiar one and one which should commend it to the attention of the government. The statute of 1873 granted a certain number of acres of land to what were known as the Lord Selkirk settlers who came into the territory, which afterwards formed the province of Manitoba, previous to the 1st January, 1836. They began coming in in 1830, and the limit was fixed at the 1st January, 1836, by the statute of 1873. In 1874 that statute was repealed. There were a considerable number of half-breeds in the country and they, being the primal occupants of the land, by the statute of 1874, repealing the provisions of the statutes of 1873, a grant of 160 acres was made not only to the Lord Selkirk settlers, a large class of settlers brought out under special circumstances, but to all settlers of any kind whatever who were in that country previous to the first of January, 1836. It is claimed by Hudson Bay men, by white settlers who came into that particular territory after the 1st January, 1836, and up to the taking of possession by the Dominion government on the 15th July, 1870, that there should not be a discrimination against them, that all settlers of every description whatever and that all half-breeds who were in that land previous to the 1st January, 1836, should be treated alike. There is no adequate reason why the pioneers who came into that land up to the 1st January, 1836, should be discriminated against. I cannot understand it and nobody has ever been able to explain it. I know that hon. members from the Northwest are familiar with the matter, but I have received several letters in connection with it, and I would like to know from the hon. gentleman if these men can expect nothing at all. It has been uregd that they never sufficiently set forth their claim, that they were not active enough in the prosecution of it but, as my hon. friend knows —nobody better—from the time of the establishment of the province of Manitoba in 1871, these men have had very little opportunity of petitioning the government. Their claim was recommended to the consideration of the govrnment by the government of Manitoba as soon as the province was formed. It involved the setting apart of 80,000 acres. Thirty-two per cent of these claimants to-day are, I think, Roman Catholics, there are about thirty-three per cent who come chiefly from Ontario and are Protestants and there are thirty-four per cent who are Hudson Bay settlers. They are a most deserving set of men. They look upon themselves as pioneers, and I would like to have from my hon. friend the assurance that the government will, at any rate, consider their claims.

Mr. OLIVER. I think these claims have been brought to the attention of the government in one form or another on several occasions, but so far I do not think the government has taken any definite action in regard to them. It seems to me that public sentiment is from day to day becoming more and more adverse to the granting of what is called scrip or rights to land on any consideration whatever. I think there is a feeling that when we made the grant to the South African veterans we made our last grant of public lands in consideration of service of any kind whatever.

Mr. LAKE. I trust the Minister of the Interior will reconsider his decision with regard to those who earned their land warrants during the rebellion of 1885 and that he will ask parliament for an extension of time for the location of these grants. I know one man who went to the Yukon when it was first opened and who has remained there ever since. It was due in some degree to his own carelessness that the grant was not located, but he is now most anxious to have it, and I should like to see his rights preserved to him. He was one of French's scouts, gave valuable service during the rebellion, and has done good settlement work ever since. I would call to the attention of the minister the case of the farm instructors and other employees of the Indian Department who were employed on the Indian reserves during the Northwest rebellion and who did very good service in preventing most of the bands of Indians from rising and adding to our difficulty. I ask for them the same consideration which has been so generously given to those who may not have done such good service as they. Can the minister do anything for that class of people?

Mr. OLIVER. As to the men who earned their rights in the rebellion of 1885 and which have lapsed on account of their not yet having exercised them, I would certainly be inclined to recommend to parliament such measures as would reinstate

them in their rights. While I am inclined to do so, at the same time I do not feel that any obligation rests upon the minister or upon parliament to relieve these men who have lost by their own negligence, and if it is done it will be as a matter of grace and not as a matter of right. I am not at the moment able to voice the opinion of the government with regard to the farm instructors who were in the Northwest during the rebellion, but I have some personal knowledge of the matter and I should think that their claim is not well founded. They would have no more right than any other settler in the Northwest at that time, of whom I was one. I should think that the principle of granting scrip in connection with military service is that it is given to those who have enlisted, and placed themselves under military command and discipline and so have put their lives at the service of their country.

Mr. FOSTER. What grounds influenced the government in their refusal or their delay in granting the request of the Fenian Raid veterans and the imperial veterans?

Mr. OLIVER. I do not think that the request of the Fenian Raid Veterans has been definitely refused.

Mr. FOSTER. A deputation waited on the government.

Mr. OLIVER. The government has heard their representation but has taken no action. As to the Imperial South African Veterans, the position taken by the government is that in recognizing the services of the men who went from Canada, Canada has discharged her full responsibility, and it is not in accordance with the principles upon which that recognition was given that Canada should recognize the service rendered by men who belonged to other parts of the empire.

Mr. FOSTER. The South African volunteers went to active service in defence of the empire and of course Canada is part of the empire, but the Fenian Raid veterans took the field and imperilled their lives in order to save Canada itself. Although at that time there were no broad lands to give them we have since developed the Northwest and there does not seem any reason why you should refuse the request of those who took up arms for the defence of their country and assumed an equally dangerous service as did the South African volunteers. Of course the case of the other veterans is different, but I understand they were quite willing to go as actual settlers on these lands. Did they not submit some co-operative plan to the government by which they bound themselves to settle upon the lands, not simply asking for the scrip which they could negotiate or sell. I think the minister has found that a very large proportion of the scrip which was issued primarily for the South African volunteer with the idea that he would settle in the country, has been a matter of speculation in the market and that the volunteer has got the least end of it.

Mr. OLIVER. I am not definitely aware of that, but I am very much afraid that the suggestion of the hon. gentleman is correct. In the interview I had with a deputation from the other veterans they made some suggestions with regard to a military settlement but they were not definite so far as I can remember, and of course that was a matter for discussion with the Minister of Militia and not with me. I am rather under the impression that they did not make any definite proposition.

Mr. LAKE. Can the minister say how many of the South African veterans have received warrants for land grants up to date, and how many grants have been located?

Mr. OLIVER. On March 19, over 5,000 had been issued, and up to the end of April about 500 had been located. But locations might not be expected to begin to take place in large numbers before about the middle or end of April.

Mr. J. A. CURRIE. In the Wolseley expedition one or two Canadians enlisted in the British regulars. One I know of, a man of the name of James McNabb, enlisted in Ontario and went west as far as Fort Garry, and the fact that he was enlisted by Lord Wolseley for special service, taking charge of the headquarters staff baggage, militated against his getting a grant of land. He was enlisted like any of the others and was considered a good soldier when a member of the first battalion of the Rifle Brigade. He has made representations to me on the subject, and I want to bring his case to the attention of the minister. He is a Canadian by birth and enlisted in this country, but was barred out because he was not in the Canadian line. Under the circumstances I hope the minister will see his way clear to take the matter into consideration.

Mr. BRADBURY. I would like to ask the minister if he received a deputation to-day from old settlers along the Red river asking that their claims be dealt with. I know a large number of these people, and it seems to me that a great injustice has been done to them. The government has been very generous to a large number of people. A few years ago when a grant was made to the half-breeds, it included all the half-breeds, even those living south of the line. In view of that fact, I think the claim of the old settlers should be considered. I understand that a depu-

tation from them interviewed the premier to-day—I do not know whether the hon Minister of the Interior had an opportunity of interviewing them or not—and I was very much surprised to hear that the premier negatived their claim, and I would like to know on what ground this was done. Surely the government cannot refuse to do this act of justice asked for by the petition of the old settlers. I am strongly of the opinion the government ought to grant the prayer of the petitioners and trust the matter will be reconsidered by the premier, and that justice will even at this late date be done these old timers.

Mr. OLIVER. I am unable to say. I had not the privilege of being present at the interview with the premier, and I cannot say what caused him to negative their proposition. An effort to satisfy everybody must necessarily fail. There always has to be an almost imperceptible line of division between the man who gets and the man who does not get, and the fact that you advance your line of division a certain distance further does not take away from the ultimate result that somebody is just outside the line. It seemed good to parliament in its wisdom many years ago to say that people who came to Manitoba before 1836 should receive certain consideration, and that people who came after that date should not receive the same consideration. I do not know that at this time it would be wise for us to undertake to revise the decision which was arrived at at that time in a much nearer knowledge of the actual facts and circumstances than we have to-day. I would imagine that until the premier heard the deputation he had an open mind on the subject, but I assume that the deputation was not able to offer sufficient reasons to warrant him in recommending a reversal of the decision arrived at many years ago. There must be a time limit in the recognition of claims.

Mr. BRADBURY. I may have been in error in saying that the Prime Minister negatived that, but I understand that to be the case when Mr. Cowie was down here.

Mr. MONK. It is a strange part of this particular case that nobody has ever been able to account for the action of parliament in 1874 in fixing the limit as January 1, 1836. I have seen some correspondence and heard some statements in connection with that case and the only pretext given is that the Selkirk settlers are supposed to have come in between 1813 and 1836. As to that there is no certainty. The statute in 1874 made no distinction between the Selkirk settlers and any other settlers. When you come to the limits of the present province of Manitoba the distinction fixed by the statute of 1873 was obliterated and the rest of the pioneers said: Why can we not obtain similar justice, here is a man who came in on January 12, 1836, another in 1840, another in 1850, another in 1860? They say you should not make any distinction between any of these whites settled in the country (because ample justice was done to the half-breeds) up to the time when this country became Dominion property, that is on the 5th of July, 1870. I understand that the Prime Minister said to Mr. Cowie: Why did you not more earnestly urge your claim? The answer is that until recent years the settlers have not really been represented, there was full representation from Manitoba but not from the Northwest territories, until late years. Another reason is that they were waiting until the provinces were all finally organized. My hon. friend has properly said that the line must be drawn somewhere, but I think this is a special case apart from military service and might be favourably considered.

Mr. STAPLES. I would call the attention of the minister to a question I asked on March 10, in reference to a section in the municipality of Thompson in regard to the issue of a patent. It appears that this land was given to the city of Brandon in lieu of some town lots that were handed over in the interest of the industrial school at Brandon. The question and answer were as follows:

Has a patent been issued for section No. 6, township 5, range 7, W. 1? If so, to whom has it been issued? If not, why has the patent not been issued?

Hon. FRANK OLIVER (Minister of the Interior): No, this section was granted by order in council of August 9, 1900, to the city of Brandon in exchange for certain lands conveyed to the Crown in connection with the Industrial School at Brandon, but at the request of the secretary-treasurer of the city of Brandon the issue of the patent was stayed.

Some $3,500 of taxes have accumulated against that particular section. This municipality is taxed almost to the limit in order to carry on necessary local improvements and develop educational institutions, and it is a great hardship to that municipality to have this large amount of taxes held back. I would inquire from the minister how it is that the issuing of the patent for this particular section has been held up at the request of the secretary of the city of Brandon. There would appear to be no justification for holding back the patent, and I think the city of Brandon should be compelled to take out the patent in order that this municipality might collect those taxes.

Mr. OLIVER. I suppose the patent was withheld for the reason stated and without any further consideration on the part of the department here. I am assuming that. Certainly it is not our desire to withhold a patent in order to allow either municipalities or others to avoid paying taxes. I shall inquire into the matter and advise my hon. friend as to the conditions existing.

Mr. CROSBY. I regret to hear that nothing has been done to comply with the demands of the Fenian veterans. We know that large and very important bodies move slowly, and the Fenian veterans are not men who will live very long. It is a matter which should have been taken up by the government before and we should know exactly where the government stand with regard to these demands. I was present when these gentlemen stated their case to the Prime Minister and I was struck by the statement of one gentleman that he was in Chicago at the time of the Fenian raid and that he and a number of other Canadians had paid their way from the United States into Canada in order to assist in the defence of the country. I thought that was a very strong argument. The veterans of 1885 have also been referred to. But one class of men have not been spoken of, the Canadian volunteers who garrisoned the city of Halifax in order to relieve the imperial troops who went to South Africa. I think their claim is as strong as the men who went to South Africa because they enlisted, became subject to discipline and were ready, indeed they expected, to be called on at any moment to go to the front. At such a time it was necessary to have our greatest fort manned and those men volunteered for that purpose. While the others have strong and fair claims, and I would be glad if the government would meet their views, still I think the men who garrisoned Halifax have really as strong claims as the men who went to the field. Have these men been considered, and if not will they be considered? I think it is only necessary to bring this to the notice of the government in order to have some grant made to this class of volunteers.

Mr. OLIVER. I do not think the matter has been brought directly to the attention of the government. There was some mention of it on a previous occasion this session, but I do not think that any definite representation has been made on behalf of the men referred to. I should think, however, that there is some difference between the men who enlisted, as I understand it, for garrison duty at Halifax, and the men who enlisted for active service in South Africa. Of course, my hon. friend (Mr. Crosby) understands that no provision was made in the Act which gives land to the men who went to South Africa to cover the case of the men in garrison at Halifax.

Mr. CROSBY. I would remind the minister (Mr. Oliver) that when these men enlisted for garrison duty in Halifax the Dominion government had not decided to send troops to South Africa. But the imperial troops had been ordered out for service in South Africa, and those men volunteered for the purpose of garrisoning Halifax. When the Dominion government decided that men should be sent to South Africa, these men had already been enlisted, they were under discipline and were prepared to go—and many of them sought an opportunity to go—into active service in South Africa. Thev were thus the first men to volunteer their services, and their volunteering allowed the men in garrison at Halifax to go forward. I believe those men have as strong a claim as those who went to the front. I will not discuss the matter fully now, but I would ask the government, if they have not already taken the matter up, to take it up for early consideration.

Mr. OLIVER. The matter, as I have said, has not been brought to the attention of the government directly, so far as I am aware. But, now my hon. friend (Mr. Crosby) has brought it to our attention here in the House, it will be our duty to take it into consideration and give him the result of that consideration of the question. It may not be possible to do so before the close of this session, but the hon. member will be entitled to an answer from the government on the question.

Mr. McCARTHY. Before the item passes I would like to ask the Minister of the Interior (Mr. Oliver) what progress has been made in investigating the water supply of the west for irrigation purposes? I have brought this matter up on two previous occasions, last session and the session before. The Minister of the Interior told me, two years ago, that there were three men in the field making investigations bearing on the measurement of streams, the conservation of water supply for irrigation and other purposes. In June last, the minister also told me that they had not gone into the matter very deeply, that to quote his own words:

> At present our staff is employed rather in dealing with applications for the immediate operation of irrigation than in outlining a scheme or system of irrigation applicable to the whole country.

I do not know whether I have been able on previous occasions to impress upon the minister the importance of an investigation along these lines. Irrigation is of the greatest importance to that portion of the country and we are probably now under irrigation claims for far more land than we have water to supply. I think that full investigation should be made to ascertain what the supply is and what can be done to preserve and conserve that supply. I think that if the minister will take the matter up with the head of that branch, Mr. Campbell, he will find that that gentleman realizes the need of this investigation. The minister told me last session that the staff he had was not sufficient for this work. I want again to impress upon him the necessity of having a full investigation made, and I would like him to inform the committee if any further efforts have been made since last session for the conservation of the water supply of the Northwest provinces?

Mr. OLIVER. I regret that I am not able to give the hon. gentleman the details of the information he desires. It is evident that without a considerable increase in our vote it will not be possible to cover the very wide extent of ground that it would be necessary to cover in order to reach the results the hon. gentlemen speaks of. During the last year we have been pressed, with the small force at our disposal, with demands for further irrigation operations. However, we have in contemplation to take measures with a view of finding out how much water there is available, and where it can best be disposed of, and we hope that this year we will be able to take more active measures than we have in the past. We are establishing this year, under the supervision of the chief of the staff at Calgary, a special system of measurement of streams as a beginning in caring for the water supplies. Other measures have been proposed to me which I have not yet worked out. But I can assure my hon. friend that we are thoroughly alive to the desirability of conserving the water supply in the southwestern country, and of obtaining the fullest knowledge of what water is available and where it can be used to the best advantage. We propose to use the vote that is now asked for to the very best advantage in that direction. We have not asked for a very large increase, not because we did not feel that the service was not necessary, but because there is a general necessity for a reduction of the public expenditure. That is the only reason why we have not pushed the work forward more rapidly.

Mr. McCARTHY. The minister gave practically the same assurance last session. I want to urge upon him the necessity of being a little more active this year than he has been last year. This is a very important question, it was taken up at the convention in southern Alberta two years ago, at which his officer was present. I think the head of that department is thoroughly alive to the necessity of active measures being taken.

Hydrographic survey, $7,500.

Mr. FOSTER. What is being done with this?

Mr. OLIVER. This work is being carried on in southern Alberta and southwestern Saskatchewan. There has not yet been any definite and scientific measurement of the volume of water flowing in those streams, so that we may know accurately what is available for distribution. It will be understood that a measurement to be of value must cover a series of years, because a measurement in one season would not afford sufficient knowledge of the average annual flow in a river.

Mr. FOSTER. What is the modus operandi pursued?

Mr. OLIVER. It is proposed to measure the daily discharge of the more important streams in the irrigation districts, with the view of determining the supply available for irrigation purposes. Gauges will be established at the principal points, and arrangements made with the residents in the vicinity to take daily observations of the rise and fall of the water in the rivers. The chief hydrographer will assume charge of the Calgary district, and general charge of the system in other districts. While operations will first be confined to the more important streams, it is proposed gradually to extend them to cover other streams upon which depends the supply of water for towns and villages. I think it will require three or four successive years to ascertain accurately the average flow of water annually.

Mr. FOSTER. I think great care ought to be taken in choosing the persons who are to have charge of those gauges. Inaccuracy spoils the whole.

Mr. OLIVER. We have not a sufficiently large appropriation to appoint salaried men at every place of measurement. But we shall do the best we can, and cover as much ground as we can with our appropriation.

Salaries of the outside service, $180,000.

Mr. FOSTER. I suppose the decrease arises from the transference to civil government.

Mr. OLIVER. There is a decrease of $105,000 occasioned by a transfer to the civil government vote of the temporary officials employed at Ottawa who were permanently paid out of this appropriation.

Contingencies, advertising, &c., $112,500.

Mr. FOSTER. Is this advertising business carried on in the same way as formerly? There is a decrease of $40,000.

Mr. OLIVER. A considerable number of salaries were paid out of contingencies which are now transferred to civil government. Fifty-three clerks are transferred from contingencies to civil government. That accounts for the decrease.

Mr. FOSTER. These are clerks that were resident in Ottawa?

Mr. OLIVER. Yes. They were taken on to meet the requirements of the service and they were paid out of contingencies.

Mr. FOSTER. Now I understand no clerks are to be paid out of contingencies?

Mr. OLIVER. No. We have asked for a vote in the supplementary estimates of $5,000 to pay for extras that we may require to put on.

Mr. FOSTER. Under the Civil Service Act?

Mr. OLIVER. Yes. We contemplate the necessity of having to put on extras, and we are making provision for it in the supplementary estimates.

Mr. BLAIN. May I ask the minister if all the expenditure in the advertising item is for advertising alone or does it take in printing as well?

Mr. OLIVER. The vote takes in printing as well as advertising.

Mr. BLAIN. What are the chief items?

Mr. OLIVER. It provides for printing and stationery, $30,000, and, for advertising, $10,000.

Mr. BLAIN. What does the printing include?

Mr. OLIVER. There are a great many forms used in the land business and the books and forms necessary to be used in the offices of the agents and subagents are included in this item.

Mr. BLAIN. Is the printing all done in Canada?

Mr. OLIVER. This printing is all done at the Printing Bureau.

Mr. FOSTER. You get a lot of printing done outside of Canada?

Mr. OLIVER. That is immigration printing.

Dominion lands—chargeable to income—protection of timber in Manitoba, Saskatchewan, Alberta, the Northwest Territories and the railway belt in British Columbia; tree culture in Manitoba, Saskatchewan and Alberta, and inspection and management of forest reserves, $100,000.

Mr. McCARTHY. I would like to call the attention of the minister to an item in the newspapers that I referred to last session setting forth a statement made by the hon. Minister of Agriculture (Mr. Fisher) to the effect that the government had decided to reserve all the east slope of the Rocky mountains and the foothills for a timber reservation. I do not know whether the minister recalls the discussion that took place in the House last June, but I may say that I asked upon that occasion whether or not the statement made by the Minister of Agriculture at the Forestry Convention, held in Montreal in March, 1908, was correct. That statement was made and it was universally printed by the papers in the western part of Canada. At that time the minister was unable to tell me that the government had decided upon such a policy. I would like to know if the minister is in a position now to tell me if they have decided upon any such policy as the setting apart of a section of that country as a timber reservation.

Mr. OLIVER. The matter was up for discussion last year and was thrashed out very fully.

Mr. McCARTHY. I have seen a similar statement in the newspapers in the last week or ten days.

Mr. OLIVER. The question arises from a misunderstanding of the purport of the word 'reservation' or the purpose expressed by the word 'reservation.' There are already several reservations on the eastern slope of the Rocky mountains It would not be sound public policy that these reservations should be extended so as to cover the whole eastern slope of the Rocky mountains for the reason that the eastern slope of the Rockies is valuable not only for its timber but also for its coal. This nessitates a freedom of access, of ingress and egress and the general application of capital and labour, and would not be as satisfactorily practicable if restrictions prevailed such as we have in a park reservations. At the same time it is thoroughly understood by the government that it is desirable to give all possible pro-

tection to timber growth on the eastern slope of the Rocky mountains and it is the intention of the government to use every endeavour within reasonable limits of expense, and according to the circumstances and in so far as knowledge is acquired from time to time to give special protection to the timber growth on that slope.

Mr. McCARTHY. What provision has been made? Have any further reservations been set apart than those three that the minister has mentioned?

Mr. OLIVER. No.

Mr. McCARTHY. Has any step been taken for the reforestration of the reserves that are now made?

Mr. OLIVER. Part of the vote we are asking is for experiments in reforestration in the reservations that are already named.

Mr. McCARTHY. In regard to these three reservations what disposition is made of the timber now?

Mr. OLIVER. So far there has been no disposition whatever. These reservations have been rather park reservations, and it has rather been the policy of the government to discourage the cutting of timber in order that their natural beauties must be preserved. The subject of the economic disposition of the valuable timber in these reserves is one that must necessarily be taken into consideration in due course.

Mr. CAMPBELL. I would like to ask the Minister of the Interior a question in regard to the squatters who have been ejected from the boundaries of the forest reservation in Dauphin. I put a question on the Order Paper asking the minister if he had given instructions to his rangers to pull down and burn the houses of squatters. His answer was that he had not. I hold in my hand affidavits from men in that locality, men who were brought into this country by this government as immigrants and who were located on what has since been taken into the timber reserve, located in some instances by agents of the government, and whose houses were burned down. One man deposes that when he refused to move out the agent of the government in the person of Mr. Robertson pulled a revolver and threatened to shoot him. I would like to know from the minister if that is the policy of the government with regard to these squatters.

Mr. OLIVER. The policy of the government in regard to squatters in the timber reserve is a policy that is dictated by parliament. Parliament has seen fit to declare that there shall be forest reserves and that settlement shall not be permitted on the reserves, and in pursuance of the policy of parliament it is necessary to clear the reserves of occupation. In carrying out that policy it certainly is not the desire of parliament to use such measures towards the people who are innocently squatting upon these reserves as my hon. friend has suggested. But there are squatters and squatters, and there is a difference between the squatter who is there innocently and the squatter who is there in defiance of law and authority. Unless I know what were the actual facts connected with the case mentioned I am not prepared to say just what the proper action of the officer should be. I think the committee will admit that if parliament declares that there shall be a certain area of land reserved from settlement and some person sees fit in defiance of the authority of parliament to go upon that land and erect his house, it is a case which would justify somewhat drastic measures. Parliament cannot afford to have its authority defied and parliament looks to officers of the government to see that its authority is not defied. I have never heard that an officer of the government drew a revolver upon one of these squatters, but I would suggest to my hon. friend that the squatter may have been heading in the direction of the government official with an axe in his hand and it would be quite in order under such circumstances that the government official should protect himself with a revolver. Each case would have to be dealt with upon its own merits. Every officer has had the fullest instruction from the department to use every consideration towards the squatter and to treat him with every possible leniency, but at the same time the officer was told that it was his business to see that the squatter was removed. Further than that we cannot go in general instructions, and if there is to be blame it must be on the merits of each particular case.

Mr. CAMPBELL. I am not questioning at present the policy of this government with regard to the timber reserve; I am referring to the drastic measures taken by the officials of the government. I will read the following affidavit to show that there is a certain amount of harshness exhibited towards some of these people:

Dominion of Canada, province of Manitoba.
In the matter of homesteads, to wit:

I, Frank D. Crowder, of the town of Dauphin, in the province of Manitoba, do solemnly declare that

1. That in the fall of 1905 I did squat upon the s.w. ¼ of 25-23-20, west, in the province of Manitoba.

2. That I erected on the said quarter a house, stable, granary, hen house and tool shop, all of which said buildings were built of logs with lumber roof.

3. That I broke six acres and in addition scrubbed six acres.

4. In July, 1908, Timber Inspector Robertson informed me that I would have to get off the land, and I told him that the late Mr. Young and Mr. Burrows had told me when I went on and squatted on this land that if certain squatters by the name of Wards got their homestead entries that I would get mine.

5. I subsequently found out that the said Wards had obtained their entries and I considered that I was entitled to my entry.

6. The said Robertson pulled down all my buildings and afterwards burnt them up.

7. That the said Robertson offered me $50 as compensation, which sum I consider an absurd offer and one which would in no manner whatsoever compensate me for the work I had done and the time and trouble I had been to in order to make the s.w. ¼ of 25 a home for myself.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act, Revised Statutes of Canada, 1906, chapter 145, section 36.

FRANK D. CROWDER.

Declared before me at the town of Dauphin, in the province of Manitoba, this 29th day of April, A.D. 1909.

C. H. EDWARDS,
A Commissioner, &c.

I have other affidavits of the same character which I shall be very glad to send over to the minister. All I ask is that proper steps be taken for the protection of these people and particularly of the men who were placed on these quarter-sections by agents of the government, and who were assured that they would be protected.

Maps of the Dominion and the Northwest Territories, $54,400.

Mr. FOSTER. Is that work done in this country now?

Mr. OLIVER. Yes, by the Toronto Lithographing Company.

Mr. FOSTER. Do these include the geodetic maps?

Mr. OLIVER. I am under the impression that these maps do not include the geodetic survey. The information gathered by the geodetic survey is available to the geographer in the preparation of his maps, which cover the parts of the country which the survey has gone over; but I am not aware that there is a special map issued showing that survey. The maps we have issued are the homestead map, the odd section map, the railway belt map, showing the railway belt of British Columbia, the Peace river map; sheet maps of the eastern provinces, &c.

Some resolutions reported.

ADJOURNMENT — BUSINESS OF THE HOUSE.

Mr. FIELDING moved the adjournment of the House.

Mr. FOSTER. What is the work for to-morrow morning?

Mr. FIELDING. We will take up the Railway Bill; then, if time permits, the Immigration Bill; and after that the Criminal Code Bill, together with any other Bills on the Order Paper.

Mr. FOSTER. I suppose there is no use of asking about the Insurance Bill going on this session?

Mr. FIELDING. The Insurance Bill was reported by the sub-committee on Banking and Commerce to-day, and was almost disposed of, though one or two points were reserved. The committee will meet to-morrow morning, and my impression is that on the following morning the Bill will be reported to this House.

Mr. FOSTER. That means it will not be ready for our consideration before Saturday. I have received to-day a sheaf of telegrams with reference to portions of the Bill which are supposed to have received the assent of the sub-committee, and this is supposed to be the Bill that will probably be acted upon by this House. I am afraid that the Finance Minister will find that even if there were no representations from the country, a measure so diversified and so important as this, to be brought down within four or five days of the end of the session, can hardly receive any fair discussion from the small number of members who will be here. Does the minister think it wise to press it to a conclusion in this House at the end of the session? If it gets through here, is there any possibility of the Senate, if it does its duty, passing it there? If the Bill does not pass through the Senate, it drops, and we have to commence again next year.

Mr. MONK. I would like to add to what my hon. friend has said—and many members are I am sure in the same situation—that I have received a great number of telegrams to-day. The impression is that, if the Bill is to go through, which my hon. friend knows is impossible, if we are to prorogue next Wednesday, the people interested should be accorded the right to be

heard on certain sections, and that is what the telegrams insist on. I think my hon. friend will consider that under the circumstances there will be a duty pressed upon us that would render the passage of the Bill this session impossible.

Mr. FIELDING. I quite realize that if almost any member desires to prevent the Bill getting through, that could be accomplished.

Mr. FOSTER. I do not like the minister to say that I desire to prevent the Bill getting through.

Mr. FIELDING. I mean that if any hon. gentleman feels it his duty to oppose it. But my hope is that when the Bill reaches the House, the field of controversy will be found to be so small, and the House will be so well satisfied with the consideration given to the measure by the sub-committee and by the Banking and Commerce Committee that it will be content to accept the Bill. What objection I have heard, and I presume that it is the same as has come to hon. gentlemen opposite, touches only one clause of the Bill, a very proper subject for a discussion of half an hour; but I do not think the fact that there is some hostility to that clause is a reason for supposing that the Bill could not get through. I would hope that the Senate would also accept it under the circumstances; but even if it did not, this House could dispose of it, and would have done its work, and next session the Bill could be introduced in the Senate. When we think of the large field of controversy there was at one stage, and realize that we have harmonized the conflicting interests in nearly all cases, I think it would be a pity that we should not at all events bring the Bill to the House, with the hope that when it comes it will be found to be in a form that will be acceptable.

Mr. FOSTER. No person, I am sure, wishes that the Bill shall not pass. In fact, it would be a pity if it could not pass this session, because it has been dangling so long that the insurance interests have been injured by the delay. But there is that feeling that before it passes there should be a final hearing on these vital questions.

Mr. FIELDING. I recognize that the Bill has received on all sides the utmost fair play, and I have nothing but thanks to the gentlemen on both sides for the spirit in which they have dealt with it.

Motion agreed to, and House adjourned at twelve o'clock midnight.

Mr MONK.

HOUSE OF COMMONS.

WEDNESDAY, May 12, 1909.

The SPEAKER took the Chair at Eleven o'clock.

FIRST READING.

Bill (No. 186) respecting certain aid for the extension of the Canadian Northern Railway.—Mr. Graham.

QUESTIONS.

TRANSCONTINENTAL RAILWAY—DIVISIONAL YARD AT LA TUQUE.

Mr. BLONDIN—asked:

1. Has the Transcontinental Commission chosen the site and located the exact place where the divisional yard, district B, eastern section, of the Transcontinental, at or near La Tuque, should be?

2. What is the designation of that place by numbers of range or cadastre, from whom was it purchased, and what price was paid for it?

3. What is the total amount of damages annually caused to the works of the National Transcontinental up to the present date, above La Tuque, from the latter place up to Ludger Noël creek?

Hon. GEO. P. GRAHAM (Minister of Railways and Canals):

1 and 2. It is under consideration.

3. None.

THE WATERWAYS AND BOUNDARIES TREATY.

Mr. MACDONELL—by Mr. Blain—asked:

Has the government considered whether or not the proposed Waterways and Boundaries Treaty will prevent the construction of the proposed enlargement of the Welland and St. Lawrence river canals, or the construction of the proposed Georgian bay canal, without the consent of the commissioners, under that treaty, because of the fact that these works, or either of them, may reasonably be expected to affect the height of the water in Lakes Huron, Erie and Ontario?

Hon. A. B. AYLESWORTH (Minister of Justice). The whole subject of the treaty mentioned is under consideration at present.

GOVERNMENT LOANS.

Hon. W. S. FIELDING (Minister of Finance) moved that to-morrow the House go into Committee of the Whole to consider the following proposed resolution:

Resolved, that it is expedient to authorize the Governor in Council to raise, by way of loan, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by parliament by any Act heretofore passed, such sum or sums of money, not to exceed in the whole the sum of fifty million dollars, as may be required for the purpose of paying maturing loans and obligations of the Dominion of Canada, and for the carrying on of public works authorized by the parliament of Canada.

That the sums of moneys to be raised by way of loan on any Act founded on these resolutions, shall be raised in accordance with and under the provisions of that portion of chapter 24 of the Revised Statutes of Canada relating to the public debt and the raising of loans authorized by parliament; and that the sums so raised shall form part of the consolidated fund of Canada.

He said: His Excellency the Governor General has been made acquainted with the subject matter of this resolution, and has recommended it to the House.

Motion agreed to.

RAILWAY ACT AMENDMENT.

House again in committee on Bill (No. 106) to amend the Railway Act.—Mr. Graham.

On section 13,

Mr. LANCASTER. I desire to add one word before this section is assented to. I do not think the minister understands one of the evils of this section, the first clause of it that comes from the Senate. It is absolutely out of place, and practically gives power to the board to repeal the whole of the section. I mean every word of that, that is the effect of it. In the first clause he has added these words:

Or unless permission is given by some regulation or order of the House.

I do not think you are giving any benefit to the people, but if you are, all we are doing can be wiped out by a general regulation of the board. We are not sent here to allow the board to repeal legislation that we make, by a regulation that the people know nothing of.

Hon. G. P. GRAHAM (Minister of Railways and Canals). With regard to subsection 4, my attention has been drawn to the fact that in applying this section to accidents that have happened, it would be more practical to say 'subsequent to the 1st day of January, 1900.' Conditions have changed materially during the last ten years, and it is only during the last ten years that fast trains have really come in.

Mr. J. D. REID. The clause now reads that at every crossing where there has been an accident and some one killed, the train cannot run faster than ten miles an hour unless protection is afforded.

Mr. GRAHAM. Yes, I have limited the time to accidents that have happened within the last ten years.

Mr. LANCASTER. That protection will be ordered probably at the expense of municipalities. It is all wrong.

Mr. J. D. REID. In my own constituency there are several places where accidents have happened at two or three crossings, but where it would hardly be fair to compel gates to be put on, they would not be necessary.

Mr. GRAHAM. They could put on a bell at a small expense, and protect a crossing of that kind. Whatever protection the board sees fit will be provided.

Mr. R. L. BORDEN. Before this clause passes I would like to say to the hon. Minister of Railways and Canals that his amendment adding subsection 3 to section 275 of the Railway Act seems to me very undesirable. Section 275, as it appears in the Railway Act at present is this:

No train shall pass in or through any thickly peopled portion of any city, town or village, at a speed greater than ten miles an hour, unless the track is fenced or properly protected in the manner prescribed by this Act, or unless permission is given by some regulation or order of the board.

Then follows subsection 2:

The board may limit such speed in any case to any rate which it deems expedient.

Subsection 3 as the minister proposes to add it is as follows:

Subject to the provisions of subsection 4 of this section no train shall pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is constructed and thereafter maintained and protected in accordance with the orders, regulations and directions specially issued by the Railway Committee of the Privy Council or of the board in force with respect to such crossing, or unless permission is given by some regulation or order of the board.

The board may from time to time fix the speed in any case at any rate that it deems proper.

That seems to me, in effect an enactment in somewhat different language, of what has already been provided by the sections which I have just read as they appear in the statute at the present time. There is one difference, namely, that the Act as at present deals with any thickly peopled portion of any city, town or village and the amendment now proposed by the minister deals with highway crossings at rail level in any thickly peopled portions of any city, town or village. In other words, the Act as it now appears upon the statute-book, seems to be more comprehensive than the amendment which the minister proposes and therefore the amendment would seem to me rather restrictive in its tendency and not to afford any real relief at all in respect to what is a dangerous situation in some localities. I am dealing with this altogether apart from subsection 4, and, for my part, I do not see any advantage, but I see a very serious disadvantage in placing upon the statute-book the provision of subsection 3 as proposed for the reason. It will probably result in confusion, in dif-

ficulty of construction and in making any real remedy on the part of the public more difficult in the future than it is at the present time.

Mr. GRAHAM. I agree with my hon. friend to a certain extent. This subsection 3 is really the Senate's amendment.

Mr. R. L. BORDEN. That is the only merit that it possesses?

Mr. LANCASTER. Which is not saying much for it.

Mr. GRAHAM. I cannot say that is the only one. I have read their discussion very carefully and, as a result of that discussion, I adopted their amendment as it came back to us. I thought that was perhaps the best method of dealing with the question. I am not altogether wedded to it, but we had sent this Bill over to the Senate several times. I wanted to get something of the kind on the statute-book, and to get it through both Houses and therefore I adopted the amendment. I see the difficulty that my hon. friend raises, with this exception that we are not taking out the section to which my hon. friend refers but we are adding this to it.

Mr. LANCASTER. That is the mischief which makes the confusion.

Mr. GRAHAM. The section in the statute-book now deals with a railway running through a city, town or village whether at crossings or not. It has to be protected by fences through the portions of the town where there is not a crossing, and the section does not deal directly with the question of crossings. This addition deals directly with the crossing, not interfering with the other portion of the Act.

Mr. R. L. BORDEN. The minister seems to have come to the conclusion that it would be better to adopt the Senate amendment because he does not really know what to do with it. That reminds me of the situation which is said sometimes to have occurred when a lady, having been persecuted by the attentions of an admirer whom she does not very greatly regard, marries him to get rid of him. The results are said sometimes to be unfortunate and I am inclined to think that the results of the minister's policy, which seems to be very similar, may be equally unfortunate as far as the public are concerned.

Mr. LANCASTER. The Bill which went to the Senate, and which the hon. gentleman says the Senate has amended, struck out an unnecessary and obsolete section and contained a proper section instead. This House came to the conclusion that the present section of the Act, which my hon. friend the leader of the opposition (Mr. R. L. Borden) has just read, is obsolete. It requires the slowing down of a train in passing through a city, town or village, whether running on a highway or not, and there are plenty of other sections in the Act which require fencing of the railway track. It requires the train to slow down whether it is running on the highway or not, thereby putting a burden on the railways which this House did not see any sense in imposing; therefore, we concluded that we would make it fair and limit it to the protection of people on the highway level. I propose on the third reading of the Bill to substitute the section which the Senate have struck out for that which is now before the House. The hon. member for Westmoreland (Mr. Emmerson) will perhaps remember the long and tedious discussion which we had in the committee over this question, and how we gave way to the railway contention in regard to that, struck out that section and re-enacted a section which is up to date and which does not put on them the burden of reducing the speed to ten miles an hour on that portion of their track where they cannot interfere with anybody unless they are trespassers on the track.

Mr. NANTEL. I want to propose an amendment to the Bill. I move that a section be added as section 14 in the following words:

> Railway companies shall print in both the English and French languages the time tables and bills of lading that are to be used along their lines within the limits of the province of Quebec.

The principle of the usage of the French language has been accepted and sanctioned by three clauses of the Railway Act, clauses 243, 271 and 312. Section 271 provides that:

> Every company, upon whose railway there is a telegraph line in operation shall have a blackboard put upon the outside of the station house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue at any such station, according to the time table of such company, the station agent or person in charge at such station, shall write, or cause to be written, with white chalk on such blackboard, a notice stating, to the best of his knowledge and belief, the time when such overdue train may be expected to reach such station.

I consider it very important that the French people should be in a position to read in their own language just when a train overdue is expected. It would be better to have a general clause to the effect that the time-table and other railway documents be printed in both French and English in the province of Quebec.

Sir WILFRID LAURIER. The suggestion that the agent should have to write this notice in English and in French seems to be reasonable and is now the practice.

As far as bills of lading are concerned, I know that the companies agreed 12 months ago to have them printed in French.

Mr. NANTEL. I would prefer to have that in the law.

Mr. MONK. There is in the Bill a sanction of the principle of the use of the French language in two instances where the absolute necessity of the adoption of that language does not appear very strongly. The use of the French language is particularly necessary in the matter of contracts. There are parts of the province of Quebec where railways subsidized and practically built by us run, where the English language is not understood; it has not yet reached those parts of the province and there is in those districts a very considerable traffic in wood and other freight. It is very important that a man in that part of the country who uses our own railway should be in a position to fully understand the conditions of the contract he enters into. Therefore that part of my hon. friend's amendment appears to be very useful.

Sir WILFRID LAURIER. After the discussion which took place in this House two years ago the Canadian Pacific Railway and the Grand Trunk Railway agreed to have their bills of lading printed in both French and English, and I am sure if their attention is drawn to this they will be glad to adopt the suggestion.

Mr. MACDONELL. I wish to propose an amendment to section 341 of the General Railway Act. The Bill we are now discussing appears to contain many provisions amending the Railway Act and correcting faults which have been made manifest during the past year and have been brought to the attention of the Minister of Railways. He seems to have carefully considered these grounds of complaint and to have pretty fully embodied them in this Bill. A cause of complaint arises under section 77, the complaint being that the railway companies are discriminating against some rural municipalities in connection with the issue of what is known as family tickets or commutation rates from a central point to suburban points within a close radius. Section 77 of the Act prohibits any discrimination in rates. Section 341, which I ask to amend, on the other hand permits the railway companies to issue these commutation rates or family tickets or reduced rates on their lines of railway. The complaint is that the railway companies have been issuing these commutation rates or family tickets to certain stations within a radius of 20 or 22 miles of Toronto. They have issued these tickets to certain favoured stations or districts and have declined to issue them to other stations within an equal or less radius of Toronto, so that they have discriminated against certain localities by declining to issue commutation or family tickets at the same rate as to other stations. They have not only discriminated against certain rural municipalities, the town of Brampton particularly, but they have also discriminated by withdrawing these family tickets at will. The matter was brought to the attention of the Railway Commission at Toronto a week ago. One or two rural municipalities, notably the town of Brampton, applied to the Railway Commision for an order to prevent the railway companies from withdrawing these commutation tickets at will as they had chosen to do, and consequently compelling the railway companies to issue commutation tickets or family tickets to localities or stations within the same radius of the city of Toronto or a less radius. For instance they issue these commutation rates to Oakville and I think Streetville Junction, 20 or 22 miles from Toronto. Brampton is about the same distance but they decline to issue the cheap rates to Brampton or any other station within a radius of 20 or 22 miles from Toronto. According to the full report published in the Toronto 'World' and other papers of Thursday last, the railways then took the position that they had the right not only to issue and withdraw these commutation tickets but to issue them to a certain class of persons. The chairman of the board facetiously asked the railways if they could issue them to all the members of one political party and not to the members of the other. The railways took the ground that they could do so, that they could issue them to any class of persons they pleased and deny them to other members of the public at will. On the argument it became apparent that although section 77 clearly legislated against discrimination against freight or passenger rates by any railway company, still the commissioners were in doubt as to whether section 77 governed section 341 which latter section is the section specifically giving the railway companies the right to issue these commutation, family or excursion tickets. The chairman fo the board ruled that inasmuch as he could not interpret the effect of the conflict between these two sections, the matter would have to go to the simply means that the right of these Supreme Court. What does that mean? It municipalities to obtain these commutation or family tickets will now have to be submitted to the Supreme Court, and will doubtless go on to the Privy Council; so that they will not be able to obtain the benefit of what they consider they are entitled to for two or three years, or until the matter is finally disposed of by the

Privy Council; and in the meantime the railway companies, in open defiance of section 77 of the Railway Act, are giving commutation rates to certain favoured localities and denying them to others within the same radius, and are asserting their right to withhold these rates from any class or section of the community they choose. What I ask is that this conflict between these two sections of the Act may be removed, so that the board may have the right to deal with the matter on its merits. The city of Toronto, by resolution of the municipal council on Monday of this week, has asked that this anomaly be removed by legislation of this parliament this session, so that the Railway Commission may not be prevented from dealing with the matter by any legal technicality. There are certain districts of this country in which this discrimination does not take place. For instance, I understand that within a radius of forty or fifty miles of the city of Montreal there are some eighty suburban towns and villages to which the railways issue uniform commutation rates. In the districts surrounding the city of Toronto the reverse is the case. The railway companies issuing commutation rates to certain favoured localities and denying them to others at no greater distance from the centre. This is clearly discrimination against the latter localities, and I contend that one of the fundamental objects of the Railway Act is to prevent discrimination against either individuals or localities.

Mr. LANCASTER. It is the main reason for the Act.

Mr. MACDONELL. It is the main reason for the Act, as my hon. friend says. The town of Brampton brought the question before the Railway Commission claiming the same rate as the village of Oakville, but this was denied, and both the Canadian Pacific Railway Company and the Grand Trunk Railway Company claim that they have a perfect right under section 341 to issue commutation tickets to any class they choose and deny them to others. In view of that open and direct defiance on the part of the railway companies, surely it is right and proper that the Minister of Railways should protect the public in this matter by means of the operation of the Railway Act. The amendment which I desire to move, seconded by my hon. friend from Peel (Mr. Blain), is as follows:

Section 341 of 'The Railway Act' is hereby amended by adding thereto the followng section:—

Provided further that where a railway has established or issued or establishes or issues commutation tickets or rates between a central point within a district and any outside point or points on its line of railway, such commutation rates or tickets shall not be withdrawn or discontinued without the consent of the board, and a similar commutation rate or ticket shall be immediately issued and established by all railways, operating to such central point from and to such central point to and from every point upon its or their line or lines of railway within an equal or less radius as the farthest point to which such commutation tickets or rates have been established or issued, or is established or issued.

This amendment, if adopted, will cover the two features of complaint: first, the railway companies will not be able to withdraw at will a commutation rate, as they have been doing; and, secondly, if they give a commutation rate withn a certain district for a certain distance from a central point, they will be obliged to issue to intermediate stations within that radius commutation tickets calculated on the same rate per mile. That will give equal justice to all sections within the radius, and will prevent discrimination against persons and localities, which I take to be the fundamental purpose of the Railway Act.

Mr. BLAIN. I wish to endorse the amendment moved by my hon. friend from South Toronto (Mr. Macdonell). This is a matter that affects particularly the county of Peel, which I have the honour to represent, as well as every section of the province of Ontario within forty or fifty miles of the city of Toronto. Some years ago the Grand Trunk Railway issued commutation tickets allowing people to travel between the town of Brampton, where I live, and the city of Toronto, at about 54 cents for the round trip. The merchants of Brampton, considering that this was not in their interest, petitioned the Grand Trunk Railway Company to have these commutation rates cancelled and they were cancelled. The people of the town of Brampton now realize that it is a mistake on their part, and they desire that the Railway Commission shall have power to compel the railway company to restore these commutation rates. I may say that the Canadian Pacific Railway issues a round trip ticket between the city of Toronto and Streetsville, which is eight miles south of Brampton and within the same county and about the same distance from the city of Toronto, for 25 cents, which is a very low rate, and affords to a number of citizens of Toronto an opportunity to reside in Streetsville, going to Toronto in the morning and returning to their homes in the evening. I do not wish to enlarge upon this matter. The town of Brampton took its case before the Railway Commission, which decided that it could not under the Railway Act grant the request, and suggested that the case should be taken to the courts for decision.

The people of Brampton feel that they would have to wait for probably two or three years for a decision of the courts, which might not be in their favour, and that the best way to remedy their grievance would be to amend the Railway Act in the direction my hon. friend from South Toronto proposes. This is not merely a local matter; it is in the interest, not only of the people of Ontario, but of the people of every district in Canada where similar conditions exist. I urge it upon the committee, and particularly upon my hon. friend the Minister of Railways. No doubt this matter has been brought to his attention, and, knowing the county of Peel and the whole country surrounding Toronto as he does, I am sure that he will be anxious to meet the wishes of the people, while not injuring the interests of the railways; for if this amendment is granted, lower rates will cause a great increase in traffic, and I do not think the railway companies will suffer in the end.

Mr. GRAHAM. I am sure my hon. friend from Toronto, as well as my hon. friend from Peel, will not misjudge me when I point out that while I sympathize with them in the position in which they find themselves, and while the amendment proposed would no doubt have a widespread significance, I have not had time to see what it means. I, yesterday, saw the representatives of the city council of Toronto, which passed the resolution referred to this week, but as I was coming to the House I had not a moment to discuss the matter with them. I am sure that my hon. friends will not consider me unreasonable when I say that I would not like to adopt such an important amendment without giving it study. I am not at all unsympathetic with them, and I will take the matter up during the recess and consider it.

Mr. MACDONELL. I hope the minister will take the matter into his best consideration. To show the attitude of the railway companies upon this matter, I desire to read a paragraph from a report of what took place before the Railway Commission last week. Mr. Beatty, who appeared as counsel for the Canadian Pacific Railway Company, said:

'My contention is that we have the right to give or withhold as we see fit, and that where we have given we have the right to withdraw as we see fit.'

'Do you mean to say,' interjected Judge Mabee, chairman, 'that in the case of commercial travellers, for instance, you could give special rates to the Grits and withhold them from the Tories? Or, take the case of the legislature, could you give them to the government side and withhold them from those against the government?'

Mr. Beatty: 'I think we could, my lord, but of course it wouldn't be done'

That shows the broad claim which the railway companies make to discriminate by giving advantageous rates to some people, or some localities, and not to others at their own sweet will, or, having once given a rate, to withdraw that rate. I merely quote this to emphasize the seriousness of this position to the Minister of Railways, in the hope that he will take this matter into his very best consideration and apply some remedy. As he says, the amendment is one of wide application, but the need is equally wide, and when we have counsel for the railways openly defying the public, as was done in the language I have quoted, I think it is high time that the government took some action of a remedial nature and prevented this question being hung up by litigation in the courts for two or three or possibly four years. The discussion before the Railway Commission concluded with this statement:

The Chairman: 'The whole question hinges on the question whether section 77 has any control over section 341 or not. The matter will have to get to the Supreme Court some time. It might as well go now as any other time. We will make a stated case and let the Supreme Court decide this point.'

I think this is the place to correct anomalies in the Railway Act and prevent injustice being done by reason of any conflict between the provisions of that Act, the effect of which is to enable the railways to discriminate against persons or localities.

Amendment negatived, and Bill reported.

Mr. GRAHAM moved the third reading of the Bill.

Mr. E. A. LANCASTER (Lincoln and Niagara). Before the Bill is read a third time I desire to move:

That the order for the third reading be discharged, and that the said Bill be referred back to the Committee of the Whole House with instructions to amend the same by striking out section 13, and inserting in lieu thereof the following:—

13. Section 275 of the Railway Act, chapter 37 of the Revised Statutes, 1906, is repealed and the following is substituted therefor:—

275. No train shall pass over any highway crossing at rail level in any thickly peopled portion of any city, town or village at a greater speed than ten miles an hour, unless such crossing is properly protected, or unless such crossing is constructed and thereafter duly maintained in accordance with the orders, regulations and directions of the Railway Committee of the Privy Council and of the board in force with respect thereto. The board may limit such speed in any case to any rate that it deems expedient.

2. The company shall have until the first day of January, one thousand nine hundred and ten, to comply with the provisions of this section.

I wish to tell the House briefly why I feel called on to move that amendment. I would speak first of the defects in the Senate amendment, which is in the Bill included. The minister says that he is adopting the Senate amendment and returning it to them. The Senate's amendment was made to legislation passed by this House unanimously in four different years, after the fullest discussion here. In fact, this matter has been before this House for seven years. The railway companies were given the fullest opportunity to present their views before the committees which dealt with it, and any meritorious suggestions of theirs have been given effect to in the proposed legislation. This compromise Bill having been adopted by the House for four years was sent to the Senate and that body reversed the decision of this House. It is not as if our legislation had been passed hastily or on the eve of an election, it was the result of the most mature deliberation, and an election occurred during the period of its discussion.

The Senate amendment first adds a subsection to a section that the special committee and the House considered useless and obsolete; that is the section compelling the railway to reduce their speed to ten miles an hour in thickly peopled portions of cities, towns and villages, whether on a highway level or an elevated way. It is not wise to inflict unnecessary and useless burdens on a railway company, and that section would be construed to mean that if a man was entitled to the same protection on the track between the highways where he had no right to be. This House struck that section out, as what was desired was protection for the people where they have a right to be, on the highway. It was considered that there should be no restriction on the speed of the trains on an elevated way or where they were not endangering public life. The second defect in the Senate amendment is that the liabilities are confusingly multiplied. By the present Bill we leave that section, an onerous, unnecessary and useless burden on the railway and add to it another section, adding the words highway crossing at 'rail level' so that if a train is in a town or village on the highway level there are two inconsistent sections, because the first section applies whether the railway crosses the highway at rail level or not, and the second section also applies when it is on the highway. The greater includes the less, and that train running on the highway level would be subject to both sections. How will the Railway Commissions or a court decide? They will first say that they do not believe parliament understood what they were doing when they passed this legislation, as it includes inconsistent sections, with inconsistent conditions. That is a strong objection to the Bill, its confusion and inconsistency, which will compel any one desiring to avail himself of its benefits to fight the matter through the courts, probably to the Privy Council, and if such difficulty arises, it will be entirely our fault, because we have passed confusing legislation. If the Senate had passed an amendment to afford any protection to the people, even although it did not go as far as I thought it should, I would have been inclined to accept it. But the Senate are trifling with the people by leaving that section standing and enacting a section which repeats the same condition of affairs with a different responsibility, which must result in confusion. It must be remembered that the Senate were not unanimous, their amendment was carried by only thirty against sixteen. Sixteen voted to adopt our legislation, so that there was a majority of only fourteen senators.

Thirty senators are to reverse the opinion of 221 members of the House of Commons, plus 14 of their own number; that is to say, 235 members, the great majority of whom are elected by and responsible to the people, and who know what the people want, the opinion of these men is to be reversed by 30 members of the upper Chamber. Without desiring to say anything disrespectful of the Senate, I must say that the people expect us to have more respect for ourselves than to submit to any such state of things. The Minister of Railways does not argue that this is a good amendment, but simply that, as he cannot get anything else to pass the two Houses unanimously, he will take what is no good to the people, and what is going to cause confusion and litigation. The Senate amendment contains also a clause which the Minister of Railways asks this House to pass, namely, giving authority to the Railway Board absolutely to repeal the whole section, even if there is any benefit in it, which I doubt. It contains this clause at the end of the section which is being substituted for what this House did four years in succession, 'or unless permission is given by some regulation or order of the board.' It is all to be subject to a regulation which they may make and repeal the whole thing. When we pass laws here we do not delegate to the board power to repeal the laws we make. Once we agree upon some measure of principle surely it is wrong and inconsistent for us to give that board power, by a stroke of the pen, to repeal any such measure. There is no parallel case in any other legislation as to say that certain things shall happen unless the board passes a regulation to the contrary. They may make a regulation to sweep the whole of this legislation out of existence if they choose to do so. I have every respect for

the board as administrators, but I have no respect for them as legislators. They have no franchise to legislate, they have in no sense any right to legislate in regard to the people's welfare. It will keep them busy to administer the laws we send to them to administer, and it is absolutely wrong and unconstitutional for us to pass legislation, and then say that the board can, of their own motion, repeal that legislation.

I have one more word to say. The senators have gone into the press about this matter. Senator Dandurand writes a letter to the Montreal 'Star' of April 16—I will not read the whole letter, but he says that if the Commons persisted in the Bill he believed the Senate would give in and pass it, if the Commons did not see fit to accept their amendment. He does not pretend to say that he thinks the amendment ought to carry. He voted for the amendment in the Senate, and there was a very interesting and sincere contest as to whether the amendment should be adopted after the Commons had passed the legislation three years in succession. Senator Dandurand writes, among other things, this:

I wish to add that if the Commons felt that our amendments were uncalled for, the Senate would most likely allow the Bill to pass in its original form.

There is a statement of one of the senators who voted for the amendment which the minister wants put in here, instead of the amendment which the Commons has passed and sent to the Senate on four different occasions. The Prime Minister himself stated, I think properly, this session, on the second reading of this Bill that I am now asking the House to re-enact —for that is the effect of my motion—that for one he was not inclined to revise his opinion that he had held for four years. I thought that was dignified, I thought it was proper, I thought it was all we could do. Should not this House, after considering a matter for seven years, have not enough respect for themselves to say to the Senate: We know what we are doing, and we will again send this back to you, why should we abandon the rights of the people which we have been asserting for these four years? This amendment which I am moving is the Bill that went through the House, it is the House of Commons Bill that we sent to the Senate. The Minister of Railways in 1906 introduced the amendment, which passed the committee, dealing with the same section, 275, that I am asking this House to re-enact to-day instead of the substitution which has come from the Senate. It provides what is right between the people and the railways. It says that the railways should have three alternatives. First, that in the limited area mentioned, where they are running fast trains, where buildings obscure the view and noises obscure the sound, where we have declared for several years there is a special danger, the railway should afford protection, not at the mercy of the judge or jury, but only at the mercy of the Railway Commission. Nothing could be fairer, and that is what would have been done if the Bill had been passed. It also gives them as a second alternative, if they do not want to protect at all, even when the Railway Commission has ordered them to do so, to reduce the speed to ten miles an hour, so that the people can have a chance to get out of the way of the train. It says practically that if the people cannot get out of the way of a train not running faster than 10 miles an hour, they must take their chances, and if the railway wants to run faster than that, the railway should protect the tracks. Then in the third place it gives power to the Railway Commission to settle what kind of protection there should be in any particular case, and power to limit the speed to any rate they deem expedient. Nothing could be more reasonable or more just. If there were any undue burdens upon the railway company it would be because the Commission ordered it. They are not at the mercy of any court, all they have to do is to get an order from the Commission as to what is fair in each case. If they do not do that, they are allowed to reduce the speed to 10 miles an hour and so avoid an order by the Railway Commission. That is not onerous legislation, it is not unfair legislation, and it is the least the people will be satisfied with, under the circumstances.

Mr. MILLER. I do not want to make a speech on this matter, but I am always willing to put myself on record.

Mr. SPEAKER. I think this amendment is out of order. The member for Lincoln (Mr. Lancaster) states that his amendment is the Bill that he introduced into this House, and it is still on the Order Paper in the form of an amendment. Having been returned from the Senate it appears as Order No. 30.

Mr. LANCASTER. I raised the same point when the Bill was up. The hon. gentleman's own amendment would have been out of order too.

Mr. SPEAKER. It was raised when I was in the Chair, I called the attention of the House to that.

Mr. LANCASTER. The minister raised the question by introducing an amendment, which itself would have been out of order, and I pointed that out.

Mr. GRAHAM. I am not objecting at all.

Mr. SPEAKER. Rule No. 30 says:

All items standing on the orders of the day (except government orders) shall be taken up according to the precedence assigned to each on the Order Paper.

The Bill is practically order No. 30. It has been returned from the Senate, and now if this amendment were adopted, the same provision would again go back to the Senate which has been returned from the Senate.

Mr. LANCASTER. I am not finding any fault with your ruling, but I raised the point when we were in committee, because the hon .gentleman's amendment to section 13, which I moved to strike out, is subject to the same objection, as it deals with the same subject matter.

Mr. SPEAKER. Of course it can only be done by the unanimous consent of the House.

Mr. R. L. BORDEN. The amendment of my hon. friend would only be out of order for the reason that the Bill itself is out of order. Therefore, the point of order, if taken, would strike very much farther. It would eliminate the whole Bill from the Order Paper until that particular part of it had been stricken out.

Mr. SPEAKER. I think that if Order No. 30, had been called and stricken out this amendment could have been proceeded with, but as long as No. 30 remains on the Public Bills and Orders I do not think the amendment is in order.

Mr. R. L. BORDEN. Of course, the Bill is out of order also. That is the inevitable result.

Mr. SPEAKER. Do I understand that the House consents?

Mr. TALBOT. I object.

Mr. NESBITT. So do I.

Mr. LANCASTER. Then the whole Bill is out of order because we have dealt with this matter in regard to the Bill. The amendment being similar, the Bill is equally out of order.

Sir WILFRID LAURIER. I would not have taken the point of order because we have been proceeding with this matter by consent, but if the point of order is taken by some one I would say that the Chair should be sustained.

Mr. R. L. BORDEN. I think the Chair is right except that the objection will apply to the whole Bill. One portion of this Bill is in the exact terms in which the Senate amendment has come back to us and therefore the rule which has been very properly invoked by Mr. Speaker would apply to it as well. The best way to get out of the difficulty would be to adjourn the debate on the third reading, call up the order, discharge it and then dispose of this matter.

Sir WILFRID LAURIER. I do not think my hon. friend is right in that. The point of order should have been taken when the amendment was introduced. But, the House unanimously agreed to it and therefore I think the point of order is well taken with respect to the amendment which is now moved. I would not press the point of order because I would rather have the House deal with the question, but if a member of the House takes the point of order, in my opinion, it is well taken. However, I would urge my hon. friends not to press the point of order and to allow the discussion to proceed on its merits.

Mr. SPEAKER. I understand that with the consent of the House this amendment can be put?

Sir WILFRID LAURIER. Yes. Put the question now.

On the motion being read,

Mr. R. L. BORDEN. Before the motion is put I merely desire to say that I shall vote for the amendment because I think it is right and also for the reason that I have voted once for it already this session and three times in previous sessions. Under these circumstances I do not see why I should vote against it now.

Sir WILFRID LAURIER. I desire to say that I shall vote against the amendment although I voted for the Bill before. I have listened with great attention to the arguments of my hon. friend from Lincoln (Mr. Lancaster) and he made a good deal of the fact that this Bill has been passed by this House three or four times. That is true but on every occasion it was rejected by the Senate, which, however, this session has thought it proper, after rejecting this Bill on several occasions, to adopt it with an amendment. The very fact that this Bill has been adopted by this House and rejected by the other branch of the legislature on so many occasions shows that there is a good deal to be said in favour of both sides of the question, pro and con. Therefore, I think that my hon. friend, having done good service, should be satisfied with the success which he has obtained already. This world is not perfect and I think a legislator should be satisfied when he obtains as much as my hon. friend has obtained especially in view of the legislation which has been introduced by my hon. friend the Minister of Railways and Canals (Mr. Graham) this year to do away with the evil of level crossings and in view of the very fair measure of redress for the evil which that legislation provides.

Mr. MONK. I would like to ask if this amendment has any effect upon the rest of the Bill?

Mr. LANCASTER. No, this is just to strike out one section of the Bill and insert another.

House divided on amendment (Mr. Lancaster).

YEAS:

Messieurs

Ames,	Lewis,
Armstrong,	Lortie,
Arthurs,	Macdonell,
Barker,	McCall,
Barnard,	McCarthy,
Barr,	Maddin,
Blain,	Magrath,
Blondin,	Middlebro,
Borden (Halifax),	Miller,
Boyce,	Monk,
Bradbury,	Nantel,
Broder,	Northrup,
Burrell,	Paquet,
Clare,	Porter,
Cowan,	Price,
Crosby,	Reid (Grenville),
Crocket,	Rhodes,
Crothers,	Russell,
Daniel,	Schaffner,
Doherty,	Sexsmith,
Donnelly,	Sharpe (Lisgar),
Edwards,	Sharpe (Ontario),
Elson,	Smyth,
Foster,	Sproule,
Fraser,	Stanfield,
Goodeve,	Staples,
Gordon (Nipissing),	Stewart,
Haggart (Winnipeg),	Taylor (Leeds),
Henderson,	Taylor (New Westminster),
Herron,	Thornton,
Hughes,	White (Renfrew),
Jameson,	Wilson (Lennox and Addington),
Lake,	Worthington,
Lalor,	Wright.—70.
Lancaster,	
Lennox,	

NAYS:

Messieurs

Allen,	McKenzie,
Béland,	McLean (Huron),
Borden (Sir Fred'k),	McLean (Sunbury),
Brodeur,	Major,
Brown,	Marcile (Bagot),
Bureau,	Martin (Montreal, St. Mary's),
Calvert,	Martin (Wellington),
Cash,	Mayrand,
Champagne,	Meigs,
Chisholm (Antigonish),	Molloy,
Clark (Red Deer),	Murphy,
Congdon,	Nesbitt,
Conmee,	Neely,
Currie (Prince Edward),	Oliver,
Dubeau,	Papineau,
Dugas,	Pardee,
Ecrément,	Parent,
Fielding,	Pickup,
Fisher,	Proulx,
Fortier,	Prowse,
Fowke,	Pugsley,
Geoffrion,	Rankin,
Gervais,	Reid (Restigouche),
Girard,	Richards,
Gladu,	Rivet,
Gordon (Kent),	Robb,
Graham,	Ross,
Guthrie,	Roy (Dorchester),
Harris,	Roy (Montmagny),
Hodgins,	Rutan,
Hunt,	Savoie,
King,	Schell,
Knowles,	Sealey,
Kyte,	Smith (Middlesex),
Lachance,	Smith (Nanaimo),
Lanctot (Laprairie-Napierville),	Smith (Stormont),
Lanctot (Richelieu),	Stratton,
Lapointe,	Sutherland,
Laurier (Sir Wilfrid),	Talbot,
LeBlanc,	Templeman,
Lemieux,	Tobin,
Loggie,	Todd,
Lovell,	Tolmie,
Macdonald,	Turcotte (Nicolet),
McAlister,	Turcotte (Quebec County),
McCoig,	Turgeon,
McColl,	Turriff,
McGiverin,	Verville,
McIntyre (Perth),	Warburton,
McIntyre (Strathcona),	White (Victoria, Alta)—100.

PAIRS:

Messieurs

Ministerial.	Opposition.
Aylesworth,	Beattie,
German,	Bristol,
Black,	Campbell,
Chisholm (Inverness),	Chisholm (Huron),
Harty,	Currie (Simcoe),
Ethier,	Forget,
Paterson,	Haggart (Lanark),
Carvell,	Kidd,
Gauvreau,	Maclean (York, S.),
Carrier,	Marshall,
Michaud,	Meighen,
Sifton,	Osler,
Wilson (Laval),	Owen,
Demers,	Perley,
Lavergne,	Roche,
MacNutt,	Thoburn,
Clarke (Essex).	Wallace.

Amendment negatived.

Mr. C. J. DOHERTY (Montreal, St. Anne) moved:

That the order for the third reading be discharged, and that the said Bill be referred back to Committee of the Whole House with power to amend the same by striking out section 9 and substituting the following:—

9. Subsection 1 of section 298 of the said Act is amended by striking out the words 'to crops, lands, fences, plantations or buildings or their contents' in the first and second lines thereof, and by inserting after the word 'recoverable' in the ninth line thereof the words 'under this section.'

The entire effect of the amendment I desire to move would be to eliminate from the section of the Act now before us the words substituting for the enumeration of certain kinds of property, the words 'to property.' The purpose of the amendment in the Act now before the House is to extend the liability of the railway company

which under the section of the Railway Act is limited to damages to crops, plantations, houses, buildings and their contents, so as to make it cover damage to all property. My amendment would make the section of the Railway Act apply to all damages caused by fire resulting from locomotives. My reason for moving this amendment is that it seems to me that parliament is placing itself in an anomalous position in so far as while the amendment contained in the Bill makes the railway company liable for damages to any property from fires caused by locomotives irrespective of whether or not there be fault on the part of the railway company, damage to the person is entirely excluded from that liability. In other words this legislation puts parliament on record as being more solicitous for the protection of property than for the protection of the person, and it seems to me that in cases that may arise this will result in what will strike the public mind as injustice. The section as now amended by this Act protects the property holder inasmuch as it gives him recourse against the railway company for damage caused to his property by fire without distinction as to classes of property. On the other hand it protects the railway company inasmuch as it limits the extent to which the railway can be held liable for damages caused by a particular fire. However, it absolutely excludes from any recourse the person who by fire proceeding from a locomotive suffers injury to his person. For instance if my house should be burned I would have recourse against the railway company to the extent of $5,000, no matter how much greater the amount of my damage might be, but if my servant should be in that house and by that fire should be crippled for life, he would have no recourse against the railway company. It seems to me there is no sound reason for discriminating between damage to property and damage to the person and treating unfavourably the man who suffers damage to the person. I think it is a distinction that if ever brought home to the mind of the public by the occurrence of an accident such as I have suggested will produce a revulsion of feeling; the public will agree that the legislation is unjust and this parliament will be subject to the reproach that while it is solicitous for the protection of property it does not concern itself with the protection of the man who owns no property but who is damaged in his person, whose integrity affords him his only means of earning his livelihood. I desire also to point out that extending the liability as I suggest will not work any great hardship to the railways as the cases in which personal damage will result from fires of this kind will not be numerous, although when they do happen they will be very hard cases. We are extending the responsibility of the railway companies with respect to damage to property of any kind and by further extending it to cover damage to the person we will very slightly increase that liability. The damages which can be collected against the railway company are limited to $5,000 in the case of any one fire. As it will happen that in the great majority of cases where there is personal injury there will also be injury to property, in such a case the $5,000 will have to cover both. The party who has suffered injury to the person will be indemnified not at the expense of the railway company but at the expense of the person who has suffered the damage to property wherever the latter's loss amounts to $5,000, as the $5,000 must cover both claims. I propose this amendment because I have difficulty in seeing on what principle you draw the line between liability for damage to property and liability for damage to person, and because I feel that the effect of so drawing the line, whenever that distinction or limitation proves effective, will be the cause of very serious hardship. I submit that this limitation of the liability to damage to property is one which we should not make. While by this Act the limitation of damage under the Railway Act to certain classes of property is removed, a substantial concession, justified by the fact that the railways are liable even if they be not guilty of fault or negligence, remains in the restriction of the amount of damages recoverable to $5,000. I would urge strongly that we are making a great mistake in limiting the liability of the railway in such a manner as not to cover damage to the person.

Mr. GRAHAM. I had no intimation that this amendment was going to be moved. It is a question that would stand hours of discussion. It has been discussed at length and in all its bearings in the Railway Committee this year and last year. A Bill dealing with this question was introduced last year by the then member for New Westminster, Mr. Kennedy, and the argument put forward by my hon. friend was put forward very strongly last year in the Railway Committee, but the committee unanimously decided to report the Bill as I have introduced it, striking out the illustrations contained in certain of the descriptions and using the word property. This year the Bill was again introduced by my hon. friend from Essex and was threshed out in all its bearings before the Railway Committee, which again passed the Bill that I have placed in my Bill. I merely include in my Bill the Bill which was passed twice by the Railway Committee after thorough discussion. The question is a broad one, to which there are two sides, and I would hardly feel justified at a moment's notice at this stage of the session in accepting an amendment of such far-reaching character.

Mr. MONK. I would be very much inclined to support the amendment proposed by my hon. friend from St. Anne's (Mr. Doherty). I have a recollection of the discussions to which the hon. Minister of Railways refers, but I do not remember the omission of damages to persons. The House sees, from the clear explanation given by the proposer of this motion, that it does not change the conditions or the limit of liability, but it refers to a condition which we should not lose sight of, that is, that all damages should comprise damages both to the person and to property. That being the case, I do not think the change has the importance which the Minister of Railways supposes, and I think the amendment commends itself to the support of the House.

Amendment negatived on division, and Bill read the third time and passed.

At one o'clock the Committee took recess.

Committee resumed at three o'clock.

POST OFFICE ACT.

Bill (No. 136) to amend the Post Office Act—Mr. Lemieux— read the second time, and House went into committee thereon.

On section 2,

2. Section 39 of the said Act is repealed and the following is substituted therefor:—

39. The salaries of those in grade A shall be at the rate of one dollar and seventy-five cents per day; of those in grade B, at the rate of two dollars per day; of those in grade C, at the rate of two dollars and twenty-five cents per day; of those in grade D, at the rate of two dollars and fifty cents per day; and of those in grade E, at the rate of two dollars and seventy-five cents per day.

Hon. RODOLPHE LEMIEUX (Postmaster General). This is an increase in the various grades. The letter carrier receives at present $391.25. Under the proposed scale he would receive $547.45. On his regular appointment, under the present scale, he would receive $469.50. After one month's probation, he will receive $636 per year. In the second year the present scale is $467.50; the proposed scale will be $626. The third year, the present scale is $547.75; the proposed payment will be $724, and so on.

Mr. MACDONELL. Has the minister made any provision for a certain class of letter carriers to which reference has been made before?

Mr. LEMIEUX. I understand my hon. friend refers to the mail carriers who have not accepted the grade system. According to some of my hon. friends, those letter carriers would be willing to come under the grade system. I have an amendment which will cover their case and bring them under that system.

Mr. MONK. Has the hon. minister taken into consideration the point I raised when the resolution was adopted on which this Bill is founded? My hon. friend from Toronto (Mr. Macdonell) and myself called his attention to the fact that to ask the letter carrier in large cities, a man with a family, to begin his work at $1.75 per day is to discourage him completely at the outset. In large cities, of over 100,000, where the item of rent is very heavy, he should receive $2 per day to begin with. When we consider the responsibility of the letter carrier, the amount of work he has to do, physically as well as mentally, and the amount of education he is supposed to have, giving him an average family of four or five, he will find great difficulty in making both ends meet on $1.75 per day. I would urge the minister to give him $2 per day.

Mr. LEMIEUX. As a matter of fact the letter carriers begin in the service at a salary of $2, because their probationary period is only one month, after which they get $2 per day.

Mr. MONK. I am very glad to hear that. I think the minister has done a large measure of justice. Another point I referred to the other day is this: We are granting the Civil Service increases of salary, quite considerable in some cases, and are dating these back to the 1st of September last. Would it not be fair, in the case of these postal employees, to have their increased remuneration date back to the beginning of the new fiscal year? This would not be much for the country, but it would mean a great deal to these men.

Mr. LEMIEUX. I am not sure if I have the authority to date the increases from the beginning of the fiscal year. The resolutions do not read that way, and I do not know that I would be warranted in doing so.

Mr. MACDONELL. I would endorse what has been said by my hon. friend (Mr. Monk), both with regard to the payment to these men and to the dating back of their increase, at least to the period when it was agreed that they should receive the increase. I think the minister will bear me out in the statement that when he introduced his resolution, public opinion very strongly supported him in his measure. I think public opinion would support him in dating the increase from that time. The cost would not be great, and I am sure that the public would heartily support such an action.

Mr. FOSTER. I do not think there will be any difficulty in relation to the wording of the resolution. The resolution was not for a definite sum of money, it was that in the outside division of the Post Office Department the salaries of messengers,

&c., shall be so and so. That means that the salaries shall be that much per year, and the minister would not contravene the resolution by having the salary commence on the first of the fiscal year, on the 1st of April, 1909. It was about this time that the minister made up his mind to give this increase, and it was on April 14 that the resolution was introduced, so that to date it back to April 1, while not quite in order, would be practically coterminous with the time of the passing of the resolution. The increase is not large, compared with what others in the Civil Service have received, but I am sure it will be quite satisfactory to these men who are as deserving and probably are doing as faithful work on as small pay as any class of post office employees.

Mr. MACDONELL. The minister must consider the great number of years that these men have been admittedly underpaid. I do not think it would be going too far to date their pay back.

Mr. LEMIEUX. I have had several interviews with leading men among the fraternity, and they appear to be satisfied to have the Bill taking effect on the date of prorogation. I have my doubts, and so has the clerk of the House as to the feasibility of what my hon. friend suggests, dating back the payment to the first of April. It is not covered by the resolution. If the resolution had meant that the payment would date back to the first of April, well and good, but there should have been a special proviso in the resolution to that effect. Every Bill is deemed to take effect on the day of its sanction, and I fear I am not warranted in dating back the coming into effect of this Bill.

Mr. FOSTER. My suggestion was that this resolution states that they shall be paid so much per year. We could insert here a clause that the salaries under this Bill shall commence at the beginning of the fiscal year, which would be perfectly in order.

Mr. LEMIEUX. I suppose that no one would object to such a proposal and I shall therefore add that amendment to the Bill.

Mr. R. L. BORDEN. I would inquire with respect to some requests preferred by certain letter-carriers in Halifax?

Mr. LEMIEUX. I have an amendment to add concerning the letter-carriers who did not accept the grade system which was introduced some years ago, when Sir William Mulock amended the Post Office Act.

Mr. FOSTER. Why would they not accept the grade system?

Mr. LEMIEUX. I suppose they found they had more advantages under the old system. For instance, they could absent themselves from the service in case of illness and be paid just as if they had been working, whilst under the grade system they cannot, but are paid for each day's work. That was the chief reason why the letter carriers refused to come under the new system.

Mr. FOSTER. There was also some benefit on the ground of superannuation.

Mr. LEMIEUX. Their rights were not superseded as regards superannuation; they were told that if they came under the grade system they would have their rights the same. However, as they are a very deserving class of officials, I have decided to bring them under the present Bill and to give them the benefit of now accepting the grade system. I move to the present section 39 this amendment:

Any person who before the 15th day of May, 1902, was appointed messenger, porter, letter carrier, mail transfer agent, or box collector, and is still filling any such position, and who did not within the time limited by chapter 28 of the statutes of 1902, or any extension thereof, elect to accept the provisions of that Act instead of the provisions of the Civil Service Act, may elect to become subject to the provisions of the Post Office Act, section 37 to 45, both inclusive, relating to graded employees, by signifying such election in writing, signed by him, and delivered or transmitted by registered letter, addressed to the Secretary of the Post Office Department, within three months after the passing of this Act; and thereupon this Act, instead of the Civil Service Act, shall apply to him, and he shall be classed in grade 'C.'

Which will give him the maximum of his present salary, which is $600. He will come in under grade B, which will give him $626, plus the $20 bonus which he is entittled to receive every year for his holidays.

Mr. RUSSELL. These employees who have been working under the old Act, and who the minister is now bringing in, are practically in the highest grade, grade D. They are to all intents and purposes on the same level as those in the new Act under grade D, and why not let them now come in under the new Act in the same grade and the same class they are in now? Those who are entitled to grade D will then come in under the new Act in grade D.

Mr. LEMIEUX. The maximum salary of those eighty-five letter carriers, because it applies only to the eighty-five to whom I now give an opportunity of coming under the grade system, was $600. They will immediately receive $625 plus $20, and then be eligible for the other grades until they reach the maximum of the present system. But they do not get less, they will get more at once.

Mr. RUSSELL. Their position now under the old Act corresponds to the highest grade under the new Act. I do not think it fair to class them back to a lower grade in the

new system. They are now at the top in their class and are entitled to an increase as well as the men who came in under the new Act.

Mr. FOSTER. How do the grades run?

Mr. LEMIEUX. In the order of A, B, C, D and E. Beginners come in under grade A at a salary of $547.75. For the first year the salary is $626, which is the maximum. Then grade B is $704.25, which is also the maximum. The next grade is $782.50, and the next $860.75.

Mr. FOSTER. A newcomer begins in grade A, at what salary?

Mr. LEMIEUX. $547.75 for one month, that is based on a year's salary. Then at the expiration of that month he comes in at $2 a day, that makes his salary $625. All the time he is in grade A he remains at that salary. In grade B he gets $734. He remains there two years, and then he will get $782.50 during two years. He may be promoted for special service to grade D at $860.75. Grade A includes a probationary period of one month, where he may remain during the remaining eleven months of the year.

Mr. FOSTER. There is this to be taken into account, which I think is only fair with reference to these men. They did not get their statutory increase, and the minister probably knows that there were I think three or four years during which, on some principle I never could understand, the yearly increase was kept from these men and they did not receive it. That is a disability they have had to contend with all the time up to the present, not due to any lack of good work on their part. Therefore they labour under the disadvantage of having, for that period, suffered from what was acknowledged to be a misconceived policy. They suffered in that respect, and to that extent. Now those that have come in since have not suffered by reason of the retention from them of the regular increase.

Mr. LEMIEUX. They started at the bottom of the ladder.

Mr. FOSTER. They have been at the lower end of that ladder for a very long time, and they are kept down three or four rungs at least on account of the deprivation of their regular increase.

Mr. LEMIEUX. Like all the others, who come under the grade system, they begin at the bottom of the ladder and rise up. But it must not be lost sight of that these eighty-five men who are now seeking to come under the system which they refused to accept, although they were invited to come under it on three different occasions, have the benefit of the superannuation, which the grade men have not. They will have a superannuation based on the salary as increased. They get an immediate increase of $45. They get $626 a year, besides $26 given as a bonus under the grade system. Every letter carrier receives a bonus of $20 a year, which represents the curtailed holidays which they used to get, and we now give them a sum of money instead, which they much prefer. So on the whole I believe that the eighty-five gentlemen will be satisfied with the status we give them.

Mr. R. L. BORDEN. When the letter carriers were transferred from the old system to the grade system, did they suffer any diminution of salary.

Mr. LEMIEUX. No, they do not suffer any diminution, nor will the old letter carriers suffer any. They will get an increase. They will get more than they got under the maximum of their class.

Mr. R. L. BORDEN. I understand that perfectly. They do not suffer any diminution in salary. Are these men doing the same work as those who have been receiving an increase in salary from time to time or has their treatment been exceptional?

Mr. LEMIEUX. No, but they are at the maximum of their class.

Mr. R. L. BORDEN. Were they in 1902?

Mr. LEMIEUX. Practically all of them.

Mr. R. L. BORDEN. The injustice of the present proposal, if there be an injustice, seems to consist of this, that these men, after a long period of service, are put at precisely the same salary as that which any man, now entering the service, receives after one month?

Mr. LEMIEUX. Yes.

Mr. R. L. BORDEN. It hardly seems to be fair to put men who have been eight, eleven, fifteen or twenty years in the service, upon exactly the same basis in respect of salary as any man will receive in one month from to-day, if he should enter the service now.

Mr. LEMIEUX. My hon. friend must be more just than that. I believe that we are doing justice to the old letter carriers. They were afforded the same opportunity as was afforded to all letter carriers, but they refused to accept it because they considered they had some vested rights in the matter. They were afraid that perhaps the superannuation might be changed should they come under the graded system. They were afraid also that leave of absence would not be easy to obtain, because, as I explained when the resolutions were introduced, there were great complaints on the part of the postal authorities because letter carriers had been abusing the system of leave of absence. Therefore, they maintained their status because they thought they had certain advantages. The others

who were in the service came under the grade system and although these people were offered, on three different occasions, the opportunity to come under the grade system, they refused. Now, let us establish some compensation. They will get a fair measure of benefit from this new Act and they cannot expect to jump immediately to the maximum of the salary provided by this Bill. They will come into the class into which they are entitled to come, plus $26 and $20. They will get for themselves exclusively the benefit of the superannuation which the others have not got under the Act, and for years they have had what would be considered an advantage over their fellow workers.

Mr. FOSTER. They do not get any bonus?

Mr. LEMIEUX. They do not get any bonus.

Mr. FOSTER. If these men do not get a bonus they will have the extra leave?

Mr. LEMIEUX. Yes. I think, balancing the pros and cons we are treating them generously. At all events it is my intention to treat them generously.

Mr. FOSTER. I think the minister has that intention so that we will try and reason with him, and if he is not carrying out his intention I am quite certain that he will change the modus operandi so as to carry it out. These old men have been in the service longer than a good many who have come in under the new system. If they had not been good men and done their work well they would not have been continued in the service. It is of some moment that a man's experience be counted in his favour, and if a man has been serving five, seven, eight or nine years longer than another, presumably he has more facility, having more experience and, on the whole, makes a better officer. Until they get up to a certain age at least the more experience, knowledge and tact they have the better officers they are. These men have been doing the government's work to the government's satisfaction. They have been long engaged in the work. It is true they have a little advantage in extra sick leave over and above their companions who have come in under the grading system, but if they have that they do not have the bonus of the companion under the new system. Although he has less sick leave and is, consequently, at a disadvantage with the older man in that respect, he feels in his pocket the $20 which the older man does not feel. He says: True, I have less advantage in the matter of sick leave, but I have more advantage in the matter of money, while you have the extra leave. That works out to about an even balance. Now, let us take the question of superannuation. The superannuation is based upon the carrying power of the contribution, plus the management by the government, and a certain rate of interest. It is almost no burden to the department. If there is any balance to be struck there the old man has a little advantage because he gets the advantage of having his superannuation managed by the department and to a certain extent helped by the per cent of interest that his contribution carries. That is a certain advantage, and that is one good thing that a man in the graded system has not. But in no other respect has he any advantage. The new man steps in and in one month's time he is exactly on the same level with regard to all advantages with the exception of superannuation.

Mr. LEMIEUX. Which is very important.

Mr. FOSTER. I think I have given the full importance to it. The new man does not have to pay anything out of his salary for superannuation, and I have stated that the government adds a little to its value in the rate of interest and management. But the man who has been working for eight, ten or twelve years, or more, and who has done his duty well, does not feel that he is being quite fairly treated when the newcomer comes in and in a month's time is getting exactly the same pay that he has with all the advantages that he has, with the exception of a little disadvantage in the matter of superannuation. Does not the minister think that something is due to long service, and that this old-service man ought to be allowed to go into a grade which is higher than that of the new entrant? I think the minister will see that that is reasonable. The minister will not say that because they have stood out they will not get any benefit. We do not want to punish men for having been sturdy in keeping to rights which they value. A great deal of our civilization has been built up on that principle. We would not have had much of a country unless we had had that principle. I do not think we should punish these men for that. Surely a man who has long service to his credit should get a higher grading than the newcomer.

Mr. RUSSELL. I would like to ask the minister if he does not think that even though the old employees did not come in under the new system, they are just as much entitled to an increase in their pay as are the clerks under the grade system. They certainly have earned the right to consideration on account of length and efficiency of service. We have been told that the different officials have had their pay increased because of the increased cost of living in the cities, and surely this applies

to the faithful old employees of the post office who live in the larger cities of the Dominion and are under the same conditions as the others. These officials, for whom I speak, are at their maximum salary under their own Act; they have been, some of them, seven years without any addition to their pay, while those who have been graded have been receiving annual increases from the time they entered the service. I think it only fair that the older men should be put in class D and quite a number of them who are some of the best carriers we have should be eligible for class E.

Mr. LEMIEUX. The advantages under the old system were considered so great by the letter carriers that they refused to come under the grade system, although——

Mr. RUSSELL. I think they were wrong in that.

Mr. LEMIEUX. At all events they refused to come in although under the grade system they would have obtained an increase of $124. They considered they had other advantages under the old Act which they should not give up. I do not think the letter carriers who are now seeking to come under the grade system have anything to lose, but on the contrary have everything to gain by accepting the proposal which is made.

Mr. R. L. BORDEN. How many years does it take to pass from grade B to grade C, from C to D, and from D to E?

Mr LEMIEUX. Two years in each grade, but they could be transferred to grade D for special service.

Mr. RUSSELL. The older servants have contributed to the superannuation fund for the great number of years they have been in the service, and if they enjoy any advantages over the grade system in that respect they have had to pay for these advantages. I do not think that is any argument against not bringing them under the grade system on the same level that they now stand in as regards classification. Even though they refused to come in, it would be only fair to raise their pay now. I think it would be a good thing for the department to have them all under the same Act. I think the minister should bring them into class D, and then they would only have to wait a short time until they got into class E.

Mr. STEWART. The only reason I have heard advanced by the hon. the Postmaster General against the claims of these men is that they had a chance to come under this grade system and they did not avail themselves of it, because they had some advantage under the superannuation fund which they did not see fit to abandon. Now, quite a number of those letter-carriers in the city of Hamilton have been twenty years and over in the service, and nothing that the Postmaster General has said can justly be taken as a reason why men who have come into the service eight or ten years after these men should get better pay than them. I hope the Postmaster General will consider this matter favourably as to the claims of these men. There are many of the letter-carriers in my city who are over 20 years in the sevice, and they are working side by side, day in and day out, with men who have only been ten years and less in the service, but who get higher pay than they do. I do not think that is fair play. The old carriers admit they were mistaken when they refused to come in, but I do not think that mistake should be visited on them now. The Postmaster General should put every one of these men in grade E.

Mr. FOSTER. When was the graded system introduced?

Mr. LEMIEUX. In 1902.

Mr. FOSTER. How many of these 80 men have been working for a number of years without any increase at all? Having reached the maximum of $600 they have not since then been receiving any increase.

Mr. LEMIEUX. They were increased $40 per year automatically until they reached the maximum.

Mr. FOSTER. At what salary did they commence?

Mr. LEMIEUX. $360 per annum.

Mr. FOSTER. That is less than one dollar per day. There is not much to be said in favour of that for a living wage, is there? Had they been in the service for ten years and got $40 every year of an automatic increase they would now be getting $760, and does the minister think that for good men who entered the service at $360 a year that would be too much? They entered the service at $360 per annum, they got an increase of $40 a year until they reached the maximum, but if you take it that one of these men has been for ten years in the service and is now only receiving $600, that would be an increase of $240 in all or $24 a year. Why, you could not get a man to look after your chickens, and do it well, for that wage. Now you say they had their chance and did not take it. That is true. They rested on their rights, thinking at the time that would be better. This is actually penalizing them for not coming in. If they had come in, they would now be on a higher grade than they are. If we are not to be vindictive, and I am sure the minister does not desire to be, we should go beyond this. A good man who commenced ten or twelve years ago at less than a dollar a day can only go by little increases up to $600. That

is not treating good men properly. If they are good and proved men, they ought to go into the new grades, if at all, at a rate proportionate to their time of service and efficiency. If the minister will say that he will grade them according to their efficiency and length of service, that will satisfy me entirely.

Mr. LEMIEUX. I think the fair thing for the letter carriers as a body would be to put them on a footing of equality. There are letter carriers under the grade system, which is being amended to-day, who have reached the maximum of $704.25, and they will be eligible for the next grade, giving them $783.50. This will put on a footing of equality those under the old Civil Service system and those under the grade system. Eighty-five old letter carriers will come in at the maximum of $704.25 plus the bonus of $20, and they will get their superannuation besides, so that they will all be on a footing of equality.

Mr. MADDIN. I would like to ascertain from the Postmaster General what progress has been made towards instituting free mail delivery in the city of Sydney?

Mr. LEMIEUX. The city clerk has been asked to send us an official return of the population, and as soon as we have that, we will act.

Mr. MADDIN. Is any provision being made in the estimates for it?

Mr. LEMIEUX. Not necessarily. There is a lump vote for that.

Mr. RUSSELL. I would like to urge still further the case of the men I have referred to. The number is so small that the amendment involved would not be very large, and no doubt they have merit on their side.

Mr. LEMIEUX. I think I have stretched the matter to the very limit.

Mr. RUSSELL. We are very thankful for what the Postmaster General has done.

Mr. J. HAGGART. Why not take the power to grade the men according to their length of service? That would put them on an equality.

Mr. LEMIEUX. My hon. friend is raising a new question when the Bill has practically passed to the satisfaction of the committee.

Section 2, as amended, agreed to.

On section 3—section 51 repealed.

Mr. LEMIEUX. Section 51 of the Post Office Act reads as follows:

> Newspapers and periodicals weighing less than one ounce each may be posted singly at a postage rate of half-a-cent each, which shall in all cases be prepaid by postage stamp affixed to each.

We have practically done away with the half cent stamp which was in use some years ago, when papers weighing less than an ounce were carried by the mails. There are no papers of such weight to-day at all events, the papers are sent by bulk at the rate of one-quarter of a cent per pound. Therefore, in order to avoid mistakes and errors in our post offices, we have decided to do away with the half cent stamp.

Section agreed to.

On section 4, elegibility for appointment.

Mr. LEMIEUX. We have fixed an age limit of thirty years. We think that a man entering the service should not be over that age, especially a letter carrier. We want as letter carriers active young men who can give good service for some years and acquire some experience. There was no statutory limit, but we had some regulations. Now, there will be a statutory limit, and no one will be taken over 30 years of age.

Bill reported, read the third time and passed.

CIVIL SERVICE ACT.

House in committee on Bill (No. 137) to amend the Civil Service Act.—Mr. Lemieux.

Mr. LEMIEUX. Under the present law, the minimum salary attached to a fourth class clerkship, which is the lowest in the service, is $400 per annum, and the maximum is $700, reached by annual increases of $50. By this Bill the minimum salary will be made $500 and the $700 maximum will be reached by annual increases of $100. The first amendment relates to schedule 'B' of the Civil Service Act. The object of amending that schedule is to include the clerks in the money order exchange office among the numerous officers who come under this schedule. At one time these clerks were attached to the Montreal post office, but it was considered better to make a separate branch for international money order exchange work, which will still form part of the outside service as before. Stampers and sorters, who are now paid at the rate of $360 per year, with an annual increase of $50 up to a maximum of $600, will receive upon entrance a salary of $500 per year, with an annual increase of $50 up to $600. The great majority of the employees begin as sorters and stampers; and after they show the necessary efficiency and aptitude, the rule of the department is to appoint them to clerkships. Under the present law the initial salary of $360, from which must be deducted 5 per cent per annum for the retirement fund, does not provide a living, in view of the increased cost of provisions, &c. The

result is we have great difficulty keeping those officers who have acquired some skill and experience. I propose to make the initial salary of fourth class clerks $500 instead of $400, and they will reach the maximum of $700 by a yearly increase of $100 instead of $50.

Mr. FOSTER. Why does the hon. minister put the annual increase so high?

Mr. LEMIEUX. Well, $700 as a maximum is not a very large salary. Besides, generally those who enter into the fourth-class clerkship have served as stampers and sorters, and have acquired experience. As stampers and sorters their annual increase is only $50 a year, but when they reach the maximum of $600 it is only fair that they should be entitled to an advance. They will get an increase of $100 a year until they reach $700.

Mr. FOSTER. What does your stamper and sorter get?

Mr. LEMIEUX. He comes in at $500 and goes to $600. Then, if he is eligible for a fourth-class clerkship, he enters that class at $600 and goes up to $700.

Mr. LALOR. Is there any provision for increasing the salaries of the railway mail clerk?

Mr. LEMIEUX. No.

Mr. LALOR. I would like to impress their case on the minister. There is no class more poorly paid. They undergo considerable risk and are underpaid.

Mr. LEMIEUX. When we introduced the resolution, this was brought to my attention and I replied that this year, being rather a lean year, we could not consider the case of the railway mail clerks, although they have my sympathy. But the railway mail clerks are quite different from the other postal employees. A railway mail chief clerk can reach a salary of $1,500 less his mileage. A first-class clerk receives $900 less his mileage. When they get a fair mileage, such as between Montreal and Toronto, they get a salary as high as $1,850 to $1,900. I admit that the railway mail clerks are a very efficient class, and I know that they have difficulty in obtaining proper insurance on account of the risks which they run in their work. But as I explained to a delegation who waited on me I cannot this year at least consider their case. I must be satisfied to deal with the lower classes of the Post Office Department, we must begin at the beginning and later on I hope we will be able to satisfy the railway mail clerks.

Mr. SPROULE. It seems to me they are different from all other classes in the service owing to the extra hazardous nature of their life work. In the first place the mail car is generally placed next to the locomotive and so is the car most frequently destroyed in wrecks.

Mr. LEMIEUX. This has been represented to me on different occasions. I may inform my hon. friend that I have referred the railway mail clerks to the Board of Railway Commissions and in the reference I have given them my support. I believe they should be provided with every facility for safety and convenience on the trains.

Mr. SPROULE. The mail cars are badly arranged for the service, they are very poor and little or no accommodation is provided for the comfort of the clerks. Then there is no standard pattern of mail car. The government should provide a model of a standard mail car which would be the same for all roads, and there is no doubt that the railway companies, if their attention was drawn to the matter, would agree to such an improvement. The time has come when the government must consider a change from the wooden mail car to the steel car.

Mr. LEMIEUX. Hear, hear.

Mr. SPROULE. I asked some time ago after an experience of the Pennsylvania railroad in a wreck where the wooden cars were entirely destroyed while the steel cars escaped practically uninjured, whether the government did not consider that the time had arrived when it would be advisable to get the railway companies to build steel cars. The answer was that the great additional cost would prevent it. I have made some investigation, and I am informed that a difference between the cost of an ordinary wooden car and a steel car is not great. It would be a great advantage if the companies would take this up or if some pressure were brought to bear on them to have not only a standard car but a much safer car both for the mails and the employees. It is essential that we should adopt every precaution for the safety of the mails and of the government employees in charge of them. These men are engaged in a hazardous and arduous occupation which demands continuous and close attention under the most adverse conditions. I would urge as strongly as possible upon the minister and the government the consideration of these suggestions.

Mr. LEMIEUX. I accept in a proper spirit the remarks made by the hon. gentleman. I must admit that some of the railway companies who receive the statutory mail subsidy do not always give us the proper cars, but of late, in view of the representations which have been made by the mail clerks themselves, I have caused a very close inspection to be made by the superintendent of the railway mail service, Mr. Armstrong, an old and trusted official of the department, and he has now adopted

a standard for railway mail cars. All the cars which are now built have to be accepted by the department, and I have instructed Mr. Armstrong to see that protection is given to our officials. I have noticed in some of the old cars that the comfort of the railway mail clerks is very poorly provided for. We have taken proper precautions to stop that in the future. I believe that what has been said this afternoon may be of some service to both the railway companies and the department, and as far as I am concerned I intend to enforce the proper regulations and see to the protection of our mail clerks.

Mr. SPROULE. I think the department should go further and ascertain the difference in cost between a standard steel car and a standard wooden car.

Mr. ARMSTRONG. The clerks in many large towns and small cities who are under the pay of the postmasters of those towns and cities receive a mere pittance for their work while the postmasters receive good round salaries. Has the Postmaster General made any provision in this Bill in regard to these employees.

Mr. LEMIEUX. No, this Bill affects the offices which come under the Civil Service Act, but the department is now engaged in the classification of our various offices. There are large offices which come under the Civil Service Act such as Toronto, Ottawa, Winnipeg and Vancouver and there are others, which are under the semi-staff system. We are preparing a classification to take over, without adding to our expenditure, those offices where the postmasters draw a percentage of the revenues as their salary and out of that pay the salaries of their subordinates. We are preparing the classification so as to bring the larger portion of such offices under the direct control of the department. I expect that at the next session I shall be in a position to lay that classification before the House and stop what I consider, from representations which have been made me in the House, to be a sweating system in some cities. I am attending to this matter very seriously and I believe that in a few months that scandal will have ceased.

Mr. PORTER. It will also have the effect of materially improving the service. Where the postmaster pays his assistants or help he gets the cheapest help he can and the service deteriorates.

Mr. LEMIEUX. I do not like to make an exception in the case of stampers, sorters, and others, who come under this Bill, and treat them differently from the letter-carriers. Therefore I move that the same amendment which was moved a moment ago, dating the salary back to the 1st of April, be adopted with reference to these men.

Mr. LEMIEUX.

Mr. CROSBY. I am glad to see that the department is waking up to the necessity of doing something for the civil servants in the outside service of the Post Office Department, giving them some recognition. I would be glad if the government could have seen their way clear to go still further, and make the minimum a little higher. In the city of Halifax, for instance, we have men in the post office service who are receiving mails at all hours of the night, particularly during the winter season, and as the minister well knows, many men have to go to the post office and wait until the steamer arrives, sometimes in the small hours of the morning, in order to be on hand to sort the mails just as soon as they arrive. Some men have to go to the office very early in the evening and remain there waiting for a boat that may arrive at any hour, and continue until that mail arrives, in order to sort it and send it out. Now I have often thought it was almost a disgrace to Canada that these men should be getting only $400 a year. In our banks it is well known that a clerk is not permitted to marry until he is in receipt of a salary of $1,000; and it does seem hard that a young man going into the post office department at a minimum salary of $400, should only get $50 a year increase until he reaches a maximum of $600. I think if the minimum can be increased the maximum should be increased. I would be glad if the minister could see his way clear to put the maximum somewhat higher. I understand that the lowest grade clerks, stampers, and sorters, will come in at not less than $500. Would it not be a good thing to make that maximum $1,000.

Mr. LEMIEUX. A stamper or sorter getting not less than $500 will go up to $600. Then he will be eligible for a fourth-class clerkship, where he gets $700 as the maximum after one year's service. Then he will be eligible for the third class, and then for the second class. Under this amendment, fourth-class clerks begin at $600 and reach $700 within a year. Then a third-class clerk will have a salary of $800; that is in the junior class. In the third-class senior he will get a maximum of $900. In the second-class junior he is eligible for $1,000, and in the senior second $1,200. In the first class he is eligible to get a salary of from $1,200 to $1,500. As I explained when I introduced the two Bills, this year I am only giving an advance to the lower class in the service. Without making a promise I can say that the case of the other officials who are in the superior classes appeals to me, and some day sooner or later I may have to take the House into my confidence.

Mr. CROSBY. I am glad to see that the Postmaster General is giving some consideration to this matter, and I would have been more glad if he could have seen his way clear to make the minimum $600 in place of $500. It is frequently said that the men in the inside service are getting very large salaries, in fact some people say they are getting too much. I am not so particular about those who are getting too much as I am about those who are not getting enough. I would like the Postmaster General to consider whether he could not make this minimum $600 in place of $500, and then let the maximum be $900 in place of $800. Now while he is in good humour, I know we have his sympathy, I would like to get his action.

Mr. LEMIEUX. I am very sorry, but I must disappoint my hon. friend to-day.

Mr. ARMSTRONG. Some weeks ago I asked the Postmaster General for some explanation why the running expenses in some post offices were relatively so much higher than in others.

Mr. LEMIEUX. My hon. friend spoke of Ottawa, and I will give the House the explanation given to me by the accountant of the department:

The expenditure of the different city post offices under the heading of contingencies, is given in detail in the Auditor General's Report, part S, pages 75 to 86. Wages paid to labourers are included in this item, which accounts for the large excess in the miscellaneous expenditure of some offices over others.

At Ottawa a large number who were shown as labourers on the post office list were actually employed in the department during the year 1907-08; most of these were transferred from the inside service under the new Civil Service Act on the 1st of September last, so that the item of contingent expenses of the Ottawa post office will not be so large for the year just closed nor in the future.

The sum paid to such persons out of the total amount of $60,757.28 shown in the Auditor General's Report was $43,922.85 for the year 1907-08, so that the actual expenditure of the Ottawa post office paid as contingent expenses only amounted to $16,834.43

As a matter of fact, they were employed for the department and not for the Ottawa post office. Between 85 and 100 men were employed under that head.

Mr. ARMSTRONG. I think that shows that the minister should see if it is not possible to adopt a different system of bookkeeping, and making the explanations a little more explicit than they are in the Auditor General's Report. For instance, I find that we spend in the Yukon $127,000 in collecting $14,000, that the Dawson City post office costs $21,000, while Hamilton costs a little over $4,000, London a little over $5,000, Winnipeg $17,000 and Toronto $29,000. I think it might be well for the minister to investigate that part of the expenditure of the Post Office Department.

Mr. LEMIEUX. There is a mistake in the hon. gentleman's figures because it costs more in Toronto than the amount which he mentioned. As regards the Yukon, we spend $127,746.91 for the mail service. This is a large amount. The revenue is about $15,936.70. The revenue is relatively small, but my hon. friend will understand that because of the increased cost of living, the feeding of horses and other items in connection with the carrying of the mail in the Yukon, we have to pay the contractors more to perform the service there. But, we must maintain the service. We have to give a service between the several mining camps and you must expect that in some sections of the country the revenue will be less than the expenditure, while this disparity will be compensated for in other sections of the country. Since the inception of the mail service in the Yukon the expenditure has not increased. We pay, in this section of the country $200 a year for a daily service between two points, say five miles distance, while in the Yukon for the same service we will pay four, five, six or seven times more. Our mail service in the Yukon district is supervised by a man of eminent ability and of sterling character, Mr. Hartman, and if we pay a higher figure the expenditure is very carefully scrutinized before it is made.

Bill reported, read the third time and passed.

CIVIL SERVICE SALARIES.

Resolution respecting the granting and payment of increases in salaries to members of the Civil Service—Mr. Fisher—read the second time and concurred in.

Hon. SYDNEY FISHER (Minister of Agriculture) moved for leave to introduce Bill (No. 187) to authorize certain increases in salary to members of the Civil Service inside service.

Motion agreed to and Bill read the first time.

Mr. FISHER moved the second reading of the Bill.

Mr. FOSTER. Does the minister propose to say anything in regard to this Bill?

Mr. FISHER. This question has been now for a long time before the notice of the House. This is quite a short Bill. It is not on the file but the copies of the Bill which were printed are exactly as the Bill is introduced with the exception of the last clause where a change that was proposed by the hon. member for North Toronto (Mr. Foster) is incorporated in the Bill as it was

incorporated in the resolution. If my hon. friend desires it I can go over the Bill now, but if my hon. friend would allow me to move the House into Committee of the Whole upon the Bill I would take it up clause by clause. We agreed across the floor of the House that we would attach schedules to the Bill containing the details of the payments that would be made under the Bill in the same form as the civil government estimates are submitted to the House. These schedules have been prepared and printed and have been before the members of the House for a couple of days. There are one or two slight typographical errors in the printing, but I have the schedule here which is correct and when we get into committee on the Bill I propose to correct theses light errors. The Bill provides for an increase of $150 a year in the salary of each civil servant in the inside service. That will be a permanent and immediate addition to the salary and of course, it is well understood by the House that the salaries of civil servants in Ottawa will go on from the 1st of September last, and that they will be $150 more than they were under the old law at that date. There are some exceptions which are provided for in the Bill. The first and most important is that the increase shall be on the salaries as existing on the 1st of September last when the amended Civil Service Act came into force. The second important provision is that where after the organization and classification on the amended Civil Service Act the officer obtained an increase by reason of the classification, that increase should be offset against the increase of $150 proposed under this Act. The next exception is that the increase shall in no case bring the salary of the officer above the maximum of the division or subdivision in which under the Civil Service Act he is, so that in some cases instead of getting $150 the officer would get a less sum.

Mr. FOSTER. And in some cases nothing.

Mr. FISHER. And in 35 cases in the whole service here at Ottawa, nothing. I must say that it was a surprise to me that it worked out that so few of the officers in the Civil Service were subject to that disability. I submitted that list when the resolution was before the committee. At this stage I do not know that I could add more than to say that the first schedule was made out before the end of the last fiscal year, and now it has been made out in the form of two schedules, one for the payment of the increase from the 1st of September to the 1st of April just passed, and the other for the increase during this present fiscal year. The increase for the present fiscal year not having been provided in the main estimates or the estimates for the present fiscal year, there were consequently two lists, one the payment of the increase from the 1st of September to the 1st of April, and the other for the fiscal year commencing on the 1st of April. We have all the schedules except that of the Senate employees, and I submit that we might go into committee, examine the schedules we have as much as is desired, deal with the provisions of the Bill, and leave it in Committee of the Whole so that we may go back and add the Senate schedule which we hope to get in a day or two.

Mr. FOSTER. What amount does the schedule show that this increase will involve?

Mr. FISHER. It has been added up for each department, but I do not think the sum total is given.

Mr. FOSTER. It is about $340,000.

Mr. FISHER. I dare say it is, but I do not know.

Mr. FOSTER. Has the minister decided to give the increase to all those who came in from the outside-inside service irrespective of whether they received increases or not?

Mr. FISHER. The increases are calculated on the salaries which were enjoyed by the officers on the 1st of September without regard to when they may have had increases before that date.

Mr. FOSTER. Has the minister made any provision to equalize what seems to be an injustice to those servants of the Crown who have rendered valuable service for many years, who have had all the difficulties and disabilities to contend with which are the foundation for this increase, and who get not a single penny of it.

Mr. FISHER. I do not quite understand what class my hon. friend describes.

Mr. FOSTER. There are 35 who get no increases at all, and these presumably have been doing good service. The increase was granted because of the insufficiency of salaries and the increased scale of living, and it happens that there are 35 employees who have had to contend with all these difficulties and who get no help from this Act.

Mr. FISHER. A deputation of Civil Servants approached the Prime Minister and some of his colleagues and asked whether something could not be done in that way, and the reply was that we could not see any logical way which would deal with their case on any broad general principle. These 35 officials were on the 1st of September at the maximum of their respective classes, and if we were to disturb the arrangement

in the Act and pay to any of the officials a higher salary than the maximum salary of his class we would be paying an officer a higher salary than was considered ample, under the scheme, for the work done in that class. We did not think it well to introduce that disturbing element. In some cases men have been a long time at the maximum of their class and consequently have not had an increase, but under the new Civil Service classification the maximum of the class was raised in almost every case by $100 at least and in some cases more, and so the great majority of those who were at the maximum before are receiving an increase of at least $100 out of this $150, and consequently are not in that number of 35. I have not at the moment the list of that thirty-five under my hand. I remember that in my own department there are among the number four gentlemen in receipt of $4,000 a year. I do not remember whether there are any others. But if we once departed from the principle of not placing a man above the maximum of his class, we would be disturbing the principle of paying salaries by classes for particular work. Some people have thought that length of service alone was sufficient to justify promotion in the service.

Mr. FOSTER. Who ever advanced that?

Mr. FISHER. I have heard it often advanced, and I know that it has been frequently acted upon, as there are many men in the higher classes of the service doing work exactly similar to what other men in lower classes are doing. The fact that a man has been for many years at the maximum of his class is almost prima facie proof that he has not been qualified for promotion to work of a higher and more responsible character. My hon. friend might say that favouritism prevented his promotion. I cannot say as to that. It is possible that in the public service, as in other services, personal considerations may occasionally enter; but I venture to think that in 99 cases out of every hundred a man who has been for many years at the maximum of his class and has seen others promoted over his head, gives prima facie evidence that he is not worthy of promotion or that his characteristics or qualifications do not suit him for the work of a higher class. Some gentlemen among those thirty-five are probably among those gentlemen. The cases I have mentioned in my department are at the very top of the service, and the only way in which we could consider them as entitled to an increase would be by practically creating another class or by raising the maximum of their class. Under these circumstances we did not see our way to making any change; but we did say to the delegation of the Civil Service Association which waited on the government that their cases would be carefully considered in the way of promotion in the future, and that if it seemed to be justifiable to give them promotion, by reason of the necessities of the service, or by reason of their own qualifications and character and their capacity for higher work we thought it should be done, and the ministers would consider the fact that they did not get this increase now, and when an opportunity came would carefully consider their claims for promotion. This is the most that we felt we could do, and I have no hesitation in repeating on the floor of parliament, not the exact words, but the spirit of what was said to the association.

Mr. FOSTER. I have just a few remarks to make in reply to my hon. friend. When he says that there are thirty-five who did not receive an increase, he does not state the whole case. That is an extreme illustration of injustice under the Act, as there are a great many more than thirty-five who received an increase of less than $150—some of $50, some of $75, some of $100, and so on. That is an injustice and a hardship on the face of it, that the man who happens to be at the maximum can get none of the $150 increase, though he has had all the disabilities. It is only a little less of an injustice if he be deprived of a portion of the $150 increase. You start on the assumption that to make some compensation for the disabilities, each man should receive an increase of $150. Thirty-five receive none; a number receive $100; a still larger number receive $75; and a number receive only $50; then you grade into those who receive none. So that the minister has not stated the whole case when he has expressed his agreeable surprise that there were only thirty-five who did not receive any increase at all. The minister desires to be very logically, and he did not see how logically an injustice like this might be remedied. The main point, it seems to me, is that we should remedy the injustice. If it is necessary to be a little illogical, I would credit the fertile mind of my hon. friend the Minister of Agriculture with finding out means by which that could be done. But if there is no heaven-born principle that is outraged, I would venture a little, trenching on the ground of the logicalness of the proposition in order that the injustice might be wiped away. I think everybody will agree with me in that. If it were a question of some great principle of human liberty or some basic method of administration, to violate which would be next to a crime against the decalogue, we of course should have regard to it and let the individual suffer; but in a case like this nothing of that kind is present. It is simply a matter of maximums, and I would appeal to the Prime Minister, who I can see is now soft-

ening a little under my appeal, whether or not the primary object should not be to remedy the injustice, even though we have to depart a little from the strict logical line? How many times has my right hon. friend gone out of the strict logical line in order to attain his end, political or party? All of us have done it occasionally; and I would think that in this case the ministry of all the talents might find a way in which that injustice could be remedied. Last night I brought up the case of a young man who was taken into the service in 1905 at $500; two years afterwards he received $600. On finding that the 1st day of September was coming on, I think on the 26th of August, the minister added $200 to his salary.

Then a thought struck him, and on August 27 he added another $100. That is to say a young man, doing work not technical, who came in at $500 in 1905, getting an increase of $50 a year, suddenly had $200 added to his salary and a day later $100, making an advance of $300, the purpose of which was to place him on the first of September in a grade where he could begin at $800 and go up to $1,600. The very essence of fairness is violated in treatment of that kind. What, however, did the minister care for fairness or logicality? He put the man where he wanted him to be. There are hundreds of instances more or less on a par with that in the Interior Department alone. The minister made his increases of $100, $200, $400, and $500, and two of his colleagues—the Minister of Agriculture (Mr. Fisher) and the Minister of Public Works (Mr. Pugsley)—added their quota to the same kind of thing. Here are two men doing the same kind of work in the same department. One of them, after 10 or 15 or 20 years' service, has got to the head of his class and he goes no further; but the other who was appointed only three years ago, gets increases of $300 on two successive days before the 1st of September, which puts him into a higher class and entitles him to be presented with this flat increase of $150. Whereas the other who has been doing the same work many years longer does not get that increase. He has been under the disability of an insufficient salary and heightened living expenses during some 12 or 15 years of service, while the other has been under that disability only three years. Yet the latter gets the $150 and the old servant gets nothing. I mention this simply as a glaring instance, but scores of other can be adduced. One can imagine the sense of injustice excited in the man who has been thus unfairly treated. If the government wanted to be just, he will argue, if they wanted to give me some compensation for my disabilities during a number of years out, of this $150, they surely could have done it. But because I happen to be at the maximum of my class, the government say they cannot give it. But why was I not put into a higher class? The minister says because I was not worthy to be advanced. I absolutely deny the proposition. Under the system which has prevailed in our country, a most deserving man—I am not speaking about brilliant ability which will enable a man to overcome any obstacle—but the plodding, good, solid worker, who does his duty and is not always tacking after political influence, who is a little sensitive, may remain at his maximum for years—not because he is not worthy of promotion, but because he does not get the pull to obtain it, because he is not persistent, because he has not a friend at court who will turn the wheel for him and bring it round until the spot favours him. If our Civil Service had been, as regards appointments and promotions, under able and straight Civil Service Commissioners, we could have pretty well concluded that if any individual clerk had not been promoted it was because he did not deserve promotion; but that cannot be said under our past system. Nor can it either be absolutely the case under the other, because it must happen that if you have two thousand clerks divided into four classes, there must be some--and deserving ones too--who do not get a chance to be promoted, and who feel all the more the strain of smaller salary and higher living expenses, and $150 is a compensation to these men. But in this case, such a man will not get it. He feels the injustice, and that feeling is intensified by seeing a new man pitchforked over him at the whim of the minister, just as the new Act is going into force, just as that Act comes fresh from parliament, where all these things should have been explained and authority given by parliament to do them. What did the Minister of the Interior (Mr. Oliver) do? One month before the 1st of September, without parliamentary authority, fresh from mingling with his masters in this House, who alone can vote the money and fix the salaries and name the men selected for larger salaries—that minister, 30 days before the 1st of September, took it upon himself to call into Class 'B' and fix the salaries of 45 officials—men who did not belong to the service at all. He called these men in and gave them salaries amounting to over $35,000 in order that on the next day they could go into the new schedule. Parliament knew nothing about it. Parliament was never advised about it. That was a usurpation of the power of parliament, and I wonder that the right hon. the Prime Minister should have allowed a thing like that to be done under

his nose and his eyes and never make a protest. Why, the very essence of our system is that parliament should be consulted in these matters. Here we had parliament passing a measure providing that certain persons in the outside service shall come into the inside service at the salaries they were enjoying. Parliament passed that Bill knowing how many were in the outside service, and what they were being paid and thus knowing to what extent the inside service would be increased. The Bill was passed on that understanding. But thirty days before it goes into effect, a minister sets to work and arbitrarily makes a new list of 45 new appointees, calls them into existence, fixes their salaries, and puts the country in for $35,000. That is an imperious exercise of power. It was such abuses as that which in the old days caused the revolt from the rule of the King to the rule of the people, and many bloody wars were fought to make that principle good. Yet here we are to-day, with no bloody wars and not a ruffle on the countenance of any one behind the Prime Minister. They think it all right for a minister to call into existence 45 new officials, without deigning to ask the authority of parliament, fresh from which he had just come. I want the Prime Minister to take all these things into consideration. I want him to understand that there is injustice, that that injustice rankles and has been caused to rankle by these unnecessary, arbitrary, and unconstitutional acts. I am not saying anything against the members of the two services. I do not know them. I am arguing this on principle, and I consider this sort of thing unjust.

I believe that the government ought to do one of two things, either to put the 'outside insiders' on the same level as the men who are near the maximum and in proportion as they received an increase the day before or the month before the coming into force of the Act, for the evident purpose of giving them a better standing in the new schedule, this $150 ought to be pared off just as it is pared off in the case of the old men so that they shall not pass the maximum. If a man the day before September 1, received an increase of $200 and was thus placed in a class where he can advance higher and higher, is it not fair if you reduce the $150 given to the old civil servant who is near his maximum that you should also take into account the increase given to the 'outside-insider' the day before the Act came into operation by virtue of transfer to the schedule. If the government cannot see their way to do this they ought to devise some method by which the man who is at or near the head of his class, who has done good service and is in good standing, should get his share of the compensation out of the $150 for which there is no justification except to compensate the man who has had an insufficient salary and has paid highly for his living. I notice that in the British Columbia service, they have adopted an excellent plan for which I pleaded last year. They passed a Civil Service Act in that province, they had exactly the same conditions as we have. They established their schedules and classes and then appointed Commissioners whose duty it was to classify and grade the officials. These commissioners have classified and are now grading the officials and allotting them to their proper places. I have a letter from the director who says they have met with no difficulty. These business men and men experienced in office work, particularly in government office work, go in and consult with the deputy minister and the higher officers. They have a set of questions which they display and which are put in the form of schedules taking and covering all the pertinent information that could be required of that officer. These questions are all to be answered. Then there is the experience of the man to aid and there is the advice and consultation with the responsible heads. Out of that they are getting a classification which the Civil Service feel is giving them justice, and under which the distribution is made in a businesslike way. If some such authority as that made the classification here, we would not have seen what we saw in the House of Commons the other day, and would not have had in our service what I am afraid we have to-day, a sense that injustice has been committed. It will take us a long while to escape from the conditions that have supervened unnecessarily.

Sir WILFRID LAURIER. My hon. friend stated in his closing words that a sense of injustice to-day permeates the Civil Service. I cannot agree to that statement. When the classification was made and the policy which is now before parliament was adopted, the government took care to obtain, as far as possible, the opinion of the Civil Service. My hon. friend has stated that on one or two occasions we received delegations from the civil servants themselves. They have organized themselves into an association. The policy was submitted to them and after it had been examined by their committee they reported that the arrangement made was as satisfactory as it could be made. I do not know that it is satisfactory to everybody, I do not think it is, but I have reason to believe and I can assert from the assurances given to us on that and other occasions, that it is satisfactory to the great majority of the civil servants. There may be some who are dissatisfied, I will come to that later on. My hon. friend has stated

that in British Columbia the classification has been made by a commission appointed for that purpose and the work done under rules laid down in advance. I would be much surprised if, even in British Columbia, when the classification is completed in accordance with these rules established in advance, there is not somebody who is not satisfied. It is impossible sometimes in a matter of this kind to make such rules and to apply them without giving offence to some one. To-day my hon. friend appealed to me on my softness. On another occasion he reproved me because I was too soft. He took me to task in connection with my dealings with the civil servants saying that I had not only been too soft but that I had acted from improper motives. He said that in agreeing as the government did to give an increase of $150 to the Civil Service, I was actuated not by a desire to improve the service itself but in order to curry favour politically with that very important class of the electors of the city of Ottawa. He does not say that to-day, he takes another tack and says that not only are there 35 civil servants who receive no increase at all but quite a number who fail to receive the $150. I put it to my hon. friend if the government had been actuated by the motives he attributed to us on a former occasion, the motive of currying favour with the electors of Ottawa who happened to be in the Civil Service, would we not have seen that the 35 men who did not receive anything, did receive something, and that those who did not receive the $150 did receive the whole amount? But, Sir, while it was our intention to give to every civil servant the fullest measure of justice and to give every one of them $150, we found it impossible, not only logically but practically, to give to all the increase which we would like to give them. There were 35 who could not receive anything. There were a large number, how many I cannot say, who received something but would not receive the full measure of $150. Why? The reason is that we must have a classification. The hon. member agrees to that I am sure. This classification must be arranged with a view not to the interest of individual civil servants but to the effectiveness of the service. We have a classification into classes I, II, and III, and in each of these classes there is a second division. This had to be done not because it would suit one particular man or another, but in order to promote effectiveness in the service. If we had had that system long ago the service would have been in a better position than it is, although it is in a very good position to-day, as I am sure every one will agree—and the fact that my hon. friend makes himself to-day the advocate of the service shows that in his opinion it is a good and efficient service. It might be better. What is his objection to it? Now what is the objection of my hon. friend? One of his objections is that under the present rule it is possible for one minister or another to give an undue favour to somebody. Why did we introduce the Civil Service Act? Exactly in order to prevent any favoritism being shown to anybody; and so we put the service under a commission in order that everybody may be treated on a footing of equality. The present members of the government are men, and although I think they are pretty good men, they are human after all, and they sometimes fail. And because we recognize that in this matter, as in many others, we may be carried away by the pressure of friends, we have placed it beyond our power to be actuated in future by any such motives, and now the service must work mechanically with no favour shown to anybody. Now what is the tenor of my hon. friends' complaints to-day? It is that somebody is not as well treated as somebody else, that somebody who has not been as long in the service receives as much or more than some one else who has been in longer. But, Sir, this is no new principle, this is as old as Scripture. Does not the hon. gentleman remember how the Master sent certain men to work in his vineyard the first hour and others the eleventh hour? Then when they came to be paid there was one there, perhaps it was the hon. member for North Toronto (Mr. Foster), but I don't think it was, at any rate he possessed the same character as the hon. member for North Toronto, and he said: 'Why, you should pay me more than this man because I have been working from early dawn, and this man only began at the eleventh hour, and still he receives as much as I do.' That is exactly like my hon. friend. But the Master says: 'Here is your money, take it, it is all you are entitled to. What does it matter to you if somebody else receives as much as you do?' That is what we have tried to do, we have tried to do justice to all, and although I am sure there are some members in the service who perhaps do not receive as much as I would like them to receive—I do not speak as Prime Minister, but perhaps I might speak as a member of the city of Ottawa when I say that there are some who do not receive as much as I would like, and it would be my pleasure and perhaps my profit to give them more. But there must be a general rule for all; and therefore when we were told that some one did not receive as much as he ought, what were we to do? For my part there was no help for it, we had to apply the rule which we laid down ourselves, that is to say, that any man who comes within a certain class, if he is at the top of his class, it is not possible to

give him any more. But we are desirous to remedy any injustice when it is shown to us that there has been an injustice, and I am sure the Minister of Agriculture, who is a charitable man, will be only too glad to do so.

Mr. CROTHERS. The hon. the Minister of Agriculture, who has had this Bill in charge, told us early in the session, and I think he repeated it to-day, that the proposed increases in the salaries of the civil servants aggregated somewhere about $350,000. It is therefore not a trifling matter, but one which merits some careful consideration. Now, Mr. Speaker, I realize with what facility friends may be made by a generous and even by a lavish expenditure of public money; I also realize how readily dissatisfaction may arise by offering any opposition to an expenditure such as is proposed here. When we were working at the estimates early in the session, it occurred to me that the government was paying very generously the civil servants of Ottawa in the different departments. I understand it is the inside civil servants we are dealing with now, the servants of the government who are employed in the different departments at Ottawa. As I say, it occurred to me at the time that the government was treating these civil servants very generously. I have taken considerable interest in the matter during the session, and I must say that I am still of the opinion, indeed I am thoroughly convinced, that while there may be a few that are underpaid—if there are, I do not know of any—I am perfectly satisfied that there are a great many who are very generously paid, and I am thoroughly convinced that the great majority are very grossly overpaid—I speak advisedly and guardedly in that respect—having regard to the salaries that are paid for similar equipment elsewhere, and taking into account the length of hours the civil servants are required to work here, the retiring allowances that are provided for them, and the permanency of their positions. Now in the first place, it occurred to me that the departments here are very grossly overmanned. The civil servants engaged in the departments here are putting in about five hours a day, I do not think they average that. I had occasion a few weeks ago to call at one branch of a department. I called at about a quarter to two in the afternoon, supposing I would find the office open. The office was closed, nobody had returned from lunch yet. I took a seat out in the corridor and remained until twenty minutes after two before the officer came who had charge of that room. During that time, up till twenty minutes after two, the clerks were coming in by ones, twos and half dozens; I do not know how much longer after twenty minutes past two they kept coming in. I asked the caretaker who was in the hall: 'What time did the clerks come to the office?' 'Well,' he said, 'they are supposed to get here at half-past nine, but they keep coming along until ten.' 'What time did they go home to lunch?' 'At half past twelve.' 'What time are they supposed to return?' 'They are supposed to return at two, but they keep on coming until half-past two.' 'What time did they quit in the afternoon?' 'At half-past four.' So I think I am not doing any injustice by saying that they are not putting in more than five hours a day. Now I submit to the hon. members of this House that it would be very reasonable to expect these clerks to put in say seven or eight hours a day; nothing unreasonable about that, it seems to me. They are doing all the work now by working about five hours a day, and there are about 3,000 of them. Well, if they were to work seven hours a day we could get along with 600 or 800 less. Two men working eight hours a day will give us 16 hours work, while three men working five hours will give us 15 hours work. Therefore, two men at eight hours a day will give you more service than three at five hours a day. If you were to reduce the number by 500—and I conscientiously believe, Mr. Speaker, that the different departments in this city, the inside service, are overmanned to the extent of at least 500—I believe that 500 less, putting in a reasonable length of time every day, say seven hours, would be fully competent to do all the work that is required to be done in these different departments. A reduction of 500 at an average of $1,000 each means half a million dollars. But the average is a great deal more than that. The average is between $1,600 and $1,700. But with 500 less civil servants, and I really believe we could get along with 500 less, the people of this country would save at least half a million dollars. Now I believe, Mr. Speaker, that every hon. gentleman in this House, I believe every man in the country, is willing, ready and anxious to pay every servant who is rendering service to the public of this country, full and generous compensation for the work that he does. I do not think there is any one in the country that desires to take the service of a single public servant without adequately paying him for that service, but I believe, and I speak advisedly and guardedly, that we are paying the inside service at Ottawa fifty per cent more than service similarly equipped by nature and by art in other industries of the country is receiving to-day. I have arranged the Civil Service here into classes based upon the estimates that we had before us at the beginning of the session. With your permission I want to call the attention of the House to the number.

Beginning with deputy ministers, we have one who is getting $8,000, a thousand dollars more than the minister. We had before this House, two or three years ago, a question of what salaries should be paid to the judges and then the House fixed the salary of the chief justice of the Court of Appeal of Ontario at $8,000. The chief justices of the different divisions of the Supreme Court in Ontario get only $8,000. Here we have, one deputy minister getting $8,000 a year.

Mr. GRAHAM. Without wishing to interrupt my hon. friend, it is fair to state that the deputy minister in that case is also the chief engineer, and combines the two offices and that as chief engineer he is earning far more than the salary he gets for both offices.

Mr. CROTHERS. I do not think that is any excuse. He might combine half-a-dozen offices. He does so much work in so many hours and when he is working in one department he is not working in another. That deputy gets $8,000. Another deputy receives $7,000 and another $6,000. We have 16 occupying the position of deputy minister at $5,000 each. Then, we come to the division next to that of deputy minister, and in some of these divisions the clerks or officers are receiving the maximum now, some are receiving the minimum and some are between the maximum and the minimum of the 3,000 clerks. Not having gone into the individual cases, I find that there are 98 who are entitled to $4,000 apiece in the different departments. That is the maximum of their class, which calls for a salary of from $2,800 to $4,000. In the next class, that between $2,100 and $2,800 there are 181. There are 356 in the class from $1,600 to $2,100. In the class from $800 to $1,600 there are 813 and in the next class, from $900 to $1,200, there are 504. I noticed that the Civil Service Amendment Act of last year stated that the duties of this class are copying and routine work. Is there any hon. gentleman in this House who knows anywhere, outside of the Civil Service at Ottawa, people who are receiving $1,200 a year for copying and routine work? In the next class, from $500 to $800, there are 745. If we take it by departments we find the following results:

Department.	Number of employees.	Average salary.
Governor General's Office	6	$2,283
Privy Council	15	2,427
Justice	25	2,712
Supreme Court	12	1,983
Exchequer Court	4	2,500
Dominion Police	2	2,800
Militia and Defence	89	1,491
Secretary of State	30	2,003
Public Printing	60	1,483
Interior	655	1,515
Indian Affairs	66	1,801
Mounted Police	8	2,450
Auditor General's Office	70	1,620
Finance	86	1,355
Customs	170	1,637
Inland Revenue	39	1,636
Laboratory, Inland Revenue	11	1,600
Chief Electrical Engineer's Branch	6	1,600
Inland Revenue, Weights and Measures	3	2,000
Methylated Spirits Warehouse	2	1,650
Department of Agriculture	257	1,483
Marine and Fisheries	163	1,683
Railways and Canals	90	1,730
Public Works	226	1,671
Department of Mines	8	2,212
Mines Branch	16	2,131
Geological Survey	61	1,964
Post Office Department	435	1,234
Trade and Commerce	18	1,733
Annuities Branch	7	1,671
Labour	17	1,788
Superintendent Insurance	13	2,107
Civil Service Commission	5	1,280
Legislation	79	2,201

That will give an average of $1,677 throughout. I want it understood that these averages are based upon the maximum. The Civil Service Commission requested the director of the census to make out schedules showing the average salaries paid managers and clerks in the different industrial institutions in the country, and I find that taking Canada throughout, the average remuneration paid to males so engaged was in 1906, $916 a year and to females, $360 a year, or an average of $638 for both sexes, as against $1,677 paid the civil servants in this city. In British Columbia the average paid to this class of persons was $826 a year; in Manitoba, $749; in New Brunswick, $554; in Nova Scotia, $523; in Ontario, $641; in Prince Edward Island, $637; in Quebec, $639, and in the Territories, $713. I have here the Civil Service list for last year and I notice from it, on page 26, that on the 1st of January, 1906, all on the very same day, ten additional clerks, nearly all females, were taken into one of the departments at a salary of $700 a year, and I presume they now have $900. Consider the qualifications required from these clerks and compare their remuneration with the remuneration paid, say, to public school teachers in the province of Ontario, and you will find that nowhere else are officials paid anything like as much as they are paid by this government. Now, let us see what happens in the Post Office Department. Taking the deputy as one grade, the chief clerks as another, the first-class clerks as another, and the second-class clerks as another, in the fourth grade there were forty-eight officials last year and some of them were receiving salaries as high as $1,500 a year. Can you find any other institution

in the country where the servants work five hours a day, where they have a permanent situation, where they will get a retiring allowance, and where those occupying the fourth grade in the office are receiving from $1,200 to $1,500 a year. In the next grade, which would be the fifth grade, we have thirty getting $1,100 and 158 getting from $1,000 to $700 a year. In the same way through all the other departments the employees are getting immense salaries. Take the Department of Indian Affairs (page 228 of this report) and there are seven chief clerks, six first-class clerks and eleven second-class clerks who get salaries from $1,450 down to $1,250. This is really the fourth grade of servants in that department and they are getting from $1,200 to $1,450 with I suppose $100 more this year, which would bring the maximum up to $1,550. Then you have the junior second-class clerks many of whom receive $1,100, and going down to $800 the lowest. A great many of these are young ladies, very estimable girls I have no doubt whatever. I want to say here that I have no fault to find at all with any of the civil servants, I have had occasion to meet during the present session. I have found them all very courteous and very anxious to render any assistance that was desired, just as we might reasonably expect they ought to be. I have no fault to find with them whatever, and I am not suggesting we should reduce their salaries, but I am suggesting that they are very generously paid now and a great many of them are grossly overpaid in comparison with what people are receiving for service outside the government. The chief justice of the province of Ontario gets $8,000, the county court judges, many of them, less than $3,000, the headmaster of the Normal school in this city, which is so expensive to live in and who occupies a very important position gets $3,000; the principal of the Collegiate institute gets $3,000; the public school teachers in the province of Ontario average only between $500 and $600 a year, and here we are paying the large salaries I have pointed out. I have been in several of the departments and I have asked what is this one and that one doing, and they are simply running a typewriter, or putting away files and some of them are getting $1,100 to $1,300 a year. Now, we all know the remuneration for such services in other places. I say without any fear of contradiction that these salaries are one hundred per cent more than are paid for similar services in the city of Toronto for example. As I said in my opening remarks, I quite realize the facility with which one can make friends by a generous expenditure of money that belongs to other people, and I realize that it is just as easy to make enemies by opposing any thing of that kind. But there are times when a man must give ear to individual conscience; there are times when a man must give ear to his conscience in the matter of his public duty, and this is an occasion as it appears to me to assume the position I do, so far as I am individually concerned. I have no doubt there are other gentlemen who do not agree with me, but from the closest attention I have been able to give this question, I am thoroughly satisfied that the departments in the city of Ottawa are grossly overmanned, and that the work could be done, if the officials were engaged for a reasonable time, say seven hours a day, with 500 less than we have now employed, which would mean at the very least a saving of half a million dollars a year. I am thoroughly convinced that the civil servants in the employ of the government at Ottawa to-day are generously paid and that many of them are overpaid. That is my opinion and I feel it my duty to express it although I have no doubt there are others who may not agree with me.

Motion agreed to, Bill read the second time, and House went into committee thereon.

At six o'clock the committee took recess.

After Recess.

Committee resumed at eight o'clock.

On section 1,—increase of $150.

Mr. FOSTER. This gives authority for an increase of $150. Will the minister tell me how much of an increase was provided by the Bill passed last year?

Mr. FISHER. The increase under the classification was $35,838. The special increase expected at the time of the introduction of the Bill was $346,395. These would give a total of $382,333, but we may strike off $2,200 as some deaths have occurred and some few have reached their maximum in the ordinary course.

Mr. TURRIFF. Has that matter to which I referred when the Bill was first brought into the House been decided yet, that is whether a uniform system of hours of work has been adopted by this government? In some departments the hours are from 9 a.m. to 5 p.m., with the usual time allowed for lunch. In most of the other departments the hours are from 9.30 to 4.30, and in some from 10 to 4, with the usual allowance for lunch. When I was in the service, that was the source of a good deal of hard feeling. Here would be one department in which the clerks came at 9.30 and worked until 5, and right next door clerks came at 10 and left at 4. I would suggest that now, when these large increases are being made—to which I do not object at all—a uniform number of hours should be fixed, either by the Act or in some other way, and not leave it to

the discretion of any minister, deputy head or chief clerk.

Mr. FISHER. The question of hours of working has always been settled by order in council. I do not think there has been any order in council on that matter since this government has been in office. My recollection of the order in council is that it is general. The disparities alluded to are simply departmental regulations, which possibly in some cases may conflict with the order in council. I appreciate very much the difficulty arising from lack of uniformity. Even in my own department, I found the hours in some of the offices longer than in the others, and I made them uniform in all the offices. I cannot say from memory just which department had longer or shorter hours, but I believe the general rule is fom 9.30 to 4.

Mr. TURRIFF. I quite agree with the minister that in a majority of cases the hours are from 9.30 to 4, but in some they are from 9.30 until 4.30 or 5. In the Interior Department, during one part of the year, the officials are kept until 5, and in some others until 4.30. But in one or two departments, they come at 10 and leave at 4, which causes dissatisfaction. It would be a very simple matter for the government to pass a order in council, if there is not one in existence, making it obligatory on every official to be in his office during certain hours, and from 9.30 to 5 is not too much.

From 9.30 to 5 o'clock would not be too long hours. To say that from 10 o'clock to 4, with an hour or an hour and a half off at noon, is a day's work is not correct. A man hardly gets started at his work in that time. The present system is most unsatisfactory.

Mr. SPROULE. It would be an improvement if all the clerks in the department went out for lunch at the same hour. The existing system is a very bad one and most inconvenient for the members of parliament. The departments are hardly open before ten o'clock, then the committees of the House commence at 10.30 or 11. When the committees close some of the clerks in the departments are at lunch and the chances are that it is necessary to get a file of papers from some clerk who is not there, so that practically nothing can be done until the clerks return from lunch. The House meets at three, routine proceedings continue until about 4 o'clock, when the departments are closed. It is thus very difficult for a member to get any information or to transact any business with a department, and two or three trips may be necessary to do what could be done in 15 minutes.

Mr. FISHER. I confess that in my department I have taken the ground that from 9.30 in the morning until 4 o'clock, no office should be left unattended, so that any one may get information from any office or the person in attendance can make a note of the information required and have the chief officer send it to the inquirer. As a general rule the chief clerks in charge of a branch are not expected to register in the book of attendance, they are supposed to be men of sufficient standing to be trusted to do their work and to be on hand during the proper hours. Usually they are the men who have to remain longer hours, and it is the ordinary class of clerks, who have no special responsibility, who are able to leave the office at the exact time of closing. I venture to say that very few of the chief clerks in my department get away at anything like 4 o'clock in the afternoon, and I think they are all there at 9.30 in the morning. I know that in the Post Office Department all the clerks go out for lunch and return at the same hour, and during that period there is no one in the department. If the House generally think that is the better arrangement, I am quite willing to adopt it, but I thought it was better to keep the offices open so that any one coming to Ottawa and having business with the department would be sure to find some one in attendance.

Mr. SPROULE. What is the use of keeping the office open if you cannot do business? A clerk may have to get a file of papers from another office which is closed. I know that many of the chief clerks work long hours, but I do not think that is the rule.

Mr. FOSTER. What is proposed under the first section?

The Governor in Council, upon the recommendation of the head of the department based upon a report of the deputy head, may grant to any officer——

&c. What is supposed to be requisite in order that this officer may get the increase? Evidently a recommendation on a report is necessary. On what does the deputy head proceed?

Mr. FISHER. In the first place the deputy head must make out a list of those who are entitled to this increase under the provisions of the Act, with the respective payments which, as my hon. friend knows, will vary. That can only be known to council, which decides the question on the report of the deputy head sent to the minister and recommended by the minister. That is a matter of pure routine detail which is required before the order in council can be passed in regard to any particular department.

Mr. FOSTER. So far as that goes, it is simply mechanical.

Mr. FISHER. That part is simply mechanical. I would say this Act is largely based on the recommendation of the Civil Service Commission which reported on the condition of the Civil Service here in Ottawa and whose report brought about the legislation which was passed last year and this. That report recommended that deserving clerks should get an increase. That is to say that those who are not overpaid, those who are deserving generally by their standing and character, &c., should get it. My own understanding of this is that practically every clerk in the service will get the increase to which, by the provisions of this Act, he is entitled. I can conceive that a clerk might be in one of the departments who is overpaid to-day and who is not doing good work, but has never quite done anything to justify his dismissal, especially if he happens to be on the superannuation list, and that such a clerk ought not to get the increase But I think that such cases will be very few and far between. For the deputy minister to report against the increase would require a very clear case indeed; at the same time I can conceive that such a case could occur, and this clause is drafted in such a way that it is not absolutely incumbent upon the deputy minister to make a recommendation with regard to every clerk in the department, good, bad or indifferent, and it is not incumbent, therefore, upon the minister to make the recommendation or council to pass it. That is the conception I have of this clause.

Mr. FOSTER. It seems to me that it either goes too far or does not go far enough. If you do not mean to take into account the question of conduct, the question of efficiency, or the question of overpay, but simply to make sure of the mechanical conditions, that means one thing. But if the minister does intend to give discretionary power to the deputy, so that, though the mechanical conditions are all right, yet, if the clerk in question is in some degree wrong, or is considered by the deputy to be amply well paid, or if the deputy sees that the clerk has received an increase of perhaps $400, $500 or $600 on an already fair salary and thinks he ought not to get this $150—if these things are to be taken into account, we should go further and should give the deputy a basis, for I think that otherwise the deputy would hardly take the trouble to do more than see to it that the mechanical conditions are complied with. Mind you, I go this far: I would provide for some sort of supervision other than over the mechanical conditions, and I would have the report of the deputy with reference to the clerk countersigned by the Commission, that is, approved by the Commission. This is what should be done if you are going further than to provide for the mechanical conditions merely.

Mr. FISHER. For my part, I consider that this means practically what the ordinary statutory increases have meant in days gone by.

Mr. FOSTER. That gave the deputy the option.

Mr. FISHER. Yes, and this gives him the option. But the hon. member (Mr. Foster) knows as well as I do that, in practice, unless a man had something decidedly substantial against his status or conduct, the statutory increase went as a matter of course. He will recollect that at one time this government tried to adopt a different course—that the statutory increases were only to be given when they were evidently deserved.

Mr. FOSTER. Or, to be more correct, they were entirely cut off.

Mr. FISHER. Entirely cut off unless a decided report in favour was given, and then the increase was granted.

Mr. FOSTER. In some departments they were absolutely cut off for years.

Mr. FISHER. Because no decided report was given. But the understanding was among the members of the government—and I think that was explained to parliament—that the statutory increase should be granted only when there was a decided reason for giving it to the clerk. The old system—and that has been reverted to; I say that frankly; we found the innovation was not practical and could not be continued— was that the statutory increase was given as a matter of course in every case unless there was something substantial against the clerk concerned. I look upon this wording here as meaning practically the same. It is taken as subject to the restrictions of the Act but will go as a matter of course unless there is something substantial against the official. Just what that would be, I think, is intended to be left in the hands of the deputy minister, who is the one directly familiar with the character, conduct and capacity of each individual clerk in the department. I do not think there is anybody else so well able to look into that and decide upon it as the deputy minister, and I would not like to take this power out of his hand.

Mr. FOSTER. The great lack in the Civil Service has been and is to-day—and it should be remedied—the lack of uniformity. Instead of the principle being worked out with something of the same method in all the departments, each department has been, to a certain extent, a law unto itself. The course taken depended, then, very much upon the deputy. If the deputy was a painstaking, careful and conscientious man, he looked into these details and things were not allowed to slip through. But if the deputy was a hail fellow well met, one who

desired to be popular in the department, one who did not care a tinker's—a—a—consideration, as to what happened, everything was allowed to go. Then, the example of the lax department made itself felt, and the careful deputy soon came to the conclusion: 'Well, it's no use me making myself unpopular in my department when others take so little care.' There is where the fundamental lack has been in the administration of the Civil Service. And I sincerely hope that, in some way or other—through the Commission, I suppose, and the proper co-operation of the government—regulations as to hours, as to treatment of the classes in all these respects that are decided upon will be made obligatory in every department, so that one department may not be driving a coach and four through the Act while another department is trying to live up to it. I know what the effect has been in that respect in the past and what it is to-day. While this matter is up for consideration, and in view of what my hon. friend from West Elgin (Mr. Crothers) said, I want to add a word to express my conviction—I am not saying that I am absolutely correct in it, but it is my conviction, and it is one concerning the soundness of which I have no doubt in my own mind—that if a proper system of doing business, with the avoidance of duplication such as any competent man would use in his own business, and with competent supervision and a rigid living up to hours and to work during those hours, the work of to-day could be done with one thousand less people than to-day. I believe that absolutely. My hon. friend (Mr. Crothers) said at least five hundred could be spared. I believe that fully one thousand could be spared if the work were properly co-ordinated and systematized, and if duplication, useless, tiring, death-dealing duplication in the departments were entirely cut out. And you will never have that until you have some central organization to see to it that these principles are put in operation in every department. You have some deputies who will never do it unless they are forced to do it; you have some chief officers who will never do it until they are forced to do it by order and the rule of discipline. I have been in sympathy with generous payment of the civil servants, and I have advocated it through this series of discussions; I have been an advocate of it since I first knew anything of the Civil Service. I believe in the Civil Service based on merit and experience from the first gate to the ultimate goal, this principle to be carried out both in appointment and promotion. With that principle adopted, and with generous payment, I believe that it is the bounden duty of this government and of this parliament as behind and superior to the government, to see to it that business methods are put into force here on the Hill, and that overcrowding, useless work and duplication, and what the boys call lying off from your duty—they have another name for it—does not find a place here in the Civil Service. I am satisfied that with the Commission that has been appointed, with the principles which have been laid down so far, and which should be improved upon, and with the force that we may get gradually coming in as the result of it, the Civil Service as a whole will be the equal of any Civil Service in the world, because you can get over the difficulty provided you will adopt uniform methods, cut out duplication and avoid overcrowding. I just want to support my hon. friend back of me in the position that he took and to re-enforce it by stating what has been the result of observation for a good many years and of actual practice for a number of years in a department. If the deputies are really to take into account the conditions that we spoke of then I think that some words ought to be put in to give them authority to do it and to give the Commission authority to see that it is done.

Mr. FISHER. Referring to what my hon. friend said last, I do not see very well how the Commission could in any way improve on what the deputy ministers can do. The deputy ministers are in close touch with the clerks in their departments, and most of them have had long years of experience with and observation of these men. But I expect, and I think it is contemplated in this Act, that, unless there should be some very specific reason for a man's not receiving the increase allotted to him under the restriction of this Act, he should get it and if the deputy minister decides that a certain individual is not worthy of the increase, I think he ought to make a definite report giving his reasons for that, which report will come before the minister, and, through him, before council, just in the same way as the statutory increases have been allotted.

To what my hon. friend says about the position of the Civil Service I take no exception. His experience and observation have taught him very much what my experience and observation have taught me. I find that one of the most difficult and ungrateful tasks on the part of an officer is to make his subordinates work. That is one of the duties that lies upon a higher officer, and in the last resort, on the deputy minister. I dare say the minister may be able to infuse a certain amount of his spirit of devotion among the officers, but the minister is hardly fairly to be called upon to deal with matters of this kind. He has other and, I should say, more important, work to do and the deputies have largely the control of how the department is being carried on in all

those respects alluded to by my hon. friend. The deputy has to see that the chief clerks and those in charge do their duty and he has to keep them up to the mark. Those men, in turn, have to keep those under them up to the mark and insist upon them doing their duty. The question of discipline is a difficult one and one which, as my hon. friend knows, it is hard to manage. I trust and believe that as a result of the legislation of last session there will be a great improvement in that respect in the service. We all know that in times past, if anybody was appointed to the service and had a friend at court, if he got into trouble and was reprimanded in any way, he went to his friend and tried to get relief. I have had that experience myself and I have no doubt my hon. friend has had in the old days. I have tried to explain that it should make no difference. Sometimes I have succeeded but I do not know that I always did. But under the new Act this is removed almost entirely, if not absolutely, from the Civil Service. The men who get into the service will get there on their merits. Promotion will be practically on merit and the general tone of the service ought to be very much raised for that reason as well as from the fact that with a competitive examination I believe that on the whole the best class of men will get into the service and that in their morale and conscientiousness as well as in their actual capacity and knowledge they will likely be better. Still there is always the difficulty of keeping eveybody up to the mark in his work. I think that private employers find that too. I dare say they are more careful about it because the success and profits of their business depend absolutely upon it. In the case of the public service that stimulus is not there, but still I know that there is a large number of conscientious men who do their best and who even overwork themselves rather than force others to do their duty. That is a misfortune and a difficulty which it is going to be very hard to overcome. I have tried to overcome the difficulty, that my hon. friend alludes to, of the lack of uniformity, and I think I have succeeded to a certain extent. I do not know that we can do everything at one stroke, but we have made a provision in the Civil Service Act of last year by which the minister may call upon the Commission to overhaul his department and make a report upon its organization, classification and work. I hope that provision will be available at such time as the Commission may be able to do it. Up to the present time I may say that the Commission have been extremely busy in organizing themselves and their work and preparing for the first examinations. When they get over that and get the machine running smoothly they will have more time, and I have no doubt they will be called upon to do some work of that kind. That provision is a provision which never existed before in the Act and if it is availed of we will be able to secure reports which will tend to uniformity in the different departments, and I trust that these reports will be acted upon, as I think they will be.

On section 2, increase under organization and classification to offset increase under this Act.

Mr. FOSTER. That clause states in one case what I would like to see stated in the other. It states that if a permanent employee belonging to the old Civil Service, upon the organization, obtained an increase in salary of, say, $100, this $150 shall not be paid to him, but that $150, less the $100 that he got, shall be paid to him. That is based on the idea that this $150 is towards compensation, and the whole of it is not to be paid out in this case because the clerk in question has been compensated to a certain degree by the raise in salary. He has got an extra $100 by the change in classification, and so that $100 will be taken from the flat increase of $150. I think that the same sauce should be meted out to the others. Just prior to the 1st of September, 1908, the other man received an increase, not by virtue of the Act but by the will of the minister or the deputy minister, and surely that also should be taken into account in the payment of $150, especially in the cases of the large increases. I do not think the regular statutory increases given legally to the inside service in so far as they may have been given to the outside service should be considered; I would not dock that off. But any increase other than that should be taken into account in the bestowal of the $150. In the Interior Department 504 came in from the outside service and about 200 of them received increases amounting to $50,000 in all, a few hours prior to the 1st of September, and side by side with them you have the clerks who were already in the inside service. Both are under the same minister. The man in the old inside service has passed his examination, has gone through the different grades, has faithfully performed his duties, and alongside of him you have a man brought into the inside service who never passed a Civil Service examination (although he may be an equally good man I admit), but he has received $400 of an increase, and you add on to him the whole $150, while you deduct from the $150 any increase the other man may have got. I will admit frankly that in the outside service there may have been some conspicuous examples of able men who were paid far below what they should have been, and that the minister might feel justified in

increasing the salaries of such men. But the fact of the matter is that the thing was done indiscriminately, and that young men without experience were all at once boosted up to large salaries by large additions to their salaries for some reason or other. I would like to see this measure of fairness: that in the case of those outside-insiders who received this increase—with the exception of the statutory increase—the deductions should hold there as well as with regard to the regular service. I have discussed this question until I am just as tired of hearing my own voice as the minister no doubt is, and I do not suppose I can elaborate it further by hours of speaking. I have cited example after example, and the minister knows my meaning and the force of it.

Mr. FISHER. This matter has been already threshed out and I think the House understands the position. This Bill is a complement of the Act of last session. We believed that the Act of last session would accomplish a great deal of what is intended to be accomplished by this Act, but when we came to work out the details we found it did not give that general relief to the service which was expected and which was recommended by the Civil Service Commission of 1907. We therefore introduced this Bill to remedy that defect. We appreciate that men got increases between the Act of last session and this present Act. Some were the statutory annual increases, some were larger, some were made on the estimates of last session, some were made by the ministers where they had the right to do so in the reorganization of their departments, some were made by order in council, some were merely preparatory to the coming into operation of the new Act. In some instances the salaries which the officers of the outside service who were to come into the inside service were receiving were not commensurate with their usefulness to the country compared with the salaries paid to those already in the inside service. Coming into the inside service on the 1st of September we had no longer any latitude in the way of increasing their salaries or recognizing their service. It was therefore right that each minister should carefully examine into the standing and value of every individual who was going to have this change in his status. We looked into it carefully, and examined it, and discuss it from all its sides, and we felt there was no possibility of drawing an arbitrary line at any particular date except at the date when the new Civil Service Act came into force. I recognize that perhaps some men have profited more than others, but that would be so whatever course we adopted. I think the decision come to by the government that this Act should take effect as from the same date that the other Act came into force was the simplest, straightest, and best, and that it will probably result in less injustice and bickering than would any other proposition. I think this arrangement should commend itself to the House.

Mr. FOSTER. Parliament came to the conclusion that it would include in the new Act certain members of the outside service, and the new Act came into force on the 1st of September. I am taking no objection whatever to the date. There was the regular inside Civil Service and there was what was equivalent to the inside service although not hitherto included, and we said we would take them in, and the absolute condition upon which we legislated was that they would be taken in at the salaries they had at the date the Act came into force. We knew what these salaries were. What I complain of is that in the interim some ministers went to work and absolutely created a new class of men entirely, just for the purpose of putting them into the new organization on the 1st day of September on a higher classification than they otherwise would have obtained. I deny that the ministers who did this looked into it carefully. The facts show they did not. The Minister of the Interior is a careful man and a man of good sense, and I cannot believe that the Minister of the Interior took into consideration every one of these cases before putting his sign manual to them. No doubt that work was done by the officials of the department. What in the world is the justification, as I pointed out last night, for appointing a young man in 1906 at $500 and giving him his annual increases, and then adding $200 and $100 to his salary just before the 1st of September 1908, so as to put him in a higher class than the Act intended he should be in. He is not an artist, he is not an engineer, he is not a technical man of any kind; he is a good hockey player I believe, but he was doing ordinary clerical work. Now, you add $150 more to that young man's salary and the man who has been working faithfully in the department for years, and who has attained the maximum salary of his class is deprived of any share in this $150 increase. That is not fair nor just, and so I say that where an increase has been given over and above what is the fair statutory increase, the same provision should be made that the increase should be deducted from the $150 as you apply to these others. These men might say: 'Well, if we have to stand it, we can stand it if others are not treated differently.' But when others are treated better who are not their

superiors by any means, they do not feel that they have been given a square deal, and I do not think they have. One way you can minimize that is not to give the latter a full increase any more than the former.

Mr. FISHER. I have already tried to explain that I do not consider those who were formerly in the outside service in Ottawa to have been in the same position as the inside service. They are now coming in under totally new conditions of engagement. I threshed out this thing before and I think I showed that the charge made is not founded. As far as I am concerned, and I think the same may be said of my colleagues, I did go into the details of every individual who got the increase before the 1st of September. The largest number of those got their increases in the ordinary way, they had been getting them in the past, and those who did get a special increase got it because their services were such as entitled them to go into a certain division in the inside service, to which the salaries they had been receiving in the outside service did not entitle them to, and they got sufficient increases to bring their salaries up to the requisite figures. That was done intentionally and each case was examined into. My deputy head consulted with the chiefs of sub-divisions, and I went over each case with him before making any recommendation to council. My hon. friend is quite ready to allow the clerks in the inside service to get the advance, but he thinks that those in the outside service, who for other reasons got an advance, should be deprived of the benefit of it pro tanto. I do not think so. I think that the clerks in the outside service who got an increase before the 1st of September, got it because they deserved it and are entitled to come in the inside service at the place their increased salary entitles them to.

On section 3,

No increase under any Act to be founded on this resolution to any officer, clerk or employee shall exceed the difference between his present salary and the maximum salary of the subdivision in which he has been placed upon organization and classification under the said Act of 1908.

On section 4,

That all increases provided for hereunder shall take effect from the first day of September, 1908.

Mr. FOSTER. Where are these said schedules embodied in this bill?

Mr. FISHER. They will be attached as a schedule to the Bill.

Mr. FOSTER. There is no reference to the schedule.

Mr. FISHER. Yes, that will be found in section 5. That section reads as follows:

That all sums of money voted by parliament for the financial year ending on the 31st day of March, 1909, and applicable to the payment of salaries or increases of salaries of persons in the inside service shall be applicable to the payment of increases of salary granted under the Act, so far as such sums are not required for the specific purposes for which they were granted; and during the financial years ending on the 31st day of March, 1909, and 1910, respectively, there may be paid out of the Consolidated Revenue Fund of Canada such further moneys as may be required for the payment of increases of salary under the Act as have not been voted by parliament, the whole not to exceed the amounts as set forth in the schedule to the Act to be founded on this resolution.

Mr. FOSTER. The schedule purports to set out the increases and the number of persons who are to receive such increases. Take the Department of Agriculture, in the 1st Division 'A' there are four who receive the increase of $150. For the full year the increase will be $600. What we want to enact is that the schedule shall be carried out, that is that the four in subdivision 'A' shall receive $150 each; but if one should drop out, leaving $150 not expended, we should not be at liberty to add that on to some one else in division 'B.'

Mr. FISHER. Certainly not. The schedule is arranged exactly in the same way as the civil government estimates are in the details of our estimates. This gives the number of people in each subdivision of each class who will get a certain specified increase. The main column shows that from September 1, 1908 to March 31, 1909, those four will get $350; and from April 1, 1909 to March 31, 1910, they will get $600, because this increase has not been provided for in the ordinary estimates of the present year. My hon. friend understands that in the ordinary estimates, when we want to grant a certain sum under civil government, say to the Department of Agriculture, we have so many first and so many second-class clerks, &c., specified in detail and the payments have to be made to them. Those are the clerks in the classification of the department; and unless that classification is changed, no other clerk can be paid out of that sum. This sum to be paid on the 1st of September is the result of the actual classification on that date, and we cannot use any part of it to pay anybody who was not in the position indicated in those schedules on the 1st of September. Therefore we could not pay it to anybody else except to clerks or employees indicated in the details of these schedules on that date.

Mr. FOSTER. You ought not, but I do not see that the schedule itself will preclude that:

There may be paid out of the Consolidated Revenue Funds of Canada such further sums as may be required for the payments of increases of salary hereunder as have not been voted by parliament, the whole not to exceed the amount as set forth in the schedule to this Act.

It seems to me that to make it clearer we should add the words after the word 'parliament' 'for the payment of increases of salary as specified hereunder'.

Mr. FISHER. I should say on reading that section that the whole amount applied to each individual line of the schedule.

Mr. FOSTER. I would take it to mean that for instance the Department of Agriculture should not pay out more than $33,525, and the Auditor General should not pay more than the $80,500.

Mr. FISHER. If that be the correct interpretation, the clause is not properly worded.

Mr. FOSTER. It might be made to read: Not to exceed the detailed amounts as set forth in this Act.

Mr. FISHER. I am prepared to accept that, not to exceed in each case the detailed amounts as set forth in the schedule to this Act. The only question remaining is that of the schedule. The hon. member for North Toronto (Mr. Foster) has a copy of the schedule. He will see on comparing it with the manuscript schedule which I laid on the table the day before yesterday, that there are a few slight typographical errors, and I would suggest that as we have not yet received the Senate schedule and as the schedule of the library and distribution office have to be adopted by the Senate also before becoming effective, we should rise and report progress.

Mr. FOSTER. In reference to the House of Commons schedule, I notice that in the first division, subdivision 'A,' there are two officials who get the $150 increase. Who are these two?

Mr. FISHER. Mr. Laplante, the assistant clerk, and Lt.-Col. Smith, the Sergeant-at-arms.

Mr. FOSTER. Is it proposed to give Mr. Laplante $150 as well as the exceedingly large increase he has already obtained?

Mr. FISHER. Yes.

Mr. FOSTER. I protest against the inordinate salaries that we are pushing upon some of our officers. Mr. Laplante is an officer who has certain duties to perform. He comes here the first day of the session and he discharges those duties. He gets rooms in the House and lives here. As soon as the session is over, he goes away, he has nothing else to do, good, bad or indifferent, with reference to this House or its duties until the next session opens. He has been here a little over nine years. To-day, if the will of the minister is carried, he will get a salary of $3,550 and now you are shoving $150 extra upon him, making $3,700. I say that is an inordinate payment for the services given, and I mention this not because I have any feeling in the matter but because it is an example of the way we have gone far beyond the mark. I was opposed, as the minister knows, to giving the clerk $5,000 on the small number of years he had been in the service. We had a very efficient clerk before, Sir John Bourinot, who was an authority, a man of parts, who did the work for a long series of years and yet at his death he was receiving only $3,400. I pleaded last year that the clerk of the House should earn his promotion in salary by some years' service, that we should give him a sufficient salary, but that it ought not to be made at once $5,000. I protested in the same way with reference to the salaries of the assistant clerk and some others. After having given these large increases you are again adding $150 extra which makes the amount $3,700 for three or four or five months' work, not of any great responsibility. That you do in contrast to the Sergeant-at-arms who is an old officer of the House, who has been in the service of the House for fifty-one years and who has done his work efficiently and well. I consider that this is not fair treatment. I voiced my condemnation of it yesterday and I voice it again to-night. My contention is that in the case of Mr. Laplante and some eight or nine others whose cases we took up the other day, these increases are absolutely against the law. Those who made the classification acted against the law and they were our own clerk, and our own Speaker at that time, Mr. Sutherland. Mr. Laplante and the others to whom I have referred were not at that time getting the salaries that these other two gentlemen said they were getting on the 1st day of September, 1908. I have under my hands the pay-lists and the pay-lists show that on September 1, Mr. Laplante was being paid at the rate of $2,800, and that all these others were being paid at the rate of their previous salaries and for every succeeding month up to March 31, they were being paid their old salaries. It was not until the 1st of April, after the vote of this year came in, that the back balance was paid.

But this law is extant and the minister is bound to stand by the law. The clerk and the Speaker cannot break the law; the Economy Commission cannot fly in the face of the law; and I say this is illegal. The statute says—and we are all bound by the statute—that it shall be the amount of money which a man was receiving on the 1st of September, and not what these other two gentlemen say he was receiving and

which they have put in the classification as though it were being received. These two gentlemen, on the 18th of July, 1908, had that matter all arranged to put through this House, that is, to have the House adjourn without the House knowing it. It was only because a chance question was asked that it was brought up. Then we discussed it and decided that there was no appropriation and consequently they could not make these promotions and give these increases of salary. From that moment these two gentlemen knew they were without power. Still after this House was closed, these two gentlemen who made the classification declared that they were the salaries these men were getting on September 1, 1908, when they knew it was not so. And they either misled the Internal Economy Committee, or the Internal Economy Committee with their eyes open declared also that they would go against the express provision of the law. I put it plainly; I do not mince my words about it; I state exactly what took place. That is the position to-day. And I pleaded with the right hon. First Minister who leads this House, when I showed to him that it was not accurate, that he ought not to put through parliament that which was based on an inaccuracy. But it was put through. But I say to-day that these gentlemen cannot draw these salaries, if there is any Department of Justice which interprets the law properly. I have the law here, and it declares that these men shall be brought in on the 1st of September on the actual amount of money they receive, and that the change shall take place and the classification be made on the basis of their salaries. Mr. Laplante's salary on September 1, 1908, was $2,100. These gentlemen take it upon themselves to say that his salary was $3,350. And it was not $3,350.

Mr. FISHER. This question was discussed here yesterday, and the House, after the protest of the hon. gentleman (Mr. Foster), deliberately and unanimously carried the resolution for the classification of the employees of this House. Therefore, I do not propose to enter into the discussion of the question. I can only say that the schedule has been adopted by the House of Commons and is now the legal schedule under the Civil Service Act as amended last session. That being the case, it is to be inserted by me as the schedule of this Bill. I have no right, authority or power to take any other schedule and put it into this Bill. I do not wish to enter upon the question which the hon. member (Mr. Foster) has been discussing; I do not wish to make any comparisons between employees of this House, but should prefer that each be considered on his own merits without reference to the other. This, I think, is the right and proper spirit in which to discuss the salaries, emoluments and privileges of the employees of the House. More than this, I do not think I should say. I do not think that, in committee on this Bill, the discussion is necessary or advisable. I move that the committee rise, report progress and ask leave to sit again.

Mr. FOSTER. Before that motion is carried, I desire to give notice that on the third reading I will move:

That the Bill be referred back to the Committee of the Whole with instructions to amend the Act by providing:

That no person transferred from the outside service on September 1, 1908, shall receive an increase greater than the difference between $150 and any increase greater than $50 which may have been granted to him on or after January 1, 1908.

That no person appointed to the outside service in Ottawa since January 1, 1909, and transferred on the 1st September, 1908, shall be eligible for the $150 increase or any part thereof.

That no clerk in good standing in the Civil Service at Ottawa on January 1, 1908, who has not since that date received more than the statutory increase of $50 shall be deprived of the full flat increase of $150.

Mr. FISHER. I understood that the hon. member (Mr. Foster) was going away

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Mr. FOSTER. If the minister will bring this up on Monday—by that time the Senate will be through probably.

Mr. FISHER. I was going to say that, possibly, I might be able to get the other schedules, and I would like to warn my hon. friend (Mr. Foster) that it might be advisable, in order to expedite the work of the House, to put the other schedules in the Bill and get the Bill through committee. It will be kept over for third reading, and he can then move his amendments.

Mr. FOSTER. The hon. gentleman can get it ready for third reading on Monday.

Mr. FISHER. I will try to.

Motion agreed to, and progress reported.

CONSERVATION OF NATURAL RESOURCES.

House went into committee to consider the following proposed resolution:

That it is expedient in connection with the Bill now before this House, intituled: 'An Act to establish a commission for the conservation of natural resources,' to provide for:—(a) the appointment of a secretary to the said commission and such officers and clerks under him as are necessary for carrying on the work of the commission, at such salaries as, under the Civil Service Amendment Act, 1908, are appropriate to the divisions and

subdivisions of the service to which such officers and clerks may be assigned; (b) the employment of such assistants as are necessary for the purpose of any special work or investigation, and for their remuneration and expenses; (c) the actual disbursements of the chairman and members of the commission incurred in travelling to, returning from, and remaining at, meetings of the commission, and of the chairman in travelling or otherwise attending to the work of the commission.—Mr. Fisher.

Hon. SYDNEY FISHER (Minister of Agriculture). This is the resolution which is required in consequence of the fact that the Bill, (No. 159), to establish a commission for the conservation of natural resources contains some clauses which involve the expenditure of public money. The Bill has been read the first time and before it is read the second time and taken up in committee, we have to pass the resolution which authorizes the expenditure.

Mr. MONK. I desire to ask if, under the terms of the arrangement made with the American representatives regarding the conservation of our natural resources, we were obliged to establish this commission. If the hon. minister (Mr. Fisher) has before him the documents circulated amongst us concerning the convention—if that is the name by which I should describe it—may I ask him to point out that part which requires us to establish the commission.

Mr. FISHER. I regret that I have not under my hand at the moment the document referred to. One clause in it contained the recommendation that each of the countries engaged in the conference at Washington should establish within itself a permanent commission on its natural resources. This was a further expression of the spirit which actuated the calling of the conference at Washington, and which is embodied in the findings of the conference. I have no hesitation myself in endorsing the idea. I believe that Canada, as well as the United States and Mexico, has been passing through a period during which, to a considerable extent, while we have not seriously impaired our natural resources, we have been dissipating those resources without taking that care for the future which it is desirable that we should take. The administration of our natural resources is in the hands of different authorities, some provincial and some Dominion. We, therefore, cannot expect absolutely uniform action or treatment with regard to our natural resources. We believe that a commission of this kind, which, I think, by the provisions of this Act, will be very general in its composition, and will include representatives of the provincial authorities and men who have taken into consideration these very important questions from all over the country, will be able to mould public opinion, to investigate and obtain information in regard to the present condition of our natural resources and will be able, having full information and having found out the best way to deal with these natural resources, to make recommendations and to put forward statements of facts which will induce the authority, whatever it may be in Canada which has control of these natural resources, to treat them in the wisest possible way for the benefit of the future as well as the present of our country. This is the object and intent, and I feel that the recommendation of that conference at Washington is one that we can well act upon. I also feel, and I think that in this respect hon. gentlemen will agree with me, that we, as well as the United States and Mexico, owe to President Roosevelt, who called that conference, an appreciation of his public spirit, his foresight and his activity, which we can show best by trying to follow the lead of that conference and by acting in accordance with its findings. We in Canada are happy in that we have not seriously hurt our natural resources, but I do feel that if we continue the course which we have to a certain extent adopted, the time is not far distant when we will have seriously injured our resources, and future generations will look back to this period, or to the next succeeding period, if we do not change our ways, with regret and will say that the generation of to-day and the generation immediately succeeding us did not do their duty to the future of Canada. Under these circumstances I am very strongly of the opinion that a commission of this kind should be established. I hope and believe that such a commission, if it is rightly constituted, and if it is composed of the best choice of men in the country, will be able to do an excellent work in the interest of our country, and I trust that, if the authority is given by this Bill for the formation of such a commission, the men who are best qualified will be nominated to it and that their work will tell immediately as well as in the future.

Mr. MONK. My hon. friend, in his rather long speech, has been carrying coals to Newcastle and preaching to the converted, as far as the conservation of our natural resources are concerned. I merely wished to ask whether we were bound to create this commission under the terms of our arrangement, and when we were bound to do so. I did not understand my hon. friend to answer that very simple question.

Mr. FISHER. I shall be very happy to do it now.

Mr. MONK. No, I would rather not risk it. I will say what I have to say.

Mr. FISHER. My hon. friend likes to hear himself talk, but he does not like to hear other people.

Mr. MONK. No, I have not given as good proof of that as my hon. friend. I do not think that any man on either side of this House or any man who has sat in this House at any time, has any doubt as to our wastefulness in regard to our great natural resources. We require no preaching to in that regard. We have wasted our forests, we are wasting them now in many parts of this country, some parts that my hon. friend knows, we are wasting our land to a very large extent and we are wasting our resources generally. I believe with my hon. friend that when we are fully aware of the condition of affairs, of the extent to which that waste is going on and of the detriment it is going to cause even our own generation we will be moved in the same direction as the great prototype to whom my hon. friend has referred—President Roosevelt. Certainly he has given an impetus to public opinion, but I think everybody will admit that many people, as well as President Roosevelt, have been aware for many years that this waste was going on. It is a pity that we were not the first to set the example in regard to the preservation of these resources. Individual members of this House have, from time to time, called attention to that waste. Not with as much authority, but with as much force as President Roosevelt did in his message. The point I wish to make is that we have conformed to our promises and our engagements made at Washington.

Mr. FISHER. May I interrupt my hon. friend?

Mr. MONK. Yes.

Mr. FISHER. There was no promise and there was no engagement. We accepted an invitation to the conference but the findings of the conference bound nobody and we are absolutely free to act just as we like the same as we were before the conference.

Mr. MONK. That is what I was not sure of. I imagined that possibly my hon. friend who attended the conference might give us information of an exact nature upon that point. I say that we have followed up that recommendation promptly and to the letter in my estimation by creating here, amongst our own selves and in this very chamber, the assembly that requires to be informed in order to act, such a commission as is necessary to gather the information. I think I will be borne out by members of the permanent committee that has been created by the unanimous vote of this House when I say that the work we have done in that respect during this very session has been very considerable indeed and that it has opened the eyes of many of us to the extent of these resources. We have committees on each of the great subjects that were treated at that conference and these committees during this session of parliament, and next session particularly, without any additional expense to the country, will do their work in finding out what the resources of the country are, the extent of them, and the most practical means for preserving them. The members of this parliament, the very men who require to be informed upon the subject have constituted themselves into committees in order to gather that information. We can have the witnesses before us and we can examine and cross-examine them and have the information we obtain printed and laid before the House and circulated amongst the public by us. After a few years we will become so to speak experts in regard to our natural resources, and we will be in a position to adopt adequate measures. Under these circumstances it seems to me to be useless at the present stage to create an expensive commission. I know that the members of that commission are going to act without remuneration, but still we will have to pay their travelling expenses and the salaries and expenses of employees. We are asked this year for a vote of $10,000, but I have no doubt that the expenditure will soon amount to $25,000 a year. At a time when we are curtailing all unnecessary expenses I do not think there is any necessity for this. I am sure that President Roosevelt, although he is busily engaged at present in killing rhinoceri and elephants would be the first, (because he is a practical man) although he is deeply interested in the preservation of natural resources, to say that this expense is entirely unnecessary at the present time.

Mr. LENNOX. This is but one sample of the extravagant expenditure into which we are launching by the creation of new departments and in various other ways. We have now committees of our own members at work who will become familiarized with these questions and be able to act in the best interests of the country, but, if we appoint this External Commission these gentlemen alone will have the knowledge of the subject and the members of this House will not be able to familiarize themselves with it as they can under the present system. Education is forced upon people as well as voluntarily acquired and the information gained in these special committees is one of the ways in which information is forced upon the members of this House, and the committees appointed this session to acquire knowledge of our resources will be able to communicate their knowldge to us. I am decidedly opposed to the practice, which seems to

be growing, of increasing the number of commissions. In this case the establishment of a commission will involve very considerable expense, in the payment of clerical aid, travelling expenses and living allowances. We should call a halt in this kind of expenditure for the present. It is a great deal better that the members of parliament should apply themselves in the various committees diligently to ascertain the extent of our resources and to disseminate the knowledge rather than that we should have an outside commission collecting information which will be buried in blue books.

Mr. BRODER. This is a question important enough to have very careful consideration. You will have to study local conditions and receive evidence from local centres, and if your Committee of the House is to be effective you must bring witnesses from all over the country. So that the question remains whether or not it is cheaper for the commission to visit the different localities or to bring a large number of witnesses here. But while we are looking at the expenditure we must be careful not to forget the most effective means to bring about the best results. If our work is not effective it is dear at any price, but if it is so effective as to lead to the conservation of our natural resources then it is cheap at almost any price. That is the way I look at it and it seems to me that we should carefully consider the matter so that we may adopt the most effective means to bring about the best results.

Sir WILFRID LAURIER. It is only within the last few years that civilized nations, especially the nations of this continent, have commenced to realize how much we have lost of our natural wealth, simply by not paying more attention to the laws of nature. In that respect the conservation of natural resources is altogether a new idea. The experience of what has already taken place in this House ought to be some guide for us. This session we appointed a committee to prepare information which might afterwards be disseminated throughout the country and that committee met three times without being able to obtain a quorum, to some extent, because, I should think, the members of the House were not sufficiently enthusiastic in the matter. At last, when the committee did meet the first thing it did was to reduce the quorum. Probably the chief reason why hon. gentlemen did not attend was that they were members of other committees and were busily engaged in them. The purpose of this Bill is chiefly to have a meeting once a year to interest the provinces, to interest the universities, to interest all those who should take an interest to come here and compare notes, and get information which could be circulated amongst the people. My hon. friend from Lennox——

Some hon. MEMBERS. From Simcoe.

Sir WILFRID LAURIER. My hon. friend from Simcoe (Mr. Lennox) bears an historic name and it first came to my mind. My hon. friend from Lennox—well, I have made the mistake again from the force of habit, but of course hon. gentlemen will understand that I refer to my hon. friend from Simcoe (Mr. Lennox). The hon. gentleman has suggested that we should be chary of our expenditure, but while I admit that this is an off year, yet we are not so reduced that we cannot bear some expense for the development of a good idea. The cost this year will be $12,000, and I think we can stand that. As has been said by my hon. friend from Dundas (Mr. Broder) if we can get the information and bring about the results we expect, it would be cheap at that price and indeed at any price.

Mr. FOSTER. Would the minister give us an idea of what we may expect to get from this expenditure?

Mr. FISHER. The Bill provides that the members of the provincial governments who are in charge of the natural resources of the various provinces shall be ex officio members of the commission, and that the Minister of the Interior, the Minister of Mines, and the Minister of Agriculture in the federal government shall also be ex officio members. The Bill also provides that the other members of the commission shall be appointed by the government.

Mr. FOSTER. They will all be good Grits I suppose?

Mr. FISHER. I hope not. If they were, I have no doubt they would be patriots and good Canadians, but I do not wish the commission to be partisan in any sense, and I am willing to fully acknowledge that there are amongst the Conservatives good patriots and men who know a good deal about their country. Is that going too far? In any province where there is a university, one member shall be appointed from the faculty of that university, thus implying that the government shall choose men who are educated and who have influence in the community. I hope that the other members will be chosen with regard to their enthusiasm and their interest in these subjects, men well versed in forestry, in mining and minerals, in water-powers and water-courses, in public health, in engineering and so on. I am satisfied we can get together a body of men whose dictum will carry weight with everybody in the country which has any control over our natural resources.

Mr. FOSTER. When you get them, what will you do?

Mr. FISHER. They will hold a meeting and discuss what recommendations they may be able to lay down for the treatment of the natural resources of Canada in the future, on such lines as may rightly appeal to the administrative authorities all through Canada, whether municipal, provincial or Dominion, who have control over our natural resources. My hon. friend from Jacques Cartier (Mr. Monk) has spoken about the committee of the House. But a committee of the House is purely federal in its character. It does not enlist the sympathy or co-operation of the provincial or municipal authorities. It is proposed to have a small office staff to carry out the directions of the commission. That will cost about $10,000 to $12,000 a year and is provided for in the supplementaries. In another item of the supplementaries we are asking $10,000 for the general expenses of the commission, including printing, the expense of gathering the commission together when they meet, and so forth. There will be an annual general meeting at Ottawa or some other place, and the chairman can call other meetings during the year at the request of five members of the commission, which will consist of some thirty-two members.

Mr. FOSTER. How will the office be manned and what work will it do?

Mr. FISHER. The details will be found in the supplementaries. There is a provision for a clerk in the first division 'A,' two in the second division 'B,' and two in the second division 'A,' and a couple of stenographers in the third division. Their business will be to work out the plans of the commission.

Mr. FOSTER. Under whose authority and supervision will that office be manned?

Mr. FISHER. The chairman of the commission.

Mr. FOSTER. It will not be a ministerial office?

Mr. FISHER. No, not departmental.

Mr. FOSTER. Will the chairman of the commission or the commission itself be allowed to choose its own officers?

Mr. FISHER. The officers will be in the Civil Service and appointed under the rules of the Civil Service. The Bill provides that the commission may arrange for special work or technical work, and engage people to do that.

Mr. FOSTER. You will have about five officers in that office. Will those clerks be there to carry out the instructions of the commission under their supervision?

Mr. FISHER. Yes.

Mr. FOSTER. Do you propose that they shall be officers of high technical knowledge?

Mr. FISHER. No, their chief work will be the collecting of information and tabulating it for the benefit of the commission. The commission will require no doubt a great deal of statistical information and these officers will collect that. In some cases they will be engaged in formulating and I hope in issuing bulletins of information for the education of the public at large. One of the chief causes of the waste of our natural resources, is the carelessness, ignorance and inattention of the public. When we bring these matters before the public, they are ready to agree to almost anything, but the public itself is, as a general rule, rather indifferent and ill-informed. The commission will have to gather information and give that out to the public and create a public opinion, and in that way lead to the adoption of effective measures to accomplish the object in view.

Mr. MONK. I am sorry to take up time, but it is a pity that such important measures should come before us at the last moment. I would like in the first place to rebut the reproach my right hon. friend has made against the committee of this House. He is generally disposed to be fair, but for some reason or other he is not just in that regard, at least in so far as the committee to which I belong is concerned. That committee has sat often during this session and has collected most valuable evidence with regard to our forest and water-powers, but the position is this: We have sometimes several committees sitting at the same hour, and although inclined to give the preference to this committee may be compelled to attend some other. I hope that before long the House will modify its rules in such a manner as to do away with that unfortunate state of affairs. Surely during this parliament there will be some change in our rules which will enable our committees to sit at different hours. But the important point is this. You are about to establish a body of a very vague character, and you are going to delegate to that body a task which properly belongs to us and which we should perform. The work of collecting evidence and largely the management of the affairs of that huge and cumbersome commission will fall upon its paid employees. I have no doubt, and I do not suppose the Minister of Agriculture has any doubt, that all this will be collected and printed in blue books which we will not have time to study, whereas by the system now in force we are brought into contact with our own employees and with ex-

perts whom we can cross-examine, and we thus have the time and opportunity to look into the different questions brought up very fully. The system proposed by my hon. friend is not only more cumbersome and more expensive, but it does away with that personal contact which this House ought to have with the men employed and interested in the conservation of our natural resources. From whatever standpoint you look at it, we have hitherto proceeded in the proper way, and I see in this new departure nothing but an attempt to establish a new body and increase the staff of the Civil Service, already too large. That certainly we ought not to do this year. My hon. friend has said that the committee of this House is not in touch with the great universities and teaching bodies. Certainly that would be a great misfortune but there is no foundation for any such statement. I venture to say that the evidence we take here regarding the best means of conserving our natural resources will be sought after by all those bodies with much more interest than they would read the blue books published by this new commission—published perhaps only every two years, and lacking that vital interest which attaches to an examination by a committee of parliament. To my mind this seems a very absurd and unnecessary expenditure.

Mr. SPROULE. There is another danger with which we will be confronted. It appears to be the aim of the minister to make this commission a statistical bureau, which will collect data and information, and embody that in some report that will be distributed yearly to this House. But that commission can only accomplish something in proportion as we crystalize the information it gathers into action. But in this we are confronted with the question of jurisdiction. Most of our natural resources belong to the provinces; and if we pretend to exercise any control, we will find ourselves in conflict with the provinces. Unless some plan be devised whereby the provinces will co-operate with us, our proceedings cannot be productive of satisfactory results. What are our natural resources? The water-powers are one of them. But this House, only a few days ago, incorporated a company to take control of some important water-powers belonging to the province, and we had the province fighting against that infringement of its rights. We had the spectacle of a province trying to conserve its natural resources and the federal authority trying to give them away. Then when we come to our timber resources, the provinces control these. We have not the power to say what rules shall apply to the leasing or cutting of timber. In like manner if we touch our mines, we will be infringing on the jurisdiction of the provinces. We can deal with the fisheries to some extent, but in that case we have only joint jurisdiction with the provincial authority. It is now proposed that we should start another department which will require an army of officers with big salaries, to deal with matters which are beyond our jurisdiction, and each year we will find the expenses increasing. No doubt it will be on the bountiful scale on which we find all the departments under federal authority established. It will cost us a great deal of money in the future, but it is doubtful whether we will get an ample return for that money. A few years ago we established a census bureau to collect data. What has become of that? We are paying out money but any data we get are not worth five cents. If we want to get information in regard to any subject, agriculture for instance, we have no data that can be depended on. If I go to that department and ask for information I am told it is not reliable. We are spending money every year to no useful purpose. Then I am afraid unless we are very careful we will find ourselves in conflict with the provincial authorities.

Mr. BOYCE. I do not know whether the provisions of the Bill have been submitted to the provincial governments whose representatives are to be members of the commission. I do not see how you are to compel the executives of the different legislatures to take part in the operations of this commission if they do not sympathize with and join in the work of the commission. You legislate the minister administering the department of natural resources in every province into being ex officio a member of this commission. I see possible difficulty in that respect, and it appears to me that the commission as proposed will be an unworkable and unwieldy body. For the present I would prefer the policy enunciated by the Prime Minister of having a commission of inquiry formed from the committees of this House under the jurisdiction of this House, reporting to us at very little expense. There are twenty members of the commission now proposed to be appointed by the Governor in Council in addition to 13 ministers of the Crown ex officio and nine members of the governments of each province, making in all a commission on natural resources of Canada of 32 members. The commission is so constituted that there may be conflicts of interest and opinion among its members, particularly in regard to provincial matters. How will you reconcile differences of opinion with regard to water-powers for instance where there is conflict between this government and a provincial govern-

ment? In view of the government's desire for retrenchment, I can hardly approve of the appointing of this commission, especially when we have our parliamentary committees which are doing splendid work, receiving evidence and getting information at very little cost.

Mr. LENNOX. The first minister said that this commission would cost only $12,000 for the first year and possibly only $12,000 a year. From my experience of the way in which moneys mount up I venture to predict that within two years this commission will be costing $50,000 a year. If I could see that this was a well considered scheme I would not oppose it, but I am convinced it is not well considered, it is simply an attempt to make the people believe we are doing something when in reality we are doing nothing. I am inclined to think that the Prime Minister has no reason to lose faith in the committees he appointed this session. The proper system for us to adopt is to educate ourselves by obtaining from time to time first-hand information through the committees of this House. That is preferable to appointing outsiders to collect information which we will never digest or use. Let us get to work in the various committees and become familiar with all the information available so that we will be able to use it in the House and if we have to supplement that information by sending experts out into the field, let us send them ourselves. Let us initiate the proceedings ourselves and then we will have here a body of men who are quasi-experts upon the subject of our natural resources and who will be in a position to legislate intelligently upon these subjects. I have no faith whatever in a lot of theoretical men who by reason of the fact that they are appointed will think it their duty to collect a mass of information and shy it at our heads from time to time in the form of blue-books. I do not believe that this matter has been sufficiently digested to enable the government to outline a scheme which will be of benefit to the country for the present at all events. It seems a poor compliment to the members of this House who have been working vigorously upon the committees recently appointed to say that they have been doing nothing, and that therefore it is necessary to virtually farm this work out to others than members of this House.

Mr. FOSTER. Have we not now a Department of Forestry, for which we are paying out a considerable amount of money? Is it proposed to set that on one side? Is it proposed to set that to one side, or what is to be done about it? It seems to me you are adding a fifth wheel to the coach and doing it without consideration. I am much in favour of conserving our natural resources as any man can be, but I would like to see the best methods taken. The end of the session is hardly the time to invite the 218 members of this House to sit down and discuss this matter with any hope of reaching the best conclusion. The idea launched seems to me, at best, but a crude one. I think it would be well to take a little more time to think this over, and next session—not many months from now—let us put our heads together and see whether or not we can work this out in the best way. I would like the Prime Minister to think over the matter of the re-organization of our committees. He finds fault with the committees, but the difficulty arises from the fact that we have too many men on the committees. If we had smaller committees and better co-ordinated, and the work better distributed among them, we might do much more work and much more effective work than we do now. The fact is that you have the two committees of Public Accounts and Railways and Canals and Telegraph Lines, both of which are very large, and by the time members fulfil their duties on these committees, they have hardly time for any others. We have been talking about this for some time, and we all agree that something should be done. Then, why not get to work and do it, so that, another year, we shall have the advantage of a better organization? If that were done, we should not have occasion to find fault with the mere inability of members to work on all the committees on which they are now appointed.

Sir WILFRID LAURIER. I quite agree. I hope that next year when we are drafting the committees, we shall be able to reduce them to normal numbers. The committees are too large, and that is the reason why not so much is done as might be done. If we had a committee of small numbers, men could be chosen who were not on other committees, and they would do good work.

Mr. AMES. I do not think there is any question on either side of the House as to the importance and desirability of taking into consideration what may be done at an early date for the conservation of our natural resources. But there have been pointed out to-night some considerable difficulties standing in the way. The main difficulty is that the provinces of the Dominion have practically concurrent jurisdiction over many of these resources, and that no step can be taken by the Dominion without similar action being taken by the provinces, or, at least, without the provinces being consulted. If I recollect rightly the steps taken in this matter under President Roose-

velt, the first step was the calling of a convention of the governors of the different states for the discussion of this subject, inasmuch as these natural resources fell largely under their jurisdiction. Then, having consulted with the states, the larger scheme was eventually launched.

Mr. BELAND. If the hon. member (Mr. Ames) will allow me, the Federal Conservation Commission in the United States was created before the state commissions were created, and, as to the convention of governors, that was called a long time after the Federal Commission was created.

Mr. AMES. It appears, then, that I was not absolutely accurate on that point. But the fact remains that the Federal Commission in the United States did very little until after the holding of a convention of governors or representatives of the several states. It would seem to me the first step in this connection would be to ask the several provinces of this Dominion to select representatives familiar with their special laws and special resources and ask them to meet with representatives of this parliament and discuss what they are prepared to do together. When we find how we can step concurrently in provincial and federal legislation we shall know what are the best steps to take in this parliament. It would appear to me that the formation of this commission without reference to the provincial view of the question was a little premature, and that nothing would be accomplished until the provinces had been taken into the confidence of the government in this matter. There is a further consideration. We have had for some years a Forestry Association. That Forestry Association has been doing most excellent work. It has a considerable grant from this government, it issues a publication from time to time, and it is doing all it can to disseminate information regarding the necessity of preserving the forests. Are we to duplicate this work by means of this commission? Are we to bring the Forestry Association's career to an end by making its continuance needless? Or are we to traverse the same ground? It seems to me there are a good many things to be considered before the step that the hon. minister advocates here is taken.

Mr. FISHER. The hon. member for North Toronto (Mr. Foster) spoke of the Department of Forestry—the Forestry Branch of the Department of the Interior, for it is not a special department. That will not be interfered with. It is not proposed or expected that this commission should be administrative or have charge of any natural resources. I may explain to my hon. friend from St. Antoine, Montreal (Mr. Ames), that it is not the intention to interfere, through this commission, with the administration of any of our natural resources by the authorities now having them in charge. The hon. member spoke of enlisting the sympathy of the provinces. I agree; and it is with that idea that it is proposed in the Bill that a representative of the government of each province shall be invited to become a member ex officio and take part in the work of the commission. This is very much the same—allowing for the difference of conditions—as the President of the United States inviting the governors of the several states to meet him in convention and deal with the question of natural resources. In the United States, as my hon. friend (Mr. Ames) is aware, the executive and legislative departments are separate, and the governors are the head of the executive of their several states, as the president is the head of the executive of the federation. But in Canada the legislative and executive bodies are united, and the governments of the provinces take the place, to a very large extent, of the governors of the states, and therefore we are inviting the governments of the provinces to take part in this commission. The only difference is that, whereas the President of the United States called a single conference or convention of the governors, we are proposing, in accordance with the deliberate suggestion of the conference at Washington—which, no doubt, the United States will carry out as we are proposing to do—the establishment of a permanent commission which will go on with this work all the time instead of dealing with it only intermittently and spasmodically. And we hope to enlist the sympathy of the provincial authorities, and that, with their concurrence and assistance, this commission will be able to collect information with regard to natural resources under the control of the provincial authorities, just as they will collect information concerning natural resources under the control of the Dominion authorities. It is not intended to be a departmental commission or to interfere with any administrative work, but simply to try to enlist the sympathy of the people and of the authorities administering any of our natural resources and get them to decide what is best to be done in an enlightened way and to do it.

Mr. AMES. Are you not really taking the second step first. Can you expect that the provincial authorities will send a representative who will be one amongst a gathering of thirty or forty members named by this government. Is it not far more likely that the provincial authorities would accept that privilege if they felt that they were invited to come as representatives of the several provinces and if only such representatives were first called together to consider a comprehensive scheme? Would it not be

advisable first to hold such a conference as I have mentioned, with three or four representatives from the federal government and two or three from each of the provincial governments, to come to this convention with a practically open mind and say: 'We are all interested in this matter over which we have concurrent jurisdiction; what is the best method we can recommend to parliament and to the several provincial legislatures for the creation of a permanent body that may collect, disseminate and put in force information regarding the best method of preserving our natural resources?' It seems to me as if we were taking the second step first. Would it not be better not to pass this Bill at the present time, but to vote what may be necessary to enable this government to convoke a convention here next fall, bring the representatives of the provincial governments together, submit this proposition to them, and after you have received the endorsation and enlisted the good will of the various provincial authorities, with whom you must work if you are to accomplish anything, you would be in a position to come to this parliament next session and say: 'This is what the provincial authorities recommended and what they are prepared to do in seeking provincial legislation concurrently with our own?'

Mr. WRIGHT. I do not think that we would benefit very greatly by the formation of the commission proposed in this Bill. It seems that the object is to gather information together and to diffuse that information among those who may be interested in the subject. I think the public are pretty well informed with regard to the conservation of our natural resources. They pretty well understand the necessity of acting in this matter. What we need to-day is legislative and administrative action more than anything else. We all know that our timber is being destroyed, is being ruthlessly butchered, and that applies to the timber under the control of this Dominion as well as to that which is under the control of the various provincial legislatures. I happen to represent a constituency which has been engaged largely in the lumbering industry and I travel back and forth between my home and Ottawa, through other ridings where the timber industry is very largely in evidence. It has been painful to me going back and forth to see the way in which the timber is ruthlessly cut down. Saw logs that a man could put on his shoulder and carry away are being cut. This timber is being slaughtered to the extent of thousands and hundreds of thousands of logs every year. It is a shame. Of course, it is not under the control of the Dominion government. It was sold forty or fifty years ago when the conditions were vastly different from what they are to-day. But, I believe that the same conditions prevail in regard to timber under the control of this government which has been sold within the last few years without any adequate arrangement being entered into to preserve the timber, to prevent the slaughtering of small timber and without any proper scheme of reforestation. The government ought to take hold of this matter and provide a proper system of reforestry in so far as their authority goes and they should impress upon the legislatures of the various provinces the urgent necessity of taking up the same question. The provinces are taking hold of it and they are probably somewhat ahead of this government in the progress which has been made up to the present. I think the gathering together of the representatives of the various provinces would be conducive to the formulation of a plan looking to the preservation of our natural resources, and I would be perfectly willing that a vote should be passed through this House with such an object. But I do feel that it is necessary for this government to take some action at once without waiting for a commission to gather information for four or five years before anything is done. We cannot commence too soon. I do not think that another lot of timber should be put on the market until proper regulations are made to conserve the timber, to prevent ruthless cutting, to prevent fires and to properly look after it in other respects. The same thing is true with regard to water-powers. The government seems to be anxious now to appoint a commission to look after the matter, but this very week they passed a Bill through this House handing out one of these great water-powers to a private company. That does not look as if they were interested in preserving the water-power. I do not think that we should alienate a single water-power under the control of this government until some proper scheme is formulated. If we intend to look after the resources of this country we cannot begin too soon and I do not know why we should wait for the appointment of a commission, because I think the government has sufficient knowledge in its possession to justify immediate action.

Mr. ARTHURS. It seems to me that it would be infinitely preferable to have a conference between the representatives of the provinces and this government before such a commission as is proposed is set in action. It also seems to me that this commission, if formed, must fail for the very same reason that the work of the committee in this House has been unsatisfactory. The information which has been furnished to the committee of the House has been so incomplete in its character that it is almost impossible to get any satisfactory idea of the amount of timber there is at the present time under the control of this gov-

ernment. At one meeting of the committee at which I was present we were given certain figures as to the amount of timber in a province, but the party who gave us those figures was not sure whether they represented only the timber under federal control or whether they included timber which was under provincial license. It would be far better to expend this sum which is proposed to be used for this commission in sending out practical men to find out just what our natural resources both in timber and water-powers may be at the present time. There is no doubt that we have immense water-powers in the northern part of this province and throughout the various provinces of the Dominion which are at the present time very little known and which cannot be utilized by the public in general because they have no means of knowing what water-powers there are.

Mr. R. L. BORDEN. It seems to me that there is a great deal of force in the suggestion that if you desire to invite and secure the sympathetic co-operation of the provinces you had better consult them first. I think there is absolutely no difference of opinion on both sides of the House as to the importance of what the government have in mind. I thoroughly support and sympathize with any reasonable effort for that purpose, but I can readily see that the provincial governments might not care to be represented by one man in twenty-nine or thirty. There will be thirty-one or thirty-two members of this commission, perhaps. They might regard the presence of one of their ministers as committing them in some way to follow the advice of a body of that kind with reference to important public matters concerning the welfare of their province. While I would thoroughly support any well directed effort of the government along this line, it does seem to me it would be wise to have communication with the different provinces before you settle down upon any decided line of action. If afterwards you come here with a proposal, even though I might not think it the best proposal I would support it because it would be what I think is a step in the right direction.

Mr. FISHER. The idea of giving representation to the provincial governments is because of a desire to co-operate with the provincial authorities. When this commission gets together, I should hope it would be only a short time afterwards when provincial commissions of a like character would be established. The result of discussions at the United States commission has led to the formation of a large number of state commissions. There was a conference on forest conservation called some time ago by the Prime Minister, and while that conference created a good deal of interest in the preservation of our forests there was no permanent body to carry on the work in a broad way. I believe that greater good would result from that conference had there been a permanent commission to continue the work. In reference to the remarks of my hon. friend (Mr. Ames) I may say that the Forestry Association does excellent work, but it has no permanent organization to carry on the work all the year round. They have a secretary who does what he can, but they have no office and no permanent staff, and one of the complaints of the association is that they have not the means to carry on that work as they would like. The Forestry Association has resolved itself largely into one annual meeting at which those interested come together and read papers, followed by valuable discussions, but I am sorry to say that the great mass of the people of Canada take very little interest in it. I was in Toronto at the annual meeting, and although there were about 100 present at one meeting, I think 40 or 50 would be the average attendance, and there was little reference to it in the press, which published only a short resume of the proceedings. A permanent body like the commission could carry on this work of education the whole season through, because we will place at their command a staff for that purpose. There is no difficulty at all about legislating and administering if public opinion demands the right kind of administration and legislation. Up to the present it is evident that public opinion has not been educated in this country on this matter, or otherwise we would not have had the administration and legislation we have had in the past. I am satisfied that this commission will bring forth valuable results.

Mr. R. L. BORDEN. I was under the impression that before constituting their permanent commission in the United States, they did call together the representatives of the various states and thus enlisted their sympathy and support.

Mr. FISHER. My recollection is that first of all the President appointed a general commission which authorized the taking of what was called an inventory of their resources, and they reported to the second commission, which was a commission comprising representatives of the various states.

Mr. R. L. BORDEN. This is largely an educaticnal work, and to make it a success we must enlist the sympathy of the provincial governments. Would it not be wise to attempt to do that before we constituted the commission? Subject to that, I would be inclined to support the es-

tablishment of a commission, not of course at too great expense, even if it did only a moderate amount of work to commence with. The important thing is to call public attention to the fact that we have great natural resources which are being unnecessarily wasted and destroyed.

Mr. MONK. What would be the total annual cost of this commission?

Mr. FISHER. We take a vote of $12,000 for the salaries and staff and $10,000 for expenses, making a total of about $22,000.

Mr. MONK. Will that be sufficient?

Mr. FISHER. I hope so.

Mr. GEORGE GORDON. While we are discussing the conservation of our forests, I notice that the Department of the Interior has decided to part with the timber on some of the Indian reserves, and I wish to point out to the Minister of the Interior that a mistake is being made in establishing the conditions of sale as they are at present. These conditions do not in any degree tend to conserve our forest resources. The timber upon these lands is sold subject to a ten years lease, so that if it is not cut in ten years what is left reverts to the Crown. The reserve I have particularly in mind is covered with a growth of small timber, and I do not think the lessee should be compelled to cut that timber within a specified time. I think it would be much better to sell the timber outright, and the purchaser paying his dues and everything at once, he should be allowed to keep that timber on the reserve as long as he sees fit to let it grow. I would suggest to the Minister of the Interior that it would be in the interests of all concerned if the suggestion I have made should be adopted.

Resolution reported, read the second time and agreed to and referred to Committee of the Whole on Bill (No. 159).

Bill (No. 159) to establish a commission for the conservation of natural resources, read the second time and House went into committee thereon.

On section 3,

The Minister of Agriculture, the Minister of the Interior, the Minister of Mines and the member of each provincial government in Canada who is charged with the administration of the natural resources of such province shall be ex-officio members of the commission.

Mr. McCARTHY. What ministers in Alberta and Saskatchewan will fall under this section? As far as those two provinces are concerned we have not got control of our natural resources. We have none to administer and consequently I do not see what minister in either of these provinces would be eligible. The hon. gentleman knows that it is the Minister of the Interior of this government who is charged with the administration of the natural resources in Alberta and Saskatchewan.

Mr. FISHER. But the Minister of Agriculture of Saskatchewan has certainly a great deal to do with the work of development of the natural resources of that province as regards its lands, whether those lands happen to belong to the Dominion government or private individuals.

On section 4,

Of the members appointed by the Governor in Council, at least one member appointed from each province shall be a member of the faculty of a university within such province, if there be such university.

Mr. G. V. WHITE. What particular course in a university would the member appointed require to be the head of?

Mr. FISHER. The Governor in Council will consult with the head of the university as to who would be most suitable.

On section 6,

The chairman shall preside at all meetings of the commission, take the necessary steps for carrying into effect the decisions and recommendations of the commission, direct the work of the permanent officers thereof, and generally act as the administrative head of the commission.

Mr. AMES. Do you make any provision for the removal of the chairman?

Mr. FISHER. Clause 2 provides that the committee shall consist of 20 members appointed by the Governor in Council, who shall hold office during pleasure.

Mr. AMES. Then the only way to remove the chairman from his position as such would be to remove him entirely from the commission.

Mr. FISHER. That might be said.

On section 9,

No fees or emolument of any kind whatever shall be received by the chairman or other members of the commission, but they shall be repaid their actual reasonable disbursements incurred in travelling to, returning from, and remaining at, meetings of the commission. The chairman shall be paid any similar disbursements incurred in travelling or otherwise attending to the work of the commission. Before any such payment is made a statement shall be rendered by the member of the commission to whom payment is to be made, which statement shall be certified by the secretary and countersigned by the chairman, and thereafter payment may be made out of any moneys appropriated by parliament for the purpose of the commission.

Mr. WRIGHT. Will the expenses of the representatives of the various provincial governments be paid by this government?

Mr. FISHER. Yes and the members of the commission.

On section 12, temporary assistance.

Mr. AMES. That gives unlimited power to name temporary employees to the extent of the grant?

Mr. FISHER. Yes, the intention is that technical investigations may be carried on by people specially qualified.

Bill reported, read the third time and passed.

CRIMINAL CODE—AMENDMENT.

Mr. AYLESWORTH moved the second reading of Bill (No. 148) to amend the Criminal Code.

Mr. MONK. The subject is one of great interest and I intended going at some length into it, but at this advanced stage I shall confine myself to some very brief remarks. We have been since several years legislating for the purpose of creating new offences, intensifying punishment, providing new punishments, and facilitating the methods of detecting crime. In 1898 we had an Act to provide for the proper identification of criminals; in 1899 to amend the Criminal Code by defining certain things concerning the penitentiaries; also an Act relative to parole convicts; in 1900 an Act to amend the Criminal Code as also an Act to regulate the salaries in the penitentiaries; in 1903 another Act to amend the Criminal Code; in 1904 two Acts for the same purpose; in 1905; two Acts to amend the Criminal Code; in 1906 one Act, in 1907 three Acts, and in 1908 one Act, to amend the Criminal Code; in 1908, also an Act to amend the present Prison and Reformatories Act with reference to young delinquents under 16 years of age in Nova Scotia. That last Act is the one bright spot in all this legislation. I shall not refer in detail to these different Acts, but simply confine myself to saying that their trend and object has been to increase the number of offences consequent upon the conditions of modern life, to intensify punishments, to provide new punishments and facilitate the detection of criminals. I said the one bright spot was this Act of last session. It had for its object to save young delinquents in Nova Scotia from contact with criminals. That has been the extent and the trend of our legislation since I entered this House. It is admitted by criminologists the world over that criminality has increased in a marvelous degree in all countries. The changed conditions of modern life have rendered it necessary to provide penal enactments to meet those changed conditions. The question I wish to put is, are we proceeding in the right way by providing these new offences and punishments? Is there anything else that we can do to save ourselves from what I might call this disheartening rising tide of criminality all over the world. I would say to the House frankly that we are going about it in the wrong way, we are neglecting the true means of improvement, we are doing the same kind of work as the fabled one who rolled continually a rock toward the top of a mountain, never being able to place it, and the rock rolled continuously down against him again. Is there no more hopeful future to which it is our duty to turn? All members will have noticed that modern people have been inspired by the spirit of christianity or altruism, whatever you may call it, not to despise and regard as absolutely hopeless the case of the criminal, but, on the contrary, to try in some way to reclaim him, particularly if he is not in that state of criminality or has not arrived at that age when all hope of redemption is past.

Then, we have all, within the past few years particularly, been attracted all over the world by the necessity of endeavouring to stop the great increase of criminality among the young, among what they call in England and in the United States the juvenile adults, not the absolutely young delinquents, children, but those who range from 12 to 26 or 28 years of age, and who fall very often absolutely involuntarily and often with many excuses, but who are not utterly corrupt and whose redemption would be easily possible under favourable circumstances.

Coming at once to the question of remedies, there are some things which we cannot do; we cannot for instance prevent the circulation of what I would call the detrimental, not the immoral but the absolutely detrimental literature which according to the findings of learned penologists and criminologists are the cause of a great many of the gravest offences which are committed to-day. Many of these works have been written by men of genius, crimes have been traced to these works, but I conceive that it is not possible for this parliament to prevent the circulation of that detrimental literature. Then we cannot possibly legislate against the tendency of the press to-day to lay before the public indiscriminately the details of crime. I have here many authorities which I shall not detain the House by reading to show that many of the offences committed to-day are due, strange as it may appear to many of us, to the portraiture in newspapers, in vivid colours, of the details of crimes committed. I will take these facts to be con-

ceded by all members of this House. Moreover, it must be said that the press is an instrument of so much good in so many respects and is of such advantage generally throughout our modern world, that because of this tendency which exists and which will perhaps cure itself ultimately, it would be difficult for legislators to invade or in any way trench upon the freedom of action of the press. I think it was Sir Edward Radcliffe, the proprietor of that great paper the 'Morning Herald,' who, having become aware of the detrimental results of these publications, forbade them in his newspaper, but after a while discovered that the material interests of his paper were suffering and had to rescind that order.

We cannot do anything to prevent what I may call the apotheosis of crime, the fact that when a great crime is committed the party accused of the crime becomes an object of interest to all kinds of people. According to the very best authority, authority which cannot be questioned, many other people follow the example of the criminal. I could give many examples of that kind, but I will refrain from doing so and will merely refer to Tallack, the standard authority on penological and preventive principles and to a further article which appeared some time ago in 'The Month,' the review published in London, on the same question. Is there not something we could do to diminish that criminology among juveniles? The criminal statistics for a number of years establish an increase of over 20 per cent among juvenile criminals and in the convict population of this country, amounting to some 1,400, there are over 800 under the age of thirty and quite a considerable portion of it is below the age of twenty-five.

There are two means which we might adopt and which it seems to me to be the duty of this government to adopt to stem the tide of increasing crime to which I have referred. In the first place is there not some possibility of the government, I would say even of the Minister of Justice, interesting those classes throughout the country who take a warm interest in this question, collectively in some measures of reform, some special efforts towards the preservation of our youth against this evident danger which has increased to such an extent within the past few years. In England, in 1907, a few leading public men called together a large number of citizens and established a provisional committee to look into this very subject. A large number were then gathered together, an executive committee was formed and the leading American public men joined the English people in that most necessary and salutary work. An executive committee was formed out of this gathering of men interested in education and in the advancement and preservation of our youth, and the result of their labours during the short period they have been at work can be found in these two volumes from which I wish to make quotations, but will not detain the House to do so, entitled 'Moral Instruction and Training in Schools, both in the United Kingdom and in Foreign and Colonial Countries.' We see in these volumes the results of the efforts made collectively among the educationalists and those generally interested in the preservation of our youth during that short year and a half towards that work of redemption. And, although there are no statistics to show exactly what they have done in that way, we may safely assume that their labours have had a most excellent result. Now, there are in this country a number of men of all denominations who, in view of the magnitude of the danger, would be prepared, I am sure, to take a great interest in that work. I know a great many in the city of Montreal; and I am sure there are many in all the provinces; and it seems to me that although our duties are principally legislative, it would be eminently a work to be commended and sustained if such an important functionary and dignitary as the Minister of Justice should take the initiative in such a movement in our country. There are, no doubt, a great number of agencies acting in that direction already amongst all denominations, as hon. members of this House will readily understand; but collective effort, effort of the kind which has produced such salutary results in England and the United States, would be accompanied here, I have no doubt, with similar results, and would do a great deal, in a young country such as ours, to prevent an increase of that very great danger and save our youth in large numbers from these perils which seem to have suscitated, particularly in the conditions of modern life.

Now, I come to another point. There have been seven prison congresses held in different countries and in which from twenty to thirty nations have participated. These congresses have done much in the way of prison reform, particularly in that they have led to a clear understanding of the necessity of separating in our penitentiaries those that are scarcely contaminated from the hardened criminals—the absolute necessity of classification and segregation. In the last congress, held in Buda Pesth, Hungary, that point was treated, and it was universally conceded that without segregation the best results cannot be hoped for. Without segregation, the penitentiary is nothing but a hotbed for the fomentation of crime and the spirit of crime amongst those who might be saved from contamination. The next of these admirable congresses is to be held on the invitation given at the time by President Roosevelt, in Washington in

1910. Thirty-six nations participated in the proceedings at Buda Pesth. I would strongly urge upon this government the necessity of participating in the congress in 1910. My right hon. friend (Sir Wilfrid Laurier) knows that this can easily be done, and that we ought to be represented there by one who takes a warm interest in these vital matters and through whom we should have the benefit of coming in contact with the ablest penologists and criminologists of the world. At present we are legislating offences, multiplying crime and sending to the penitentiary large numbers of people. But we are sending these people to the old-time jails, to those prisons from which there is no hope whatever for those who spend time within their walls. Look at the last report of the Department of Justice. The minister's report is only short but there is not a word in it in regard to any of these great points which I have indicated—barely indicated—this evening. Look at the report of the inspector—not a word. Here we have many penitentiaries, in some of which segregation of youths would be quite possible; classification, division—some effort to save those who are possible of salvation. Not a word in the report of the inspector. Look through the reports of the wardens. Not one syllable. Nothing. No suggestion. If you consult the reports of similar officials in the United States you find them to be in reality treatises on the subject, full of the most valuable suggestions of improvement—in our reports, nothing of that kind. Read the doctors' reports.—no suggestions. I have looked through the chaplain's reports. Nothing whatever, except that two Anglican clergymen have recommended—pointed out rather—the dreadful danger that exists of contamination under our present system, the horror of that system so far as the saving of those who can be saved is concerned. It would be very interesting to quote from the report of the commission appointed in the province of Ontario, I believe, in 1881, in which the Chairman of the Board of Prisons there, in language which is stronger than I can give, and at great length, points out the absolute defect in that respect of the prisons and jails in his own province. Let me quote just a line from this great authority on criminology, Tallack, to whom I have already referred. At page 190 of his book on 'Penological and Preventive Principles,' he says:

> The more often a man has been in prison, the more likely he is to return thither. This is abundantly proved by experience. Statistics show that the first brief term of imprisonment, in cellular jails, is the most successful in general; inasmuch as four-fifths of the persons who have undergone a first incarceration, separated from others, avoid prisons ever after; but nearly one-half of the number who have been twice imprisoned, at least in association, have to be further recommitted. Nearly three-fourths of those a fourth time, or oftener.

I mention that authority because in the reports of these congresses, there is no doubt of the necessity of segregation. In the United States they have made marvellous progress and have arrived at extraordinary results. I would refer hon. members who would like to study this important question to what has been written in the United States in regard to the experiments made in Elmira penitentiary, in the state of New York, by the absolute division and classification. Not as ours are, or as penitentiaries have been in the old time, but a place where a practical effort has been made to separate prisoners, to classify them and to reform those who are reformable. They have not absolutely exact statistics, but, extraordinary as it may appear, as many as 80 per cent have been restored to liberty after their sentences and have become good citizens. In the Massachusetts reformatory for females, under a similar system, a wonderful proportion of women convicts have been saved—and everybody knows how particularly liable to become recidivists women are. And it has been found in the United States that the segregation system, far from being more costly than the other, is actually less expensive—it is not only infinitely better, but it costs less than the other system. I venture to say that we have not, in this country, done anything during the past few years but create new offences, provide new punishments, facilitate procedure, but not one single step have we taken for an improved system of penitentiaries and gaols, not one single step such as have been taken in other countries—Great Britain, the United States, France and Belgium and many others—to preserve the youth from the contaminating influences of modern life. No man better than the present Minister of Justice, certainly no man better than my right hon. friend the Prime Minister, could act in the direction I have indicated and which has afforded such excellent results in England. In regard to the other point—reform in our penitentiary system—I think it imposes itself upon us. It is necessary for us to follow the many suggestions in that direction pointed out by modern penologists. I have taken the opportunity to occupy a few minutes upon this subject, and to express the hope that without delay we will attend to these important matters. It is important to conserve our natural resources, and we must make an effort to prevent what is happening at the present moment. Forty per cent of our convict population

are alien immigrants who have come into this country. We have sixty per cent Canadian-born and forty per cent foreign-born. But I think above all things that we should endeavour to adopt preventive and curative measures, and I hope the government will take some note of the remarks that I have made in that regard.

Hon. JACQUES BUREAU (Solicitor General). Mr. Speaker, I have listened with a great deal of attention to the remarks made by my hon. friend from Jacques Cartier (Mr. Monk). We all deplore the increase of criminality in our country and we are all trying to do our best to suppress it. My hon. friend has mentioned the press as being an inducement to criminality, but he does not indicate or suggest any restriction we could make to prevent that. On the contrary he thinks that the press does such good service to the country that it ought not to be molested. Another reason my hon. friend alleges is the fact that criminals are mixed up in our penitentiaries. That is a matter that would be more relevant to the Penitentiary Act than to the Criminal Code. If we have multiplied the number of offences and have tried to make the punishments heavier it has been in the endeavour to check the progress of criminality in our country. If I understand the principle of the Criminal Code it is:'Thou shalt not 'and if you do you have to take your punishment.' My hon. friend has made some suggestions which do not seem to me to be relevant to the legislation which we now have under consideration. The idea of having the best classes of society or prominent men in various cities form themselves into a committee or association to try and teach young men to avoid surroundings which will induce them to fall into bad habits and commit crime is one that I heartily agree with. I think that every honest man in this country ought to take it upon himself to try to do something to suppress and prevent criminality. But, that is hardly a subject that we can introduce into an amendment to the Criminal Code. It is hardly a thing that we can legislate upon. It is more a matter of home education or of civic effort than of federal legislation because it would be difficult to put on the statute book a provision which would bring about a condition that we all desire. As far as the good will of the different classes of people in this country is concerned, my hon. friend does not doubt that he is actuated by such a feeling as far as the government is concerned. With regard to the division or segregation of criminals my hon. friend knows as well as I do that criminals committing minor offences are outside of our control. They are confined in the provincial jails if their sentences are under two years. All of these smaller offences are outside of the control of the Minister or Department of Justice. It has been the object of the officers of the department, as my hon. friend will find if he reads the regulations of the various penitentiaries, to classify criminals.

Mr. MONK. There is no classification. They are all together.

Mr. BUREAU. There is nothing in the Penitentiary Act, but it has been the aim of the inspectors to try and separate them in the penitentiaries. They are graded, so much so that they are denoted as first, second, or third grade by the stars they wear on the collars of their coats. As far as the younger criminals are concerned, last year we passed an Act respecting juvenile delinquents. The preamble shows the purpose of the Act:

> Whereas it is inexpedient that youthful offenders should be classed or dealt with as ordinary criminals, the welfare of the community demanding that they should on the contrary be guarded against association with crime and criminals, and should be subjected to such wise care, treatment and control as will tend to check their evil tendencies and to strengthen their better instincts; therefore His Majesty, by and with the advice and consent of the Senate and House of Commons, enacts as follows:—

This law is to go into force by proclamation.

> This Act shall go into force only when and as proclamations declaring it in force in any province, city, town or other portion of a province are issued and published in the 'Canada Gazette.'

A demand has to be made by the province, city or town which wishes to apply it. It will be a year on the 20th July since this Act was sanctioned and so far in the whole Dominion there has only been one application to put the Act in force and that has been made by the city of Winnipeg. Of course, the Minister of Justice, the Department of Justice and the whole government are always open to receive any suggestions which would tend to improve the morals of the people, but I think my hon. friend has indicated a lot of sores without providing a remedy. As far as the classification of criminals is concerned it would not properly come under the Crininal Code. It would more properly come under the Penitentiaries Act if the necessity for its amendment should become apparent. Some of the hon. gentleman's suggestions are good and we are willing to give all the assistance we can to carry them out. For my part I would be willing to go to my people, or to go to the people in Montreal and ask them to start an association and to work either on a Sunday or any other day in the week to induce young men not to sin.

Motion agreed to, Bill read the second time, and House went into committee thereon.

On section 207,

Mr. R. L. BORDEN. I have had it represented to me that the conditions in regard to the distribution in this country of immoral and indecent literature and pictures are absolutely astonishing. I do not think the provisions of the law can be made too stringent in this respect. It has been suggested to me that the proposal in this Bill is not possibly as effective as it might be made. There will be, I believe, a great deal of difficulty in proving that persons having such immoral or indecent literature or pictures in their possession have it so in their possession for sale under the wording of the section. Would it not be desirable to impose upon any person having in his possession such articles, a proper penalty, or, should a provision not be added to the effect that possession was prima facie possession for the purpose of sale? In the absence of personal knowledge of the difficulty of making proof I have not been able to give very careful consideration to the matter, but I would like to know what is the view of the government.

Mr. AYLESWORTH. This section, as in the printed Bill, has received the best consideration of which I am capable, and has as well received careful consideration from other members. It has been the subject of much correspondence with gentlemen who are interested in the question. It was proposed to me by a delegation of clergymen who came to Ottawa in connection with this feature of the Criminal Code and some other amendments which they desired to have introduced. After the Bill was introduced in its present form the circumstance that the proposed amendment did not reach the case of a person who simply had in his possession an immoral or indecent picture was pointedly called to my attention, and it was pressed upon me that the words 'for distribution, sale or circulation' ought to be omitted. I received a considerable number of letters on that subject, some from the Rev. Dr. Chown and other gentlemen who are particularly interested in the question, and I think who belong to the same department or committee of the church of which the reverend gentleman is a member. The result of that correspondence. I am pleased to be able to say, is that he finally. Dr. Chown, at all events, has expressed himself as satisfied with the wording of the present clause. The view I took, and which I presented to him for his consideration was, that an offence of this nature, having in one's possession a prohibited thing, was very analogous to the offence under the liquor license law of having intoxicating liquors in one's possession for sale. Prosecutions for that offence are not infrequent. It becomes of course a pure question of fact for the judge or magistrate to determine the intention with which the intoxicating liquor was in possession of the person accused, and as a general thing there has not been any practical difficulty experienced in coming to a conclusion as to the intent. The quantity of the commodity which the accused person may have in his possession is in itself some indication of whether it was intended for home consumption or for use abroad. Precisely the same considerations would apply in case of the offence struck at by this section. It is not as serious a thing at any rate, that a man should be corrupting his own morals as that he should be corrupting the morals of somebody else, and if a man, for any reason, wants to carry about in his pockets an immoral or an indecent picture for his own private consumption, so to speak, I do not know that anybody is hurt except himself. I should hesitate very much before being willing to make that an offence punishable by two years' imprisonment in the penitentiary. If he has even one indecent picture in his possession for the purpose of circulating it, or if he has a quantity for the purpose of distributing them, let him be punished, but so long as he does not in fact 'sell, circulate or distribute,' and does not have the article in his possession with that intent, I should not go the length of making that man punishable by a substantial term of imprisonment. Might I suggest one other consideration: I think it is certainly not an unknown thing, possibly not an uncommon thing for boys at school, half grown young men in the teens, to get possessed by some hook or crook of a picture that they would not like to have found in their pockets. Would the committee think that a lad who might have been foolish enough to carry about a picture of that sort should be liable to be sent to the penitentiary or made the subject of a criminal charge? If we go the length of making punishable the having in possession for this improper purpose of 'selling, distributing or circulating' we go, I think, as far as we can fairly be asked to go. I have been happily able, I think, to satisfy the reverend gentlemen who were particularly interested in this matter, that this wording would go far enough, if, as Dr. Chown adds, parliament would give a constable the right to arrest a person on suspicion and search his clothing. I did not feel free to go that length, and I thought that this section as drawn was as far as we could properly go.

Mr. R. L. BORDEN. I am not suggesting that the person in whose possession an obscene book or picture is found should neces-

sarily be sent to the penitentiary, but if we are to apply the argument of the Minister of Justice to the two preceding sections I suppose it might be said that if a man carries a slug-shot, or dagger, or bowie knife simply for his own personal delectation, he is not doing any harm to the community and therefore it is improper to interfere with him by means of the criminal law. But if you look at those sections, you will find that the purpose for which he is to use them does not seem to be called in question at all. The mere fact that he has on his person a bowie knife, dagger or dirk or any offensive weapon of that character subjects him to the criminal law. While it is absolutely necessary to have regard to the safety of the person, still there are other considerations. The danger of poisoning the minds of an entire community, for instance of a school, which the Minister of Justice has used as an illustration, is equally deserving of consideration. For example, this measure leaves it absolutely open to some degenerate in a school to have in his possession and exhibit to other boys indecent literature or pictures, and he is subject to no criminal charge. I would not suppose that such an act could be classed as distribution or circulation. He would keep it in his own possession, but would show it to other boys and exercise a most demoralizing influence and yet be in no respect amenable to the criminal law, as we are now about to enact it. For that reason I am not convinced that this goes far enough. However, if the government has come to a final conclusion, it is not worth while my arguing the question further.

Mr. WRIGHT. Has the government power, under the criminal code, to destroy the immoral pictures and the plates for their reproduction?

Mr. AYLESWORTH. I am not able to answer that inquiry categorically. I am not aware of any power to destroy, but a person who is arrested upon a charge of this character and searched would be very certain to have the contraband article impounded. I am personally aware of some instances in which that course was taken and the exhibits forwarded to the Department of Justice, where they now repose.

Mr. WRIGHT. The government might well take power to seize the plates for the reproduction of such pictures and photographs.

Mr. LENNOX. My hon. friend from Grenville (Mr. Reid) has an amendment of which he spoke to the Minister of Justice with reference to kidnapping. It is to substitute twenty-five years for seven years imprisonment in section 297 of the criminal code.

Mr. AYLESWORTH. The hon. member for Grenville mentioned this on the first reading of the Bill and has since discussed it with me. I have no objection to the amendment proposed. With regard to amendments generally, I am aware that several hon. members desire to propose amendments to other sections of the code than are dealt with by this Bill. Such amendments might be considered after the printed Bill has been gone through and before the committee rises, and any changes can then be inserted in their proper places in the Bill.

On section 313:

By repealing it and substituting the following section:—

313. Every one is guilty of an indictable offence and liable to ten years' imprisonment who, against her will, takes away or detains any woman of any age and whether married or not with intent to marry or carnally know such woman or to cause her to be married or carnally known by any other person.

Mr. BICKERDIKE. No doubt this is the proper place in which to get in my amendment if at all. On the 4th of February, I gave notice of a Bill to amend section 92 of the Criminal Code and that Bill received its second reading. As it is not likely to be reached, I would ask the minister now to take charge of it. It provides for punishment of any man who assaults and ill-treats his wife or any other female and thereby causes her actual bodily harm.

Mr. AYLESWORTH. This would be included in my suggestion regarding amendments generally.

On section 314:

314. By repealing subsection 1 thereof and substituting therefor the following section:—

Everyone is guilty of an indictable offence and liable to fourteen years' imprisonment, who, with intent to marry or carnally know any woman, or with intent to cause any woman to be married or carnally known by any other person, such woman having any interest, legal or equitable, present or future, absolute, conditional or contingent, in any real or personal estate, or being a presumptive heiress or co-heiress, or presumptive next of kin, to any one having such an interest,—

(a) from motives of lucre takes away or detains such woman against her will, whatever the age of such woman,

(b) fraudulently allures, takes away or detains such woman out of the possession and against the will of her father or mother or other person having the lawful care or charge of her, such woman being under the age of twenty-one years.

Mr. R. L. BORDEN. Any difference made in the punishment?

Mr. AYLESWORTH. The punishment under the present section 313 is a possible fourteen years imprisonment for the abduc-

tion of a woman who is not possessed of property. Under section 314 the same imprisonment is imposed for the abduction of a woman, who is described in the side note as an heiress. The change proposed is to leave the punishment a possible fourteen years in the latter case, but make ten years the maximum in the former.

On section 424:

424. By repealing it and substituting the following subsection:—

Every one is guilty of an indictable offence and liable to two years' imprisonment who,—

(a) being the holder of any lease or license issued under the provisions of any Act relating to gold or silver mining, or by any person owning land supposed to contain any gold or silver, by fraudulent device or contrivance defrauds or attempts to defraud His Majesty, or any person, of any gold, silver or money payable or reserved by such lease, or, with such intent as aforesaid, conceals or makes a false statement as to the amount of gold or silver procured by him; or,

(b) not being the owner or agent of the owner of mining claims then being worked, and not being thereunto authorized in writing by the proper officer in that behalf named in any Act relating to mines in force in the province in which the offence is alleged to have been committed, sells or purchases, except to or from such owner or authorized person, any rock, ore, mineral, stone, quartz or other substance containing gold or silver or any unsmelted, or unaltered, or unmanufactured, or partly smelted, partly treated, or partly manufactured gold or silver; or

(c) purchases any rock, ore, mineral, stone, quartz or other substance containing gold or silver, or any unsmelted, or untreated, or unmanufactured, or partly smelted, partly treated, or partly manufactured gold or silver, except from such owner or authorized person, and does not, at the same time, execute in triplicate an instrument in writing, stating the place and time of purchase, and the quantity, quality and value of gold or silver so purchased, and the name or names of the person or persons from whom the same was purchased, and file the same with the clerk of the county or district court of the county or district in which the purchase was made within ten days, or with the officer with whom in the said county or district bills of sale or mortgage of personal property are filed or deposited.

Mr. AYLESWORTH. The effect of this proposed amendment is solely to widen the definition or description of the article which is spoken of in the section and to vary, as the italics show, the language as to the place of filing the instrument. In subsection (b) the present requirement of the law is that the authority in writing should come from the proper officer in that behalf named in any Act relating to mines in force in any province of Canada, so that the effect would be, reading it literally, that the authority for a transaction in the province of Ontario might come from an officer in the province of British Columbia, or vice versa. To correct that, the wording in italics at line 35 of subsection (b) has been adopted. It is to be the proper officer in that behalf mentioned in a statute of the province in which the offence is alleged to have been committed. In the present enactment the article is described as any quartz containing gold or any partially smelted gold or silver. The practical difficulty which it is hoped by the present legislation to reach has been with regard to the very rich deposits of silver ore at Cobalt and Gowganda, where the silver is so very nearly pure that it becomes a valuable article as it is taken from the mine and where there have been several instances of very extensive thefts. The present language would scarcely cover such a case and accordingly the words printed in italics intended to cover all possible quartz deposits of gold or silver or gold or silver in a partially manufactured state, have been adopted. Those I think are the only changes effected by this section as we propose to amend it.

As to the filing of the instrument in triplicate, the present law is that the filing must take place within 20 days. I am reducing that to 10 days, and the filing must be with the proper officer. Who the proper officer is is not defined in the law, and I am proposing to define that by a description of the clerk of the court or the officer with whom bills of sale for that district would be filed. The hon. member for the Yukon (Mr. Congdon) has spoken to me with reference to the applicability of this legislation to the Yukon. I believe it is still to some extent customary in that territory to use gold dust as currency. It was not intended to interfere with that and although the language of this subsection is limited to ore or quartz containing gold or silver, it possibly would be better in order to avoid misunderstanding that a special exemption should be made in the case of the Yukon. I therefore move that a subclause be inserted reading:

The two next preceding subsections (b) and (c) shall not extend or apply to the Yukon Territory.

Mr. GERVAIS. With reference to the amendment to section 508a, dealing with the unlawful printing, selling or possession of plates for printing pirated copies of musical composition, I would ask the minister who prompted this legislation for the protection of musical compositions which have been registered in Ottawa? As a matter of fact, under the Berne convention, musical compositions and other publications which have not been registered

in Ottawa are entitled to the same amount of protection, according to the latest jurisprudence, as those which have been registered here. I do not know why we should make a distinction between musical competitions registered in Ottawa and those that are not so registered, because, under the Berne convention, both are entitled to the same protection. Why should we impose such legislation which seems very stringent and hard upon the people?

Mr. AYLESWORTH. This section is substantially a reprint of the Imperial Act of 1906 relating to the same subject. It has been pressed upon my consideration, especially by a solicitor in Toronto who has had necessity on behalf of some clients to bring actions to restrain the dealing in pirated copies of musical compositions. He found, as he says, very great practical difficulty in establishing the rights of his clients for want in this country of legislation such as was passed three years ago in England on this subject and as the purpose and character of the legislation seemed to commend itself, I inserted it in the Bill after conference with the Minister of Agriculture, and after submitting the proposed legislation to his department. It is in fact legislation which the Minister of Agriculture as administering the Copyright Act urged upon me as well.

Mr. GERVAIS. I think that the remedies which we provide by the Copyright Act are quite sufficient and I do not know why we should create a new crime at the instigation of one Toronto lawyer. We have been creating too many crimes at the instigation of interested parties. It will be seen that the Copyright Act provides sufficient remedies by the right of injunction, forfeiture, fine, &c. It would be a hardship to imprison a man because he has in his possession a musical composition which is a pirated copy but which he may have purchased from a neighbour. We should wait before creating a new crime. We have 500 or 600 crimes or misdemeanours in the Criminal Code and there is no excuse for creating a new one. We should wait until that Toronto lawyer gets a couple more of cases of the same character before passing this legislation.

Mr. AYLESWORTH. The effect of the legislation can scarely be other than beneficial. No one can have any sympathy with the pirate of a musical composition any more than with any other pirate and the difficulty that is met with practically in endeavouring to stop this sort of illicit trade is that the man who engages in it is ordinarily, if not always, quite execution-proof. The recovery of damages is valueless to the owner who has been injured. Obtaining an injunction is very expensive. No doubt the owner could, ordinarily, if he is able to secure evidence, obtain his injunction to restrain the musical pirate from dealing in the compositions which he has no right to sell. But sometimes it is hardly possible to do that, because these things are circulated through the post office, and in that way a very brisk trade has, I am told, been going on at different times in this kind of article. It is much more easy, of course, to get the advantage of the theft of another man's brains in the case of a musical composition than in the case of a book. In the case of a musical composition, copies are struck off at small expense, they can readily be sent about the country and a large profit obtained before there is any possibility of putting a stop to it. It has been thought necessary, as I have pointed out, to make it the subject of a special independent Act in the imperial parliament. A copy of that statute is in my hands, and I should be glad to send it to my hon. friend (Mr. Gervais). I thought this legislation would be entirely free from objection, and undoubtedly beneficial. But, certainly, if any hon. member thinks it objectionable in character, or desires that it should stand for further consideration, more especially as the Minister of Agriculture (Mr. Fisher) is not in his place—I am entirely willing that that course should be taken.

Mr. GERVAIS. As a matter of fact, I think it is hardly fair to important interests in our great country that the Minister of Agriculture should be put in charge of the supervision of the Copyright Act. I know that the Minister of Agriculture has the administration of the Patent Act, the Copyright Act, and similar laws. But, as a matter of fact, that is not a great guarantee, because I think our patent system needs great reform, and I think our patent office should not be an annex of the Department of Agriculture, but should be a department by itself and have as an annex a patents search office. But as the Minister of Agriculture (Mr. Fisher) is not here, I do not think I had better go on. And, as the Minister of Justice is ready to postpone the further consideration of the matter, I will not say anything more to-night.

Mr. LENNOX. I desire to read a proposed amendment with the object that the Minister of Justice (Mr. Aylesworth), in the meantime and before the Bill comes up again, can take it into consideration. I do not profess to know very much about this matter myself, but I have had correspondence with parties interested in dramatic productions, and they point out that in Canada persons who obtain the right to reproduce valuable dramatic performances are having their interests invaded, and, as the Minister of Justice has just said, in

many cases by persons who are not substantial financially. The proposition is that the law be made much more severe than it is as regards the pirating of dramatic works, if as a matter of fact, there is any provision of the Criminal Code that now covers it. I am informed that the royalties on some of these dramatic productions amount to as much as $500 or $600 a performance. So, where they are stolen and reproduced in a cheap way, it is said that not only the author but the public is defrauded by having a cheap imitation foisted upon them where they are led to expect a performance of great merit. An amendment proposed to be added to this section has been forwarded to me. I will read it in order that the minister may, as I hope he will, read it in the meantime, and consider whether he thinks it advisable to adopt it. Like every other hon. member, I have heard said on many occasions that our Copyright laws are very weak and require strengthening in many directions. And this amendment indicates one of the ways in which, perhaps, this could be done. It is proposed to insert immediately after section 508a the following:

Every person who, after the registration of any dramatic work, publicly performs, exhibits or represents, or who in any manner causes or aids or abets the public performance or representation in whole or in part of such dramatic work without the consent of the proprietor (unless he proves that he acted innocently), is guilty of an offence and liable on summary conviction to a fine of not less than $100 and not exceeding $500, or thirty days' imprisonment, or both, in the discretion of the court, and on the second or subsequent conviction to imprisonment with or without hard labour for six months.

Mr. WRIGHT. This section provides for the destruction of plates for the printing of a pirated muscial composition. It seems to me that the minister ought to make provision also for the destruction of plates for the printing of immoral pictures or anything of that kind.

Mr. DEPUTY SPEAKER. Section 508 stands.

On section 544a, time of confinement of cattle on railways exended.

Mr. AYLESWORTH. I wish to move the addition of a few words to this clause. The clause provides, as hon. members will see, that the time of the confinement of cattle on railway journeys may be extended on the written request of the owner, to thirty-six hours—the law is now twenty-eight hours. I wish to add the words:

where such cattle are carried on cars fiitted with the necessary appliances and are, during such time, fed and watered without being unloaded.

Mr. LENNOX.

The propostion is to extend the time to thirty-six hours provided the cattle are carried on cars which have facilities for feeding and watering, and if the cattle are fed and watered on the journey.

On section 750, procedure on appeals; notice of appeal; recognizances, &c.

Mr. MADDIN. I would like to know what object the minister can have in altering the law in regard to recognizances required to perfect an appeal. As the law originally stood in the Code of 1892 a person gave his notice and then proceeded as it is proposed that he will have to proceed under this amendment. In 1905 an amendment came into operation providing that in addition to giving notice within ten days after the conviction, an additional notice setting forth the grounds of appeal, shall be given five days before the appeal shall be heard. The reason I have for bringing this to the attention of the Minister of Justice and the committee is that there were dozens of appeals knocked out or lost because of the change in the law requiring five days notice before going to the court of appeal setting forth the grounds upon which the appeal was asked. That has been going on since 1905, and I submit that it is not a bad regulation to require that a person give the grounds of his appeal. It is now proposed to alter that notice. Under this amendment there is only one notice to be given instead of two, and it must set forth the grounds of appeal within ten days after conviction. This is altering the procedure and is calculated to make confusion in the different counties in Nova Scotia to which this refers. I cannot see any good reason for this parliament every two or three sessions altering the law in regard to appeals in Nova Scotia.

With regard to the question of recognizances, the law as it originally stood, required that an accused person should remain in custody or give recognizances. That was in case of a conviction adjudging imprisonment without the alternative of a fine, or where a money penalty, with imprisonment in the alternative or in default of payment, was imposed, then the accused person, upon giving a recognizance, instead of remaining in custody could deposit a sum of money in the discretion of the justice with a further sum for costs. That was repealed and as the law stands where an appeal is from a conviction adjudging imprisonment without the payment of a fine the accused person gives a recognizance but, if it is an appeal from a money penalty, a recognizance is not necessary. As the law stands the person appealing from a money penalty is in the same position as a person appealing in a civil case; he does not require to put up bonds to have the benefit of an appeal ex-

cept where the judge imprisons without the option of a fine. It is now proposed to restore the law to what it was in 1892 with some slight difference, and I submit that this altering of the law regarding appeals session after session is calculated to lead to great confusion. A member of the bar in Nova Scotia, to my knowledge, failed in five appeals in liquor cases in the county of Pictou as a result to an amendment to section 750 of the present code.

Section stands.

Mr. E. M. MACDONALD. If the representation of my hon. friend (Mr. Maddin) should prevail, there should be no misunderstanding of the absolute necessity of passing subsection 'A.'

Mr. MADDIN. I agree to that.

On section 761,

Mr. MADDIN. Under sections 1015 and 1016 of the Code which provide for appeals from the verdict of a superior court, or from the findings of a county court judge's criminal court, or proceedings before a magistrate in summary trials of indictable offences, I ask the Minister of Justice to consider the advisability of extending this amendment to sections 762 so as to cover appeals as well as stated cases. I drew this matter to the attention of the Deputy Minister of Justice early in the session and he drafted what seemed to cover that weakness of the law. I had a case in the province of Nova Scotia which was tried before His Lordship Mr. Justice Fraser, and he told me he would grant a Crown case reserved but subsequently and before he stated the case he was appointed Lieutenant Governor of the province, and as the law stands he could not state the case. I moved the Court of Appeal of the province to state the case, and they held they could not do so except on the refusal of the judge, and as he had not refused they had not jurisdiction. The jury rendered a verdict against the prisoner in that case of guilty of murder in self defence, and I had to appeal to the Minister of Justice, who pardoned the man, but he had been three or four years in the penitentiary on account of the weakness of the Code as it existed then. I would move that the section 762 be extended to appeals as well as to stated cases.

Mr. BUREAU. I understand this amendment was submitted to the hon. gentleman and that there is a letter from him saying it is perfectly satisfactory.

Mr. MADDIN. The section submitted to me by the Deputy Minister of Justice covers appeals and this does not.

On section 777,

Mr. GERVAIS. What good reason is there why the right to a speedy trial should be taken from the accused by this amendment? When a man declares his option to be tried by a judge without a jury, I do not see why he should be deprived of that right. Two years ago I introduced a Bill under which in the case of defamatory libel the accused could be tried without a jury if he so declared, and I do not see why we are now taking a retrograde step in that respect.

Mr. AYLESWORTH. The reason for the change is obvious. There may be cases which the Attorney General of the province would believe should not be tried otherwise than by a jury, and this section simply confers upon the Attorney General under such circumstances the right to prevent any other form of trial.

Mr. GERVAIS. As I understand it the benefit of a jury trial is granted to the accused and not to the Crown, and if the defendant is ready to accept a speedy trial instead of a jury trial he should be free to do so. If it is permissible to the Attorney General to force a jury trial upon the accused, that would mean in the twenty-one districts of the province of Quebec, that you would have jury trials which would cost thousands of dollars, because as we well know almost any jury trial will necessitate an expense of at least $500. Why should the Attorney General of a province be allowed to force a jury trial when it is the indefeasible privilege of the accused to elect to be tried either by a jury, or by summary trial, or to have a speedy trial, as is now provided in the Code. I do not see why the Attorney General of the province, for political or other reasons, should be allowed to force a poor man to go to the expense of a jury trial. Why not let the accused be free to declare his option for any of the three forms of trial which are allowed by the Code?

Mr. AYLESWORTH. The attitude of my hon. friend (Mr. Gervais) irresistably suggests to my mind the ancient story of the man who was told he would get justice and who replied that that was the very thing he was frightened of. The object of the proposed amendment is plain. A magistrate may be unduly friendly to the accused and the accused may desire to be tried by that magistrate, especially in a case where the punishment would be more than five years, and it is to prevent such a thing that the discretion is vested in the Attorney General of the province.

Section agreed to.

Progress reported.

FIRST READINGS.

Bill (No. 188) respecting the Prudential Life Insurance Company of Canada, and to

change its name to 'The Security Life Insurance Company of Canada.'—Mr. McCraney.

Bill (No. 189) to incorporate the Commerce Insurance Company.—Mr. McCraney.

Bill (No. 190) respecting the Fidelity Life Insurance Company of Canada.—Mr. McCraney.

Mr. FIELDING moved the adjournment of the House.

Mr. LENNOX. What business to-morrow?

Mr. FIELDING. On motion to go into Committee of Supply the hon. members for Victoria-Haliburton (Mr. Hughes), for Queen's, P.E.I. (Mr. Warburton), and for Assiniboia (Mr. Turriff), have signified their intentions to make some remarks.

Mr. LENNOX. What Supply?

Mr. FIELDING. Public Works.

Motion agreed to, and House adjourned at 1.10 a.m. Thursday.

HOUSE OF COMMONS.

THURSDAY, May 13, 1909.

The SPEAKER took the Chair at Eleven o'clock.

QUESTIONS.

WHARF AT PANMURE ISLAND.

Mr. FRASER—by Mr. Fraser—asked:

1. Has the government bought a right-of-way to the wharf built at Panmore island, Prince Edward Island? If so, how much was paid for such right-of-way, and when was the amount paid?
2. Is the government aware that no right-of-way has yet been opened to said wharf? If so, is it the intention of the government to open a right-of-way at once?
3. Does the government intend to have any dredging done at said wharf this season?

Hon. W. PUGSLEY (Minister of Public works):

1. Yes, $150, paid 9th April, 1906.
2. The resident engineer reports that the right of way is now open and available for use, and that, previous to its opening, the owner of the adjoining property, from whom right-of-way was purchased, allowed free use of his private road which permitted good approach to wharf.
3. The department is not aware of any dredging being required at Panmure Island.

Mr. AYLESWORTH.

INVERNESS HARBOUR.

Mr. MADDIN—asked:

1. What disposition was made of the sum of $5,300 expended out of the vote of $10,000, fiscal year 1908-9, at Inverness harbour, county of Inverness, Nova Scotia?
2. What were the items of said expenditure?

Hon. W. PUGSLEY (Minister of Public Works):

1 and 2. The expenditure on Inverness harbour during the last fiscal year was $910.96, as follows:

D. R. McLean, foreman	$ 70 00
A. S. McDonald, carpenter	6 00
Materials	834 96
Total	$910 96

SOUTH AFRICAN LAND GRANTS.

Mr. DANIEL asked:

1. How many South African land grant warrants have been located, and what are the locations, filed with the department?
2. How many appointments of substitutes have been approved by the department?

Hon. FRANK OLIVER (Minister of Interior):

1. 654 located as follows:

Battleford	58
Calgary	164
Edmonton	31
Humboldt	28
Lethbridge	50
Moosejaw	177
Prince Albert	73
Regina	8
Red Deer	48
Winnipeg	2
Yorkton	15

2. 1,102.

ST. VINCENT DE PAUL PENITENTIARY.

Mr. MONK—by Mr. Taylor—asked:

1. Who are the present contractors for materials for the St. Vincent de Paul penitentiary?
2. What contracts has J. G. Heroux obtained within a year for the supply of timber to the St. Vincent de Paul penitentiary?
3. What are the quantities and qualities of the timber and the prices paid to the said J. G. Heroux for the timber furnished and to be furnished by him?
4. Is the government informed that the said J. G. Heroux does not, it is stated, furnish timber of the quality mentioned in his contract?
5. Have the inspectors of the penitentiary received inquiries in reference to what is passing in the delivery of building timber at St. Vincent de Paul?
6. If statements are correct, why is building timber of an inferior quality furnished by the said J. G. Heroux, now received by the authorities at the same price as timber of first-class?

Hon. A. B. AYLESWORTH (Minister of Justice):

1. E. M. Booth, blankets; A. Baile, hard coal; T. F. Moore & Co., coal screenings; Imperial Oil Co., Ltd., coal oil; J. G. Heroux, cordwood; John M. Garland, Son & Co., dry goods; Parke & Parke, drugs; E. Auclair & Co., fresh meat; Macnee & Minnes, frieze and yarn; Hudon & Orsali, groceries, black tea; F. J. Castle & Co., green tea; Caverhill, Learmont & Co., hardware sundries; Lewis Bros., Ltd., hardware staples; Beardmore & Co., leather and findings; H. Lamontagne & Co., sole leather; Joseph Paquette, milk; Canadian Oil Co., oils; Lakefield Portland Cement Co , Portland cement; Poitras Woollen Mills, prison cloth and uniform serge; A. Racine & Co., underclothing.

2. One only, for the supply of maple, birch and tamarack cordwood.

3. The contractor shall supply only such quantities as may be required. Quality, sound. Prices, maple $6, birch $6, tamarack $5, f.o.b. penitentiary siding, per cord of 96 cubic feet.

4. No.

5. No inquiries, but the inspectors received a letter, of which the following is a translation:

St Vincent de Paul, May 2, 1909.

Sirs the Inspectors,—I can inform you that a carload of lumber was unloaded the 28th April, the part I have seen was cull. It is elm plank, 3-in. thick. That I had three men to see it, and that this lumber must be very dear. The same man has a lot of cedar posts about 25 feet long, which are at the disposition of the penitentiary.

Your all devoted servant,

(Sgd.) ALFRED GAGNON.

6. A shipment of lumber for building purposes arrived at the penitentiary on the 29th ultimo. It was not accepted by the authorities at the same price as timber of first-class. The warden examined the lumber the day it arrived and reported that it was 'not at all good' and 'not of the quality required,' and refused to accept it.

MACKIE LEASE ON MILK RIVER.

Mr. WALLACE—by Mr. Taylor—asked:

Will the minister give full particulars with regard to the Mackie lease on the Milk river, in Southern Alberta?

Hon. FRANK OLIVER (Minister of the Interior):

Ranch 1970 comprises township 2, range 18 and that portion south of the Milk river of township 2, range 19, west 4th meridian, containing an area of 30,325 acres. This ranche was granted to Mr. A. T. Mackie under the authority of an order in council dated 31st October, 1901. The lease is for 21 years from the 1st March, 1902. The lands included in this ranch are not open to homestead entry or sale but the lease may be cancelled on giving the lessee two years' notice. This ranch was assigned to Messrs. A. and H. Mackie on the 23rd April, 1903, and still stands in their names.

Ranch 2131 comprises township 2, range 18 and 19, west 4th meridian, except Hudson's Bay Company and school lands, and contains an area of 41,280 acres. This ranch was granted to Mr. A. T. Mackie under the authority of an order in council dated the 24th May, 1902. The lease is a closed one and covers a period of 21 years from the 1st of August, 1902. The ranch was assigned to Messrs. A. and H. Mackie on the 23rd April, 1903, in whose name it still stands.

Ranch 3206 comprises township 2, range 17, (except section 8, the south half and northwest quarter of section 26, the north half of legal subdivision 11 and all legal subdivision 14 of section 27, and the south half of legal subdivision 3 of section 34); sections 1, 2, 3, 4, 5, 6, 7, 9, south half and northwest quarter 10, and sections 17 and 18, township 3, range 17, and township 3, range 18 (except section 8 and the south half and northwest quarter of section 26), all west 4th meridian, containing an area of 50,612 acres. This ranch was granted under the present regulations, which provide that the lands covered are not open to homestead entry or sale, but the lease may be cancelled on giving the lessee two years' notice. The lease is for 21 years from the 1st December, 1907.

MARKHAM PUBLIC BUILDING.

Mr. WALLACE—by Mr. Blain—asked:

1. Is the post office at Markham finished? If so, what is the total cost and what was the first estimate?

Hon. WILLIAM PUGSLEY (Minister of Public Works):

1. No.

2. Total cost to March 31, 1909, $9,690.52, which includes site, legal services and survey.

3. $14,000, which does not include site.

MR. MACKENZIE KING.

Mr. SCHAFFNER asked:

1. As far as government business was concerned, for what purpose was Mr. W. L. Mackenzie King absent from Canada?

2. How long was he absent?

3. Did the government pay the expenses of Mr. King during the whole time of his absence?

4. What was the total amount paid by government to Mr. King?

Right Hon. Sir WILFRID LAURIER (Prime Minister):

1. To represent Canada on the International Opium Commission at Shanghai, China, and to confer with the authorities in England, India, and China, on the subject of immigration from the orient to Canada.

2. Four and one-half months.

3. Yes.

4. $2,900 to himself personally—exclusive of his secretary's expenses.

TELEPHONE TO MANITOULIN ISLAND.

Mr. SMYTH—by Mr. Blain—asked:

1. Have any representations been made to the government as to the necessity for laying a telephone or telegraph cable from a point on Coburn island to a point on Manitoulin island, to connect with the existing line connecting Manitoulin island with the mainland?

2. If so, when and by whom were such representations made to the government?

3. Has the government, pursuant to any such representations or otherwise, decided to provide the establishment of such communication between Coburn island and Manitoulin island? If so, what steps are being taken preparatory to the commencing of the work?

4. Are any negotiations being made with respect to the proposed work, and to ascertain the probable cost? If so, when, by whom, and with what result?

5. Is it the intention of the government to establish such communication at an early date?

Hon. WILLIAM PUGSLEY (Minister of Public Works). No representations have yet been made to the Department of Public Works respecting telephone or telegraph connection for Coburn Island.

FISHERY LICENSES.

Mr. SMYTH—by Mr. Blain—asked:

1. Is it the intention of the government to issue pound net fishing licenses to Wikwinikong Indian reserve, at the east end of Manitoulin island, in the Georgian bay?

2. If so, will the fishing grounds around Club and Lonely islands, and from Owen island and Hungerford point, at the east end of the Manitoulin island, be open for the granting of such licenses?

3. What, if any, representations have been made to the government as to the advisability of issuing licenses at this portion of the reserve?

Hon. FRANK OLIVER (Minister of the Interior):

1. The issuing of fishery licenses is not under the control of the Department of Indian Affairs.

2. Answered by No. 1.

3. Answered by No. 1.

Mr. SCHAFFNER.

ISLANDS AT RUTHERFORD BAY.

Mr. SMYTH—by Mr. Blain—asked:

1. Has the dispute as to the ownership of the islands west of the eastern boundary of Rutherford township, province of Ontario, produced up to the western boundary of Thessalon, been disposed of?

2. If so, which government has jurisdiction?

3. Has the government given permission to any one to cut timber on any of these islands?

4. If so, on which island, to whom has permission been given, under what condition as to payment, and the time given for the removal of such timber?

Hon. FRANK OLIVER (Minister of the Interior):

1. No.

2. Answered by No. 1.

3. No.

4. Answered by No. 3.

HONORA DOCK, MANITOULIN.

Mr. SMYTH—by Mr. Blain—asked:

1. When was Honora dock, Manitoulin island, constructed, what were the dimensions of it as originally constructed, and has there been any subsequent expenditure upon the dock to widen it so that teams may drive around the storehouse erected thereon?

2. What amount, if any, was spent upon this wharf during the season of 1908, when did the work commence, when did it cease, who was the inspector, how much was he paid, and what were the dates of payment?

3. What were the yearly receipts during the existence of the dock, reported by the wharfinger, and what was the tonnage yearly landed at the dock?

Hon. WILLIAM PUGSLEY (Minister of Public Works):

1. (a) In 1904. (b) Shore approach, 175 feet long, 20 feet wide on top; woodwork, 280 feet long and consisting of 7 cribs, 20 feet by 20 feet, with spaces 20 feet between each crib and an outer block, 40 feet by 20 feet, having 23 feet and 3 inches of water at low water and standing 6 feet above said low water. (c) Yes.

2. (a) Amount expended, $2,591.98. (b) Work commenced 16th September and ceased 31st December. (c) Conductor, James Stringer; salary, $3 per day; total paid him, $225; dates of payment, 2nd November, 1908, 30th December, 1908, and 13th January, 1909.

3. The third question will have to stand to be answered by the Department of Marine and Fisheries.

RURAL FREE MAIL DELIVERY.

Mr. ARMSTRONG asked:

How many rural free mail delivery routes on which mail was delivered to patrons of said routes were in operation on May 1, 1909?

Hon. RODOLPHE LEMIEUX (Postmaster General). Ninety-seven rural mail delivery routes were authorized for establishment up to May 1, but as sometimes slight delays occur in placing the same in operation, it is impossible, until the inspectors' returns reach the department, to state whether all of the authorized routes are actually in operation.

Mr. ARMSTRONG. That does not say how many routes are in operation.

QUESTION OF PRIVILEGE.

Mr. R. BLAIN (Peel). I rise to a question of privilege. In the Ottawa 'Free Press' of Wednesday, May 12, the following article appeared:

CHIEF TORY WHIP MUST BE WRONG.

W. S. Calvert explains arrangement of speakers on Pugsley Debate.

A letter written by Mr. George Taylor, chief Conservative whip, to his leader, Mr. R. L. Borden, declaring a statement in the 'Free Press' regarding the snap vote taken on the Pugsley debate to be incorrect, does not agree with the facts as related by Mr. W. S. Calvert, chief whip of the government party.

The 'Free Press' had stated that the small Liberal majority of 27 at the end of the Pugsley controversy was due to the fact that the Conservatives had broken faith and brought on the division before the three speakers on each side, agreed upon by the whips, were heard.

Mr. Taylor denies that any agreement was made between the whips.

'If Mr. Taylor says this arrangement was not made by the whips,' said Mr. Calvert, today, 'he must not understand the circumstances. His assistant whip, Mr. R. Blain, made the arrangement. He wanted to put on five more speakers, Foster, Borden, Doherty, Middlebro and Daniels. I suggested to cut them down to three and he promised to do so. He was to drop Middlebro and Daniels, but the understanding was clear between us that the three others were to speak. Naturally, then, when our members asked me if there would be a vote before 8 o'clock, I said 'No.' If Mr. Taylor says there was no such arrangement he does not understand what was done by his assistant.'

I notified the chief whip of the government side and also the hon. member for West Lambton (Mr. Pardee) that I would bring this matter up this morning. My first connection with it was in the western corridor while my hon. friend from York (Mr. Crocket) was presenting his case in the House. The chief whip of the government side (Mr. Calvert) spoke to me about having the debate closed as quickly as possible. We talked over who were to be the speakers on either side, and I suggested to my hon. friend Mr. Calvert) that he would speak to the government and ask them to consent to the debate being adjourned by the hon. member for York (Mr. Crocket) who had the floor. The chief whip spoke to the right hon. gentleman and he came back with the reply that he would not consent. I immediately returned to my seat in the House, and in a very few minutes the right hon. the Prime Minister sent a note to my hon. friend, the leader of the opposition, saying he would consent to the member for York moving the adjournment of the debate, which was done. On the following day, when the debate was resumed by my hon. friend from York (Mr. Crocket), I had a conversation with the assistant whip, the hon. member for West Lambton (Mr. Pardee), in the corridor, and we mentioned the names of those who were to take part in the debate. We both agreed to endeavour to cut off two speakers on each side. I took the names down of four speakers—the two mentioned by my hon. friend from West Lambton and the two mentioned by myself. I came to my place in the House and wrote down on an envelope the names of the four speakers and sent them to the chief opposition whip who looked at it and consented, he then handed it to the hon. member for North Toronto (Mr. Foster) who consented also. That was the final agreement between my hon. friend the assistent whip and myself, as I am sure the hon. gentleman will admit. The article says that some agreement was made by himself as assistant whip which my hon. friend the chief whip of the opposition (Mr. Taylor), knew nothing about. May I say that the agreement was carried out in so far as the opposition was concerned. There was no arrangement whatever as to the rotation of speakers. When an agreement is reached between the two sides as to the rotation of speakers, the list is given to the government whip, who takes it to the Speaker, and the Speaker records the rotation on his list, and each speaker is called accordingly. No such arrangement was suggested by the chief whip or his assistant to myself; and in so far as I am concerned, no arrangement was come to other than the one I stated.

As to this being a snap verdict, no such thing was thought of by the leader of the opposition or by any member on this side. I am aware that the chief whip of the opposition said to the hon. member for Winnipeg (Mr. Haggart), ten minutes before the vote, that he could go as there would be no vote until after six o'clock. Immediately the hon. gentleman left the House and two or three others on this side left under the same instructions. I am in the hearing of my hon. leader and other gentlemen on this side when I say there was no intrigue or any suggestion whatever from our side with regard to a snap vote; and in so far as I am concerned, whatever agreement was made was carried out. Any agreement since

I have had the honour of a seat in this House which I have ever made, with the whip on the other side has been fulfilled to the letter. As evidence of that, I might mention that there never has been any controversy between us, and never until this time any reference in the press to any breach of agreement. It is only fair that I should make this statement. The reason why the debate dropped was in my opinion because neither party seemed to have any special desire to continue it. Had there been any agreement by which one speaker would speak on our side and then another on the government side and we had taken any advantage of that, I would have been guilty and so would hon. members on this side, but the gentlemen who intended to continue the debate on the government side were all in their seats when the debate ceased and I myself saw the right hon. the Prime Minister rise partially in his place and look around, first at the Speaker and then at the hon. member for Carleton (Mr. Carvell) who was expected to take part in the debate. The Speaker rose, read the resolution, and the resolution was put to the vote. I think it is not only fair to myself but to the members of the opposition that I should make this statement. I wish to repeat that any agreement I have ever had with the whips on the other side has been fulfilled to the letter. I think this is in the interest of the dignity of the House that one side should keep faith with the other and respect agreements.

PRAIRIE FIRES.

Mr. KNOWLES. I wish to draw the attention of the government to the very serious prairie fires which have occurred in the far west, and which have caused the loss of several lives and the homes and property of many of our new settlers. Have any steps been taken to relieve this distress?

Hon. FRANK OLIVER (Minister of the Interior). The department at once telegraphed to the Commissioner of Immigration in Winnipeg and authority was given him to take whatever measures might be necessary and practicable to relieve the immediate distress.

FISHERY COMMISSION REGULATION.

Mr. J. A. CURRIE. I would like to ask the Minister of Marine and Fisheries if the Fisheries Commission has adopted a set of regulations in connection with the international fisheries on the great lakes, and if so when they will be laid on the table. I understand also that those regulations are final and the duties of the commissioners at an end.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). The negotiations between Professor Prince and Dr. Jordan are not yet completed. Some regulations have been drafted but they are not yet signed. I understand they are going to have very shortly a meeting to close definitely those negotiations. As soon as the regulations are signed they will be laid on the table.

GRAND TRUNK HOTEL SITE, OTTAWA.

Mr. R. L. BORDEN. Has anything been done in connection with the transfer to the Grand Trunk Railway of a portion of Major's Hill Park or does the matter stand in the same position as when I made inquiries some weeks earlier?

Sir WILFRID LAURIER. Nothing has been done since. Matters are in the same position.

TRENT VALLEY CANAL.

Mr. R. L. BORDEN. As the Minister of Railways is not here, would the right hon. gentleman remind him not to forget to bring down certain particulars in connection with the Trent Valley Canal which I asked for some days ago—particulars of changes made.

INQUIRY FOR RETURNS.

Mr. LENNOX. I wish to again urge the bringing down of the balance of the papers in connection with the railway return as ordered on the 31st of March. A week ago an officer of the Board of Commissioners told me the papers were about ready. I particularly want to use them, and I hope they will be brought down at once.

Mr. FOSTER. I would like also that a note be taken with reference to a return brought down in answer to a resolution of parliament in connection with the Transcontinental Railway Commissioners. All the schedules of the return were complied with the exception of one, and that one the commission stated could be provided in about three weeks. That time is up, and the return is comparatively useless to me without that schedule. I would like to have the commission asked to bring that down.

PRIVILEGE—THE VOTE ON THE NEW BRUNSWICK CENTRAL RAILWAY MATTER.

Mr. W. S. CALVERT (Middlesex West). I regret very much I was not in the House when my hon. friend brought up the question——

Mr. SPEAKER. The hon. gentleman cannot discuss that unless he rises to a question of privilege himself.

Mr. CALVERT. Well, I rise to a question of privilege, Mr. Speaker. I regret I was not in the House when my hon. friend from Peel brought up a question in regard to the vote taken the other day. I was engaged in the Railway Committee and we have only finished our labours a few moments ago so that I could not be present when my hon. friend spoke. I was very much surprised to find a letter in the papers from my hon. friend (Mr. Taylor), the chief whip of the opposition, in regard to why the debate was not continued. The chief whip of the opposition was not present the night before the vote was taken, and consequently I made the arrangement with his assistant, the hon. member for Peel (Mr. Blain). I do not think my hon. friend says that my statement was wrong with regard to the names he gave me of those he expected to take part in the debate. When we make arrangements of that kind it is not always customary to say that such and such a member shall speak and then such and such a member shall follow him. But it is the custom of this House that when arrangements are made that a certain number of members shall speak on each side of the House, that the members on each side should alternate in the debate. During the debate the other day I showed the member for Peel the names of the members that we expected on this side to take part in the debate, and they were largely the members from New Brunswick. There was no hesitancy at all about showing him the names. My hon. friend (Mr. Blain) informed me that five members on the opposition side intended to speak, and consequently, just as I said to the 'Free Press,' the debate was to be continued as we expected, and the question was whether we were going to be able to conclude the debate on the following day in a reasonable time. So I asked my hon. friend (Mr. Blain) to try and reduce the number of speakers on his side, stating that I would do the same, and that we would have at least three members to speak on each side of the House.

Mr. R. L. BORDEN. Did my hon. friend give the names?

Mr. CALVERT. I gave the names to my hon. friend the member for Peel.

Mr. R. L. BORDEN. Was the name of the hon. member for Gloucester (Mr. Turgeon) given?

Mr. CALVERT. Yes, I have the card in my desk now in the whips' room. I can show it to you, and I can show it to my hon. friend from Peel, and it contains the names of Mr. Turgeon, Mr. Nesbitt, Mr. Todd, Mr. Carvell and Dr. McAllister. I said that while perhaps not all of these would speak I expected that most of them would. I put their names on the very envelope that I showed to my hon. friend and I have the names of the Conservative members on one side and the Liberal members on the other. When I was asked by many of my friends if the vote would take place before eight o'clock, I said no, that it would be impossible. I accepted that as the statement of my hon. friend as to the arrangement of the debate, and I expected that it would be continued from one side to the other as has been usual for many years. Consequently when the debate came to an end I was very much surprised, just as other members of the House were. I am quite sure there was nothing wrong so far as we were concerned, nor do I know that the assistant whip intended to take any advantage, because it may have been an accident that a member from the opposition side did not rise. At the same time it was understood and expected that the debate would be continued and that the leader of the opposition, the member for Toronto (Mr. Foster) and the hon. member (Mr. Doherty) would speak on the opposition side. I was very sorry I did not hear what my hon. friend had to say, but I know that we were endeavouring to carry out the arangement in good faith, and I would like it to be understood that there was nothing done by this side of the House that was not done in good faith. Neither do I suppose that there was any intention on the other side not to carry out the arangement in good faith, and consequently if the debate had been carried on as has been customary it would have continued until the middle of the night.

Mr. R. L. BORDEN. It would be far better if matters of this kind were brought up and dealt with in the House in the first instance. I may say that so far as I am concerned I absolutely heard of no agreement whatever that we would be responsible for continuing the debate until any particular time. The only negotiation I had on the subject was with the Prime Minister, who expressed to me the hope that the debate would be concluded on Thursday. That is the only expression or desire that I heard from him and so far as the continuance to a particular hour is concerned my hon. friend will recollect that it was perfectly open to any gentleman on the other side to have continued that debate and to have seen to it that it did not come to a vote before eight o'clock. We accept absolutely no responsibility.

Mr. CALVERT. We intended to close the debate on Thursday, but we found that, with the number of gentlemen who intended to speak, it would be almost impossible to do so, and then we wished some arrangement whereby we could reduce the number of speakers and that is what we were endeavouring to do.

Mr. R. L. BORDEN. The whole question was a question of reducing the number of hon. gentlemen who would speak and of limiting the time, so far as I know.

GEORGIAN BAY CANAL.

Mr. J. A. CURRIE. (North Simcoe). Before the Orders of the Day are called I wish to ask the leader of the government if there has come to his cognizance a petition or round robin that is being circulated by lobbyists in the corridors of the House asking the signatures of members to support a guarantee of this country to an expenditure with respect to the Georgian Bay canal? Would the Prime Minister state the intention of the government as to putting through a measure before the end of the session, with a view to the people of this country guaranteeing an expenditure of three million dollars in reference to that matter.

Sir WILFRID LAURIER. I may say to my hon. friend that this is the first intimation I have had of the existence of such a document, and so far as concerns important measures to be brought down by the government everything is on the table to-day.

THE OLD FORT TORONTO.

Mr. FOSTER. There is an old question which I asked some time ago and the Minister of Militia was kind enough to say he would answer it. It is with reference to the Old Fort property in the city of Toronto. I would like to get from him a statement as to the condition of that property, as to whether a deed has been given to the city, and as to what are the conditions of the deed, especially in reference to restrictions upon the use of these grounds for street railway purposes or any other than park purposes.

Sir FREDERICK BORDEN. It is quite true that my hon. friend (Mr. Foster) spoke to me about this matter as long ago as the 14th of April. Unfortunately, I was ill and, for several days, was not in the House, and since that time no opportunity, I believe, has offered for a statement. All the papers in regard to this matter, covering the negotiations which took place between the city of Toronto and the Militia Department and the government, were laid on the table of the House two or three years ago. There is really nothing new in the matter since that time, except that a rumor has been current—in fact, I think it was a matter of public discussion in the city of Toronto—that it was proposed to allow the street railway to pass through the old fort to the exhibition grounds. That question having come to the front, and opposition having been made to it—that is, as to the street railway passing through—

Mr. CALVERT.

by certain societies, historical societies, and others, the matter has been discussed and there has been a good deal of correspondence. The situation at the present moment is this: Letters patent by the Department of the Interior, from whom the title proceeds, are now being prepared which will contain the following clause:

To have and to hold the same——

That is the property to be conveyed, including all the property, some two hundred acres, of which, of course, the old fort is only a small portion. This, it will be understood, is to convey the garrison common property to the city of Toronto, one of the conditions being:

To have and to hold the same unto the said the corporation of the city of Toronto, its successors and assigns, so long as the same are, and upon, and subject to the trust and conditions, that the same shall be subject to the proviso hereinafter expressed and contained, that the site of the old fort, situated within the limits of the land hereby conveyed shall, as far as possible, be restored to its original condition as shown on the attached copy——

Which is made a part of the conveyance.

—of a plan of the old fort prepared by G. Nichols, government engineer, and dated, Quebec, 24th June, 1816, and that the same shall be preserved and maintained in such condition for ever.

So far as the proposal to run a line of street cars is concerned, I may say that there is an old road, a road which has always existed, I believe, running through the old fort property, and the city of Toronto authorities desired that the line of street railway shall pass along that old road through the old fort to the exhibition grounds. Now, recently the mayor of the city waited upon me and told me that he believed an alternative route had been discovered by the use of which, it would be unnecessary to carry the line of street railway or any portion of it through the old fort. He could not speak positively, but he hoped such would be the case. I have not thought it necessary to include in the deed any prohibition against putting the railway through the old fort, because I think it is quite safe to leave in the hands of the city of Toronto, whose people are more interested than anybody else, the question as to whether that street railway line shall pass through on this road, or whether they shall find some other route. I am quite sure that the intention and desire is to get to the exhibition property without trespassing in any way on the old fort. In any case, the plan of the proposed restoration of the fort and everything that is to be done with reference to the property will be filed with the government before any action can be taken by the city.

SUPPLY—FULL PARTNERSHIP UNION BETWEEN GREAT BRITAIN AND HER COLONIES.

Hon. W. S. FIELDING (Minister of Finance) moved that the House go again into Committee of Supply.

Mr. SAM. HUGHES (Victoria and Haliburton) moved in amendment:

That in the opinion of this House the best interest of Canada, as well as of each component part of the British empire, would be served by a full partnership union of Great Britain and Ireland and the colonies of Canada, New Zealand, Australia, South Africa and India; wherein, each retaining under its own control all matters specially concerning it, all would unite on an equable and independent footing, in a full partnership union government, dealing only with intra-imperial, international, imperial fiscal and imperial defence questions.

He said: Mr. Speaker: In again presenting my old favourite motion for full partnership union between Great Britain and her colonies, I may say at the outset that I am—shall I say very agreeably surprised—at all events, I am pleased, at the progress that has been made in the spirit of the people of Canada in relation to this issue during the past year. It is now two years since I had the honour of last presenting it to the House. On that occasion there was not very much enthusiasm for it, either in the House, or, I regret still more to say, in the country. However, even then the progress that had been made over former efforts was very gratifying, because, on former occasions, it was received absolutely with a wet blanket. I may explain that it is not my purpose, on this occasion, to divide the House. I do not wish, in any sense, to make this a party issue; I do not wish, in any sense, to place the government—this motion being one on going into Committee of Supply—in a position which would afford any excuse to any hon. member of this House for expressing by a vote any other than his own sentiments on this question. Therefore, my object being purely educational, purely academic so to speak, I have no intention of dividing the House on this issue. And I trust the day will never come when it will be necesary to divide the House on this question, but that in the very near future the members of both sides can join hands in loyally supporting this proposition. In answer to certain gentlemen, negative characters, such as are found in all communities, who look upon any agitation of this kind as a jingoistic or militarist agitation, I may say that my object in seeking this union is the maintenance of peace the wide world over. A distinguished German officer, not long since, pointed out that the peace of Europe has been preserved for more than a quarter of a century by the maintenance of an immense standing army in Germany. And one of the most distinguished German soldiers recently published an article which has attracted world-wide attention, an article of such importance that the Emperor William summoned his leading officers to meet him on New Year's day last, and himself read this article to them. One sentence in that article, I will read so that hon. members may see that the best guarantee for peace is to be ready for war. This officer, Count Von Schleifen, one of the most distinguished officers of the German army, says:

Men warm and secure behind the walls of fortresses deemed impregnable are showing less and less desire to go out into the open and bare their breasts to the fight. Gun foundries, ammunition factories and steam hammers have done more to promote friendly relations and amicable concessions than any peace congress.

These are the views expressed by the Emperor of Germany, and they are views endorsed by the best men of Europe and America to-day. Therefore, I need offer no apology for bringing this matter before the parliament of Canada. It is true I have received numerous communications and personal solicitations from a great many gentlemen throughout Canada to be careful of the ground I proceed on. Sir, I received the same warning long years ago when I was advocating colonial assistance in the wars of the Motherland, but I persevered. The politician in any land under responsible government is always cautious, and rightly or wrongly I feel, and I say it with all kindness, that I should pay very little attention to the expressed opinions of the politicans of a country when they are not backed up by the voice of the people. The politician as a rule is just feeling the pulse of the people, and until he feels that a movement has taken hold in their hearts he is cautious. I was warned, as the First Minister knows, and as my then leader, Sir Charles Tupper, knows, that in my movement for colonial assistance in the motherland wars I stood alone. But, Sir, when the issue rose it was found that it was these gentlemen and not I who stood alone. I have been told also that these great changes in the upbuilding of a country come by chance or just as the occasion demands. Sir, there never has been a single change in the upbuilding of liberty in any land that ever came by chance. It has come after years and years of agitation, years upon years of education, and in very many instances after years and years of stern fighting. Therefore I maintain in the first place, that no harm can come of discussions of

this kind, and in the second place, that the only way to arrive at a proper conclusion is by open and free discussion, and by eliminating what it is not necessary to have engrafted in any movement that may be for the well-being and uplifting of a great nation, and of a free people.

Above all I am warned in this great country of Canada not to bring this motion forward for fear my French Canadian country men will be offended and will oppose it.

Mr. TALBOT. Where did you hear that?

Mr. HUGHES. Not from my hon. friend opposite. I am proud to say that the first man on record in favour of a partnership union between Great Britain and her colonies was the French Canadian who spoke as I quoted two years ago, and Sir, my experience up and down the country is that the gentlemen who warned me to be aware of offending my French Canadian fellow-countrymen do not know whereof they speak because on every hand I find the French Canadians, once they understand the matter, heartily and openly endorsing it. I have the honour, just as much as any man in this House, to class myself as French Canadian.

Some hon. MEMBERS. Hear, hear.

Mr. HUGHES. I am proud to state to this House that French blood, just as good—just as good possibly as that which circulates in the veins of any gentleman in this House or in this country—flows in my veins.

Some hon. MEMBERS. Hear, hear.

Mr. HUGHES. I know the aspirations of the French people. They have from time immemorial stood for the principles of liberty, equality, and fraternity.

Some hon. MEMBERS. Hear, hear.

Mr. HUGHES. Their very name of 'French' derived from the old 'Frank' race, is synonymous for free. If you take the history of that great people in Europe you will find that no race the world over has produced so many noble spirits for liberty. And when I refer to the French in Europe, I include the French race in Britain, in Canada and in South Africa, where they have at various periods in the world's history exercised great influence. As Goldsmith, long years ago, speaking of the French people, said:

> Theirs are those arts that mind to mind endear
> For honour forms the social temper here.

What the French people need is not to be mistrusted; what the French people need is to have the facts placed before them. They have brains, they have genius, they have intelligence, and what they want is facts. Let me point out in all kindness that the mistake that is being made by both parties in the Dominion of Canada in dealing with our French Canadian fellow-countrymen, is, that they have not understood the French Canadian people of the Dominion; in other words that they have underestimated the intelligence of the people, and too often have been prone to pander to their prejudices when they should have appealed to their intelligence. Both parties are blameable for that. Were it necessary I might point to the struggles that have been made for liberty by the men of French extraction. I might mention Count Raymond of Toulouse, who, in the twelfth and thirteenth centuries, fought as few men have fought for the liberty of the people.

Sir WILFRID LAURIER. What name did you mention?

Mr. HUGHES. I referred to the leader of the Albigensian struggle for liberty. Then, Henry IV of Navarre stands on the roll as foremost in the struggle for liberty; Samuel de Champlain, whom the people of Canada honoured last year as the founder of the old city of Quebec, for a quarter of a century before coming to the continent of North America, fought for the liberty of the French people; and I might mention the names of Coligny, Colbert, Peter Waldeau, Thiers, Lamartine, Rousseau, and thousands more. The pages of French history are filled with the efforts of those noble fellows to secure liberty. And in Canada we have men of that race who have been a credit to the country: Lafontaine, Chapleau, Cartier, Dorion in past days, and coming to the present time I am sure the House will agree with me that in the persons of the member for Jacques Cartier (Mr. Monk) and of the right hon. the leader of the government, the French race is adorned in the most fitting manner. Therefore, sir, I say that no apology need be made to the people of French extraction when I introduce this motion. To the people of the province of Quebec is it not as vital a point that the body of water lying between Great Britain and the coast of the continent should remain the North Sea rather than the German ocean, as it is to the people of England? Would not the harbour of Quebec be the port whence would sail the merchant ships of the world bearing the produce in and out of this great country? Would not the shores of the St. Lawrence be the spot where we would place our dry docks and establish our arsenals for the manufacture of war material, because if we are to remain a nation and become a great people, we must, whether we remain as we are, a part of the British empire, or become an independent coun-

try, take our part with the other nations of the world. Along the shores of these waters would be the place where these industries would spring up and in that regard, more than in any other part of Canada, the province of Quebec would be benefited. Able men of that race, speaking the two languages, would undoubtedly be called upon, more than in any other part of Canada, to take their share in the field of diplomacy. From whatever view point we may take it, the people of Quebec are those who would be benefited to the greatest extent by a full partnership union between Great Britain and her colonies and, therefore, I have no apology to offer and I have no fear of offending any one in bringing in this motion. My policy, as I said, is one of education. In the year 1885 there was an interview published in the Detroit Evening 'News.' I do not wish to recall any dead issues or ghosts of the past to the leader of the government, but I have no doubt he will remember that a certain party in this country was entrapped into endorsing a policy of a full partnership union with the United States, unrestricted reciprocity, or commercial union, call it what name you will. At that time the Detroit Evening 'News' sent its correspondent to interview various people here and there in the Dominion of Canada. Upon that occasion I combatted the idea of a full partnership union between Canada and the United States in matters of trade, and I upheld as the only solution of the question as to how to promote peace and civilization the wide world over was by the union of Great Britain and her colonies in a great full partnership first and, after that, the formation of an offensive and defensive alliance with the United States. That was back in 1885. During the following year the matter came to the attention of the Right Hon. Joseph Chamberlain. He endorsed the principle but his idea was that there should be absolute free trade between the component parts of the empire. However, I may say that the Right Hon. Joseph Chamberlain very quickly got over the idea that it was necessary to have free trade between the component parts of the empire, and he saw in due time the reasonableness of each component part reserving its own tariff with a preferential duty against the world. There is a little matter to which I propose referring. It is in connection with colonial assistance in imperial wars. That agitation had been carried on, Sir, for many, many years by your humble servant. At first it was received with coldness, but, as I said before, I did not allow myself to be influenced by opinions expressed in the parliament of Canada or by the encouragement I received by members on either side of the House. I took the heart of the nation into my confidence, those were the ones to whom I appealed and I was satisfied to leave it to them to say whether I was right or not. Whether or not I am right in the hearts of the members of this parliament I am certainly right in the hearts of the people. It was my privilege to visit Great Britain in connection with colonial assistance in imperial wars, and I also had the privilege of visiting the colonies of Australia and New Zealand in 1897 and 1898. When war broke out it was found that the identical plan which had been laid down was the plan which was adopted, and despite the cold water which at that time was thrown upon the movement by politicians and even by high military men in Canada the whole heart of the nation was educated up to the issue and joined heartily in the movement. I have some extracts here from a statement published in the papers, of a distinguished English gentleman. I do not know who he is. He has evidently come here with a gold brick in his pocket in connection with the Georgian Bay canal, he has found out what the view of the right hon. First Minister is in the matter and he forthwith comes out and dictates to the people of Canada what their duty should be in the premises in relation to a Dreadnought and other matters, winding up, however, with the gold brick statement that half the money that we might put into Dreadnoughts would build the Georgian bay canal. I am not going into a discussion at the present time of the Georgian Bay canal scheme, but I would say that in all lands there is this negative class of men who have very little influence in public sentiment, who do not appreciate the upbuilding of the country and whose very wealth has been obtained in the past for them or their ancestors by the policy which they are condemning in the people of Great Britain. They call those who advocate the holding together of the empire, jingoes. Where would we have been to-day if it had not been for the so-called jingoes in Great Britain? Free institutions and religious liberty would never have been brought about in Britain without the jingoes. Who is the man, that, in the history of the world, has resisted tyranny, injustice, aggression and opposition? He is the man who has fought for the liberty of the people of the land? He is the man who has always stood ready to fight for higher civilization, and for the security of person, property and home. He is the man who has brought about the higher moral and physical upbuilding of the nation, he is the man who has aspired to have a nation of ready free men instead of a lot of peace-at-any-price dreamers and he is the man who has been ready to hold on to the empire and at less cost than under any other system which could be evolved. He is

the man who has spread the trade of Britain to all winds and all seas the wide world over, and he is the man who has established the factories of Great Britain. These dreamers, these peace at-any-price gentlemen, these men who are ready to call those who have striven for the upbuilding of the British people, jingoes, have profited by proceeding along the lines of least resistance, and when others were fighting the battles of the nation these gentlemen have been making money out of contracts and side shows in connection with these developments. Yet, these are the men who are to-day calling others jingoes. The whole matter is summed up in a nutshell in regard to that class of men in these words from one of England's poets:

Never trust the soft breathing that preaches of peace,
With an oath-giving lip and a smile lighted eye;
Hear it all with good will, but be provident still
With men that are earnest and powder that's dry.

That applies to these gentlemen of the dreamer class the wide world over. We are also called militarists. My hon. friend the Minister of Militia (Sir Frederick Borden) and hon. gentlemen on this side of the House who advocate the adoption of proper methods for the nation's upbuilding and for the improvement of the militia of the country are by some gentlemen whom I will not refer to, some negative characters, described as militarists. I have on several occasions asked this class of fellow to spell the word, and I rarely got one who has brains enough to spell it, to say nothing of intelligence enough to know what he is talking about. We have in Canada no such thing and there is no such thing in Great Britain as militarism. The day may have been when something of that kind might have been charged against some of the people in Great Britain. Militarism means the establishment of a separate caste or class who are independent of the popular government and of the people. That class can make or unmake governments and can grind the people down. But they have no such thing as that in Great Britain for many long years. The time was when it was tried, but I will refer to that a little later on. However, as far as I am concerned, as I have been charged with being a militarist, by these gentlemen let me point out what my record has been. It is known to many in the House that long years ago when the Conservative party was in power we had as we have to-day in connection with the permanent corps a lot of very estimable young gentlemen who filled positions in the various offices throughout the country. But they were not selected for their superior qualities (for their qualities were not superior to tens of thousands of men in the ordinary active militia) and let me tell the Minister of Militia that the same holds good to-day in the permanent corps. They are good fellows but they are not—I will not say they are inferior—but they are far from being superior to tens of thousands of men in the active militia. An effort was made then by regulations and orders to make these gentlemen superior to the active militia, but I led a struggle which placed them on an equal footing, and we are going to have popular military government in Canada if I can bring it about.

Sir FREDERICK BORDEN. As to the appreciation of the active militia, might I point out to the hon. gentleman that it is quite evident we do appreciate it when we took a colonel from the active militia the other day and placed him in charge of a district.

Mr. HUGHES. Which shows that the minister is moving along the right lines. I do not claim the credit for teaching him, but I do say that his mind is running in the right direction. Let me call attention to the fact that a number of years ago when the cost of the dress of the officers of the active militia was prohibitive, I took the matter up. Before a man could attend a military school in those days he had to have a full dress uniform, a mess uniform, and a couple of suits of drill uniform, and as most of these young men were mechanics and clerks and farmers and young professional men, they could not afford any such useless extravagance. I had the honour of standing in my place in this House 18 or 19 years ago and fighting that issue to a finish and of bringing about changes in the position of the young men in that respect. The minister knows that since he has been in office and since I have been in parliament, aye and before that too, I have fought to have the training of the officers and soldiers changed so that when men go to these educational military schools they should go, not on the basis of militarism, not on the basis of social or military rank, but on the basis of educational fitness, and that there should be no bar to a young man, be he a private or an officer of the militia, in obtaining a certificate which would entitle him to command a regiment. As it is now, a private can only take out a certain grade certificate, a sergeant takes out only a certain grade certificate and so on, and you are building up a class in the militia which I have always condemned and which I trust the minister will see his way clear to abolish at a very early date, and let them all go in on an educational basis. If a farmer's son, who happens to be a private, has superior knowledge, let him take his certifi-

cate over the gentleman, who happens to be a barrister, or anybody else. In that way we can open up a career to our young men in the militia and give them a chance to take high command. In my younger days many of us shouldered our rifles as privates when we had higher certificates in our pockets than the colonel who commanded the regiment. It is a splendid discipline for a man holding the commission of an officer to get experience in the ranks. The Minister of Militia will remember that when he was passing his Militia Bill a few years ago I fought the clauses of that Bill, step by step, in the interests of the free men of this country, so as to prevent any outside influence being exercised by an officer in his military capacity over any one of his men when they were off duty. And, the law to-day stands, as the minister was good enough to testify, as it is, largely because of the action I took on that occasion. I have always been favourable to drill in the schools as opposed to conscription. I believe that the youngsters in our schools from 12 years upwards should be drilled, and then when they are young men we would have an army from one end of the country to the other, much better fitted to take the field than our volunteers are to-day after only three years' training. It was my privilege long years ago to fight for the liberty of the soldier in camp and barracks. I objected to the petty restrictive disabilities that were placed upon him, and I carried out my principles in 1886, the first year I had the honour of being brigade major in Kingston. I am pleased to see by the English papers that General Smith-Dorien has now carried out the same policy as was then inaugurated, and the English camps to-day are no longer hampered with soldiers standing sentry over every man.

I do not think I need enter into the details of my difficulty with General Hutton further than to say that they were one and all in the interest of freedom. The first minister may or may not remember that upon one occasion when General Hutton had undertaken to receive and transmit commands from His Excellency the Governor General of Canada to members of the active militia without consulting either the First Minister of Canada, or the Secretary of State, or the Minister of Militia, I had the honour of fighting the matter out and of convincing the first minister. I came to Ottawa, got the data in the library, showed the right hon. gentleman where, at a time when General Dundas was commander-in-chief in Britain and Lord Palmerston, Secretary of War, Lord Palmerston objected to Dundas taking the same action as was taken here by General Hutton, and I showed that Dundas had been brought before the Secretary of War and told he dared not officially lift his hat to the Sovereign without the permission of the responsible minister under a responsible government.

There is a little matter of history in connection with this question of colonial assistance and the South African war which I wish to place upon the pages of 'Hansard' in justice to myself. I find that about the surest way and possibly the only way one can get justice in this world is to look after it himself. In the year 1896 when I was proposing that the colonies should stand by the motherland it was then known that Germany, Russia, and France were intriguing against Great Britain. They were intriguing before 1896 but it was known publicly in 1896 that these three nations were conspiring to clip the wings of Britain and drive her off the seas. I had the honour then, Sir, of pointing out to my leader, and of speaking in this House on the subject that the colonies should be ready to stand by the motherland in war. My then leader, Sir Charles Tupper, as he had done publicly in England on a previous occasion, stated that Canada must never embroil herself in Britain's wars and that my proposition was monstrous. I told him I would still persevere in educating him, and in 1899 I had him educated. The first minister will remember that in 1899 when the South African war was looming up I came from the Northwest down here to interview him and to urge upon the government the advisability of sending a contingent. Possibly I was a little urgent in my demand, but the first minister will remember—I would not refer to it now only he afterwards made the statement publicly that not a man and not a gun would go to South Africa.

Sir WILFRID LAURIER. When did I say that?

Mr. HUGHES. I understand that the first minister said it publicly.

Sir WILFRID LAURIER. Never.

Mr. HUGHES. Well, the first minister practically said the same thing personally.

Sir WILFRID LAURIER. Oh, no.

Mr. HUGHES. I will give an instance. I had been urging that a contingent should be sent, and the First Minister pointed out very many objections to it. It was known that General Hutton, Commander in Chief in Canada, had notified the imperial government—not through his own minister, which would have been the constitutional course—but in an indirect way that Canadian volunteers would be a menace—those were the words he used—to the imperial soldiers in war, short of three years in training, and then would be useless unless led by imperial officers. He also said that

the permanent corps of Canada would be useless in a war except possibly to guard base points and handle provisions on the line. He also notified the imperial authorities that two of the most prominent officers in Canada had informed him that not 25 men could be got in the Dominion to go to South Africa. The government are also aware of the boast Gen. Hutton made that he had defeated one government—the government of New South Wales—and that if these gentlemen in Canada undertook to cross him, he would defeat them also. These things were virtually known at the time, and I do not so much blame the Prime Minister, more especially when, in a subsequent interview, he told me that my party was not behind me. It is true, my party was not behind me, but neither was his own behind me. He pointed out that in all my educative efforts in this line, I had failed to get any one to second my resolution. That was all proper and true. He also pointed out that, for all he knew, Sir Charles Tupper might, at the opening of parliament, bring in a motion to condemn him for sending a contingent to South Africa. That was a proper position to take, especially in view of the fact that Sir Charles Tupper had made no public repudiation of his former statement that we must never take part in Britain's wars. On that occasion I asked the Prime Minister—and this is a point I want placed on record—whether if Sir Charles Tupper should endorse his action, in case he should send a contingent to South Africa, that would be of any service to him. He said it would be of material service. Then I replied that I thought I could get such an endorsation. I went down to the telegraph office and put up my good money and sent a very long telegram to Sir Charles Tupper at Halifax, asking an endorsation to Sir Wilfrid Laurier of the sending of a contingent. That telegram was repeated from Halifax to Sir Charles Tupper, who was speaking somewhere out in the country, and Sir Charles Tupper answered it, but his reply was hung up in Halifax. I called at the telegraph office to know why the message had not been answered. I wanted to know if it had been delivered and they said yes, and I was presented with another bill for repeating the telegram to Sir Charles Tupper somewhere in Nova Scotia, which I paid. I then asked that the telegram be traced. It was traced and found to have been answered, but the answer was hung up in Halifax. The answer was then forwarded, and I found that my leader had been converted and gave a hearty endorsation to the Prime Minister in case he should see his way clear to sending a contingent. These are the facts. The contingent was raised and sent, and let me point out to the

Minister of Finance (Mr. Fielding) who, the other day, in speaking on another matter, said we were getting our profits from the development of the country—let me point out that that development is not due to his superior genius or financial ability or to any policy this government has inaugurated, but it is due in recent years to the fact that our boys did go to South Africa and take part in the upbuilding of the empire, and they thereby gave Canada an advertisement such as she never had before.

Mr FIELDING. If that is due to my hon. friend, the whole thing is due to him.

Mr. SAM HUGHES. I am modest, Mr. Speaker, and am not making any claim personally, but I want to show that it is due to the inspiration, to the spirit of fearlessness and not to the spirit of proceeding along the line of least resistance, characteristic of my hon. friend the Finance Minister, that Canada's greatness is due. It is due to the fact that public opinion forced the hands of both leaders, that the contingent from the Dominion joined hands with those from the motherland and both fought in South Africa. There has been a great deal of sympathy between the colonies and the motherland since the war. We have had imperial conferences and considerable progress made thereunder. The people on either side are beginning to understand each other better. We now have the establishment of a general staff, and let me point out that the Minister of Militia has always been ready to do his part, so far as he was permitted by the backing he got on both sides of the House. We have now an interchange of officers with the imperial forces going on, and let me point out that it would be in the best interests of the country that this interchange should not be confined to the permanent corps, but be extended to our active militia. There are in Canada thousands of young men, some of whom could give up their winter months and others their summer months without much loss to themselves, who are now splendid officers in our active militia, who could easily be exchanged and would bring back to each district the experience and instruction gained in the British army. I would recommend the minister not to limit this exchange to members of the ordinary permanent corps, but extend it to the active militia as well.

Sir FREDERICK BORDEN. There is no limitation except qualification.

Mr. SAM HUGHES. My whole policy is gradually to bring out the ideas I have presented to the House and the country and

if those ideas are not worth anything let them be brushed aside. We find too that the colonies are more and more being confronted from time to time with the outcome of the South African war. Had Lord Milner's plan been carried out, every colony which took part in that war would have had a voice in its settlement. But these ideas are becoming gradually embodied in action as time rolls on. Owing to the policy of our Postmaster General, Mr. Lemieux, postal facilities are gradually being improved between Canada and the mother country and throughout the empire as well. British immigration is coming into Canada, and best of all, we find this session that the leader of the government and the leader of the opposition, in speeches on practically this very issue, have declared that it is Canada's right and duty and intention if necessary to stand by the motherland until the last shot is fired in the upholding of Britain the world over. I am proud to say that Sir James Whitney, Prime Minister of Ontario, has come out openly in favour of a full partnership union between Great Britain and all her colonies. Various causes have been tending towards the development of this object. There was the tercentenary celebration at Quebec, where everybody was delighted at the showing made by Canadian volunteers. I understand the minister declared on that occasion that he was amazed to see the boys go by as well as they did in that splendid review on the old historic Plains of Abraham at Quebec. In this connection may I be permitted to compliment the right hon. the Prime Minister on securing an extension of the term of His Excellency Lord Grey, who took such deep interest in the successful carrying through of the Tercentenary celebration. The visit of the Prince of Wales had a great deal to do with still further cementing the tie between Canada and the mother country. Also the visit of the veteran Lord Roberts, while Lord Strathcona, by his always splendid contributions to the empire and his actions for the upholding of England, has done much to bring about the splendid feeling which exists to-day. Other distinguished visitors, such as General Pole-Carew, aided the good work, and in short our progress and development in recent years is due to the fact that Canada has gained a better understanding of Britain and Britain a better understanding of her colonies, and in a very short time, a full partnership union shall be secured. In ten short years, great changes have taken place. Ten years ago we heard the dreamers of annexation declaring that our destiny was to be annexed to the United States. But to-day the United States realizes that, as a nation, it would be infinitely stronger not to have Canada annexed to it but to have Canada continue part and parcel of Britain. The United States will be much safer on the Pacific seaboard in that case than if the whole Pacific coast belonged to it. In other words, the Americans realize the issue for them is whether the western boundary of the United States shall be the coast line of the Pacific or the table lands of the Rocky mountains. And the United States would no doubt be much more powerful, having a strong ally on the other part of the Pacific coast, thus making it absolutely impossible for any foreign power to assail the western coast of the United States. The dream therefore of annexation to the United States has long since vanished. Ten years ago, you would find an odd one in favour of Canadian independence—a puny sort of thing in a pismire shaped republic. That dream has long since vanished. It is a myth. Those who indulged in it have realized that from any point of view, from the viewpoint of dollars and cents or financial standing or any other aspect, it would never do. Canada has become one of the world's factors; we have ships on every sea, we have our missionaries in every land, and we find it absolutely necessary that we should become part and parcel of the empire in the management and government of the world. To give up that destiny and become a little one-horse republic would make us a laughing stock. We would be another Corea or Denmark or some little issue of that kind without any influence whatever, where as a part and parcel of the British empire our position would be improved on every hand. I find that the question of Canadian independence is largely now relegated to drawing room dreamers, of which you will find one or two occasionally in some of our cities and towns and an odd one in this city of Ottawa. But they are gradually falling away.

Some years ago the right hon. the Prime Minister, in a moment of weakness, made a speech in which he depicted the colonies as like unto fruit that gradually ripens and falls from the parent tree. Did the right hon. gentleman ever stop to consider what is the fate of fruit that drops from the tree? It is gobbled up by some small boy or falls into decay. We do not aspire in the Dominion any longer to have the fate of ripe fruit. We desire to be part and parcel of the old trunk which annually produces fruit that is used in other ways. Ten years ago there was a feeling abroad amongst Britain's enemies, Germany, Austria and France—they were all enemies then—that the British flag should be driven off the seas. Russia was to have India and France Egypt, Germany was to have the control of the Balkans and South Africa, and Canada, Australia and New Zealand were to be divided up. That plan would have been carried out but for certain actions to which I shall refer later. But the chief cause of their

want of action was that when the issue arose in 1899, the colonies came to the assistance of the motherland and the agitation fell to the ground. It perhaps will not be amiss if I were to give a little outline of my suggestions. I do not mean that these should be hard and fast rules, but what I say is this, that the British empire has arrived at a period to day when it should have statesmen—men of genius and ability—to take hold of the issue and solve it, and that issue can be solved more easily than was accomplished the union of the American colonies over a hundred years ago, or the confederation of Canada in 1867 or the confederation of the Austrian states a few years ago or the confederation of South Africa now being formed. The leader of this government, the leader of the opposition and hundreds more men throughout the empire who have the requisite skill and genius, could sit down together and devise a scheme of confederation more easily than could the fathers of confederation devise our present system. I merely outline this to show what the frame work might be. There should be a confederation of Great Britain and Ireland, Canada, Australia, New Zealand and South Africa. That can be brought about in some shape or manner, and a plan could be devised by which each of these would maintain its own parliament as now, but there would be one great union parliament which would deal with international affairs, imperial questions of defence, trade and commerce and navigation——

Mr. PAQUET. Would each province have its own parliament?

Mr. SAM. HUGHES. Certainly. Canada would have its own parliament as now. This parliament would still remain the Canadian parliament, Canada would still retain its provincial governments, we would still retain our county and municipal governments. But instead of being really nothing in the empire, we should have the honour of being partners, and each of the partners would retain its own rights as now. There would be no interference, direct or indirect, with any of the rights or liberties held, by any part of the Dominion to-day. This imperial parliament would deal only with the line of questions I have indicated, such as diplomatic service, the tariff and trade and navigation and so on.

Sir WILFRID LAURIER. The tariff also?

Mr. SAM. HUGHES. Yes, preferential tariff. I know that the right hon. gentleman does not agree with that, but he is a good pupil and I have every reason to believe he will come right on the issue before very long. Then my idea would be that there should be one imperial parliament with representatives on a small scale from each of its parts—say an upper House with one representative to every 300,000 or 400,000 population, on the present basis, and a lower House. with one member to every 150,000 to 250,000.

Mr. FIELDING. Both elective?

Mr. SAM. HUGHES. That is a matter of detail. So far as I am concerned I would say elect them.

Mr. FIELDING. What about the lords?

Mr. SAM. HUGHES. I am not particular. The fact that a man happens to be a lord and cannot keep the county he lords over should give him no respect in my mind. I have always been and hope always to be one who stands or falls by appeal directly to the people.

Mr. LEMIEUX. That's radical.

Mr. SAM HUGHES. Radical? Call it so if you like. The radical of to-day is the constitutionalist of to-morrow.

Mr. LEMIEUX. Will my hon. friend allow me a question? And I am serious in asking it. About representation in the proposed imperial parliament, would it be on the basis of representation by population for the whole empire?

Mr. HUGHES. I do not wish to take up time in dealing with that at length, but I have already pointed out that whether you take it from the point of view of the trade returns, the financial returns, or the population, it is surprising how close all these keep together. I am only suggesting a policy, and how it is to be worked out is a question of detail.

Mr. LEMIEUX. When my hon. friend says the proportionate representation of the colonies, would Canada be represented according to population?

Mr. HUGHES. We are growing. The mother country is not growing, at least to anything like the same extent. It is a mere matter of division—all you have to do is to take the unit of representation and divide it into the population.

Mr. FIELDING. How about the colour line?

Mr. HUGHES. That is not in issue. But, since the minister has asked me the question, I will say that I have never seen any reason why a law-abiding, decent man who pays his taxes, understands his duties, and lives a moral life, and has a black skin, should not be of as much consideration in this country, provided he is a British subject, as the anarchist who comes to this country, whose hand is against everybody and whose aim is to

drag down this country, though he happens to be of the white race. I have said before that I see no reason why an Indian, if a law-abiding citizen, should not be of just as much consideration as the white man who neglects his duties as a citizen and defies the laws of the community

Mr. FIELDING. I am glad the hon. member for Vancouver (Mr. Cowan) has arrived.

Mr. HUGHES. The hon. member for Vancouver will not condemn what I advocate, but he will condemn the action of the government in letting men come in here who are coloured and aliens, and who will not become in any sense British subjects. He condemns the policy of the government in letting these men come in and gradually build up an oriental nation on the western slope between the Rockies and the sea, so that, through the invasion caused by a wave of their hand, the pigmy power of Canada would be driven back over the mountains to the plains. That is what the hon. member for Vancouver and I oppose. Let a man be a British subject and come here, and there will be no trouble.

Mr. FIELDING. Was there no trouble about Orientals from India coming into British Columbia?

Mr. HUGHES. I have expressed myself on that matter. I have been in Vancouver, and I did not find that there was the agitation against the Hindoos there that——

Mr. FIELDING. That there was here.

Mr. HUGHES. The agitation was against the special oriental class to whom our friends opposite are bowing down in fear and trembling. They are the ones that there is trouble over.

Mr. LEMIEUX. Does the hon. member (Mr. Hughes) know how many Japanese came to Canada last year? Does he know that there were less than a hundred?

Mr. HUGHES. I will take up that subject any day that hon. gentlemen opposite may wish. The next time a motion is made to go into Supply I will discuss it if they like, with the Prime Minister (Sir Wilfrid Laurier), Finance Minister (Mr. Fielding), or the Postmaster General (Mr. Lemieux), and I think I shall be able to give them a few points that they do not care to hear and have not been in the habit of hearing. But that is not what I am discussing to-day; I am discussing the issue of preserving the British empire, and not the issue of oriental immigration. But I am not in favour of allowing these people to come in and colonize our western coast so that on a signal from them they could summon assistance that would make them supreme from the Rockies to tidewater, so that no power, whether Canadian or imperial, could cross the mountains in less than six months of desperate struggle.

Now, let me give a few of the additional reasons why we advocate this principle. One is that there is a growing spirit of manhood in the colonies which shows us that we are unfair to the British taxpayer in allowing him to protect our trade and commerce with no support from us. This has been stated by an Australian gentleman of whom I have been glad to read.

A cable from Sydney on March 24 announced that, following the offer of four patriotic citizens who had promised to subscribe between them £35,000 towards the cost of Australia's 'Dreadnought' to be presented to the mother-country, a fifth citizen had come forward with an offer of £20,000 if the gift should be increased to two battleships. Mail advices give further particulars of this generous action. The prospective donor is Mr. Samuel Hordern, head of the firm of Anthony Hordern & Sons, of Sydney and London, and his offer was made in a letter to the Lord Mayor of Sydney, in which he said:

> My sympathy extends to the value of £10,000 to help to build the first 'Dreadnought,' and a further £10,000 for the construction of a second one.

I hope no one will faint at the mention of 'Dreadnought.'

> You will have a multitude of subscribers to this national object, and I am sure that I am only expressing the opinion of your meeting when I say that a poor man in contributing his mite of one shilling is entitled to as much thanks as his more wealthy fellow-subject who may subscribe his hundreds of pounds.

And here is the point that I would like the Finance Minister to get through his mind:

> You will have seen during your recent trip home that the people of England are under great expense to protect our exports, and it behooves all of us to give our mite to help to keep her all-powerful upon the sea. We could lose more in one month by our ships being taken than would build four 'Dreadnoughts.'

Therefore, I think I am safe in saying that the colonies feel that we have been unfair to the British taxpayer, that we have been humiliated as a nation in standing behind the Monroe doctrine or any other doctrine which means dependence upon the good-will of any foreign country, for history has yet to show an instance where one nation did something for another nation for nothing. Or own self respect demands that we stand up and do our share in the

building up of the empire. There would be no dwarfted citizenship in this full partnership, no dependence on the making of an impossible republic. There is an odd dreamer here and there, like my friend Mr. Ewart, drawingroom statesmen, who look to the establishment of a small country like Norway and Sweden, separate nations with one sovereign, or that we become a republic. The time has gone by for that sort of thing. Under full partnership union our citizenship and manhood would be higher, we should have enlarged autonomy, greater influence, greater power and privileges, infinitely greater security and more prestige; and all at less cost and less danger. And all this is possible. The difficulties, as I pointed out, are nothing as compared with the difficulties that faced those who undertook the upbuilding of the Canadian confederation, the United States, German, Australian or South African federation. The issues of property, civil rights and privileges conferred by one community and all these local issues would not appear and there would be free sailing for union. Sir John Macdonald long ago portrayed it. The first minister of Canada (Sir Wilfrid Laurier) to-day has practically endorsed it in his speeches again and again. In his splendid speech before the students of the University of Toronto—I need not quote it again,—he pointed out in language which I cannot aspire to imitate why we should remain part and parcel of the British empire forever. I believe he has come right round to that policy and I only wish he were ten years younger—he is plenty young enough but he does not think so—so that he would take hold of the scheme and carry it on to completion ably assisted by my hon. friend the leader of the opposition. At the time of confederation there were a number of gentlemen who were opposed to it and we heard the survivors of these telling their little story at the banquet the other night and one by one expressing his conviction that he had been wrong in opposing the confederation of Canada. So, Sir, I feel that those who are opposed to this scheme to-day—and there are very few opposed to it, who have considered the matter—will in years to come stand up and testify to the propriety of the policy which I now advocate.

At one o'clock the House took recess.

House resumed at three o'clock.

Mr. HUGHES. Mr. Speaker, at recess I was speaking of the general framework and making suggestions in order that it might be discussed from time to time, the weak points eliminated and any strong points retained. The general framework was that there should be, for the empire, a great imperial parliament composed of the King, an upper House, Senate, or Lords, or whatever you choose to call it, and a lower House, or Commons, and I expressed the hope that this might be consummated during the time of the present sovereign of Great Britain. Now, Sir, one frequently hears men first in public affairs, men prominent in the world, saying: 'Oh, the period has arrived when there will be no more wars; civilization is upon such a high standard of excellence that there will be no more wars.'

Mr. HENDERSON. Hear, hear.

Mr. HUGHES. I know that my hon. friend from Halton (Mr. Henderson) voices a worthy sentiment, but let us examine for a moment the state of affairs in Canada to-day. I claim that the world's civilization is due to the policy of decentralization carried out under the British government, that it is largely based on Britain's civilization and that practically the civilization of the world has drawn its inspiration from the civilization of the British Islands. That civilization has its foundation in the old Anglo Saxon system of decentralization. In the early days the tithing, or group of ten freemen, was a court as well as a council. Groups of ten men constituted the court and council of a hundred, groups of a hundred constituted the shire, and groups of the shires constituted the nation. That gave the nation a large number of men skilled in the science of self-government, councillors and magistrates, each in his own sphere, and that is the foundation principle of the municipal system of the United States, Canada, of Great Britain and, aye, of every civilized land in the world to-day. Backing up this system we find the majesty of Great Britain's army and navy and in connection with that I may say that the civilization of the world to-day is due to the power, the might and the fairness of Britain's army and navy along with the missionary. Take the Fiji Islands as an instance; it is only a few years since cannibalism was rampant in the Fiji Islands but as a result of the interference of Britain's army and navy, together with the missionaries, we find that life and property are as safe in the most remote islands in the midst of the Pacific to-day as they are in the city of Ottawa. Ex-President Roosevelt recently published an article concerning British rule in India and what he says concerning British rule in India will apply with the same force to Egypt, the Soudan, Australia, New Zealand and every part of the world where British influence has been spread. Ex-President Roosevelt's article says:

India is 'the most colossal example history affords of the successful administration by men of European blood of a thickly populated region in another continent. It is the greatest feat of the kind that has been performed

since the break-up of the Roman empire. Indeed, it is a greater feat than was performed under the Roman empire.'

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'England does not draw a penny from India for English purposes; she spends for India the revenues raised in India; and they are spent for the benefit of the Indians themselves.'

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'The mass of the people have been and are far better off than ever before, and far better off than they would now be if the English control were overthrown or withdrawn. Indeed, if the English control were now withdrawn from India the whole peninsula would become a chaos of bloodshed and violence; all the weaker peoples and the most industrious and law-abiding would be plundered and forced to submit to indescribable wrong and oppression; and the only beneficiaries among the natives would be the lawless, the violent, and the bloodthirsty.'

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'Every well-wisher of mankind, every true friend of humanity, should realize that the part which England has played in India has been to the immeasurable advantage of India, and for her honour, her profit, and her civilization we should feel a profound satisfaction in the stability and the permanence of English rule. I have seen many American missionaries who have come from India, and I cannot overstate the terms of admiration in which they speak of English rule in India, and of the incalculable benefits which it has conferred upon the natives.'

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That is the language of no less a personage than ex-President Roosevelt. And as I said, from the icebound regions of the Arctic ocean to those of the southern seas, the same rule will apply wherever British influence has been spread. There is another point in regard to the possibility of the human race having attained such a high degree of civilization as to enable it to do away with war to which I would like to refer. If we are such a highly civilized race in Canada, and we profess to be one of the highest in the world, have we yet attained that degree of civilization at which it would be possible for us to abandon our courts of justice, judges, magistrates, constables and jails? Why, Sir, if in Canada, or in the city of Ottawa, we should abolish those institutions for the maintenance of law and order in our own midst, anarchy would rule inside of a month. We would find rapine and murder and all sorts of crime dominant, and it would mean that the better elements of the community would be at the mercy of the lawless. So it is in the history of nations. The lawless and powerful nations which believe in might rather than right would dominate the world as they did in days gone by, and it is only the maintenance and perpetuation of the influence of civilization by British rule that prevents these things taking place to-day. It is a universally admitted fact that British rule marks the difference between civilization and barbarism. British influence marks the difference between freedom and slavery, between centralization and decentralization of government, between the rule of honour, of law, of fair play and the open debate on the one hand and the rule of dishonour, slavery, injustice, and star chamber methods on the other, between the development and degradation of individuals and between the enfranchisement of the mind and heart and superstition, bondage. Such is the influence of British civilization to-day. What are the characteristics of civilization as contrasted with those of barbarism? They are found in the characteristics that have been peculiar to the British government in all periods since its development. We have the co-operation of responsible persons for the general welfare in the establishment of schools, colleges and universities by the people and ruled and governed by the people, wherein training is given to the youth of the land in education, and training is given to those managing them in self-government. They are found in the establishment of charities, hospitals, asylums, homes for the aged and a great number of institutions for those who are not able to look after themselves, for those who have become a burden to the state and who, in olden times, were disposed of in brute fashion rather than in the humane way in which they are now treated. They are found in Britain's law and order, in the punishment of crime and in the many results of popular rule. Maintenance of law and order, the punishment of crime, the holding as sacred, life, person and property, these are characteristics of British rule. The development of Christian and fraternal societies, the establishment of societies for mutual aid and progress and all such associations calculated to indirectly upbuild the people, these also are characteristic of British rule. In the maintenance of civil and religious liberty Britain takes her stand foremost among the nations of the earth, as she does in inventions, discoveries, research, development and the encouragement given to science. In the role of morality and decency, in support of the noble aims of woman, Britain leads the way. To sum up, in the rule of the people for the people and through the people no country equals Britain. I have no hesitation in saying, Sir, that if Britain were placed in a secondary position the world would go back 1,000 years, for as has been aptly said: 'A thousand years scarce serve to form a state; an hour may lay an empire in the dust. Therefore, if we desire the perpetuation of the institutions which British civilization has conferred on the world it behooves us to stand firmly for the old land. Full part-

nership union between Great Britain and her colonies would give us all the advantages we could possibly possess, with less taxation, a higher status, greater autonomy, more special privileges, and an emphatic guarantee for their maintenance. Suppose that to-morrow we were a small republic, and suppose we had certain so-called rights and privileges that we considered sacred, what guarantee would we have that we could hold them for a week? None whatever. But, under this policy I am now propounding we would have a guarantee of the maintenance for all time in all human probability of the sacred rights which are conferred on us. We would participate in the great influence that the wealth of such an empire would confer. Already the influx of English population is great into these lands, and when I use the words British population I include our kin, I include our French fellow-countrymen who have returned from the United States imbued with all the love of liberty that we have and sharing the same ideas of human progress and government, and I include the American citizens who, finding a home here, are practically to all intents and purposes Britishers before they come.

It is advanced as an excuse why we should not assume any duties for the upbuilding of the empire that we have to construct the National Transcontinental Railway, the Hudson Bay Railway, and the Georgian Bay Canal. But sir, had we this partnership union which I advocate there would be such an impetus given to the progress of this country that business would flow to us and we would reap a revenue from the operation of these public works which we could not possibly otherwise obtain. Full partnership union is necessary both from the empire's viewpoint and from the colonial viewpoint. Britain is a central figure, she is the heart of the empire, she must import her food products and her materials for manufacturing; she must have command of the sea. Germany has her railway connections with the lands that produce her food supplies and these communications cannot be interferred with except by the nations with whom she is trading. Britain has no railways leading to the centres of production and she must control the sea if she is to have an uninterrupted channel for the transmission to her shores of the products she requires. Alone, Britain cannot long be supposed to maintain that command against her allied enemies. But, with Britain and her colonies united and commanding the bases in all parts of the world no combination of nations on the face of the earth could contend against them. The sea would be under the domination of Britain and her colonies, the merchant shipping would be hers, and under a preferential trade arrangement such as Britain would undoubtedly have with her colonies the interchange of commerce would be tremendous. In short, Britain should depend not on the good will of the dreamers who preach peace at any price, Britain should depend not on the love of the foreigner because friendly as Britain is with nearly all nations any one of them would be willing to clip her wings and to endeavour to impair her trade and to encroach on her colonies. Britain's power and strength depend not on the love of a foreigner nor on the palaver of the peace-at-any-price dreamer but on the fact that Britain herself is strong. King Edward's crown rests on his head in security because of the strong right arm of the sons of the empire the wide world over. But, woe betide the empire when she has to depend on the good will of any foreigner to maintain her high position. It is not long since the German emperor made the bold statement that the trident, the sceptre of the sea must be in his hands. I am free to admit that possibly it is a little difficult for the colonies to say to the motherland : 'We want you to do so and so,' when the motherland has not yet produced statesmen equal to rising to the position that the empire now demands. Let me point out what I consider Britain's duty to be. She should show respect for herself. Up to the present she has not done so. Britain has for generations spent her blood and treasure in civilizing Egypt, the Soudan, India, South Africa, in peopling and developing Australia and New Zealand, and yet after this expenditure of blood and treasure England's enemies can go to these countries, trade there on the same condition as the British merchants and manufacturers and rob Britain of her reward. Britain in that respect has not been true to herself. It is pretty nearly settled in Britain now that she must get rid of the foolish fad of Cobdenism.

Sir WILFRID LAURIER. Oh.

Mr. HUGHES. I mean nothing personal to the Prime Minister; I had no reference to that Cobden medal which was presented to him. And, while it may not be respectful to speak of the idea of men like John Bright and others who have graced English history, as a fad, yet what does it amount to. Their followers claim that the growth and progress of England in the last 50 years have been due to Cobdenism.

About the time Cobdenism came into force in England, steam came into general use, and Britain became the workshop of the world for the manufacture of engines, boilers and the various commodoties connected with that industry. Neither Germany nor France had a single boiler manufactory at any time. Britain was a hive of industry, and those gentlemen

would fold their arms and say: 'See what Cobdenism has done for us,' when it was in reality the inventiveness of the man who discovered the application of steam to industry who brought all this about. Next came the iron ship-building era, when the dockyards of Britain were hives of industry for the wide world; and again these gentlemen folded their arms and said: 'See the progress we are making under free trade.' However, it is not necessary for me to go into details of that question at this time. I am ready to take it up on any and every occasion with no fear of the result. Britain, however, is getting wide awake in these days, and whoever lives five years from today will see the end of the fad Cobdenism, for it will be consigned to the garret of oblivion, as other British fads have been.

I maintain that it is Britain that should take the lead in upholding a partnership union of the whole empire. Britain should maintain the absolute control of the sea in order that she may be impregnable. In this regard I may differ from some hon. gentlemen in this House and possibly from some gentlemen in England. To my mind the policy laid down many years ago by the Hon. Joseph Howe was the one which should commend itself to a great and free people. That policy was that there should be but one imperial fleet. It is all right to have our coast vessels to co-operate with that fleet, and also to have naval bases in all the great colonies. It is all right to have dockyards for repairing ships on the Nova Scotia coast, the Quebec coast and the British Columbia coast; but all these should be controlled by one great central naval management, and not by a number of small disconnected managements. There should be naval bases in every part of the world, for the storage of coal, for dockyards, for the repair of ships and even the construction of ships, and for the construction and storage of war material if necessary. There should also be one great imperial army; and in this connection I would say that we should train the boys of the country from twelve years of age and onward, in accurate rifle-shooting and in the different manoeuvres of drill. It takes the grown man years to learn these whereas the average boy of twelve years of age can learn them in a few weeks, so that by the time he leaves school he will be perfected in drill and shooting. No man can become an expert in lacrosse, cricket, football or other athletic games unless he has engaged in them from boyhood; and in the same way those who are trained in the use of the rifle from boyhood handle it to perfection in manhood. In this way you will secure the most economical, efficient and universal system, and you will have an army of free men at all times ready to take the field at a moment's notice if the country is invaded. I could cite many authorities to show that it is practically impossible for an army to advance by a frontal attack against men under cover and simply armed with rifles. I have pointed out on other occasions how impossible it was for the Northern army at the battle of Bull's Run, although they came on with splendid courage, to take the position held by the enemy, armed simply with muzzle-loading rifles. And with the superiority of the modern arm over the arms of those days, it is practically impossible for an attacking force to win if the defending force understands the use of the rifle. Therefore the cheapest as well as the most efficient form of defence would be to have the boys of our schools trained in that way. In addition to the full partnership union we must have the spirit that will carry out these things from generation to generation for the upbuilding of the defences of the empire.

And now I come to the concluding portion of my remarks. At the time I gave notice of this motion, the agitation which has been for some months stirring up Europe had not been developed. It was known long ago that in 1896 the German nation demanded the independence of the Transvaal, which recognized the suzerainty of Great Britain. It happened in the year 1896, when Russia's star was in the ascendant, that Germany's intercourse with England became strained and almost unfriendly. Kaiser Wilhelm had inaugurated the political new year by buoying up President Kruger in the historic telegram of Jameson's defeat, and provoking a storm of indignation in England. His subjects in Pretoria, five days before that, had despatched a telegraphic petition to him, entreating him to intervene as though he and not Queen Victoria were the suzerain of the Transvaal. In the German White Book was published a despatch by the Secretary of State for Foreign Affairs, Marschall Von Bieberstein, to the German ambassador in London, stating that Germany's material interest required the maintenance of the Transvaal Republic as an independent state. It is now a recognized fact that Germany, France and Russia were hand in hand with the Transvaal in the attempt to bring about the disruption of the empire.

Now, let us see what Germany's policy has been in the past. Starting from the time when Frederick the Great was enabled to build up his power by means of Englishmen and English money, we come down to the wars of the Peninsula and Waterloo, when Englishmen and English money were again expended largely with the aim of establishing the German nation on a firm footing, instead of being content to supply soldiers of fortune for Europe. Then came the Zollverein or customs union, and then a gradually perfected military system. As has recently been pointed out by

German generals, the policy was that Germany should no longer be the arena for European despots to develop their armies, but that the German people should form an independent empire of their own. At the time of the Schleswig-Holstein war, when Germany wished to obtain control of that country, did she give the Danish government any long or extended notice? No, but the entire German nation and the German part of Austria united and fell on Denmark without a moment's warning, and wrested Schleswig-Holstein from that Kingdom. A few years later, in 1866, Germany and Austria quarrelled and at the battle of Koenigratz the issue was settled in an hour. Germany gave no warning on that occasion, she did not wait for Austria to prepare and arm herself with the new weapon, but fell on her and crushed her remorselessly. Shortly after this victory, the union of the German states was accomplished. Then, without a moment's warning Germany caused the international relations between her and France to become so strained that there was no option but war; and in 1870 the entire forces of Germany were massed on the borders of France, and in a few weeks the French nation was humiliated and beaten to the ground. All these events were parts of a long premediated policy on the part of Germany. Then came the German alliance with Austria and her control of the Balkan states, so that she is now extending her influence to the Euxine and the Adriatic. There remain four objects which are openly advocated by Germany. These are the annexation of the German provinces of Russia, the annexation of Holland and Belgium, the annexation of Denmark and the control of the Baltic. These are not mere jingo talk, but well conceived plans known to be carefully laid down in the German foreign and war offices, and the last one, which is but recently advocated, is the control of the seas. 'The trident of the seas,' says the German emporer 'must be in our hands.' And let me here point out that this policy of the German emperor is forced on that government, not by the militarists, not by the soldiers of the nation, but by its merchants and manufacturers, who have goods to sell and to buy. They are the men who are forcing this policy on the German empire. Soldiers do not want war, but it is these gentlemen, who profit by soldiers going to war, who want it.

I might point out in this connection that the British nation has always been friendly with Germany. Germany has no quarrel with the British nation. In Gladstone's time, he urged Bismark to obtain control of West Africa. He appealed to the Germans to take a fair share of the white man's burden ; and in consequence of that appeal, Germany stepped into the arena, took up the policy of colonization in Africa, and settled some disputes which had occurred between Germay traders under the British flag. West Africa then became a part and parcel of Germany at the instigation of the British Premier. We have sufficient evidence to show that the troubles which led up to the Jameson raid were inspired by Germany, whose policy it became, after having obtained West Africa, to form a union with the Transvaal and thus get control of that country and confine British domination to Cape Colony in the south. That is why Britain rushed up her territory and took possession of Griqualand west, Bechuanaland, Matabelaland and Rhodesia. Germany's object was to form a confederation of East and West Africa. In this way Britain checkmated the policy of Germany, whose object it was to drive the British flag into the sea off the Cape of Good Hope. It is not necessary that I should go further into the details of this scheme. Germany and Austria are practically one nation. Their allied armies are superior to those of almost any other two nations in the world. Their navies united would be a formidable opponent to the British. Britain's duty to herself and her colonies is to run no risk in this regard. I am not in favour, as a system, of our handing over Dreadnoughts to Britain. If we do hand over any ships we have the right to have our say in their disposition; but at the present juncture, I can see no objection whatever to Canada sending over a Dreadnought—aye ten if necessary—in order that Germany may be warned in time and not follow up her policy of seeking to drive Britain from the seas. Then we should have a full partnership union between the empire and her colonies. That once accomplished, there need be no longer any fear of the invasion of Britain, and no play such as 'the Englishman's Home' would find room in any theatre. Nor would there be any marauding in the colonies by cruisers or free booter ships of other nations. Commercial ships would largely fly the British flag because that flag would guarantee them protection. Britain's position is insular, so is Australia's and New Zealand's, India is isolated and practically insular. Canada, with her coast lines on both oceans, must have command of that sea or she will be powerless. Therefore, the interests, not only of Britain, but of her colonies demand that they shall all form one great maritime union, whose supremacy no one would dare attack.

In conclusion, I have only to point out that the true policy, in order to perpetuate Britain's commercial supremacy, not only in her own lands but throughout the wide world, is to make herself so powerful as to command the respect of all. And I know of no nation which has ever commanded the respect of foreign nations by

lying down and letting them walk over her. The way to command respect is to stand on your own rights and be dominant in your own sphere. We should be so powerful that we shall be in a position to demand that this craze for armaments shall cease. To-day the attention of nations is largely taken up, not by the development of humanizing arts, not by the development of the hearts and souls of the people within their borders, but by the effort to keep themselves so strong as to prevent foreign aggression. Under the system of full partnership union, Britain and her colonies would be in a position to dictate to other nations that these extravagant armaments shall cease and progress made on lines which will contribute to the comfort and happiness of their people. That the colonies are willing there can be no doubt. The South African war gave the most positive contradiction to the statement of General Hutton that Canada would not send 25 men to aid the empire, because in less than one week thousands of young men offered their services, and more than the thousands who were taken could have been had.

What is wanted is men to face the issue and to fight it to a finish. I would be delighted, though opposed in Canadian politics to the right hon. leader of the government, to see him step out and close his career in a long season of usefulness in an imperial parliament. The right hon. gentleman occupies a position unique in the history of the world. He has it in his power to-day to do more than any other individual towards the furtherance of this great benefit to humanity. I trust he may see his way to do it, and that he will long be spared to carry out his policy. The closing sentence of the article to which I have referred, written by this magnificent German writer, speaking of Germany, says:

> In the coming conflict, whether it is fought sword in hand or otherwise, what is essential for Germany is a united nation of brothers, in appearance at any rate, as well as a great, a strong and mighty army governed by a firm hand and inspired by unquestioning confidence.

Let me paraphrase that to express the idea of what Britain wants. In the coming conflict, whether it is fought sword in hand or otherwise, what is essential for the British empire is a united Greater Britain, a united nation of brothers, as well as a great, a strong and mighty navy governed from one centre, and inspired by unquestioning confidence. In conclusion, I may be permitted to say, in other words, that what is wanted is—

> Not a speedy promise, but a deed for the cause;
> Not a flowery speech, but five Dreadnoughts
> And the empire's welded; and tyrants pause;
> For Britain's rule and freedom's laws
> Inspire lordly palace to lowly cot.

Rt. Hon. Sir WILFRID LAURIER (Prime Minister). My hon. friend (Mr. Hughes) I am sure will be the first to regret that we are almost within the sound of the summons to His Excellency the Governor General to prorogue this House. He will agree with me, I am sure, that it is not possible to give this subject, at this period of the session, the attention he would like to see given to it. My hon. friend is an enthusiast on the subject on which he has spoken to-day, not for the first time, but for the third or fourth time. I am not quite sure that, if I were to discuss this question. I would agree with him in everything he has said. I would take exception to some things, although there are others in which I would agree with him. He has said that he would not expect, at this stage of the session, such a debate as otherwise he would have hoped. I simply beg to offer my hon. friend my congratulations upon the zeal which he has displayed in this very laudable effort, and, though we do not see eye to eye with him in this matter, whatever may be our views we can discuss this question, I hope, some other time. For my part I admire the lofty views he has expressed, even though I believe he could not secure such an expression as he would like to have. I hope he will agree to withdraw his motion.

Mr. J. A. CURRIE (North Simcoe). The right hon. leader of the government (Sir Wilfrid Laurier) has perhaps rightly stated that at this late hour of the session it is too much to ask the House to go into any very extended debate on the very great and important question which has been proposed. It would also be an imposition, perhaps, for me to make any extended reference to the various subjects covered by this resolution and referred to in the speech of my hon. friend (Mr. Hughes) who has moved it. However, Sir, I wish briefly to state that I am in hearty accord with the sentiments expressed in this resolution, and I hope that at some future session of the House the matter will be taken up seriously and discussed when there is plenty of time for discussion, and when a better expression of opinion can be had from the members of this House than it would be possible to elicit at this time. Several lines of thought have been developed by the hon. member who has moved this resolution. But above everything else there is this question before the public at the present moment, the burning question so far as the empire is concerned.

the question of the maintenance of the integrity of that empire and its defence against attack by foreign nations. The question has assumed the form of a contribution to the navy in the shape of a Dreadnought, or, as this House has passed upon it, in the form of the establishing of the nucleus of a navy. I regret that, on looking carefully over the estimates, I do not find that any provision has been made by the government of the day to send commissioners to attend the council for the defence of the empire or for the beginning of the nucleus of a navy, as was unanimously decided upon by the House. I do not wish to prolong the discussion, but only to express my regret that the House has allowed this session to pass without giving this matter more serious attention. Perhaps, before the House meets again the great war which we read about in the newspapers, and which every Englishman, with few exceptions, expects, may have broken out, and we should find the parliament of Canada without any monetary provision made to carry out any of the beautiful ideas that have been expressed by the leader of the government and other members of this House as to what they would do in the case of necessity and in case of the integrity of the empire being challenged. I heartily second the resolution, and, while it is too late to press the motion at the present time, I hope that on some future occasion an opportunity will be afforded to discuss it at a greater length. I have this to say, so far as the solution of this question is concerned, I have read history wrongly if it is not the fact that the English-speaking race, apart altogether from what source that race has sprung, has never failed to meet the emergency if called upon to establish a form of democratic government among the people. They have done that in the case of the United States, the English government has done it in the cases of India and Egypt, and it can be done for the entire British empire.

Mr. HUGHES. I introduced this resolution early in the session as a notice of motion. After the first three weeks I had no opportunity of discussing it except late at night. I therefore took the opportunity of withdrawing it from the Order Paper and introducing it in this way. I know it is impossible for the matter to receive the consideration from many gentlemen in the House who would be pleased to discuss it, but I felt it my duty to my friends, partly at whose request I introduced it and also felt it necessary for the gradual dissemination of these ideas to move this resolution. With the permission of the House and with the consent of my seconder I have the honour to withdraw the motion.

Motion withdrawn.

Mr. J. A. CURRIE.

COMMUNICATION WITH PRINCE EDWARD ISLAND.

Mr. A. B. WARBURTON (Queens, P.E.I.). Almost from the first day of the session I have desired to bring to the attention of the House a matter which perhaps is not of such importance to other parts of the Dominion as to the part from which I come, although to us it is of the most vital importance. I had a notice on the Order Paper with reference to it until the government took Mondays. I then dropped that notice with the intention of bringing the matter up in this way. As that resolution sets forth in concise form the subject which I wished to discuss, I shall read it. It was as follows:

For a copy of all memorials, reports, correspondence and documents in the possession of the Department of Marine and Fisheries, in the Department of Trade and Commerce and in any other department, relating to the route of the winter steamers between Prince Edward Island and the mainland of Canada, and suggesting and recommending a change or changes in the said route and an increase in the number of trips daily of such winter steamers. Also a copy of all memorials, reports, correspondence and documents relating to the route of the summer mail steamers between Charlottetown and the mainland of Canada, and suggesting or recommending a change or changes in that route, and an increase in the number of trips daily of such summer mail steamer, and also with regard to connecting such suggested new summer route or routes with a point or points on the Intercolonial Railway.

Members who have been in the House for some years quite understand that we have had frequent trouble in connection with our communication with the mainland, especially winter communication. It is true that for the next few months 'the winter of our discontent' has gone by, but the trouble will return year after year until some method is found by which the difficulties with which we have to contend are removed.

Prince Edward Island, which was discovered by Jacques Cartier in 1534, on his first voyage, ought for that reason to evoke the sympathies of my fellow Canadians who derive their descent from old France. In form a crescent situated in the Gulf of St. Lawrence, for 140 miles it marches with and roughly parallels on its southern coast the north shores of Nova Scotia and New Brunswick. From these two provinces it is separated by the strait of Northumberland, which at its narrowest point is only eight miles in width but which widens out a little as it runs east and west. Prince Edward Island, as you are aware, did not come into confederation until some years after the original compact of confederation, embracing the four older provinces, and continuous communication, summer and

winter, was the great inducement to come into confederation. Complaints have been made in this House year in and year out, upon this subject of our winter communications. I shall not seriously criticise the efforts made by the present or any former government to provide efficient communication. Each succeeding government, Conservative or Liberal, has made good honest efforts to remove the disabilities under which we have laboured in respect to our winter communications. And they have had a very difficult problem to solve. Along the strait of Northumberland we have a number of ports on the island and on the mainland side and there has been much difference of opinion as to which of those ports would be best adapted for the purposes of winter communication—I shall deal with the summer route a little later on. We have had now for a third of a century the winter route between Georgetown on Prince Edward Island and Pictou in Nova Scotia. The result of that third of a century trial has been to demonstrate beyond any fear of successful contradiction that the port of Pictou in Nova Scotia is an absolutely impossible winter port. I shall give my reasons for this, because I know that my view will be combated to a very considerable extent. I shall leave the House and the government to judge the arguments I am about to advance. The harbour of Pictou opens to the north-east wind. There is a clear sweep of 250 miles down from Belle Isle right into the mouth of Pictou harbour, and with a north-east wind the ice is brought all that distance and gradually blocks and closes that harbour from side to side. Pictou island is right off the mouth of Pictou harbour, and the ice catches there and jams on the Caribou shore on one side and Pictou county on the other, right across from shore to shore, a solid mass. Not only that, but as that wind continues, aided by the tide, the ice is driven and rafted, it is rolled under until finally it grounds on the bottom and makes a solid mass from the bottom up, from shore to shore, through which it is impossible to pass. You might as well expect a ship to force her way through the cliff on which this building stands as to get through that solid mass of ice. I shall revert to this question of Pictou harbour again but shall first refer to the other ports along Northumberland strait. We have the Summerside-Shediac and the Summerside-Tormentine routes. The Summerside-Tormentine route is still advocated by many of our friends. If it is practicable, it would be a good route, and I for one would be quite content with it, as I do not wish to bring any sectional feeling into this matter and do not ask for a port in my own constituency if a better port can be obtained any where else. I will be quite content and so will my constituents to have any port adopted that will give us continuous communication.

The Cape Traverse-Tormentine route has been recommended by engineers of the Pubic Works Department and very strongly recommended by members of this House. I am not going to pronounce an opinion upon the feasibility of the Tormentine-Traverse route. The Cape Traverse or Carleton or Tormentine route runs directly across at the narrowest place, the part where we heard about a tunnel being built a year or two ago. That is only eight miles wide. It has been reported favourably upon by the engineers of the Public Works Department. I myself have grave doubts as to the feasibility of that route, one reason for my doubts being that at Tormentine there is a reef running out a mile and a half from the shore where the water is only six feet deep at low tide and another shallow or reef two miles or two and a half miles from the shore where the water is also shallow at low tide. These winter steamers are vessels of considerable draught and my own opinion —I can only give it for what it is worth because I do not profess to be an expert in these matters—is that these reefs would present an insuperable barrier to the successful carrying out of the work there. Then, the estimate for building a pier on the Prince Edward Island side is $1,250,000 and the estimate on the other side is very large but not quite so large as that. Still, this is the route for the ice boats running in the winter time when we cannot get our mails and ourselves across. I can tell the House that it is not much of a pleasure trip. I have crossed many times, but I never want to cross again if I can help it. The fourth route is between Georgetown and Prince Edward Island, the present winter port of Prince Edward Island, and Cape George at the mouth of the Gut of Canso. This route also has its difficulties. I cannot say very much about it myself. But I am told that the ice is always moving and that it would be possible to make the harbour at any time. I am not quite satisfied myself on that point although I cannot speak with any assurance upon it. Then there is the Souris-Cape George route to which the same remarks would apply as to the Georgetown-Cape George route. The same remarks would also apply to the Souris-Pictou route as I apply to the Georgetown-Pictou route. When you come to consider all these different routes, those which will arouse the most controversy are the Georgetown-Pictou route and another one which I wish to bring to the attention of this House and that is the direct route between Charlottetown and Brule or Tatamagouche in the county of Colchester, Nova Scotia. It crosses in a direct line, almost at right angles to the coast of Prince Edward Island and the distance is about

25 miles. Before I complete my references to these ports I wish to touch upon the efforts that have been made by the Dominion to carry out the terms of confederation by means of winter boats. The first steamer was put upon the route by the Mackenzie government and it was called the 'Albert.' Although this was the best vessel they could get it was something in the nature of a tug and was not much good but as an experiment at that time when men knew nothing about the conditions to be encountered in the straits it was of considerable value. So it was put on and did the work until such time as the government were able to obtain another vessel. The Mackenzie government purchased a vessel called the 'Northern Light' which was built in Quebec by Mr. Sewell. The 'Northern Light' was built of wood, sheathed with green heart and as an experiment she was very good. She was not at all equal to the work but still owing to her work there we were able to obtain a great deal of experience which was valuable in the time to come when the government decided to put another vessel on the route. The idea of the builder of the 'Northern Light' was to send the vessel on top of the ice and press it down. But he did not realize the nature of the ice when he formed that scheme because the ice, particularly off Pictou harbour, would have taken the 'Northern Light' and all the other ships, including the Dreadnoughts, packed them on top of the ice and kept them there. The next vessel placed upon the route was the 'Stanley' built by the Conservative government about twenty years ago. She was a very good boat, and when the government put that boat upon the route they made a square, honest effort to carry out the terms of confederation. In 1900 the 'Minto' was built by the present government and put upon the service, the traffic having increased so much that it was found necessary to have two boats, and it was thought that having two boats would prevent the route from being tied up if one of the boats got stuck in the ice. I will give some particulars as to these vessels:

SS. 'Northern Light.'

Built in 1876 at Lévis, Que., of wood, 133 feet 2 inches long, 25-foot beam, 14 feet 7 inches draught of water, 267 net tonnage, 393 gross tonnage, and 120 horse-power; single screw.

C. G. S. 'Stanley.'

Length, 207 feet 8 inches; breadth, 32 feet; draught, 17 feet 9 inches; gross tonnage, 914; registered tonnage, 395; horse-power, 300; single screw; built in 1888, steel, by Fairchild, Govan, Scotland.

C. G. S. 'Minto.'

Built by Flemming & Ferguson, Dundee, Scotland, 1899, steel; 225 feet long, 32 feet 7 inches beam, draught 18 feet, 372 tons net, and 1,090 tons gross, 416 horse-power; single screw propeller.

New Ice-breaker.

Length, 279 feet 6 inches; beam, 46 feet; draught, 18 feet; indicated horse-power, 6,000; tonnage, 600.

This is a much larger and very more powerful vessel than those on the route and she represents a decided advance on what has been done before, that advance being rendered possible owing to the experience gained in the working of the boats heretofore. I referred a moment ago to Pictou as being in view of the experience of thirty-five years, an impossible winter port. Owing to the north east wind, which is the prevailing wind in winter, it is really an ice pocket. No vessel can get over if a north east wind has continued for any time. Certainly when we have a northeast wind there is nothing very pleasant about it. I did intend to get statistics of the number of times in these different years in which these vessels had been delayed for a greater or less time, preventing the passage of mails and passengers, but I found the number of times so great that I thought I would only weary the House by going into the figures. I thought that perhaps it might answer my purpose as well and perhaps save the time of the House if I gave my own personal experience in crossing over there. I came out from England in January, 1890, to run an election in the city of Charlottetown. We got stuck in the ice off Pictou harbour and we were there until two days after the election was over, and then I had to go around by the Capes in order to get across. I was in Ottawa in connection with business with this government when I had the honour of being premier of my native province and on my way home I was stuck at Pictou for ten days, the 'Stanley' being tied up at the wharf, it being absolutely impossible to get in or out of the harbour. The prevailing northeast wind kept us there for ten days. I was up here again four years ago and I started to go home. I was twenty-three days in getting home. I was stuck in Pictou harbour for fourteen days during which there was a northeast wind blowing. I then had to go around by the Capes to get home. I came back to Ottawa a month or so later and I went to Pictou to take the steamer to get back to Prince Edward Island. One steamer was still outside of the harbour, the other was inside and these vessels were stuck there for fifty-nine days. That was the worst winter we have had in our experience, but there is never a winter that we are not stopped at some time for several days. This past winter was fairly mild with us but for some days at a time the mails, and passengers could not be landed at Pictou harbour, and my own niece was detained on board the 'Stanley' for five days without being able to reach

her destination. I give this as an example of what we have to put up with. I am not finding fault with any one just now, I am simply stating the naked facts which I believe will speak louder than anything I can say. I shall not refer to the speeches made here or elsewhere on this question, but I shall cite from the opinions of navigators, engineers, and others who have made a study of the matter, and then perhaps hon. gentlemen will be able to judge whether or not the winter crossing can be improved. Mr. Shewan is the resident engineer of the government at St. John, New Brunswick, and he made a report on the Tormentine Cape-Traverse route on the 8th of September, 1900. At that time it was supposed that the best route for the winter steamers would be between Tormentine and Cape Traverse at the narrow part of the straits, where expensive piers would require to be built. Mr. Shewan says:

Up to this time the winter steamer has been crossing from Pictou to Georgetown, a distance of about 42 miles, with more or less irregularity occasioned by the ice.

He refers to the northeast wind driving the ice in to the east end of the straits and completely blocking the passage, but he goes further, and he is right in saying that it blocks up the eastern end of the strait. He says:

When the ice is packed as in this manner, it is almost impossible for a steamer to force her way through, as will be seen from the following from Admiral Makaroff's description of the voyage of the 'Ermack,' who found it easier to break the ice in the Polar seas with that vessel than in the Baltic, because in the Arctic seas the ice is broken, which in the Baltic is extended from land to land.

I have already pointed out that this ice at the mouth of Pictou harbour extends from shore to shore across the outside points of the harbour and grounds at the bottom, which is exactly the condition of things that Admiral Makaroff found in his experience. Admiral Makaroff describing the voyage of the 'Ermack' says:

Floes of ice might be several miles or several fathoms in length. Between the ice floes are the lanes, which are very irregular. Sometimes the ice-floes are pressed against each other and sometimes not. When the ice is not pressed, the progress of the ship is very easy. Floes of ice even nine miles long move away and give passage to the ship. But the fact is that even ice 14 feet thick cracks when charged by the ship, provided there is room to remove the broken parts.

That is exactly where the trouble comes in at the mouth of Pictou harbour; there is no room to remove the broken parts. Mr. Gobeil, then deputy Minister of Public Works, was instructed to inquire into the long delay to which I have referred, and on the 20th March, 1905, he reported:

Owing, however, to the difficulties experienced on the present ferry route (i.e., the Georgetown-Pictou route) and especially the interruption this winter, which has been serious and worse than in any other year, the question of considering the shorter route via Cape Tormentine and Cape Traverse is one which, I think, must force itself to the attention of the government.

From an inspection of the charts it appears that the line from Pictou to Georgetown is where, probably, the ice masses in the greater quantity, and from the direction of the currents, is likely to remain a longer time to prevent the passage of the ferry steamer.

He adds, and this covers a great part of the opposition that may be offered to the change of route:

Of course there is a disposition always to accept whatever is as immutable, and in changing the establishment of anything that has become, worthily or unworthily, by lapse of time an institution, local prejudices will be met.

This will prove the great difficulty now, as, not unnaturally, there will always be opposition to a change, by the port or ports to and from which the service is now carried. This should not affect the question.

I will not take up more of the time of the House in discussing Pictou except to read a short extract from a report made to the Charlottetown Board of Trade by Mr. Hyndman.

Mr. E. M. MACDONALD. What Mr. Hyndman?

Mr. WARBURTON. Mr. F. W. Hyndman. In order that the House may know what weight to attach to the report of Mr. Hyndman I may state that he—

Served seven years in the Gulf of St. Lawrence and Newfoundland survey under the late Captain Orlebar, and during that time passed through the several grades from 4th class to 1st class, hydrographic surveyor, and surveyed different places in the gulf, the Straits of Belleisle, and on the east and south coasts of Newfoundland, and those charts (of his own construction) are still in use, published by the Hydrographic Office, London.

He afterwards served three years on the survey of Alexandria harbour in Egypt, the Suez canal, the island of Sicily and the coast of Carthage and Tunis in the Mediterranean, under Captain Nares (now Admiral Sir George Nares of Arctic fame).

To become a hydrographic surveyor a man must necessarily be a thorough navigator, and Mr. Hyndman says with regard to the Georgetown-Pictou route:

In order that my remarks may be intelligently understood, it is necessary that you

have two charts before you, one of the St. Lawrence and another of Prince Edward Island and the Straits of Northumberland. Both these charts are published by the Hydrographic Office, London, and can be had for a small sum at some of our stores in this city.

If you will glance at the chart of the Gulf of St. Lawrence and get your eye on Pictou, you will see at once that it is open to the northeasterly winds right up to the Straits of Belleisle, a distance of some 250 miles. Those winds largely prevail in the winter and the consequence is that Pictou is merely a pocket for the drift and rafting ice of the gulf. Only two years ago this was shown by both winter steamers on this route being tied up for fifty-nine consecutive days, leaving no means of transporting freight, and forcing passengers and mails to be carried across the straits at Cape Traverse in open boats, a distance of 8 to 10 miles, with much risk and great discomfort on all occasions, and no improvement on the means in use a full century ago.

Now, the remaining available route, namely that between Charlottetown and Brulé on Tatamagouche Bay in Colchester, Nova Scotia, is the one to which I wish specially to direct the attention of the government. Tatamagouche bay is directly opposite the harbour of Charlottetown, and the distance between wharf and wharf would be about 25 miles, whereas the distance between Charlottetown and Pictou is 50 miles and the distance between Georgetown and Pictou about 38 miles. Much has been said with regard to this route and it has been stated that the entrance to Charlottetown harbour blocks up with ice. I shall as briefly as I can call the attention of the House to the conditions at Charlottetown harbour. Charlottetown harbour is a large harbour some 3 or 4 miles long and nearly that width, with three rivers flowing into it, which are tidal rivers being arms of the sea and the entrance is 300 or 400 yards wide and has very deep water. By the ebb and flow of the tide a tremendous current is occasioned which keeps the ice from forming to any great thickness, and also prevents its rafting at the mouth of the harbour. The water at the entrance to Charlottetown harbour varies from 9 fathoms to 13 fathoms or 14 fathoms deep, while the depth of water at the entrance to the other harbours is comparatively shallow. The entrance is guarded in the right side by St. Peter's island and on the left side by Governor's island. Beyond these points there is freedom from ice and practically open water all the way to Tatamagouche bay. It has been stated that in 1905 a steamer tried to get into the harbour, and stuck in fifteen feet of ice. But the board of trade had the ice measured, and I have here a copy of a report made this year by

Mr. WARBURTON.

Captain John Gillies, an experienced sea captain, who was employed in that year and several other years to measure the ice and to observe the ice conditions off that harbour. In his report he says:

I have been asked by Mr. L. B. Miller, secretary of the board of trade here, to give a condensed report of the conditions of the ice in the Hillsboro' bay and Charlottetown harbour during the three years (winters) 1904-5-6 that I was engaged to make actual surveys of the same.

In each of the aforementioned years the surveys were made during the month of March, when it was considered the most ice would be found, and the hardest task to make the harbour.

From the reports submitted at various times the ice varied in thickness from 28 inches to 18, and the average ice in 'the ship's course' was 24 inches, covering from 7 to 9 fathoms of water.

While it is true the 'Minto' tried to make Charlottetown in March, 1905, and got stuck off St. Peter's Island bar in a reported thickness of 15 feet of ice, it is equally true that I was almost immediately sent to make a survey and found, by actual measurement, there was only 5 feet where she stuck. I can account for the discrepancy in one way only: In my case the ice was measured, and in the other case it must have been judged from the bridge of the ship. Only one week after my survey was made and reported the 'Minto' made another attempt to reach Charlottetown and was successful.

In making the aforesaid survey, I found where the 'Minto' had stuck, there being 5 feet of ice and 9 fathoms of water. I then measured 40 yards from this spot toward St. Peter's island and I found 2 feet of ice with 7 fathoms of water, and 60 yards nearer the island I got the same thickness of ice with 5 fathoms of water, while at the block-house (entrance to the harbour) there was but 18 inches of ice.

As the ice does not raft in this bay to any appreciable extent owing to the board ice and the prevailing northeast winds, it is my belief that with better aids to navigation there should be but little difficulty in making this a winter port, there being plenty of sea-room and water, and ships will have to contend with no running ice.

Seafaring men, shipping men and merchants are asking for aids to navigation for the summer to Charlottetown harbour, as larger ships are calling there. Among these is a light and a whistle at the extremity of St. Peter's Island bar, which runs out at the right hand side of the harbour for a distance of some three miles. In the winter time the buoys are all taken up and all the ordinary aids to navigation are removed. If the weather happens to be perfectly clear, ships can make the harbour without risk by noting the landmarks; but if, as often happens, there is a light haze rising from the ice, that obscures the shore signs and ships run a special risk in trying to make the harbour. This would be remedied

by placing a light or some other aid to navigation on that reef. To quote again from Mr. Hyndman as to the Charlottetown-Tatamagouche or Brulé rotue, he said:

In advocating, as I intend doing, this route as the only practicable one, I desire to say I have no private interests at stake, but do so simply because the other routes have proved after thirty-five years' experience to be impracticable.

During the past thirty-five years the several governments ruling at Ottawa, have endeavoured to meet the wishes of those two counties (Kings and Prince), but in doing so, they have accomplished very little towards carrying out the terms of union, and have not satisfied anybody.

Before going further in advocating this route, I will say that two aids to navigation are absolutely necessary.

The first is the building of a lighthouse with steam whistle attached on the eastern end of the bar running off St. Peter's island, outside Charlottetown, so as to afford an easy guide to the steamers in thick weather to make Charlottetown. This bar has been the cause of our winter steamers in years past going off to Georgetown before the ice in the straits warranted such action. With this light and steam whistle, steamers could make close up to it, and having made it and verified their position (in thick weather) the way into Charlottetown would be quite easy.

There should also be a steam whistle attached to the lighthouse on Amet island off Tatamagouche, to enable the steamer to make that port in thick weather.

These remarks are made with the belief that the new winter steamer now building for this service, will be of sufficient power and weight to steam through ice from 1 foot to 2 feet in thickness.

On this route the ice is seldom or never heavier than harbour ice, for the reason that the heavy rafted running ice of the gulf does not get on this route, because the land at Cape Bear and Pictou island prevents it, and the current (outside the harbour) is not more than half a knot any time. The only time heavy ice gets in, is in the spring when it is all loose and broken, and would not hinder the steamer making way through it.

A pier could be built inside Cape John where ample water and protection can be found, and within a very short distance of the Oxford branch of the Intercolonial Railway.

The distance from Charlottetown pier to a pier in Tatamagouche would be only 25 miles, whilst from Georgetown to Pictou is 36 miles.

If the Steam Navigation Company would adopt this route in summer, business men could visit Halifax, transact their business and return the same day; and new avenues of business would be opened up, whilst the trade with Pictou is practically nothing, and the route that way nearly double the distance.

Tatamagouche Bay or Brulé is situated about half way up the Strait of Northumberland. The tides meet in that section by coming from the east and the west, so that for a considerable space in the centre of the strait you have almost still water. At Tatamagouche the current is only about half a knot an hour, and there is very little ice flow from the east. The result is that the ice cannot get as far down as the route I am advocating. We have heard in times past that Point Prim, which runs out from the Prince Edward Island coast six or eight miles to the eastward from Charlottetown harbour, would render this route impracticable. But this route does not pass near Point Prim, which is really an assistance instead of a source of harm to this route, as it protects it from the ice to the eastward. I wish to urge on the government that Tatamagouche bay and harbour should be thoroughly surveyed. We do not require any survey of the entrance to Charlottetown harbour, as it is well known; but the harbour at Brulé and Tatamagouche and inside of Cape John does require to be surveyed, and this would not be a difficult matter. The surveys might be carried on from the shore, and the government have an excellent surveying steamer in the 'Gulnare,' which has been engaged in that work for many years, and which might be employed in carrying on these surveys. As the place is not very large, it would not take a very long time to have an accurate survey made. I have referred to various charges made, and after full inquiry I find that while Brulé harbour is a very good harbour for vessels of light draft, it has a bar where there is but thirteen or fourteen feet of water at low tide. But in the same bay, there is another harbour which has no such bar and where the water is amply deep for all purposes. If a short pier were built to that harbour and a connecting spur constructed to the Gosford branch, we would have direct communication, and that spur railway need not be more than three or four miles in length, according to the location of the wharf. If the wharf were put where I think it ought to be, the length would not be more than three or four miles.

Then there is another matter in that connection. We have now to compete with what is known as the three short hauls in winter. There is a haul from Charlottetown and other ports of the island to Georgetown, then a haul over the winter steamers to Pictou. then the haul over the Intercolonial Railway on the other side, making three short hauls. Any one will understand what a drawback that is to business. If we could get the road I am advocating, it would do away with one of these hauls, so that we would have only two instead of three. The effect of these three hauls is to materially cripple our trade. The freight rates on these three short hauls is greater than upon any corresponding length on the main line or any place where there is but a single haul. It costs more to take freight from Charlottetown to Sydney, than from Ontario to Sydney. The consequence is that the additional freight takes the cream

off the profits of business men. That is one of the complaints which our business men and boards of trade are continually dinging into the ears of the government and every one else when they get the chance. If those three hauls could be reduced even to two, that would be a very material gain to our people.

I am perfectly aware that any government—I do not care whether the present government or any other—has a very serious task when it undertakes to solve this problem, and I make every allowance for every difficulty that may arise. I am only trying to point out how our conditions could be bettered. The route I have suggested for the winter steamers has not been tested. I may say, although I do not throw this out as a solution of the question, that possibly a company might be formed to take this whole business off the hands of the government. We have in Prince Edward Island a very excellent steam navigation company, which gives most excellent service between Summerside and Point Duchêne at the western end and Charlottetown and Pictou at the centre of the island. That company might, if a large subsidy were given—and the government might well afford to give a very large subsidy to have this thing taken off their hands—take over the whole matter. I am not authorized by the company to make any such suggestion, but no doubt they could undertake the business, and I feel that if it were taken in hands by a live company, they could make a success where perhaps we are not doing as well as we would hope. If the route I have advocated were adopted by the government, I am confident it would prove more satisfactory than the present one. It has been the custom among the people of Prince Edward Island always to insist on the pound of flesh from the government. I am not one of those who insist on the pound of flesh. I do not believe in that doctrine in anything, and I do not propose taking any such ground although it is the ground which has generally been taken. I am only asking that every proper effort be made to make this winter service a success. They have ice breakers elsewhere. They have them on the great lakes, and the Baltic, where they seem to do pretty well. When our friends insisted that the terms of the union had not been carried out they were met—and I think not fairly—by the reply that what the terms of the union required was a serious, honest effort, and that if the government did all that was practically possible, they were carrying out those terms. Some insist that the terms should be carried out any way, and I am not arguing on that ground; but I say that every effort has not been taken to accomplish the terms of the union with regard to the winter navigation, and that every such effort will not be taken until all the harbours likely to afford facilities for winter crossings have been tested. If it be urged that Pictou has been tried fully, that is no answer so long as any other feasible harbour has not been thoroughly tested and proved to be a failure as well.

Then again we have to take up the question, which I did in the resolution I put on the Order Paper so long ago, concerning summer communication. At present we have communication by Summerside and Point du Chêne connecting with the Intercolonial, and we have steam communication between Charlottetown and Pictou, as well by steamers owned by the Charlottetown Steam Navigation Company. The distance to Pictou is over 50 miles and to Halifax over 114 miles, making a total of 170 miles. In order to do any business in Halifax we have to leave Charlottetown at about 8 a.m. for Pictou and remain at Pictou three or four hours, and then leave for Halifax at 8 p.m., so that your train arrives at Halifax at 8 a.m. and you have to stay there all that day until the next, no matter how little business you have to do. The trip takes three days, which is absurd for a distance of 170 miles. If you were to take the Brulé route you would shorten that distance 50 miles each way or 100 miles on the round trip, and it would be quite practical to leave Charlottetown in the morning, go to Halifax, attend to your business there, and come back the same night if proper connections were made. Is it not an absurdity in this century to find that even with fine steamers connecting with railways, it takes three whole days to make a trip of 170 miles each way and do half an hour's business? What would hon. members say if it took them three days to go to Montreal or even to Toronto from here and back? They would not put up with it. If the summer steamers could make their port at the place at which I am urging the winter steamers to make theirs, that is Tatamagouche Bay or Brulé, there is no doubt that the Intercolonial or the Dominion Atlantic Railway would build down, as has been mooted for many years, from Truro to Brulé, a distance of 35 miles, giving the most direct route between Prince Edward Island, up through the Annapolis Valley and Yarmouth, to one of our principal markets, Boston, a much shorter route than the present. It would be fifteen miles shorter to Halifax. We do not do much business with Halifax now, though we ought to. It is one of the places with which we ought to do more business, perhaps, than any other, because it is on the route between us and Great Britain, the steamers to the old country sailing from Halifax. We ought to do a large business in that way, both by steamer and by rail.

We do some business by schooner, but we are so handicapped in other ways that our business with Halifax is crippled. The route I propose would, to a large extent at least, remedy the state of affairs I have referred to, and, by making the means of communication better, would, as such changes always do, increase the trade and travel which is carried on.

Now, I wish to refer hon. gentlemen back to the ice-breaking conditions that existed this year when we had the steamer on which our mails are carried stopped several times. I have here a report from Captain John Gillis and Captain C. E. Myers, master mariners, made to the board of trade.

Mr. MACDONALD. Who are these gentlemen, and where do they live?

Mr. WARBURTON. Captain Gillis has been living in Charlottetown for twenty or thirty years, and Captain Myers for fifteen or sixteen years. Their report is addressed to Mr. James Paton, president of the Charlottetown board of trade. It is dated March 16, 1909, and the part relating to the subject under discussion is as follows:

Having been commissioned by you in your capacity as president of the board of trade, to secure data of the conditions of the ice between this harbour and Point Prim, we beg to report as follows:—

We began our survey of the ice in the harbour this morning, and found open water from Murphy's point (red buoy) to Trout point at harbour's mouth. At the latter place, in range with Brighton light ranges (ship's course), we found open water 12 fathoms deep. From that point we proceeded due south 100 yards with only 4 inches of ice; continuing on same course another 100 yards we found 6 inches of ice with 12 fathoms of water. We kept on the same course for 150 yards and found 8 inches of ice alongside a vein of open water in channel. We then made a circuit around the open water a distance of 150 about yards, estimated—the ice being too dangerous to carry us for actual measurement—and came in line with the range lights and again found 6 inches of ice with 11 fathoms of water. Proceeding 200 yards on the ranges (about south) we got 4 inches of ice and 10 fathoms of water. Continuing on ship's course seaward 200 yards we measured 5 inches of ice and sounded 11 fathoms of water. On the same course and distance we found 4 inches of ice and unsafe to take soundings. Ice from this point unsafe to continue in channel to St. Peter's Island bar, consequently we left the centre of the channel and proceeded to the east edge of same until we came to 6 fathoms of water and found 4 inches of ice. We continued on south by west in order to get into deeper water for a distance of 400 yards. Here the ice was parted in line with Lowthers' point, south shore, and Pownal Head. Beyond this it was unsafe to proceed any further for the ice was only 2 inches thick.

We found open water from the black buoy extending seaward past St. Peter's Island bar, Point Prim, and as far seaward as we could see with glasses.

From our survey we are in a position to state there is no ice from Point Prim to Charlottetown to hinder a steamer making this port. In fact, following the ship's course from the three tides out, the ice mentioned in the foregoing report was of such a nature as not to present a serious obstacle to many of our summer boats.

And at this time, or a little while afterwards, our mails were stopped by ice on the Charlottetown-Pictou route. And the same happens every year. At this period of the session I do not propose to take up more time than can be avoided in discussing the matter, important as it is to us, as you can understand, Mr. Speaker. I wish to urge it upon the attention of the House and of the government, and also upon the Department of Marine and Fisheries to cause a further survey to be made of the harbour on the mainland at Tatamagouche bay, or Brule, with a view, if found feasible, to remedy the disability under which we are labouring and of having the summer and winter route, instead of between Charlottetown and Pictou, between Charlottetown and Brule. And I may say, in confirmation of my contention that this is the best route for summer as well as winter, that away back half a century ago the steamers from Charlottetown did go to Brule and not to Pictou. But when the railway was carried down to Pictou and not to Brule, the steamers went were they could get the accommodation. But were the railway built to Brule, or Cape John on Tatamagouche bay, the steamers would be running there still, because that is the most direct route to the other provinces. I thank you, Mr. Speaker, and the members of this House for the attention they have given me, and I commend this matter to their consideration.

Mr. E. M. MACDONALD (Pictou). I crave the attention of the House for a short time while I refer to a matter especially in reference to my own constituency. I congratulate my hon. friend (Mr. Warburton) on having made the best of a very poor case in the interest of his own constituency. I do not think my hon. friend took in the whole situation either in the Island from which he comes or in the surrounding circumstances, and I fear that his judgment, usually very clear and lucid, was, in this particular instance, somewhat clouded by a vision which is limited to the needs of the particular constituency from which he came. I am quite sure that my hon. friends who represent the constituencies from Prince Edward Island other than the county of Queens will be found disagreeing with my hon. friend in the views he has urged as to the best route for maintaining winter communication with Prince Edward Island and as to the difficulties or evils involved in

other routes which he discussed. I think I may be permitted to point out that the question as to the best and only route between Prince Edward Island and Nova Scotia was settled years ago, by the gentlemen interested in business in Prince Edward Island, who maintained steam communication between the Island and the mainland. The men who invested their money in the Prince Edward Island Navigation Company, and maintained that company for many years, selected the port of Pictou as the best port on the mainland with which they could maintain communications, and this communication has been maintained ever since. At no time did any person propose to spend money on the idea or theory that communication could be maintained between Charlottetown and Tatamagouche bay. It was not until two years ago that people, not in Prince Edward Island, but in Colchester, interested in the construction of a railway from Truro to Tatamagouche concluded that it would be a wise thing as aiding in the booming of their railway proposition, to talk up the idea of maintaining by this route communication with Charlottetown. That is the idea of my hon. friend to-day, and, carrying out purely and solely the views of his own constituency, he put forward his theory and has made, as I have said, the best of a bad case. As against the route between Charlottetown and Pictou, he has told us that the ice grounds on the bottom at the entrance to Pictou harbour. One would fancy the autumn wind blew always from the north-east down through the straits of Belle Isle, and that all the ice in the gulf between Belle Isle and Anticosti was piled up before Pictou harbour and grounded hard on the bottom. That was the impression made on my mind by my hon. friend's argument. He was hardly candid in that because he knows that the condition to which he refers is quite phenomenal. I have lived in Pictou all my life and I know that in only two or three winters in the last forty years has such a condition arisen. My hon. friend can hardly with fairness base an argument in favour of one or other route upon an accidental circumstance of that kind. This question has been threshed out in parliament year after year; gentlemen who were in the last parliament must have felt that it had been discussed by the hon. gentleman's predecessors until it was pretty well settled. Year after year the House came to the conclusion that the route which we had used for so many years was the most practicable one and gave the best satisfaction. The hon. gentleman's argument is based on the theory that it might be possible to have communication with the Island every day in the year. He says that on the day on which the steamers stopped running between Georgetown and Pictou this year the two captains went down to the mouth of the harbour at Charlottetown and found there was open water and that a boat could have got through. He should also have said that if the captains had gone down the next day they would have found the mouth of Charlottetown harbour absolutely blocked and packed clear to——

Mr. WARBURTON. No, they would not.

Mr. E. M. MACDONALD. The hon. gentleman knows that the ice conditions in those waters change in a night.

Mr. WARBURTON. I say they would not have found Charlottetown harbour closed at that time or at any time this winter.

Mr. E. M. MACDONALD. Of course I would not contradict my hon. friend's personal statement, but it is a serious thing that the men in control of these winter steamers, who should know all about this thing and should have no prejudice in the matter, found it necessary to leave Charlottetown early in the season because it was impossible to carry on communication with that port. These theories are advanced by men who advocate rival routes, but we see the men in charge of this service leaving Charlottetown before Christmas practically every year and going to Georgetown. We might get reams of evidence from engineers or captains interested about this, that or the other port, but the men who have had charge of these steamers for the last ten or fifteen years know the conditions better than anyone else and we all know that they would not leave Charlottetown if it was possible to enter that harbour. I think my hon. friend's argument is not based on any evidence which is entitled to the serious consideration of the department. He is rather weak about the connection he is to make on the mainland side. He tells us that by the route he has suggested a man could leave Charlottetown, come to Brulé, go on to Halifax and return to Prince Edward Island the same night. If he had some addition to his plan in the way of a flying machine this promise might be realized, but not otherwise, because those of us who live on the mainland can go to Halifax and return on the same day only with great difficulty, and I am quite sure it could not be done from the island. We heard the member for Prince the other night saying that what was desired in that county was to have steamers running from Summerside to Pictou as well as from Charlottetown to Pictou. The people on the west end of the island take that view and we know that the people in King's county, Prince Edward Island, are anxious to have the present system maintained. My hon. friend's position in this matter is local, his request is based on the requirement of one part of the island and is not of such a character as should be entertained. The present route was selected as the best when the service was inaugurat-

ed and has been maintained all these years. We have terminals at both ends of the route and a comparatively satisfactory service, having regard to the severity of the winter. It is physically impossible to have a steamer run daily owing to snowstorms and other conditions, and as my hon. friend's proposition would involve a tremendous expenditure for dredging on the mainland at Tatamagouche bay and for terminals and would still be an experiment, I submit that it would be inadvisable to embark upon such an experiment. The experience of the last half century shows that the present route is the most satisfactory and with the improved steamers which this government has supplied and the new icebreaker which is to be added to the fleet, the service between Georgetown and Pictou will certainly be the most satisfactory that can be provided under any circumstances and the government would be making a most serious mistake if they departed from their line of policy in regard to this matter, which has been followed by both governments and both political parties.

Mr. A. L. FRASER (Kings, P.E.I.). Mr. Speaker, I am entirely in accord with the sentiments expressed by the last sepaker. I am sure the government will hesitate before making a change from the present established route of the winter steamers. As the last speaker has said, it would only be an experiment and it might be a very costly experiment to change the Georgetown-Pictou route to any new route. It is true, and it is admitted by all parties, that Georgetown is the best winter terminal on Prince Edward Island. Souris is also a good winter harbour, but it is some distance further from the mainland and the people of Souris have not yet expressed a desire to disturb the present winter route. But while Georgetown is the best winter harbour on the island. we cannot claim that Pictou is the best port on the mainland. The trouble with the winter service is at Pictou. If the department would make any experiment which could give a better harbour on the mainland, it would be a great advantage, but we do not want an experiment made when we have one good harbour and until we are assured of getting a better one, we had better keep to the one we have. What the mover of the resolution (Mr. Warburton) has said concerning summer navigation is quite correct, it would give a shorter distance from Charlottetown to Pictou, but as the steam navigation company some years ago decided on the present route, I think it would be a waste of money for this government to make any experiment to divert travel from the present established route. We on the island have great difficulty and are put to great expense because of what we call the three short hauls. Whatever route is chosen, I think we will have these three short hauls.

I will say that 75 per cent of the people of the island are interested in the tunnel, a question which has been before this House for many years. As I said before, we do not want a tunnel if it is not feasible or if it is impracticable. What we are asking now is that a sum, sufficient to have a survey made, be placed in the estimates. A survey was started, I think, in 1895, but that survey was not completed. It was undertaken by the Conservative government. I am informed, this government afterwards put engineers on the report of that survey to find out approximately what the cost of the tunnel would be, and I understand that they estimated that the tunnel would not cost more than $10,000,000. We have had assurance of the Minister of Finance and of hon. gentlemen on both sides of the House that if the tunnel would only cost $10,000,000 we were entitled to it. The construction of the tunnel would save the three short hauls with the additional cost of transporting passengers and freight for all time to come. If it would only cost $10,000,000 we think the province is entitled to it. Seventy-five per cent of the people of Prince Edward Island require this matter to be settled one way or the other and the only way to satisfy the people there is to have a proper survey made and then a report presented as to the cost of the tunnel. If it will be out of proportion to what they expect, if it will cost, as has been said by some people, $150,000,000, or even a quarter of that, we would not ask for it because the expenditure might not be justified. But what I wish to urge upon the government is that they may see their way clear to put a certain sum in the estimates to have this survey made and have this tunnel question settled. If this were done we would hear no more about the tunnel, but until it is done a large percentage of the people of Prince Edward Island will be continually asking for the tunnel. as they believe it is the only solution of the question. We do not want anything that is unreasonable. We want the terms of confederation to be carried out as far as possible and when we are asking for this sum to be voted for the purpose of making a survey I do not think we are asking anything unreasonable. Until that is done we will feel that we cannot get continuous communication and that the terms of confederation have not been carried out. If this survey were made and the cost stated we would know whether or not it would be feasible to build the tunnel.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). Mr. Speaker, I want to

say only a few words on the question which has been raised by my hon. friend from Queens, Prince Edward Island, (Mr. Warburton) concerning winter communication between Prince Edward Island and the mainland. This question, as has been stated by my hon. friend from Pictou (Mr. Macdonald), has been before the House for some time and has been fully discussed on several occasions. But, this is the first time that the question raised by my hon. friend from Queens, as to communication between Brulé and Charlottetown has been definitely before the House. The means of communication to-day between the mainland and the island are, I think, generally satisfactory. Several attempts were made in former years to improve the service and at the present time. as my hon. friend is aware and as he has stated in his speech, we are building an ice breaker of 6,000 horse-power which, I think, will be strong enough to cope with any situation that may present itself there; so much so that in the contract which has been made with a most reputable firm in England, the Vickers, Sons & Maxim, there is a guarantee by the contractors that this boat will be able to pass through any floating ice even if it amounts to 15 feet in thickness. This boat will be available for the service next fall and I expect that it will be able to cope with any situation. Sometimes the ice near Pictou island grounds and then it is almost impossible for any boat to pass through. But this is a very exceptional circumstance and I am not aware that this year the service has been delayed for any length of time. The difficulty which has been experienced on the main part of the Northumberland strait is occasioned by the quantity of ice which floats through the strait. I know that in 1901, 1902 and 1903, some experiments were made to ascertain if you could make use of the Cape Tormentine-Cape Traverse route. It was found that the quantity of ice which formed in that part of the strait, and the same condition, I understand, will be found also between Charlottetown and Brulé, was so great that it was absolutely impossible to keep that route open during the whole of the winter. I think that during three consecutive years, 1901, 1902 and 1903, these efforts were made in that direction but they did not result in success for the reason which I have just stated. I do not know whether my hon. friend who is better informed on the matter than I am will confirm my information, but I am informed that on the route between Charlottetown and Brulé we will find almost the same quantity of ice and the same difficulty which is met with on the route between Cape Tormentine and Cape Traverse.

Mr. WARBURTON. Between Cape Traverse and Tormentine where it is eight miles wide, there is a current of three miles an hour. But when you get to the Brulé-Charlottetown route you get a width of 25 miles where the tide is only running half a mile an hour. Consequently there is not the same quantity of ice and there is not the same difficulty.

Mr BRODEUR. At the same time the quantity of ice which is there, I understand, is very large and would result in a great deal of difficulty. I do not say that it is impracticable, but I say that the experience we have had in running boats from Charlottetown to Pictou does not encourage the department to hope that we would be successful there. In fact, for a few days at the beginning of the winter we opened the route between Charlottetown and Pictou, but we had to leave that route and to go between Georgetown and Pictou. The only difficulty that exists upon the route between Georgetown and Pictou is that in some very exceptional cases the ice grounds near the island and it becomes almost impossible for the boat to pass through. But I claim that the new boat which we are constructing will probably be able to pass through all the ice and remove the disabilities of the situation. The House is well aware that if, under the exceptional circumstances, the service ceases between Georgetown and Pictou, we have, between Cape Traverse and Cape Tormentine, some little boats which cross over and carry the mails every day. I think that upon the whole all governments have tried to do their best in order to provide a better service and to carry out the obligations which we incurred when Prince Edward Island became part of the confederation. The Dominion government engaged themselves to maintain steam communication between the island and the mainland. I need not refer to the conditions which existed before confederation, but we all know that the service between the island and the mainland then was far from being as satisfactory as it is to-day, and that in fact the only winter communication was by these small boats which we still maintain for use on the exceptional occasions when the steamers are unable to cross. My remarks should not be interpreted as meaning that the question which has been submitted by my hon. friend (Mr. Warburton) will not be carefully considered; for I am of opinion that we should satisfy public opinion in that respect. Speaking for myself personally I am not very favourable to the idea of changing the route, unless, indeed, observations and inquiry can show that the route suggested by the hon. gentleman (Mr. Warburton) is better than that which now exists. We must, however, remember that the proposed route would be difficult

and expensive. It would be necessary to connect the Oxford branch railway with the harbour of Brulé and wharfs, lighthouses, and fog alarms, would have to be supplied. I also think that some additional improvements would have to be made in Charlottetown harbour. Our experience on the St. Lawrence is that it is dangerous to try and make harbours during the winter months where the channel is very narrow, because if there is a snow flurry when a steamer is entering such a harbour the pilot looses his bearings and an accident may follow as was the case recently on the St. Lawrence. That feature of it must be considered also. Some criticism has been directed against Captain Brown and Captain Finlayson, the captains of the 'Minto' and the 'Stanley.' I may say that these captains have been directed by the department that they should be the absolute judges as to the routes to be taken and in that respect we have given them a great deal of latitude. There is always a great deal of difference of opinion in matters of this kind, and we thought the best way was to be guided entirely by the opinion of these two experienced navigators. Captain Brown and Captain Finlayson enjoy the well-deserved reputation of being good sailors. Unfortunately they are ageing, but I hope their services will be retained for some time because they have always been able to cope with the difficulties of the situations which presented themselves and have been able to avoid accidents. I believe that Captains Brown and Finlayson deserve to be complimented on their work, and in saying that I know I am voicing the sentiments of every member of this House who knows them. I may say in conclusion that I shall be very glad to have the necessary observations taken in order to decide as to whether the route suggested by the hon. gentleman would be practicable.

TRADE WITH AUSTRALIA—DIRECT STEAMERS FROM EASTERN CANADA.

Mr. J. G. TURRIFF (Assiniboia). Before you leave the Chair, Mr. Speaker, I desire for a few moments to bring to the attention of the House the question of improving the facilities for trade between Canada and Australia and New Zealand. For some years past there has been a very fair volume of trade transacted between Canada and Australia and New Zealand, and I am glad to say it is an ever growing trade. One good feature about it is that we export from Canada two or three times the quantity of goods that we import from these countries. But at present we are labouring under very great disadvantages and my object in bringing this matter up now is not that the government will take any action so near at the end of the session, but that the matter may be considered by the government and the members of the House in the meantime, and in the hope that by next session the government may decide to give a subsidy for two or three years to establish a line of steamers between the eastern ports of Canada and Australia and New Zealand. At present we subsidize two lines of steamers between Canada and Australia both from Vancouver, one being practically altogether a mail service and the other a freight boat service which last year earned a little over $40,000 out of the total subsidy of $50,000 allotted. But, every member of the House will see that it is almost impossible to ship goods via Vancouver, 3,000 miles by rail, the great majority of Canadian manufacturing establishments being at present located in the provinces of Ontario, Quebec, and the lower provinces. The subsidies which we give to the freight steamers from Vancouver are doing a certain amount of good and have resulted in quite a large quantity of lumber being shipped from the Pacific coast. There are only two or three classes of manufactured goods that you can ship to advantage over 3,000 miles of rail and thence across the Pacific to Australasia. The great bulk of our trade from Canada to Australia and New Zealand at the present time goes via New York, and it is because of this very fact that our manufacturers and our merchants are at considerable disadvantages. We are all anxious, so far as we reasonably can to improve the condition of our manufacturers and our merchants, and while many of us may be opposed to helping them by increasing the duties, yet we can all agree that by the means which I now suggest their position will be improved and that a fine class of trade would be developed between Canada and Australasia. Let me point out that the trade is there waiting for us. Those engaged in trade in Australasia will tell you that all we have to do to get their trade is to show that we can deliver the same class of goods at the same price as they obtain them from the United States. If Canadians can do that, then the sentiment in favour of trade within the empire will give Canadian goods the preference every time. We must place ourselves in a position to compete with our American neighbours for that trade. We export something like $3,000,000 worth of goods to Australasia and New Zealand while the United States is expropriating $30,000,000 worth. These are of a class of goods which can only be obtained in the United States and Canada so that the United States is the only competitor Canada has to meet in the Australasian market. The question remains as to how we can put our manufacturers and our merchants in a position to reasonably well compete with the Americans. It

has been proposed that if a subsidy were given by the Canadian government for three years for the purpose of establishing a line of steamers with Australia and New Zealand, plying to Quebec and Montreal in the summer and to Halifax and St. John in the winter, we would so establish that trade that at the end of three years there would be no necessity for any further subsidy.

Let me point out some of the disadvantages that our manufacturers and exporters labour under at the present time. As I have said, practically all our goods have to be shipped through the port of New York. To begin wtih, our manufacturers are located farther from New York than the average American manufacturer. They pay more for railway freight to New York, then they have to pay the heavy New York harbour charges and the transportation charges from the railway station to the steamship. All these things place them at a disadvantage as compared with the American manufacturer. Then, all the goods for Australia and New Zealand are carried by American steamship lines, which are controlled by American manufacturers, who see to whom every pound of goods is consigned, and endeavour to secure from the purchasers the next order. But that is not the greatest disadvantage our people are up against. The worst of all is this. These American lines of steamships have been put on for the purpose of promoting trade between the United States and Australia and New Zealand, and they advertise certain sailings during the year. There are not regular sailings, which is always a disadvantage to the shipper. But very often there is more freight offered for a certain boat than it can carry, and no matter at what time the Canadian goods arrive in New York, it is they which are left over, with the result that the consignee in Australia is disappointed and the Canadian exporter has all the more difficulty in doing business. If we had our own line of steamers sailing from Montreal and Quebec in summer and from Halifax and St. John in winter, this disadvantage to our manufacturers would become an advantage, because they would be nearer the shipping port than to New York, and the goods would be put on the steamers at less cost than American goods are put on American steamers, and, with equal freight rates, they would be in a fair position to compete. I have the authority of a firm who are doing the largest export trade in Canada to Australia and New Zealand, and who represent very many of our Canadian manufacturers, for saying that the Canadian maunfacturer is quite able, both in price and quality of goods, to compete in the Australian and New Zealand markets with the American manufacturer in the same lines, that the Australians are quite satisfied with the goods they get from Canada, and that all they ask is to be supplied with the same class of goods at the same price, and they will give the Canadian goods the preference every time. If that is a fair statement of the case, as I am assured and believe it is, is it not worth while for the government to look into the matter and see if, by giving a subsidy, we cannot bring about a very much improved condition of affairs? I have not the slightest doubt that under proper conditions Canada should be able to take at least one-half of the trade that goes from North America to Australia and New Zealand. If that were done, we would immediately increase our exports from a little over $3,000,000 up to $15,000,000. That would be worth while, and it could be done by a very small outlay in the way of subsidies to establish the route. The class of goods we send include iron goods, boots and shoes, agricultural implements, and a great many other things. In New Zealand we have an advantage in the tariff, but not in Australia. While the matter was being considered, we could very well at the same time look into the question of trade with South Africa. A company called the Imperial Export Company a year or so ago sent a memorial to the different members proposing to establish a line of ships between Canada and Australia and New Zealand, to sail eight times during the year at stated periods, with vessels of a capacity of 6,000 tons of freight each. They would guarantee to provide freight for each of the sailings for three years, and unless they did that, they would forfeit the right to any subsidy. The amount they asked for was $250,000 a year for three years. I am not prepared to say whether that is a fair amount or not; but even if that amount were necessary to accomplish the object, I think it would be well worthy of the attention of the government. The matter was brought to the attention of the Department of Trade and Commerce, but I understand that that department did not consider it advisable to do anything along the line suggested, being contented with the subsidy that we were already giving for a line from Vancouver to Australia; but, as I have pointed out, that is of very little use to the manufacturers of Ontario and Quebec and the maritime provinces. The press of the country frequently emphasizes the desirability of increasing our foreign trade and opening up new markets. Here is one way in which that can be done without much cost to the country. I simply bring the matter up in order that the members may think of it between now and next session, and more especially that the government may take it into consideration, not

to do anything this session, but in order that next session they may, if they think it advisable, put an amount in the estimates to establish a freight line of steamers between the easterly portion of Canada and Australia and New Zealand, and possibly include South Africa.

Mr. GEORGE TAYLOR (Leeds). I am pleased to see that our friends who support the government are now favourable to subsidizing a line of steamships between Australia and Canada. There was a line subsidized by the late Conservative government, and I remember well how, during the elections of 1896, we were met on every platform throughout the country by a Grit stumper with a can of Australian mutton in his hand, which he held up to the people and condemned the government roundly for having subsidized a line from Vancouver to Australia to bring to this country Australian mutton. Well, when this government came into office, they continued the subsidies to that line, and now they want another line subsidized to bring Australian mutton to the maritime provinces.

Mr. TURRIFF. We are doing it so much better.

Mr. TAYLOR. And the government can take credit for bringing in more Australian mutton. But how do they reconcile that with their denunciations of the same policy made on every platform? But what I rose particularly for was to draw the attention of the Minister of Public Works to the condition of the grounds around the parliament buildings. They were bad enough in all conscience last year, but this year they are still worse. Take the hedges around the Hill, a few years ago these were a thing of beauty, but this year they are just the reverse. Half of them are dying, simply because they have not been kept watered. Take the Hill where the statue of the Queen is situated, all the evergreens there are withered for want of watering. In fact everywhere the grounds are run down and look as if the country were in a state of insolvency. When the hon. minister is next in Toronto, I would advise him to take a tour around the parliament grounds there and see in what order they are kept. Are our grounds kept by contract or day's labour?

Hon. WM. PUGSLEY (Minister of Public Works). The care of the grounds is by day's labour.

Mr. TAYLOR. I thought so.

Mr. PUGSLEY. We have a very good superintendent Mr. Shearer, who has charge of the grounds under the direction of the chief architect. I have personally given directions that greater care should be exercised, and I shall also now give further attention to the matter.

Mr. TAYLOR. We used to have a first class gardener in our time who had the work by contract and who kept the grounds in splendid condition. Now the work is done by day's labour. Just look at the flowers coming up, the ground plots look as if the chickens were allowed to run through them. It is the result of bad bulbs being put in. We ought to have a first-class man looking after these grounds. We had them let by contract to the late Mr. Robertson, a professional gardener, and I leave it to the Prime Minister whether every spot then was not a pleasure to look at. Now we have a lot of farmers employed who know nothing about gardening and who let the verdure and the plants and the evergreens run down just for the want of watering them and taking intelligent care of them.

Mr. W. B. NANTEL (Terrebonne). (Translation.) Mr. Speaker, I desire to call the attention of the House, for a moment, upon an error or an oversight which I find in the statute of 1905, with regard to the increase of the judges' salaries, and which constitutes an injustice towards two of the judges of the Supreme Court for the province of Quebec. I refer to the judges for the districts of Chicoutimi and Saguenay and of Gaspé.

In 1905, when the hon. Minister of Justice introduced his resolutions, on which was based a Bill to increase the salaries of the judges, I find that the salaries of the judges for the above mentioned districts, have been fixed at $5,000. The following is that part of the resolution which concerns them :

> Two junior judges of the said court, whose residence will be in the district of Bonaventure and Gaspé or of Saguenay, $5,000 each.

Their salaries, in fact, were the same as those of the judges in the rural districts of the province of Quebec. The same statement appeared in 'Hansard' when the Bill in question was discussed.

I will now read a letter from the hon. Chief Justice of the Supreme Court (Sir Charles Fitzpatrick), who was then Minister of Justice, in which he writes as follows to one of these judges :

> Chief Justice's Room,
> Supreme Court of Canada.
> Ottawa, February 27, 1908.
>
> Honourable J. A. Gagné,
> Judge's Chamber,
> Quebec.
>
> My Dear Judge,—In answer to yours of February 26th, I do not hesitate to repeat that the well defined intention of the Department of Justice (and I believe at the time I had the approbation of the government), was to put all the judges of the rural districts on the same footing with regard to their salaries ; and when the resolutions were introduced in the House with the approbation of my colleagues, I had provided that the judges of Gaspé and Chicoutimi,

should receive each a salary of $5,000, and be on an equal footing with the others.

Later on a change that I am at a loss to account for, was made and I was firmly under the impression that I had given effect to my intention, until my attention was called to the legislation as sanctioned by the government.

I had no occasion to see the Minister of Justice ; but you are authorized to tell him that I have never intentionally changed the item in question, that my intention has always being to give effect to the solemn pledge given Justice Carroll, when he accepted the judgeship in Gaspé ,that the salary of the judge of said district would be the same as the salary of judges in the other rural districts.

Concerning your district, there is no reason for the difference in the salary. I know few judges who have, in their districts, as much important cases as you have.

Yours sincerely,
(Signed). C. FITZPATRICK.

As I just said a while ago, I read over in the 'Hansard' the discussion which took place on that question, and I saw that their salary was fixed at $5,000. How is it that later on, when the legislation was passed, that salary has been put down at $4,500, instead of $5,000, as it appears now in the Revised Statutes, chap. 138 ?

If it is by reason of an error, it seems to me that the government should take immediate steps to rectify it, for the law as it now stands, is highly detrimental to the interest of the judges of these two districts.

Mr. M. E. ROY. (Translation.) Mr. Speaker, I concur entirely in the views presented by the hon. member for Terrebonne. I have a pretty good knowledge of these two districts, particularly the district of Gaspé. I was always astonished to see that discrimination against the judges of those districts. Formerly a reason might have existed for such discrimination, because there were fewer terms during the year, and consequently, the judges had less to do. But for several years past, those judges are called upon to discharge duties quite as arduous and numerous as those of the judges of the other districts. It is my sincere conviction that a mistake was made, and the sooner it will be rectified the better, so as to put an end to that baseless inequality.

MANITOBA FISHERIES.

Mr. G. H. BRADBURY (Selkirk). I wish to draw the attention of the House to a statement regarding the fisheries of Manitoba and Saskatchewan. This is a very important question to a large number of my constituents, who are interested in the fishing industry, as well as to the other residents of these two provinces. It is important to my own constituency from the fact that a large number of my constituents depend for a livlihood upon the fisheries and important to the other residents of the two provinces from the fact that the manipulations of the American combine have increased the cost of fish to nearly double what it ought to be. Some fifteen or eighteen years ago those who knew lake Winnipeg and its wonderful resources were wont to boast that we had in that province the greatest whitefish fishery in the world. which promised an abundant supply of fish for all time to come for Manitoba and the other provinces of the west. Early in the seventies, a large number of icelandic settlers were attracted to that lake largely on account of this great fishery. These people settled along the southwest shore of Lake Winnipeg, and, at that time, found no difficulty in obtaining whitefish in large quantities in the southern part of the lake. They secured all the fish they required for domestic use and to supply at that time the market of Manitoba. This afforded these people plenty of food ready at their doors and promised a great future industry to the settlers, an industry from which these people, no doubt, expected to reap great benefit. But unfortunately for their hopes and for our great fisheries, the large commercial interests that had already depleted the fisheries in the lakes of Ontario were not long in scenting out this great fishery on Lake Winnipeg; and, as early as 1881, just as soon as railroad communication made it possible, we find these interests getting ready for the work of destruction which they have just about completed in that great lake at the present time. Mr. D. F. Reid and Mr. Clark, of Collingwood, were the pioneer fishermen of that day. Mr. Reid is one of the commissioners appointed to investigate the fisheries at this time. In 1881, he and Mr. Clark established operations on the south end of the lake and had no difficulty in securing an abundant supply of whitefish for the market at that time. In 1885 they put on a steam tug, and in one season put up 150 tons of fish with a very small plant. This was the commencement of the export of whitefish from Manitoba. As soon as our fish reached the Chicago market, the great American interests were not long in realizing that there was magnificent whitefish in the western provinces. In 1886 we find established in that lake what was called the Manitoba Fish Company. But in reality it was an American concern, 96 per cent of the stock being owned or controlled by gentlemen living in Detroit. This company started operations in a big way. They had one or two steamers and a couple of tugs. They had their large freezers, one at Swamp island, one at Little Saskatchewan, and another at Selkirk. For two years this company, with the pioneer fish company, Reid and Clark, took from 1,200 to 1,500 tons of fish in that lake, nearly all of which were

exported to Chicago and other American cities. These fish were cleaned and frozen as soon as taken out of the water and held in freezers until the winter and shipped out of the province during the winter season. The fish at that time averaged from 4½ to 6 pounds each. The men who caught the fish, our settlers, Icelanders principally, received from the American interests 1½ cents a fish. When I tell you that these same fish retailed on the markets of Chicago and other American cities for ten cents and twelve cents per pound, you will realize the immense profit that accrued to this American interest. As early as 1890, the possibility of the depletion of this great lake became apparent. Representations were made to the Department of Fisheries here by prominent men in Manitoba and by the settlers engaged in the business on Lake Winnipeg. Sir Charles Hibbert Tupper, then Minister of Marine and Fisheries, was induced to send a commissioner to that province to make investigation. He instructed Mr. Wilmot, who was then commissioner, to proceed to Manitoba and make a thorough investigation of this question. I have in my hand the report made by Mr. Wilmot, and, for the information of the House and for the information of the minister, who, I know, is a very busy man, and not likely to have time to read these great reports, I intend to read a few passages:

Ottawa, October, 1890.

The Hon. Charles H. Tupper,
Minister of Marine and Fisheries.

Sir,—Having received instructions from you to go to Manitoba to examine into the condition of Lake Winnipeg fisheries, covering the grounds mentioned in certain correspondence regarding the alleged depletion of whitefish, and to investigate other matters connected therewith; and having carefully read the numerous files of correspondence, relating to the above subject, which have passed between the Departments of the Interior and of the Fisheries; and also having personally visited some of the most important fishing stations on Lake Winnipeg, mentioned in the aforesaid correspondence, I beg to report, for the information of your department, the following views which I entertain and the conclusions I have formed on the subject matter under consideration.

Lake Winnipeg lies partly in the two provinces of Manitoba and Keewatin. It is the largest and most important body of water in these provinces, with an area of some 9,550 square miles. Its extreme length takes in about 270 miles, and its greatest width is about 70 miles. It runs in a line nearly north and south. The southern half of the lake is very narrow, and largely cut up with small bays and inlets, and filled with numerous islands. The northern or upper half opens out to a width of some 60 miles, and covers nearly three-fourths of the whole area of the lake.

* * * * * *

The principal product from Lake Winnipeg is the famous highly-priced whitefish, coregonus albus which, for domestic and commercial purposes, no doubt stands foremost on the list of fresh water fishes in America. These fish have been, and no doubt are yet, quite numerous in Lake Winnipeg, although it is held by many persons, and truly so, that in certain localities a depletion is already felt from the wholesale methods of fishing practised by certain fishing companies, who carry on this industry quite extensively almost wholly for the United States markets.

Much controversy has arisen regarding this alleged excessive fishing in Lake Winnipeg between these fishing companies and leading inhabitants of Manitoba, and also with the settlers and Indian tribes around the lake, which has culminated to such a degree at last as to call for the serious consideration of the Departments of the Fisheries, and of the Interior to investigate this matter from a disinterested and public standpoint, not only with regard to the above issues, but also in the interests of the general public.

It is therefore of vital importance to all concerned that some practical solution should be reached by which, if possible, the fishing industries of Lake Winnipeg should not be speedily impoverished, but should be maintained as a source of wealth, and luxury for the inhabitants generally of Manitoba, both for the present and future.

* * * * * *

There are several separate interests connected with the fisheries of Lake Winnipeg which are dealt upon somewhat lengthily in the departmental correspondence referred to—each claiming that the views held by them are the correct ones, in so far as the question of depletion of the whitefish in the lake is concerned. These different interests may be classed as follows:—

1. The Indian tribes under the control of the Department of the Interior claim that, many parts of the lake which formerly supplied them with the requisite abundance of fish-food are now showing depletion by reason of the excessive and wholesale fishing carried on by certain large fishing corporations.

2. Prominent officials and leading citizens of Manitoba also represent that Lake Winnipeg is undergoing a falling off in many localities of its former whitefish crop, and that, therefore, means should be instituted to stay this too rapid destruction of fish by judicious regulations, which, whilst protecting the fish, will not too seriously interfere with the fishing industries of the country.

* * * * * *

First.—"The Indians, and the interests of the Department of the Interior."

Voluminous evidence is given in the correspondence showing quite conclusively that the Indians on some of the reserves around Lake Winnipeg are suffering from the want of their former supplies of whitefish, which in past years were obtained readily and in great abundance; and notable instances are related where waters which at one time were teeming with these fish have now become very scarce, and fears are entertained that the usual supplies of fish-food for the Indians will soon be at an end, and that this has been brought about by over-fishing at the mouths of rivers by fish traders, who are permitted to carry on this excessive fishing regardless of consequences. It is also represented that unless this

reckless system of fishing be discontinued these Indians, who are the wards of the government, will have to be supported by other means from the public funds of the country.

These are no doubt pressing facts, and must be so considered from an uninterested and practical comprehension of the state of affairs as they now exist. It is therefore expedient that the government should meet this subject in the spirit of reciprocity; as between the requirements of the Indian, the settler and the fish trader each have their rights and are entitled to full consideration as inhabitants of the country.

* * * * * *

Second.—The statements made by prominent individuals and leading inhabitants of Manitoba are, that over-fishing of the whitefish in Lake Winnipeg is being experienced, and is steadily increasing, and that it should be stayed, in the interests both of the present and incoming inhabitants of Manitoba and the Northwest, and that the whitefish industry should be studiously husbanded. This advocacy for the preservation of the fishing wealth in Lake Winnipeg by the leading inhabitants of Manitoba should be sustained by the Department of Fisheries, in order to prevent a repetition of said experiences which are now felt in many of the waters in the eastern provinces, where over-fishing has brought depletion to such an extent as to be almost wholly beyond recovery.

* * * * * *

Formerly this industry was pursued in the lower or southern parts of the lake; but the catch becoming much lessened there the fish traders have established themselves about midway up the lake, and at Selkirk island, at the head of the lake. The principal points for their operations at present are at Beren's island, Reindeer island, and the mouth of the Little Saskatchewan river, about midway of the lake, and at Selkirk island, near the mouth of the Big Saskatchewan, at the north end. Other places may be only temporarily fished; but the above named localities form the present headquarters of the fishing companies.

At Beren's island a good natural harbour is formed on the southern side. Here the two principal firms have each extensive ice-houses and freezing-houses, also landing piers for their steam-tugs and barges; similar works, but less extensive are at Reindeer island and at Selkirk island. But the most extensive buildings and works are just at the mouth of the Little Saskatchewan river, where two companies each have large ice-houses, freezers and piers on either side of the mouth of this river, which is only about 100 yards wide.

The present mode of fishing by the companies is with gill-nets, which are fished at certain distances off the shores of these islands, varying from one to six and ten miles, according to the 'running' of the whitefish, as it is termed.

* * * * * *

If severe storms prevail, which is very often the case in the open lakes, these nets cannot in many cases be lifted until the winds subside, which may not be for several days, in which case the fish in the meantime die, partial decomposition sets in, and they become unfit for use, and the whole catch, sometimes amounting to many thousands, are thrown away. Great destruction is caused in this way, and a question has arisen whether it would not be better to do away with the gill net and substitute the pound or trap net under certain regulations, as the pound net would not only save the fish which are lost by the gill nets, but would also raise the standard of the whitefish generally in the markets of the country; whereas it is now somewhat lowered by the many fish which are offered for sale that are unwholesome for food, by reason of the blemished fish whose injuries and defects are hidden by the freezing process. The pound net would no doubt be very acceptable to the fishing companies generally, not only to obviate the difficulties above mentioned, but on account of being less expensive in their general working.

The quantity of gill nets set in Lake Winnipeg in 1889 covered about 60 miles in length. These gill nets, though apparently small, and averaging but 6 feet in depth, are nevertheless from their many miles in length where set, very deadly engines, and capable of causing great havoc in circumscribed limits, such as small bays and rivers. As an evidence of this it may be stated here that in Lake Winnipeg, where only three fishing companies are carrying on the fishing trade, the quantity of whitefish reported to be shipped by one firm alone in 1889 amounted to 9,600 boxes of 130 pounds each, making 1,170,000 pounds, the other two companies making up a similar amount, thus showing that this small number of traders are capable, with the present improved methods of fishing, of capturing upwards of two and a quarter millions of pounds of whitefish in Lake Winnipeg during one short season alone, the greater portion of which passed directly out of the province, causing the home consumption of Manitoba and other parts of the country to be only sparsely supplied, and at high prices.

* * * * * *

This taking of upwards of two and a quarter millions of pounds of whitefish by these fishing companies in Lake Winnipeg, more particularly that portion of the catch taken at the mouth of the Little Saskatchewan river, must, in the common sense reasoning of things, go to show, that originally intended balance of nature regarding these fish is being largely interfered with, and to such an extent if continued, as to cause well grounded alarm for a rapid decline of the whitefish industries connected with Lake Winnipeg, and many of the tributary waters belonging to it. And it must be understood, also, that the above described quantities of whitefish only include those taken by these three fishing companies operating in Beren's, Reindeer and Selkirk islands, and at the Little Saskatchewan river, irrespective altogether of the supplies that are caught by all other fishermen, Indians and settlers in other parts of the lake during the whole fishing season of the year.

* * * * * *

The following questions relating to the whitefish fisheries in Lake Winnipeg being submitted for my consideration are herewith answered seriatim:—

1. Whether there really exists a depletion of whitefish in the waters of Lake Winnipeg?

There is a gradual but steady depletion of the whitefish product of Lake Winnipeg going on, from the effects of the present system of fishing in certain parts of the lake.

2. If so, in what waters, and what are the causes of it?

The depletion is experienced more particularly at the mouths of the larger rivers, and in the lower parts of the lake, particularly in the Little Saskatchewan river and St. Martin's lake, caused by over-fishing at improper times, notably at the mouth and bay of the Little Saskatchewan river. This cause, if permitted to be continued here, and to be allowed in other places similarly situated in other parts of the lake, must assuredly hasten rapid depletion and eventually termination of the whitefish industry of Lake Winnipeg.

3. What are the remedies?

The remedies are to reasonably restrict the wholesale fishing now carried on by the fishing companies, by judicious regulations, and to wholly prevent these companies, and others, from fishing in certain well known localities, where the whitefish congregate in great numbers prior to the close season and preparatory to their breeding time.

* * * * * *

Mr. Wilmot, who was then the Commissioner of Fisheries, reported that if these companies were allowed to continue taking such great quantities of fish out of the lake each year the waters would surely be depleted. After the evidence contained in this report and the findings of the commission it would be only reasonable to assume that the Fishery Department would have seen to it that fishing on the scale then in vogue would have been checked. Instead of that we find that these large commercial companies were allowed to increase their operations and instead of two fishing companies there were four or five large commercial companies operating in that lake. The result is, as Mr. Wilmot predicted, that the lake is rapidly becoming depleted of fish.

Mr. BRODEUR. Is my hon. friend not aware that the recommendations contained in that report were adopted by the department?

Mr. BRADBURY. No, the recommendations in that report were not adopted. Some of the recommendations were adopted, but the chief recommendation, that commercial fishing should be checked, was not adopted. The recommendation as to defining the boundaries where commercial fishing should be allowed was adopted, but even that has been violated by the fishing companies within the last two years by fishing in Playgreen lake.

At six o'clock the House took recess.

After Recess.

House resumed at eight o'clock.

Mr. BRADBURY. Mr. Speaker, at six o'clock I was drawing the attention of the House to a statement of the quantity of whitefish taken out of Lake Winnipeg from 1890 to 1907 by the comercial companies. I will not weary the House by reading the full statement but will content myself with making one or two quotations from this statement and, with your permission, I will hand the statement in to 'Hansard.'

	Whitefish Lake Winnipeg. Lbs.	Whitefish shipped from Manitoba. Lbs.	Sturgeon Lbs.
1890	2,250,000	.....	.....
1892	3,058,790	.....	.....
1893	3,873,000	.....	.....
1894	2,370,000	.....	.....
1895	2,659,000	.....	.....
1896	3,470,860	.....	.....
1897	3,270,000	.....	.....
1898	2,537,000	.....	.....
1899	1,996,000	3,499,520	444,787
1900	3,895,000	5,843,000	981,500
1901	5,000,000	7,276,000	600,000
1902	6,000,000	7,914,500	600,000
1903	7,000,000	9,100,000	600,000
1904	6,000,000	8,800,000	600,000
1905	6,500,000	8,000,500	600,000
1906	5,000,000	6,136,000	325,000
1907	2,000,000	3,695,000	177,000

In 1892, when Mr. Wilmot, the then commissioner, made his report, they were taking 2,250,000 lbs. of white fish out of Lake Winnipeg. Mr. Wilmot at that time pointed out clearly that if this continued, within a very short time, Lake Winnipeg would be depleted. We might naturally have expected that the department at that time and since would have endeavoured to curtail the quantity of whitefish that was being killed in Lake Winnipeg, but, instead of that, we find that year after year this amount increased until, in 1903, there were 7,000,000 lbs of whitefish taken out of Lake Winnipeg by the American fish combine. In all during these seventeen years this American combine took out of this lake about 68,000,000 lbs. of whitefish and there was a total shipment from the province of Manitoba of 84,000,000 lbs., the balance being taken out of Lake Manitoba and Lake Winnipegosis. In addition to that there were 5,329,000 lbs. of sturgeon. This valuable fish, I may say, is almost extinct in Lake Winnipeg. The lake has almost been depleted and the reason for that is that it takes a very long time for sturgeon to mature. It takes about twelve or thirteen years for a sturgeon to reach the weight of from 10 to 15 lbs. We have had sturgeon taken out of Lake Winnipeg that weighed 125 lbs.

Mr. HENDERSON. How old are they?

Mr. BRADBURY. Some of them are seventy years of age.

Mr. HENDERSON. That is a fishy story.

Mr. BRADBURY. While these figures show the amount of fish put up by the large

American fish combines, they do not begin to account for the amount of fish killed by the methods employed by the American fish interests and by other commercial companies. It is well known that the method of fishing in Lake Winnipeg is by the gill net. We have had as much as sixty miles of gill net stretched in Lake Winnipeg at one time by these commercial companies. During the month of September we have as a rule, very stormy weather. There are days and days when the fishermen cannot visit the nets. The consequence is that the nets are killing fish all the time. Some of these nets are swept away from their moorings and lost, and, going floating through the lake, the most deadly engine one could imagine, killing fish and polluting the water as they pass through the waters until they are thrown up on some beach where hundreds of tons of fish lie rotting, and pollute the water. This Sir, is one of the greatest factors, and, I may say, it is the greatest factor in the depletion and destruction of our once great whitefish industry in Lake Winnipeg. Unfortunately for our fisheries and for our settlers along Lake Winnipeg, almost immediately after Mr. Wilmot had made his report and had pointed out the danger to the Lake Winnipeg fishing industry from the methods practised by the large combines, he retired from office being then an old man and a man of very great experience. Mr. Wilmot had been in the employ of the government for many years and he had been under, I believe, the best deputy that the Department of Marine and Fisheries ever had. I am speaking of the late William Smith. He, Wilmot, understood what these interests had done along the shores of the great lakes in Ontario, he knew what their methods had resulted in and he knew that they would result in similar destruction in Lake Winnipeg. He pointed out in his report, in a very specific and clear manner, what these companies were going to do in Lake Winnipeg if not restricted, and it is remarkable that the department did not act more vigorously upon that report. He retired as I have said just after making this report, and the gentleman who was appointed to fill his position was the present commissioner, Professor Prince, a man who came to this country from the old land entirely ignorant of the conditions that prevailed on Lake Winnipeg, entirely ignorant of the methods practised by the American fish interests and entirely ignorant of the results of those methods on the Ontario lakes. Consequently, when he came to Manitoba he was handicapped in such a way as to make it almost impossible for him to realize that there was any great danger of the depletion of Lake Winnipeg by the methods practised by the commercial interests. No doubt this idea was created and supported strongly by the then resident inspector of fisheries. I speak of the late Latouche Tupper. I know it is an old maxim, which I intend largely to follow to-night, to always speak well of the dead, but to do justice to this subject I must tell the House the truth regarding what I believe to be the cause of the depletion of that great lake. Mr. Tupper was inspector, and if he had been a paid official of that great American combine he could not have done more to assist in the destruction of the fishery of Lake Winnipeg than he did. Every move that was made to check the killing of fish by the American fish interests was countered by this inspector. He had the ear of his minister at Ottawa on account of his official position and he apparently had the ear of the officers in the department and every move that was made to check this American fish interest was countered by this man and by the influences that surrounded him.

I regret, Mr. Speaker, to have to say that representation after representation was made to the Department of Marine and Fisheries pointing out the destruction that was going on, but it seemed impossible to reach the ear or obtain the sympathy of the department. Settlers along that lake who had been induced to settle there largely on account of the great fishing industry that was promised had petitioned the government time after time praying for protection, but it seemed impossible to get the department to take any action. That cannot be very much wondered at perhaps when we realize that for years, on both sides of the Speaker, sat gentlemen who were stockholders and supporters of the American fish interests. We had up to a very few years ago members on both sides of this House who were stockholders or agents of the American fish interests. Consequently, you can well understand how impossible it was for the provincial settlers to get the ear of the department or of the minister. This is a regrettable fact but I think it has had considerable to do with the destruction of the fishery, I am speaking now of, what I know. In 1893, when these settlers had exhausted every resource that they could command to obtain justice from the Department of Marine and Fisheries, being well acquainted along the shores of that lake and being in business myself, not in the fish business, seeing the destructive methods that were practised by the American interests and the great destruction that had taken place in our fisheries, I came to Ottawa and took the mater upwith the then minister, Sir Charles Hibbert Tupper. I became interested in the matter up with the then minister, Sir Charles Hibert Tupper. I became interested in the matter largely because of the fact that the American fish in-

terests, not satisfied with controlling our fisheries and taking fish out of our lake to the extent of millions of pounds illegally, were endeavouring to crush out of existence the two small Canadian companies that were then operating on the lake. This was their modus operandi: there was a duty of a quarter cent a pound on all fish imported into the United States from Canada, but a clause in the United States Customs Act provided that any fish taken in Canada in nets owned by American citizens would be admitted into the United States free. The Booth Fish Packing Company of Chicago, that great octopus which fastened its tentacles on every fish producing sheet of water in Canada, received the advantage of this provision of the United States customs law as it owned the nets and plant of the Robinson Company of that time and when the fish of the two Canadian companies got to the border line it was met with the duty and handicapped to that extent in the Chicago market. In this way the Americans were able to dictate prices and terms to the Canadians. The result was that in 1889 they succeeded, with their control of the Chicago market in crushing the two Canadian companies out of existence. In that year the Selkirk Fish Company and the Reid and Tait Company sold their business to the Booth Fish Packing Company, or as it was called in this country the Dominion Fish Company, but it was Canadian in name only, the stock being almost exclusively owned by the Booth Fish Packing Company of Chicago. Since that time the Booth Fish Packing Company of Chicago have practically controlled the fishing in Lake Winnipeg, Right under the eyes of the officers of the government they have taken from 1,200 to 1,500 tons of fish annually out of this lake, although it was pointed out in 1890 that if they were allowed to continue taking out two and a quarter millions of pounds of fish annually the lake would soon be depleted. In 1898 through the efforts of some very prominent Liberals in Manitoba who knew something of the conditions that prevailed on Lake Winnipeg and who had fought side by side with myself and others in trying to prevent the destruction of this lake, sufficient pressure was brought to bear on the present government to remove the then inspector Latouche Tupper. In his place the government appointed a man from whom everybody expected great things in the person of Mr. F. W. Colcleugh, an old resident of the town of Selkirk, a man who had been engaged in the fish business himself and who knew every bay and every inlet, on the lake, and every settler on its shores. When Mr. Colcleugh assumed office we expected that the American Fish Company would receive a check, but we failed to realize the power of this great combine. Within less than two years this man who tried to do his duty by the country and by the settlers was practically forced out of office. Every recommendation he made to the department at Ottawa in the way of restricting the American fishing interests from killing the fish, was either ignored or side tracked so that he failed entirely to make any improvement in the conditions. Mr. Colcleugh was not only a prominent citizen but he was a prominent Liberal; he had represented a Manitoba constituency in the local legislature for many years and the settlers along the lake had great hopes that he would see justice done to them. Now, in order to prove that Mr. Colcleugh was true to the people and true to his trust, and that he saw eye to eye with Mr. Wilmot, who realized that these great American fish interests were destroying Lake Winnipeg, I shall read some strong representations to this government contained in a report of Mr. Colcleugh made on January 15, 1900:

Selkirk, January 15, 1900.

Hon. Sir Louis Davies, K.C.M.G.,
Minister of Marine and Fisheries.

Sir,—I have the honour to report as follows on the fisheries of Manitoba, for the year 1899, and to enclose herewith statistical returns for the same period.

This season in the matter of catch and all other respects, may be said to have been an average one, some lakes showing an increase in output, and others a proportionate decrease.

* * * *

The fish companies continue to move their plants northward, and this year their operations were carried on within a short distance of the northern shores of the lake, and I understand they contemplate another move to Norway House and Playgreen Point on the northern coast. To my mind this is prima facie evidence of the depletion of these waters. Fully 90 per cent of the catch of all our lakes goes to the United States and finds a market there at good prices. Last spring I had a wholesale price list from the Detroit Fish Association, which I am told, is one of the tentacles of the great American octopus, the fish combine, and this list quoted our whitefish at 8 cents per pound wholesale, and our sturgeon at from 9 to 14 cents, while fine dressed trout taken from eastern waters was only quoted at 5¾ cents.

Now, I want to give you the reports of two of his officers on the lakes:

1. Officer Magnusson of Arnes, on the western shore of Lake Winnipeg, reports a decrease in the catch of fish in his district, as compared with last season, and says that winter fishing was a failure. He reports close seasons and other regulations well observed in his district and closes his report as follows: 'In my opinion the lake will surely be depleted of fish in a few years if the companies are allowed to fish as at present.'

Angus McKay, one of the oldest men on Lake Winnipeg, a man who was in the employ of the late government for many years as Indian agent at Beren's river, makes this report:

2. Angus McKay, Esq., of Beren's river, late Indian agent at the point, has resided there for over twenty years, and has always taken a lively interest in all matters pertaining to the welfare of the community, and now writes stating that the lake is being rapidly depleted of both whitefish and sturgeon, and urges the government to pay heed to it before it is too late. I may add that this opinion is shared by all disinterested parties who have given this matter any consideration.

Mr. Colcleugh also makes the following report to the deputy minister, which with your permission I will not read, but hand in, as I do not wish to take up the time of the House. After a lengthy report he says:

In conclusion permit me to say that I have given the matter of our fisheries considerable study, and consulted hundreds of settlers, and people who have no interests, other than the best interests of the province to serve, and all are of opinion that lake Winnipeg is being rapidly depleted of both whitefish and sturgeon and that even one more season's fishing such as last year, and a few preceding years, will be disastrous.

In verification of this let me state that the only whitefish now left in the lake are within from 20 to 25 miles of the most northerly parts. Last season over twelve hundred tons were taken under commercial licenses by the Dominion Fish Company, most of which were caught within 25 miles of the outlet of the lake. Then it must be borne in mind that all fish which pass over Sea Falls never return. The first mentioned fishing was done in the south portion of the lake near to the mouth of Red river, where whitefish were very plentiful, then they moved gradually northward to Swampy island. When these grounds were fished out, they then moved to Reindeer island where they fished so long as it was profitable, and then shifted to George's island, and later to Horse island, the most northerly island in the lake and all commercial fishing was carried on last season between this island and the north shore of the lake.

At this moment gangs of men are engaged building ice houses and making other extensive preparations on the northern shores of the lake in the vicinity of Warren's landing, and Playgreen lake, preparatory to operations there this winter and next summer, and as I said before, if fishing is permitted for another year on such a scale, it will prove a serious matter to the people of this province.

These reports prove conclusively that Mr. Colcleugh saw eye to eye with Mr. Wilmot, and did all that any man could do to save the fisheries of Lake Winnipeg, but the officials of the department and I fear the minister himself lent a deaf ear to his reports and recommendations; and after struggling for two years with the department to secure justice for the settlers of Lake Winnipeg, he gave up the fight in disgust, and resigned. The position was then filled by a man taken out of a hardware store in the town of Selkirk, a man who knew no more about fish than the average member of this House knows about watchmaking. I have no hesitation in saying that it was on the recommendation of the head of the fish combine in Selkirk, the president of the Dominion Fish Company, Captain William Robertson, that Mr. Young was appointed to that position. While a very estimable man, Mr. Young at that time was thoroughly ignorant of the fisheries. It is a very grave question whether he knew a whitefish from a tullibee, or a tullibee from a pickerel ; but he was just the kind of a man who suited the great American fish interest. As he knew nothing about the fisheries, he could not see where these great companies were destroying the fisheries of Lake Winnipeg. Coming in right on the heels of Mr. Colcleugh, a man who had years of experience in the fisheries, and who had resided at the headquarters of the fisheries at Selkirk, ever since they were started, Mr. Young made a report, and I wish to quote a passage of it to give you an idea of the position he took in this matter. His report to the Dominion Commission of Fisheries, Ottawa, is dated Selkirk, March 18, 1902, and in it he says:

As was foreshadowed in the preliminary statement published in last year's report, the returns show an increase in the quantity of fish caught and exported over the year 1900.

Whitefish have been very plentiful, so much so that some of the companies got all the fish required in about six weeks or two months fishing. I am pleased to report a yield of 1,364,000 pounds over the preceding year's, which goes to show that we have still an abundance of whitefish in our waters at any rate; I can say so with regard to the waters of Lake Winnipeg.

I just want to point out how easily a man may be misled. I do not believe that Mr. Young realized, when he made that report, how misleading it would be to the department. He states that there is abundance of fish in the lake in the very season when the companies had nearly doubled their plants, doubled the number of boats in use, more than doubled the number of men employed, and consequently more than doubled the power to kill the fish and chase them into the deep waters. These things account for the apparent abundance of fish, and Mr. Young does not take them into account in making his report. It merely shows how well this large trust had fortified itself. Reading the report of Mr. Young, the average man would suppose that Lake Winnipeg fishery was in a flourishing condition, that there was really no danger of its waters being depleted, while the facts prove that the lake to-day is depleted from the south end to the north end. One proof of this is to be found in the fact that in the early days the average whitefish taken out of Lake Winnipeg was from four and a half to five pounds weight, whereas the average taken last year by the American fish companies was less than two pounds weight. According to the law and the regu-

lations of the department, no fish of less than two pounds weight is to be taken out of Lake Winnipeg; but I make the statement here that the average fish taken by the American fishing companies last year was not over two pounds, so that there must have been a large number under two pounds to make that average. In the season of 1907 the catch was very poor, and the inspector, reporting under date of Selkirk, June 1, 1908, speaks of it in the following language:

It will be noted that there is a large falling off in the production of whitefish, while the apparatus used was practically the same as that used the previous year. In the first place the season was a month later than usual in opening up, it being about the 1st of July before any fish were taken. Throughout the summer season the weather conditions were very unfavourable for successful operations of the fisheries, which created a shortage in the catch. My observations lead me to believe that the shortage was entirely due to the above cause, and not from depletion of the fishery. I have no doubt but that when the weather conditions are favourable for successful operations the fishery will redeem itself.

That report coming from the Inspector of Fisheries in the face of the fact that the average size of the fish had fallen from 4½ and 5½ to 2 pounds, is conclusive evidence that the officials of the Fisheries Department have not been as zealous as they might have been in the protection of this great fishery, and not willing to admit that the lake is depleted greatly. A few years ago, when we who took an interest in this question and were trying to convince the Department of Fisheries from time to time that this lake was being depleted, and made statements to that effect to any of the officials in charge, we were met almost invariably with the reply that we were endeavouring to kill a great industry. The idea that this fishery belonged to the people of Canada and ought to be protected for our own settlers and our own people never seemed to enter the minds of these officials. Their whole aim seemed to be to do everything possible to encourage these great commercial companies to export our fish to the American market. The idea never seemed to suggest itself to them that this fishery ought to be protected and kept for the people of our western country.

I want to be as brief as possible, but I desire to put this matter on record in such a manner that the minister and this House will understand something about the conditions which have prevailed on Lake Winnipeg during the last fifteen or eighteen years; and to do so, it will be necessary for me to give a short resumé of the operations of these commercial interests since their establishment. As I have said this lake was depleted right under the eyes of the departmental officers. Any one, having as much experience as I have had on this question, would almost think that these men had been hypnotized by these great interests and were consequently unable to realize what was actually taking place. In 1881, Messrs. Reid and Clark, two fishermen from Collingwood, started to fish in the extreme southern part of the lake, right opposite Big island. At that time that part of the lake abounded in fish. Its waters were teeming with magnificent specimens of whitefish, by long odds the best ever taken from any waters on this continent. Right alongside where they were fishing was a settlement of some 3,000 Icelanders that settled there early in the seventites. These Iclanders expected that they would be allowed to carry on a great industry and reap the reward which would have been theirs had these commercial interests not been allowed to come in and practically steal what really belonged to our own people. This great settlement had no difficulty up to 1890 in obtaining all the fish they required in the southtern part of the lake, not only for their own use but for the Manitoba market, which was not then very large. In 1882, Reid and Clark moved their plant a little farther north to Bull Head, still in the south end, and caught an abundance of fish there. In 1885 they put on the first steam tug that was ever used in these waters and put up 150 tons of fish. This was the commencement of the export trade of whitefish from Manitoba to the United States. Soon the wealth of this lake became known and in 1886 the Manitoba Fish Company—Canadian in name only— 96 per cent of its stock being held by Americans—began operations on Lake Winnipeg and built a large plant at Swampy island, Reindeer island, and the Little Saskatchewan. In 1887, the Booth Fishing Packing Company of Chicago, that great vampire which has sucked the heart's blood out of our fishery, came into operation under the name of Wm. Robinson. This gave the lake over entirely to these American interests, but in 1889 the Selkirk Fish Company, a purely Canadian company, started operations and established their plant in the north end of the lake at what is called Selkirk or Horse island. In 1892 Reid & Clark started operations also on Horse island. In 1894 we find that all these other companies which had been fishing in the south end of the lake, off Swampy island and Reindeer, had depleted these waters and moved to the north end and were fishing off Horse island. In a few years they took from that sheet of water surrounding Horse island and Big Saskatchewan from 1,500 to 1,800 tons of whitefish annually, 90 per cent of which were exported to American markets. In 1898 the Booth Packing Company of Chicago secured absolute control of the lake and have controlled it ever since. There is one point I want to bring to the attention of the minister, and that is

that, under the laws of Canada, this great American combine had no status in our waters. They had no right to fish in Canadian waters, but they succeeded in evading the laws by forming what they called the Dominion Fish Company. Every official, however, in the Marine Department, as well as the inspector at Selkirk, knew that the Booth Fish Packing Company of Chicago were the real owners of the plant at Lake Winnipeg. In face of the law which states distinctly that every company or individual, before it can secure a commercial license to fish in Lake Winnipeg, must be composed of British subjects and be the actual owners of the plant, these men were enabled through their agents, to take the oath and secure a license which made it possible for them to destroy the greatest inland fishery this country had, or ever will have. You would suppose, Mr. Speaker, that this fact would have caused an investigation by the Fishery Department years ago. There is no question but that the Commissioner of Fisheries knew it as well as I did, because the attention of the department was drawn to it from time to time. But the department seems to be powerless to interfere to protect our settlers against the encroachment of American poachers. After depleting Lake Winnipeg from the south end clean up to the north end, from Big island, Swampy island, Reindeer island, and moving out to Horse island in the north, we find them at the northeast corner of Lake Winnipeg six or seven years ago, and they have been fishing there continually ever since, so that that part of Lake Winnipeg is very near depletion at the present time. When I made the statement a moment ago that the fish taken out of that part of Lake Winnipeg last year did not average more than two pounds weight, it will be clear to every man of this House what the condition of the fishery is at the present time in that lake must be.

When Mr. Wilmot made his report in 1900 he pointed out that certain parts of the lake should be protected, and he furnished a map to the department, which is contained in his report which I hold under my hand, setting aside certain waters in which he thought no commercial fishing should be allowed. This I believe was observed fairly well up to within a year or two ago. But a year or two ago we find that commercial fish interests, after the season had closed on Lake Winnipeg, operating in waters known as the Playgreen lake, and that part of Lake Winnipeg—because it is really a part of the lake—was protected according to the map that Mr. Wilmot had furnished to the department. Now this was not done unknown to the department, it was thoroughly aware that the companies were fishing in Playgreen lake, their attention was drawn to the fact but no effort was made to stop them. I want to point out that during the last 15 years, under both political regimes, the Fishery Department has not given to the settlers on Lake Winnipeg the protection they had a right to expect for that great industry, or an industry which was formerly great. When I state that Lake Winnipeg is depleted to-day, it is a statement I have made from time to time during the last three or four years, not from hearsay, not from what I have read in the newspapers, but from what I know. I have been acquainted with Lake Winnipeg on and off for 26 and 27 years, and I want to say that during that time I have never had the value of a five cent piece invested in the fisheries on that lake. So my action here to-night does not arise from any pecuniary interest, but altogether on account of the public interest. The fact remains that our fisheries have been depleted by the commercial companies.

But, Sir, it will be hard to get one of the officials, either at Selkirk, where you have an inspector, or in the department here, to admit that Lake Winnipeg is depleted. They will tell you that Lake Winnipeg is not depleted. We have the inspector stating in 1907 that he did not believe Lake Winnipeg was depleted, and that in the face of the fact that these commercial interests have moved from station to station, year after year, during the last 18 years, until now they have established themselves on the northeast corner of Lake Winnipeg. If their former haunts have not been depleted, why have they travelled 270 miles to get fish elsewhere. They have gone this great distance simply because they have taken out all the fish in the lower part of the lake. Surely it is time now that something should be done, that some drastic measure should be taken to protect this fishery. It is high time that this farce which has been going on should end and that we know the truth regarding the lake. We have men at the present time investigating that matter. They compose the second commission that has been appointed to investgate the fisheries in Lake Winnipeg.

Just here let me give the minister a little history of the first commission, which may save him perhaps from some little deception that may be practised through the present commission. In 1894 I made a report to Sir Charles Hibbert Tupper that American companies fishing in those waters which were allowed to use 20,000 yards of nets, that they were fishing double that amount and were destroying the lake fisheries, and that the waters of the lake were being polluted by dead fish. My statement was combatted by the then inspector, Latouche Tupper, who, as I said before, was in hearty sympathy apparently with the

American interests. The consequence was that I induced Sir Charles Hibbert Tupper to grant a commission, and he appointed a lawyer in the town of Selkirk, and gave him instructions to go to the lake during the winter time and take the evidence from all the fishermen that were engaged in this great fish company. This lawyer went on and made a report, which I think is in the department, in fact, I have seen it within the last three or four weeks. It is composed of a couple of hundred sheets of foolscap typewritten. Every man that was examined proved conclusively every statement and every charge that had been made regarding the manner in which the American fish interests were operating on that lake. Now, what happened? In the spring of the year when these poor men came off the lake, men who had been robbed of a great industry, men who had to work or starve, when they came in to obtain employment from the great American combine, they were met at the door of the office by one of the men who had a copy of the report of this commission in his hand, and he would say to these men: 'John, you swore so and so to Mr. Elliott; you cannot work any longer for the fish company if you talk like that; you made a mistake.' Consequently he took that man upstairs and made him swear just the reverse. Ninety per cent of these men were made to contradict their former evidence. I presume that report is in the department here, and was filed to countract the effect of the other report. I make this statement here to-night so that it may help the minister to be on his guard in regard to the investigation that is now going on in Manitoba, and so that he may take measures to make it a fair and impartial one. I was reading some of the evidence that was taken at Winnipeg, and I want to draw the minister's attention to it. I do not know what power this commission has, but I notice that every man who is examined in Winnipeg, and I think also in Selkirk, were all of them either owners of or stockholders in these fish companies, or men directly interested in the large fishing combine. There was not one man who had the interests of the public at heart, that is, the interest of the settlers, who was examined in either of these cities, and this is a very important fact. Some of the evidence given by Mr. Guest I have under my hand; he is a fish dealer in Winnipeg, a member of what is called the Northern Fish Company. He states that the Northern Fish Company is purely Canadian. Well, I am sure the minister knows and the department knows that a majority of the stock of the Northern Fish Company belongs to what is called the Buck Eye Fish Company, and the Buck Eye Company is controlled by the Booth Fshing Packing Company of Chicago. Consequently, the Booth Company controls the Northern Fish Company just as much as it does the Dominion Fish Company on that lake. But that man swears before this commission that that company is purely a Canadian company. Now, Sir, evidence of that kind should be a warning to the minister, and I hope his commissioners who are taking this evidence on Lake Manitoba will be in a position to cross-examine these men. I do not suppose that the paper gives all the evidence, but I do not notice, in reading the whole of the evidence then given that there has been any cross-examining done. Men have been allowed to come forward, simply make their statements and walk out of the room. If that is the class of evidence that the commission is going to secure I want to say to the minister that he will be very much disappointed with the result. I believe that the present Minister of Marine is anxious to do what he can to protect the fisheries. I have that feeling and I hope I will not be disappointed.

There are one or two other items that I want to call the minister's attention to. First, I want to say a word as to the sturgeon fishery. This, at one time, was a profitable industry on Lake Winnipeg, but the same interests, the American fish interests, came in and depleted that fishery. We find that while they were able to get from 600,000 to 800,000 pounds of sturgeon in a year and were able to do it year after year the best they could do last year was to secure 170,000 pounds. This proves conclusively that the fish is almost extinct on that lake. This is a serious question for our Indians upon that lake. We have a large number of Indians along that lake and the depletion of our fisheries, in addition to being an outrage upon the people of those great provinces of the west, is a great hardship to the poor Indian who has to travel miles and miles to get enough fish to feed himself and his family. In the old days an Indian could set his net any place along the lake and get any fish he wanted. To-day, he cannot do that. These waters are depleted to such an extent that he cannot put up the fish that he used to put up for his winter's supply The sturgeon was a very valuable fish. We, in Manitoba, never realized the value of this fish. The Americans came into our waters, however, and they have made a great deal of money out of sturgeon. The Indian or settler who caught this sturgeon, received, as a rule, 75 cents or $1 at the most for a sturgeon weighing from 75 to 125 pounds. These fish were taken to Chicago and sold from 9 to 14 cents a pound. The caviare that was got from the product of these sturgeon was a very valuable product in addition. Consequently, the Americans have reaped

a very great harvest out of our great inland waters. It does seem strange to me that the Canadian government have been almost powerless to protect our waters from the American fishermen. I could well understand the difficulty along the international waterways, but there should surely be no difficulty in great lakes like Lake Winnipeg, Lake Winnipegosis and Lake Manitoba. They are in the heart of our own country and we surely should be able to keep the Americans from coming in and taking the fish from under our nose. We have, during the last 15 or 18 years, been simply hewers of wood and drawers of water to the great American interests. The settler who came into that country in the early days and who ought to be wealthy to-day, as a result of the existence of these great fisheries, is struggling for a living while these American trusts have been allowed to make hundreds of thousands of dollars out of the fishing industry.

I would just like to say a word or two here regarding the province of Saskatchewan. We have no great lakes there, but we have a lot of small ons. These lakes are being rapidly depleted. I know this is not the report that the minister gets. I have read the reports that have come in from his inspectors, but, I would refer the minister to the evidence given at Selkirk by one Mr. John Morrison. He swore that he had fished at Turtle lake, which is a small lake in Saskatchewan, and that he had taken out ten carloads of whitefish last winter. How long do you think that lake can stand that class of fishing? The inevitable result of commercial fishing in these small lakes is that they will be depleted within a short time. I enter a plea to-night for the settlers of that great province. Those people who are going in there in thousands and, I hope, by hundreds of thousands, will require all the fish that these small lakes will yield. That is the fresh fish supply for that province as Lake Winnipeg was to Manitoba and her sister provinces. I think we have a right to ask the government to protect these fisheries and see to it that the fish are kept not only for the residents but for the coming residents of these great provinces. This is an industry which gives employment to perhaps 50 or 60 men during the winter time. They receive a very small sum for the fish they take, just enough to pay for their labour and nothing for the fish. They get their wages and that is all they get while the American Fish Company get the fish. Our people who want fish in Manitoba to-day are paying nearly double what they ought to pay for fresh fish. This is true of Winnipeg and other towns throughout that province. When I tell you that fresh fish in Winnipeg commands the same price, or just about the same price, as the same fish in Chicago and other American cities you can understand how great a hardship it is to the people of Manitoba and Saskatchewan.

With regard to the Sturgeon question I omitted to refer to Lac du Bonnet, a small lake on the Winnipeg river. It is really an extension of the Winnipeg river about 9 miles long and having an average width of 2 or 3 miles. It is a great sturgeon breeding ground. That ground has been protected and I notice by the report of your officer—the one thing that I have noticed from the report of any official of the department regarding the fisheries of that country that meets with my approval—was a statement commending the policy of protecting that little lake Lac du Bonnet, pointing out that it was teeming with sturgeon that it was a reservoir or breeding ground and ought to be protected. I know there is a very strong effort being made—and I know the minister knows—to secure a license to fish that lake. I trust that the minister will carry out the policy that he has inaugurated and not allow any commercial companies or even any settlers to fish that lake for export purposes. I strongly urge the minister—and I believe that what I say now will be very popular in the province of Manitoba—to prohibit the export of sturgeon from Canada. Sturgeon are very scarce and should not be exported from Canada. A short season might be allowed during which the settlers living along the lake might be allowed to take sturgeon for the home market only.

An important question arises in connection with the settlers living along the Red river. There are along that river a large number of old settlers. These men have lived there all their lives and have always enjoyed the right to take fish at any time during the year, but under the present law they are not allowed to take fish during what is called the close season. Very few fish go up that river and all the fish the settlers take during the season would not amount to as much as one of those great fish companies would take out of Lake Winnipeg in one day. I shall cite one case to illustrate the great hardship sometimes caused by the enforcement of the law. In the spring of 1897 an old woman, about 80 years of age, went down to the river to try and get a fish. Many of these settlers, it must be remembered, are very poor. This old woman had a little scoop-net and was fishing with it along the shore when one of the zealous inspectors of the department came along, saw the old woman trying to take fish during the close season, took the net and broke it across his knee. The old woman said: 'You might as well take a stone and knock my brains out as leave me to starve.' That is a hard case, but there are many quite as bad. I wrote the minister a letter upon this subject as follows:

January 28, 1909.

Hon. L. P. Brodeur,
Minister Marine and Fisheries,
Ottawa.

Honourable Sir,—I beg to draw your attention to what has proved to be a very great hardship to many of the old settlers along the bank of the Red river, that is, the enforcement of a closed season for the taking of fish in the Red river by the settlers who fish only for their own consumption. This has proved to be, as I said above a great hardship, especially to many of the poorer families—this applies especially to the spring of the year. I would therefore suggest and urge that you cause the law, which restricts the settlers along the bank of this river, between the Catholic mission, 7 or 8 miles north of the town of Selkirk and the northern limits of the city of Winnipeg, to be annulled,—that all settlers between these points be allowed to fish at any season for home consumption only. This change cannot have any very bad effect as all the fish taken by the settlers for this purpose does not amount to as much as to what one of these fishing companies would take out of the lake or at the mouth of the Red river in one day,—while on the other hand, the change that will enable those poor settlers to catch fish for their own table, as they have been in the habit of doing for fifty years before this law was applied by your department would prove a great blessing to these people.

Trusting that you will se your way clear to meeting this request, I am,

Yours faithfuly.

I received a reply signed by Mr. Venning, one of the officials of the department. I do not wish to speak harshly of the officials but I have always felt that the officials of the department did not extend to the poor settlers of that county the sympathy that they should. Mr. Venning says:

The minister directs me to acknowledge the receipt of your letter of the 26th ultimo, requesting that so far as that portion of the Red river beween Catholic mission and the north limits of the city of Winnipeg is concerned, the fishery regulations be so arranged as to allow the settlers at all times of the year to take fish for their own use, and I note your opinion that the amount taken would be so small as to have no ill effect on the permanence of the fishery.

In reply I may say that the fishery regulations are framed with a view to imposing the least possible restrictions on the fishermen compatible with the permanence of the fishery and the experience of the department is to make it very loath to countenance any fishing whatever for a particular kind of fish during the close season provided for its reproduction.

While the department would regret very much to have to cause hardship to any of the settlers it fails to see why it would not be possible for such settlers to be able to provide themselves with sufficient fish for their own use under the ordinary domestic license, the fee on which is only $2, during the regular fishing season.

This letter comes from one of the officials of the department and shows how little sympathy they have with the hardships that prevail along that river. These people enjoyed the right to take these fish long before we as Canadians had any right to a foothold in that country, and it seems a great hardship that we should go in there and allow our great corporations to kill fish by hundreds and millions of pounds and ship them out of the country and at the same time deny to those poor people the right to catch enough fish to keep body and soul together. So I enter a plea with the minister and ask him to see that this privilege is granted to these settlers from this date on. It must be remembered that these men do not sell the fish, what they take are simply for their own use, and surely they should be allowed to catch enough for their own consumption.

The question of fish culture is one of great importance to the settlers along that lake and deserves careful attention. It is an industry requiring very skilful management but I regret to say that the hatcheries in Manitoba have been conducted carelessly, thoughtlessly and inefficiently. I believe that when the minister realizes what has really taken place along the southern end of the lake he will endeavour to repair the great wrong that has been done to our settlers. I believe that the depleted fisheries can be repaired to a great extent through the use of hatcheries properly manned and managed, although little can be accomplished with hatcheries conducted as those in Manitoba now are. A hatchery was built at Selkirk many years ago, under the late government more as an experiment than anything else. We have in charge of that hatchery a man who knew nothing about fish culture, who had driven a dray in Selkirk for 20 years. He was taken from that position and put in charge of the fish hatchery, and yet the department expects good results from a hatchery of that kind, managed by a man who knows practically nothing about fish culture. What happened? Two years ago, although the government had spent over $10,000 in trying to secure spawn in Lake Winnipeg their efforts were abortive simply because the man in charge did not know his business, and did not understand the taking of spawn. The hatcheries at Selkirk and at Lake Winnipeg were closed. A consignment of spawn was sent from Ontario to keep the hatchery going, but when it reached Selkirk, through the ignorance of the man in charge, the spawn was allowed to spoil and the hatchery was again closed. Even when it is successful as it was this year, the management is imperfect. At Selkirk, when the young fry are ready and must go into the water, the water is unfit for them.

The Red river is clear of ice three weeks before Lake Winnipeg; the temperature of

the river rises rapidly and the fry have to be deposited, and when they are discharged the water of Red river is extremely muddy. It is safe to say that not ten per cent of the fish from the hatchery ever live to reach Lake Winnipeg. Everybody knows this, the department knows it. To-night from my place in this House I put in a plea that the hatchery be removed to where it will do some good. I suggest that it be placed on Big island or some other point on the south end of Lake Winnipeg, and if that be done it will to some extent help to remedy the great wrong perpetrated, and to replenish the waters in the south end of the lake. There is no question that if there was a hatchery placed on Big island or somewhere on the south end of the lake that within the next four or five years we would have abundance of fish there, for the settlers at least. Two or three years ago we spent $24,000 in building a hatchery at Beirns river and although Mr. Jackson, the late member for the county promised the settlers at the south end that the hatchery would be built on Big island, the influence of the great fish companies was too strong and they had it located on the north end of the lake so as to help to produce fish to keep that American combine supplied. What I set out to say was that that hatchery lay idle all last year, because, through the bungling of the men employed to look after this delicate business of fish culture, no spawn was secured. Not one of these men in charge of the hatcheries has had any experience. The inspector of hatcheries at Selkirk is a very fine fellow himself, but he is a lumberman who attends to his lumber business in Selkirk, and he knows no more about fish culture than I do about making a watch. That is the kind of men that is placed in charge of the fish culture of the province of Manitoba, and is it any wonder we have had such results? The man in charge of the hatchery at Beren's river was a friend of the late member, Mr. Jackson, and he was taken off the farm to be put in charge there. If we are to succeed in replenishing that lake with fish, if we are to get any value for the thousands of dollars we have spent, it is absolutely necessary that competent men should be put in charge. I trust that the report of the commission will be a comprehensive one, and that it will enable the minister to judge of these matters himself and not be dependent upon his officials. Now, Sir, I have endeavoured to place this matter as fairly as possible before the House. There is no politics in it or there ought to be none, but unfortunately at times politics do get mixed up in it and politics have a good deal to do with the destruction of our lakes. I have tried to place the matter fairly before the minister in the hope that I may induce him to grapple with the question and to remedy the evils that exist. Our Manitoba fisheries are a great natural resource of the province and they ought to be well guarded. There are a large number of citizens in my own constituency who depend largely for a livelihood on the pursuit of this industry, and the fall and winter fishing on the lake is quite an important enterprise. There is no danger to the fisheries from winter fishing because every time the net is put into the water it is taken out again with the fish that are in it, but in the case of the summer fishing miles and miles of these nets are often torn away and they go sailing through the lake killing and destroying the fish as they pass along and polluting the waters. I ask the minister to see that the commission which investigates this question will not be content with taking the mere statements of certain people, but that they will have power to subpœna witnesses and cross-examine them so that a true knowledge of the conditions on Lake Winnipeg may be obtained and an adequate remedy applied.

Now, in conclusion, allow me to again press upon the minister the absolute necessity of erecting at once an up-to-date hatchery on Big island. This end of the lake has been thoroughly depleted of whitefish for commercial purposes, and as it is the portion of the lake where the large Icelandic settlement reside, it ought to be replenished at the earliest possible date. That the lake has been depleted is evidenced from the fact that the companies are to-day paying 3½ cents per pound for whitefish that they used to pay about one-quarter of one cent per pound for. A great wrong has been done to our settlers and to our residents, not only of Manitoba and of all the Eastern provinces, where our magnificent whitefish ought to come, but on account of the manipulation of our fishery by American interests, Canadians have to pay double or nearly so for their own fish than they ought to. I therefore strongly urge upon the government the wisdom of an up-to-date system of hatcheries on the lake, especially in the south end, placed under the management of experts in fish culture, and a thoroughly Canadian policy, from this date, regarding the companies that are allowed to fish. As far as possible, the fishing ought to be husbanded for our settlers; their fall and winter fishing ought to be preserved, and every encouragement ought to be given to this kind of fishing.

Mr. J. D. TAYLOR (New Westminster). I desire to refer as briefly as possible to conditions which prevail in British Columbia and which are not dissimilar from those presented to the House by my hon. friend (Mr. Bradbury) in that we are confronted with the possibility of giving over the fisheries of British Columbia to the control of an American corporation or corporations. The condition to which I wish to draw attention arises under the treaty concluded last year between Great Britain and the

United States respecting the fisheries in international waters. Although at this late hour of the session time does not permit a discussion of the whole subject of the bearing of that treaty, as was intended by hon. gentlemen on this side of the House, I think it is opportune to make some reference to its effect, more particularly upon the fisheries of the Fraser rver. We get our first intimation of the one sided nature of that treaty from the correspondence so late as the 9th of March, 1908, only a month before the treaty was signed by the two parties, when the Canadian government wrote to this effect:

The Committee of the Privy Council have had under consideration a memorandum from the Secretary of State setting forth that a satisfactory agreement having been reached between the governments of the United States and Canada concerning the definition of the border waters to which the proposed joint fishery regulations will apply; and that to be of value in the preservation of the fishing industry, the regulations will require to be rigidly enforced; and the question naturally arises, will the enforcing of the regulations on the south side of the boundary line continue to be vested in the state authorities. If so, it is important that the government of Canada should be assured that the joint regulations will have the cordial support of the authorities in the several states affected. Otherwise it is manifest that the desired object will not be attained.

As in the past the governments of the several states fronting on the border waters have exercised the right of sovereignty over the fishery regulations, it is not unreasonable to assume that the state authorities will not feel that keen interest in enforcing regulations that may not meet with their approval. It is, therefore, desirable that the views of the federal government at Washington should be asked, and for an expression of their judgment on this important point; as the government of Canada is giving its adhesion to the treaty on the assumption that it will be cordially supported by the state authorities.

It is only fair to state that that question had been raised previously in another way, and the opinion of Secretary Root had been quoted that all treaties under the authority of the United States government are the supreme law of the land. This statement was referred to, in this House lately when the question was asked as to the power of the State authorities of the State of Washington to enforce the treaty made between the two countries; but, as any person may observe from the dates, it was more than a year after they had received this rather indefinite assurance from the United States authorities that the Canadian Government were so dissatisfied with the prospect before them that they asked the British Ambassador at Washington to secure a definite assurance from the federal authorities of the United States that the state authorities of Washington would enforce this treaty. We find in the subsequent correspondence no assurance of that kind whatever forthcoming; and therefore we are face to face with a treaty which is fully operative so far as Canada is concerned, but which so far as the State of Washington is concerned may be carried out with no greater zeal than has been exercised in the past by the American authorities with regard to the regulations governing the taking of the British Columbia fish caught in the waters of Puget Sound. Bearing this in mind we have this one-sided treaty, and I would like to call attention to some of its principal provisions. It provides that the two powers shall appoint a commission, to be known as the International Fisheries Commission, consisting of one person named by each government; and that it shall be the duty of this commission to make certain regulations, which the two governments engage to put into operation and to enforce by legislation and executive action with as little delay as possible. As to the duration of these regulations, it is provided:

The regulations, restrictions and provisions provided for in this convention shall remain in force or a period of four years from the date of their executive promulgation, and thereafter until one year from the date when either the government of the United States or Great Britain shall give notice to the other of its desire for their revision; and immediately upon such notice being given the commission shall proceed to make a revision thereof, which revised regulation, if adopted and promulgated by the President of the United States and the Governor General of Canada in Council, shall remain in force for another period of four years and thereafter until one year from the date when a further notice of revision is given as above provided in this article. It shall, however, be in the power of the two governments by joint concurrent action upon the recommendation of the commission, to make modifications at any time in the regulations.

So under this arrangement we have the regulations referred to this afternoon, which it was stated would not be laid before this parliament before they are given the force of law by the executive action of this government. If this parliament will be stopped for five years, and possibly nine years from having anything to say with respect to these regulations, whatever they are, whether good, bad or indifferent, where prejudicial to our interests or not, we have to put up with them, and have no remedy whatever. That is a point to which I invite the attention of this House, in contrast with what we have heard about our rapidly-growing power of making our treaties and controlling our own affairs. While we have been led to believe that the day has passed when

Canadian interests could be sacrificed by the independent action of the imperial government without the advice or consent of this parliament, we are confronted now with the proposition that so important an industry as the international fisheries between Canada and the United States shall be handed over for a term of five years and possibly for nine years to a body consisting of one appointee of the United States and one appointee of the British Government, and that this parliament shall have nothing whatever to say about it. The time is too late to discuss the bearing of the larger matter of the invasion of what I consider to be the right of parliament to control our fishery laws from year to year without being subject to any such regulation as this. But what concerns me at present is the special bearing upon the British Columbia fisheries, opportune to be discussed at this time from the fact that the final step has not yet been taken by this government, and that it yet remains for this government to withhold its proclamation of these regulations if they are not what they ought to be, and if at the new conference which Professor Prince and Professor Jordan are to have on this subject it is possible to obtain certain restrictions from the Americans which will be very valuable to our fisheries.

Now, we have not been privileged to read officially in this House any of the regulations, but they have come to us officially from other sources. I have in my hand a pamphlet which has been distributed to the legislature of Ontario under this title:

International regulations, restrictions and provisions for the protection and preservation of the food fishes in the waters contiguous to the United States. Prepared pursuant to a convention concluded between the United States of America and His Majesty King Edward the Seventh, dated the 11th day of April, 1908, by the International Fisheries Commission, appointed as directed by the said convention.

Amongst other things this official document sets out that these regulations, if they are adopted—we do not know whether they will be or not—will provide this:

It is intended and recommended by the International Fisheries Commission that all existing statutes regulating the fisheries in the international boundary waters, whether promulgated by the Dominion of Canada or by the United States, or by the individual provinces or states, and all statutes of like nature which may be promulgated in the future, shall have full validity until or unless repealed by the authority having jurisdiction in the case in question, in so far as these are not in conflict with ordinances or parts of ordinances in the present code of statutes——

That is the code of statutes provided for in this conference——

—but all statutes or parts of statutes in conflict with the ordinances in the present code shall be null and void.

That is, freely interpreted, that we have given to these two commissioners the right to repeal any Acts which have been passed by this parliament, without consulting us, even without our knowledge. Any Act of this parliament conflicting with any course of action that these commissioners may decide upon shall ipso facto become null and void, and anything we may do that may impair any action of theirs shall during the existence of this convention be null and void. Now, we turn to these regulations and what are some of the things the makers of them propose to do?

Mr. BRODEUR. Will my hon. friend tell me what document he is reading from—because there is no official document that has been published containing these regulations.

Mr. J. D. TAYLOR. This document bears the imprint of 'L. K. Cameron, Printer to the King's Most Excellent Majesty, Toronto, 1909.'

Mr. BRODEUR. That is impossible. I do not think the Ontario Government has taken upon itself to publish a document like that.

Mr. BARKER. If the hon. minister will allow me, I understand the position to be this, that a paper identical with the one the hon. gentleman is referring to was issued by the United States Government informally for the information of all fishing companies and others interested in the United States, and a similar document, the very one the hon. gentleman is reading from, was printed by the Ontario government unofficially to give our people interested in fisheries like information. It was printed at the King's Printer's office in Ontario, not officially, but in precisely the same way as the United States documents are printed, to give advance information to those interested as to what was going to be the law.

Mr. J. D. TAYLOR. As the minister says, no doubt the Ontario government were a little previous from his standpoint.

Mr. BRODEUR. The Ontario government were a little previous.

Mr. BRODEUR. Not only previous. It is true that we had a conference with the Minister of Public Works of Ontario and that he was supplied with the document marked 'confidential,' and if he had taken it on himself to publish such a document I shall not qualify his conduct but leave the country to judge.

Mr. J. D. TAYLOR. Perhaps the hon. minister will modify his judgment when I

state the case. Though I do not care to quote merely from an American newspaper where these regulations were printed, especially the papers of the state of Washington—it was in these papers that I first read them—I am warranted in reading from a document which is set out so authoritatively.

Mr. BRODEUR. I am not finding fault with my hon. friend but with the action of the Minister of Public Works of the province of Ontario, if he has taken on himself to publish a document put into his hands and which was marked 'confidential.'

Mr. J. D. TAYLOR. Well, those who are interested in the fisheries are in the position of the seekers after gold, whose maxim is that gold is where you find it. I have endeavoured diligently to obtain from the minister in the House and from the Fishery Commission information, and was not able to obtain it because the minister regarded it as confidential, but the information in this case is, like gold, where you find it, and I find it in this document printed in the King's Printer's office of Ontario. It indicates what those two commissioners have recommended, or rather what one of them recommends, because this document was evidently made by the American commissioner exclusively, as it is American all through, since it is apparent that only the American commissioner would use throughout American legal phraseology such as is used in this document. It is plain that these were regulations prepared by the American commissioner and that all our commissioner had to do was to revise them. So that from the beginning our commissioner was placed in the inferior position of being the mere reviser and not the maker of the regulations. The interests of our British Columbia fishermen in these regulations arises from this paragraph in the treaty:

It is agreed on the part of Great Britain that the Canadian government will protect by adequate regulations the food fishes frequenting the Fraser river.

That is in itself a very innocent looking provision, but those who know the American idea with respect to adequate regulations know that it involves a very great peril indeed. Only a few years after the origin of this treaty, which sprang from the assembling of the Joint High Commission at Quebec in 1898, there came before the government in Ottawa in 1905 a delegation representing the salmon brokers perhaps more than the salmon canners of British Columbia, and they proposed to the government that they should ordain that in the years 1906 and 1908 there should be no fishing whatever in the Fraser river, as something absolutely essential to the preservation of the food fish in that river. Extraordinary as it may seem, a regulation so drastic as that proposed by that delegation was forthwith enacted and promulgated by order in council of this government or by whatever departmental action was sufficient to accomplish that purpose. Anyhow that delegation left with the assurance that during 1906 and 1908 there would be no fishing whatever on the Fraser river, and the only loophole of escape which our fishermen on the Fraser had was that the action of our government was made contingent on similar action by the state of Washington. To the state of Washington the fishermen of New Westminster went for relief and secured from that state the relief which their own government denied them. At the state capital of Washington there was a determined lobby by the combined salmon packers, which was opposed by all the other interests, the non-combine canners and the fishermen, and the will of the people prevailed in that state over the moneyed interests. That saved our interests in 1906 and 1908, and at this day no man will say, in the light of the experience of these two years, that any good purpose could have been served by that cruel order taking effect. I refer to that to show what is the American idea of adequate regulations for the protection of the food fishes. When we come to these American-made resolutions we find under the head of Puget Sound:

All commercial fishing for salmon is prohibited from six a.m. on Saturday, in each week until six p.m. the Sunday next following, and the adoption of these regulations is contingent on the adoption by the duly constituted authorities of Canada or British Columbia, of an equivalent closed season on the tidal waters of the Fraser river between the New Westminster bridge and the Mission bridge extending to a period each week not earlier than six p.m. on Monday.

That is that these regulations may be so framed that there shall be a certain close season on Puget Sound and Gulf of Georgia, during which the Japanese and traps shall be allowed to fish, but that in the waters of the Fraser river, where the white resident ranchers of British Columbia catch their fish, there shall be an additional close season of 24 hours each week, so that the fish may be cleared out of the Fraser before these white fishermen have the chance to place their nets for the purpose of catching the sockeye salmon. And the drastic regulations are to be permitted to pass into law for nine years perhaps without being revised by this parliament, and without the people whose livelihood is being taken away being given the opportunity of being heard or of finding out in advance even what they mean.

I said a short time ago that there was a restriction which our government might have asked for. We find that in this treaty,

like every other treaty made between us and the United States through the intervention of the foreign office, our interests have been sacrificed. In this treaty we find no countervailing clause at all imposing restrictions on the Americans to offset the undertaking that we promise with reference to the Fraser river. I submit that the makers of that treaty might well have made it a condition precedent to any joint action with respect to the fisheries, that the Americans should cease their destructive methods of catching fish which we on our part have undertaken to preserve, that is, that they shall cease from the use of trap nets, which this government very well knows are the most destructive means possible for catching fish, and which this government so long refused to allow us to use on the Canadian side. When we came to make this treaty we had the opportunity of a lifetime to say to the Americans, to the federal government at Washington—who are supposed to be the supreme authority and to control the action of the state government—we had an opportunity to say to the federal government that in consideration of the undertaking on our side they should enforce a provision that the state of Washington must prohibit the use of trap nets to catch the fish hatched in the Fraser river. Now we have heard a great deal about over-fishing on the Fraser river. The theory is put forward by cannery interests that fishing by these men in the Fraser is the cause of the supply of salmon becoming depleted, but when this government consented to this treaty they knew that such was not the case, and that the cause of the depletion was not over-fishing in the Fraser but over-fishing in the gulf. On this point we have the report of Prof. Prince, made in 1906, and this is what he says:

Recently there have been signs of a movement northward of canners, who regard the Fraser river as in peril, owing to excessive fishing in the Straits of Georgia and Puget Sound. A great increase in the number of canneries in the north, and along the west coast of Vancouver island is certain within the next few years.

Professor Prince proceeds to refer to this disastrous method of taking salmon known as trap fishing, and he says:

The methods of fishing legally permitted in the province are few. Drift or gill nets of a prescribed mesh, purse and drag seines, and in a restricted stretch of coast, namely from Victoria west along the shore of Vancouver island, the staked trap nets are licensed; but the use of traps was until recently prohibited and, in the permanent interests of the salmon supply, they are not permitted generally by the Dominion government, in whose hands the supreme jurisdiction rests. Enormous catches are at times made in salmon traps, especially when there are big runs, no less than 340,000 salmon being taken by one trap of the Pacific American Fisheries Company in Puget Sound in 1905. There is, however, great uncertainty in the working of salmon traps.

Later on he says:

In a 'big run' the pot has been known to become so packed with living salmon that the sheer weight of the uppermost fish crushed and killed those on the bottom of the net. It is said that some catches in Puget Sound were so enormous that the bottom could not be raised and the 'brailer' or seine-like web passed beneath the fish in the pot and raised by means of winch, could not be used.

Mr. Speaker, I would appeal to the Minister of Fisheries now, because I do not think it is too late, as he told us this afternoon that these regulations are not completed, and that the two commissioners are to have another conference. I would appeal to him now to stimulate his commissioner, perhaps I should say to authorize his commissioner—because I think he would be only too glad to do so if he thought he had the backing of the government—to say to the American commissioner that he will not proceed with any regulations affecting in any way the fisheries on the Fraser river unless the American commissioner agrees to cut out trap fishing from the waters of Puget Sound, and I am sure that the minister would cut out trap fishing from the waters of British Columbia if it were not for the use of trap nets by the Americans. I appeal to him to save our industry from embarrassment by these regulations before it is too late; and if the American commissioner will not agree to that, then we would be well rid, through the disagreement of the two commissioners, of what is so likely to be a very disastrous arrangement with regard to our fisheries. I have warrant for asking this in the experience we have had in the past in dealing with the Americans.

Mr. BRODEUR. Suppose that the treaty was not ratified and the Americans still had the right to use the same traps. Will we be in any better position then?

Mr J. D. TAYLOR Probably we would be in no better position in that respect. But in my view, the treaty is so dangerous to us as it stands that we are warranted in running the risk of being in no better position, to ensure that we shall be in no worse position, as I feel sure we would be if this treaty comes into effect. Now before concluding I would like to call the attention of the minister to a number of recommendations recently adopted by the Fishermen's union of British Columbia, which I understand were submitted to Professor Prince a few weeks ago on his way to San Francisco. They ask first:

That no difference should be in force regard ing fishing rights below and above West-

minster bridge, but that equal rights be extended to all holding a lawful license.

Now, Mr. Speaker, no person who studies the situation can fairly find fault with that. These men to whom Providence has given the supply of fish at their doors, are compelled by the nature of their holdings to work part of the time on land where they have small farms, and it is impossible for them to go a long distance from home down the river. They only ask that they should have equal rights, the same that are extended to the Japanese. If the Japanese can fish five days in the week they ask to be allowed to fish five days in the week. If they are to have only four days, then restrict the Japanese to four days. But give them equal rights on the river, and do not accept that regulation that they should be restricted for twenty-four hours longer than their Japanese competitors and the operators of the traps. Next they declare that the close time from August 25 to September 15 is unnecessary and uncalled for, or that at least a seven and one-eighth inch mesh should be allowed. They say that under the regulations spring salmon and dog salmon will be caught while sock-eyes and cohoes escape. That is another regulation that works great hardship upon the fishermen and works no good to any one. To prove that it works no good to any one, I refer to a paragraph in the report of the inspector last year who says that this limitation is irksome and has been the cause of great loss to a number of fishermen and has produced no good at all. The fishermen's idea is that this was put into the regulations at the instance of the canners to promote their profit by enabling them to close down on the 25th of August instead of having an undetermined period during which they might be compelled to work if the fish were to be caught. Of course if no canners would operate, no fishermen could sell his fish. Until this restriction was put into the law there were always canners outside of the combine who were willing to operate their plants after the 25th of August, not to can the sock-eyes but to can the cohoes, which are a very good salmon, although not equal to the sock-eyes and which run very freely from the 25th of August or earlier until late in September. The fishermen make large profits out of the cohoe catch, but if the canners are obliegd to shut down on August 25 it is idle for the fishermen to attempt to sell cohoes after the 25th of August, as no canner would keep open and maintain a staff for three weeks after having once shut down on the completion of the sock-eye pack.

Another matter to which the fishermen call the attention of the minister is that there is an enormous destruction of salmon by seals which are becoming more numerous each year. Here is a most important recommendation:

We would also recommend that the regulation prohibiting the export of sock-eyes except in a frozen, canned, salted, smoked or cured condition, works serious hardship to the fishermen of the Fraser river and should be rescinded.

That brings it to my mind that by two regulations seemingly innocent in themselves, the government has established a combine perhaps the strongest and most profitable to its members of any certainly in Canada, if not in America, that is that by the regulations of the provincial government the canners of the Fraser river, who have an association, are absolutely protected in that no person except the existing canners can obtain a license from the government and the fishermen who catch these sock-eyes cannot sell to any one except those persons who are in the combine. These men have a monopoly of the sole source of supply for sock-eye salmon; it is in their power to make whatever profits they choose to make, to pay whatever prices, however small, they choose to pay for these fish, and the fishermen have no remedy whatever as they are not permitted by law to export fish from Canada in a condition to be canned. It seems to me that this is a combine to which a government that is supposed to protect the interests of the people against trusts of all kinds, but particularly food trusts, should give earnest attention. This dual prohibition is the cause of much hardship to the interests along the Fraser and serves no public interest whatever. I wish to say nothing more beyond emphasizing the fact that parliament should seriously consider the advisability of interfering in this matter. We must all realize that we cannot allow our privileges to be interfered with in this way without the most strenuous protest.

Mr. T. J. STEWART (West Hamilton). Mr. Speaker, I desire to call the attention of the House and the Minister of Finance to a great number of complaints that have been brought to my notice from Hamilton and other points against the management of the Independent Order of Foresters. That order receives its authority to carry on an insurance business from this parliament and therefore I feel that this is the proper place to lay any compalints against its management. It is complained that for a considerable time the management of the order have been taking large sums of money from the mortuary, contingent and sick and burial funds and using them for current expenses. I do not think they should be allowed to do that. I think that money paid into the order on account of these specified funds should not be diverted to any other purpose. I find that on October 16, 1905, the aggregate amount of such borrowings from these funds with interest added at the rate of four per cent per annum, were as follows:

Fund.	Amount borrowed	Interest.	Total.
Mortuary	$297,587.75	$30 213.93	$327,801.36
Contingent	171,272.33	22,326.22	193 598.55
Sick and funeral.	110,994.55	19,539.89	130,534.44
Making a grand total of.. ..			$651,934.35

This is a practice which I believe should be absolutely prohibited by law. A great deal of evidence was taken on this particular point, at pages 2293 and 2294 of the report of the Royal Commission on Insurance. With the permission of the House, I will have that evidence inserted in 'Hansard':

Q. Because Mr. Stevenson was authorized and requested to go at once to Cairo to meet and confer with you?—A. Yes.

Q. So that you might formulate such plans for the curtailment of expenditures as will comply with the said requirement of the superintendent of Insurance, and that the supreme secretary advise the superintendent of Insurance of his action—did Mr. Stevenson go to see you?—A. Yes.

Q. He came to meet you in Egypt?—A. Yes, Cairo.

Q. You were then doing what you told us yesterday, surveying the Egyptian field?—A. Yes, in part, and partly for my health.

Q. 'It was further resolved in conformity with the action this day taken looking to the curtailment of expenses,' etc. (Reads down to the word 'monthly.'). 'It was further resolved that no further expenditure be made for advertising,' etc. (Reads down to the words 'executive council')—your executive council, you being absent, seems to have been rather impressed with the desirability of falling in with the views of the superintendent?—A. Yes, I think so; we always have tried to be in harmony with the views of the superintendent.

Q. Among those views was the view that no borrowing from the mortuary fund to the general fund was permissive?—A. That was the superintendent's opinion; my opinion is, and I think it is the opinion of my executive, that the supreme court has supreme power over that fund.

Q. Over the mortuary fund?—A. Yes, and when it desires to alter the language of the policy with reference to the mortuary fund that puts that in the constitution then the executive have the right to do what the supreme court had authorized to be done by such an Act as amending the organic law of the order, not simply a resolution, but to amend the law in reference to that, and when that is done I do not think the superintendent nor anybody else has any right to come in and say you shall not do this and shall not do that. The Act requires us to have money on hand always to pay the widows promptly, and therefore the ten millions of surplus we have in hand now are ten millions over and above the requirements of the Act, and therefore——

Q. When you speak of the Act, are you speaking of the Act of parliament?—A. Yes, and therefore the supreme court has supreme authority in the order, and the executive council are simply the servants of the surpeme court; when it says you may do this we believe we can properly and legally do it.

Q. Let us discuss that just for a moment; nobody doubts the power of the Supreme body to make laws?—A. Yes.

Q. But those must be laws which are not repugnant to the whole inherent constitution of the order?—A. Quite so.

Q. For instance, your supreme court, you would not perhaps think your supreme court had power to abrogate the contracts of insurance and divert the mortuary fund to private purposes, say?—A. Certainly not, because those are contract rights.

Q. Well, is not the right of every policyholder in your order in respect of the mortuary fund a right which depends upon and is confirmed to him by his contract?—A. Sure, but that contract does not call for the maintenance of any surplus.

Q. The contract calls, if I understand it, for the maintenance of a mortuary fund after deducting 5 per cent from it for expenses, and it calls for a maintenance of that fund for the mortuary purposes?—A. The constitution is so arranged by the supreme court itself, but the policy itself, which is the contract, does not require the maintenance of any mortuary fund.

Q. Your policy imports all the provisions of your constitution, does it not?—A. Sure, and therefore when the supreme court alters that it goes into the contract, the modified condition.

Q. Do you think that the supreme court without a violation of its contract with the policy-holders could alter that 5 per cent to 50?—A. Certainly.

Q. Or to 80?—A. Certainly.

Q. Or 90?—A. Yes.

Q. Or take it away altogether?—A. Yes. When I said a moment ago that the Act of parliament does not require of us one cent of mortuary reserve then the surpeme court if it thought fit could take the whole of that surplus and use it for the purpose of the order as it thought fit.

Q. Spend it in extending the order?—A. Yes.

Q. Make any use of it?—A. Yes.

Q. Has it struck you that possibly the Act of parliament was passed in view of the provision in your constitution that you never should touch more than 5 per cent of the mortuary fund for expenses?—A. No.

Mr. HUNTER. He is speaking of the Insurance Act?

Mr. SHEPLEY. You are speaking, as I suppose, of the legislation under which your order is working?—A. Yes.

Q. And your view was that the Act of parliament did not compel you to maintain the mortuary fund at all?—A. No, that is our own domestic legislation.

Q. You had already told me that by the provisions of your contract you cannot dip into the mortuary fund for expenses beyond 5 per cent by the provisions of your constitution?—A. I never said that.

Q. Is not that in your constitution, that 5 per cent, and 5 per cent only?—A. 5 per cent is the amount allowed now, but there is no earthly reason why at the next session of the supreme court that should not be increased to 10 per cent.

Q. Do you think it possible that if your constitution had permitted you to take the whole mortuary fund and devote it to expenses instead of permitting you, as it did at the time of your Act, to take the 5 per cent

only, do you think it possible you might not have got your legislation?—A. We could not have taken 10 per cent just as easily as 5, because a number of the fraternal societies do take 10 per cent, and I do not think we would have any more difficulty to have the Act passed with 10 per cent in than it was with only 5 per cent.

Q. That is not precisely what I ask you; do you suppose that any legislature would have passed an Act incorporating you if you had come to the legislature with a constitution on the face of it permitting you to take the whole mortuary fund and spend it on extension?—A. Possibly not, but that of course is an insupposeable case.

Q. I only asked you that question because you are relying upon the Act of parliament; I am pointing out to you that the Act of parliament was passed upon a condition of affairs which you put before them?—A. You asked me if I thought we had the power to take the whole of it and I said yes. You are now asking me if we had that in our constitution, do I think the incorporation Bill would have passed; I say no at once, but that does not alter the fact, as I view it, that if the supreme court wanted to take the whole of the mortuary fund it could take it as a matter of right.

Q. I am sure you will agree with me that whatever the jurisdiction of the supreme court may be it would be great unwisdom, I will put it as mildly as possible, as a matter of policy to make any such radical change in the constitution?—A. Most decidedly, and the proposition was made when we passed the legislation at Los Angeles giving us the profits on lapses to do exactly the very thing that you suggest, to take 10 per cent instead of five, but the five per cent had become a sort of landmark with us, and I did not want to have it altered.

Q. A member when he was told 10 per cent was coming out of his premiums instead of 5 would be startled?—A. I do not think so.

Q. He would be more likely to be startled? A. There are a number of the fraternal societies that are taking 10 per cent and the membership are not startled.

Q. You are misapprehending me, the eye of the policy-holder is more upon 5 per cent than it is upon the profits made by lapses?—A. I do not think that cuts any figure in our legislation.

Q. What was the result of the consultation between yourself and Mr. Stevenson in Cairo?—A. Simply to carry out the policy adopted by the executive during my absence.

Q. What do you conceive, and I do not want to tie you to the time you were in Cairo, but to any time, what do you conceive to have been the requirements upon which the department was insisting, put them in a nut shell for me, a, b, c?—A. Just that Mr. Fitzgerald regarded the lapses as being a part of the mortuary, and that he did not want the mortuary funds to be disturbed in any way whatever, and I am not sure in a way but that he was right, still I think the order would have done better if they had allowed us to use the extra revenue that the supreme court provided us.

Q. Did you understand that borrowing from the mortuary fund was a thing that was to be still permitted, I mean according to the views of the department?—A. No; Mr. Fitzgerald makes it very plain that he objects to that, but I never could understand the philosophy of not allowing us to invest mortuary fund with the general fund of the order, there could be no surer investment.

Complaints are also made in reference to two other clauses in the constitution of the order, numbers 176 and 182. These clauses are as follows, and should be modified or removed from the constitution:

Letters, Circulars, Literature and Other Documents.

176. No letter, circular, publication or document relating to the order shall be made, printed or circulated by any court or encampment or member of the order without the sanction in writing of the supreme chief ranger or of the high chief ranger; or of the high standing committee of the jurisdiction, nor shall any letter, circular or document relating to the order be read in any court, or acted upon by any court, unless the same shall have endorsed thereon the approval of the supreme chief ranger, or of the high chief ranger of the jurisdiction in which it is issued, read, acted upon or circulated; nor shall any Forestric literature or circular be made, used or circulated by any member of the order or deputy of the supreme chief ranger or of the high chief ranger or by any high court, court or encampment unless the same shall have been approved and sanctioned by the supreme chief ranger. A contravention of any of the provisions of this section shall subject the offender to suspension or expulsion by the high standing committee or by the supreme chief ranger or by the executive council; and if a high court or court of encampment so offend its charter shall be subject to suspension by the supreme chief ranger and revocation by the executive council.

(2) Any member who shall try to bring contempt upon the order by speaking disrespectfully of the supreme court or any of its who shall disregard the rules or usages of the order, or who shall throw discredit upon the order by improper or disreputable conduct, shall be deemed to be an unworthy member, and may be reprimanded, fined, suspended or expelled from the order; and the trial for any of such offences may take place either before the court or the high standing committee the supreme chief ranger or the executive council.

(23 Any member who shall try to bring contempt upon the order by speaking disrespectfully of the supreme court or any of its officers, or of any high court or of any of its officers or of any subordinate court or of any of its officers, or of any companion court or of any of its officers, may be immediately suspended from the order by the supreme chief ranger, and may be forthwith brought to trial; and the trial for such offences shall take place before the subordinate court or companion court, or the high standing committee, or the supreme chief ranger or the executive council, as the supreme chief ranger may determine; and on conviction by the court, or by the high standing committee or by the supreme chief ranger, or by

the executive council, he shall stand expelled from the order; but any member suspended under the provisions of this section, upon acquittal shall be restored to his former status in the order on forthwith paying all premiums or assessments, dues, taxes, and fines that he would have had to pay had he not been suspended.

(3) Any member who shall be guilty of contempt of the constitution and laws or of the constituted authorities of the order, or of insubordination, or of rebellion against the constituted authorities of the order, may be summarily suspended by the Supreme Chief Ranger or by the executive council.

(4) If any officer is guilty of an offence under the provisions of this section, the supreme chief ranger, or the high chief ranger of the jurisdiction to which the officer belongs, shall suspend him from office at once and report him forthwith to the executive council, or high standing committee, or subordinate court, or companion court, as may be determined by the supreme chief ranger, to be further dealt with; and, on conviction by the subordinate court, or by the companion court, or by the high standing committee, or by the executive council, as the case may be, he shall stand expelled from the order.

(5) Any member of a court who shall maliciously make a false charge against a member shall, on conviction by the court, or by the high chief ranger or high standing committee, or by the supreme chief ranger or executive council, stand expelled from the order.

The Royal Commission say with reference to these clauses:

Neither the subordinate nor the high court has any direct connection with the insurance scheme of the order.

The supreme court, which has met about every three years, is composed of the executive and other officers of the supreme court and of the delegates elected by the high courts. Between sittings absolute power is vested in the executive council which consists of a supreme chief ranger, a past supreme chief ranger, a supreme chief viceranger, a supreme secretary, a supreme treasurer, a supreme medical officer and a supreme councillor.

The supreme chief ranger and his executive have always been supreme, in fact as well as in name. An enactment well devised to stifle criticism is found in what is now article 176 of the constitution, which prohibits subordinate courts and their members from writing, reading or acting upon any communication relating to the order without the sanction of the supreme chief ranger or the high chief ranger of the jurisdiction.

It may be said that although these clauses are in the constitution they are not acted upon. As a matter of fact they are acted upon. I have in my possession a complaint made by Court Garden City, St. Catharines, No. 172, in reference to the case of a Mr. Gage, and correspondence showing the particulars and disposition of this case. I shall ask permission to have them inserted in 'Hansard' as follows:

(Copy)

St. Catharines, Ont.
December 14th, 1908.

To the Supreme Chief Ranger of
The Independent Order of Foresters,
Toronto.

We, the undersigned members of Court Garden No. 172, Independent Order of Foresters, feel compelled, in the interests of the order to charge Bro. R. R. Gage, of Court Pride, of Barton, 433, at Hamilton, Ont., with conduct unbecoming a Forester and with being an unworthy member; and the grounds of this charge are more fully set forth in the following specifications, to wit:

Specification First.—That the above named R. R. Gage, in violation of the constitution and laws of the order, did on or about the 24th day of November, 1908, at the residence of the Rev. Bro. Kerr, charge the officers of the executive council of the supreme court with being untrustworthy and extravagant in the expenditure of the order's money; that money had been taken from the beneficiary fund and not returned; that they were unworthy of the confidence of the membership, and that it would be positively unsafe to trust them to represent the interests of the members of the order before the committee on insurance which would probably have under consideration an insurance Bill likely to come before the committee of parliament at its next session; and he stated that in view of existing conditions it was imperative upon the members who desired to guard their individual interests to have a representative present independent of any representation by the supreme executive, on the occasion.

Second Specification.—That in violation of section 176 of the constitution and laws R. R. Gage did distribute, or cause to be distributed to various members of the order in this city, and we believe elsewhere in this vicinity a certain leaflet or fly sheet hereunto attached, entitled 'Independent Order of Foresters. One of the many similar reasons why your rates should be raised.' That we believe such circular to be highly detrimental to the order and that it has not had the approval of the high chief ranger or the supreme chief ranger.

And we subscribe ourselves in L.B. and C.

(Signed)

ROBERT KER, D.S.C.R.,
RICHARD BONHAM, C.R.,
Of Court Garden City, St. Catharines.

Toronto, Canada, December 23, 1908.

Court Pride of Barton No. 433.

R. R. Gage,
Hamilton, Ontario.

Dear Sir and Brother,—This is to inform you that under the authority vested in me by the constitution and laws I have suspended you from membership in the Independent Order of Foresters and from all benefits, privileges and rights appertaining to such membership. Such suspension to take effect immediately.

The reasons of such action on my part are —that according to charges filed with me you have been guilty of offending against the constitution and laws of the order and throwing discredit upon the order and upon the executive of the order, and are therefore an unworthy member within the meaning of section 182 of the constitution and laws of the order; and further, you have caused to be circulated and encouraged the circulation of a leaflet entitled, 'Independent Order of Foresters.' One of the many similar reasons why your rates should be raised' in violation of the provisions of section 176 of the constitution and laws.

You are hereby cited to show cause to the executive council at its meeting which will be held here at Toronto in the Temple building on January 4, 1909, commencing at 10 o'clock, why you shall not be expelled from the order.

I inclose you herewith a copy of the charges preferred against you.

Yours in L. B. and C.

(Sgd.) ELLIOTT G. STEVENSON,
Supreme Chief Ranger.

Enclosure registered.

(Copy.)

Toronto, Canada, January 4, 1909.

Court Pride of Barton No. 433.

R. R. Gage,
Hamilton, Ontario.

Dear Sir and Brother,—Pursuant to the citation of the supreme chief ranger summoning you to appear before the executive council of the Independent Order of Foresters this day to show cause why you should not be expelled from the order for the reasons in such citation dated December 23, 1908, you have appeared before the executive and argued your case and have been defended by an able lawyer.

The executive council could not come to any other conclusion on the merits of the case as laid down before them but that the charges preferred against you, especially the second charge, are correct; therefore the executive have no other choice in the matter but that expulsion must ensue.

On the other hand we do not sit here as a mere court of justice but also as a fraternal tribunal, and the rules laid down in our constitution are tempered by the golden rule 'do unto others as you would they should do unto you.'

You have expressed your regret of what has been done and your repentance; an influential deputation of brothers have appeared on your behalf and have pleaded for mercy. In view of these facts and with the object of showing our desire to treat all of the members of the order kindly and to restore harmony under the difficult circumstances under which we are labouring, the executive council is disposed to forgive the faults of which you have been guilty and to deal leniently with you.

Consequently you will be restored to membership in the order, and we hope that henceforth you will endeavour to work in co-operation with the officers of this order for the benefit of our order at large.

Believe me,
Fraternally yours in L.B.C.,

(Signed) R. MATHISON,
Supreme Secretary

(Copy.)

Toronto, Canada,
January 5, 1909.

To all courts and members of the order, particularly at the city of Hamilton, Canada.

Brethren,—On December 23, 1908, you were advised by the Supreme Chief Ranger, Brother Elliott G. Stevenson, that Brother R. R. Gage, of Court Pride of Barton, No. 433, was suspended for violation of sections 176 and 182 of the constitution and laws of the order.

Brother Gage was cited to show cause to the executive council why he should not be expelled from the order for breaches of sections 176 and 182 of the constitution. At a regular meeting of the executive council, held in the Temple Building, on Monday, January 4, 1909, Brother Gage appeared and through his counsel admitted the second specification of the charges filed, and that under the provisions of the constitution and laws he was subject to expulsion.

It was urged that his offence be forgiven in the interests of the order in the district of Hamilton. Brother Ker, past high counsel, Brothers Foster, Hetherington and Patterson, appealed to the executive on behalf of Brother Gage, and a favourable letter from Brother John Peebles was read.

Court Pride of Barton, No. 433.

After consideration by the executive, it was found that Brother Gage was guilty of the offences charged, and that the constitution provided a penalty of expulsion for such offences; but the executive acceded to the request of the brethren, and relying upon their representations, permitted the reinstatement of Brother Gage.

You will kindly read this letter, and the accompanying letter to brother Gage, to the members of your court, at its first meeting.

Wishing all the members in the district of Hamilton a prosperous and happy New Year, I am,

Yours cordially, in L. B. and C.,

(Sgd.) R. MATHISON,
Supreme Secretary.

I will not take up the time of the House any longer. I know that we are anxious to get on with the business of the House, and I will hand in all the correspondence so that they can appear in the report. My object in bringing this up is to impress upon the government the fact that the time has come when they should place some legislation on the statute book that will protect policy-holders who are insured in society insurance companies, for whom at the present time there is no protection whatever to the policy-holder. These societies can receive money for one purpose and spend it for another. I do not think that should be permitted, and I hope that the government will see their way clear to have a clause added to the insurance Bill, that we expect to come down this session, to protect policy-holders

against something that might happen and which would not be in their best interests.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). With the permission of the House, because I have already exhausted my right to speak on the motion which is now before the Chair, I may perhaps be permitted to say a word or two on the question that has been raised by the hon. member for New Westminster (Mr. Taylor) and the hon. member for Selkirk (Mr. Bradbury). In regard to the treaty which has been spoken of by my hon. friend from New Westminster, I may say at the outset that I am greatly surprised to see the document which has been published, apparently by the Ontario government, containing certain draft regulations which are embodied in that document. Some time ago I invited the ministers of the provinces interested, namely, New Brunswick, Quebec and Ontario, to come and confer with Prof. Prince and myself on the regulations which were in the way of preparation. It is true that by the British North America Act the regulation of the fisheries is entirely under the control of the Dominon government. It is true that this is a power put exclusively in our hands, but the Privy Council having decided some years ago that the provincial authorities had what they called a proprietary right in the fisheries, I thought of inviting the ministers whom I have just mentioned to confer with the Canadian commissioner and myself upon those regulations. In order to discuss intelligently this question, draft regulations were prepared by the Commissioner and were marked 'confidential.' In my opening remarks I drew the attention of the persons present to the fact that it was not customary to discuss questions of that kind pending negotiations with another power, but, in view of the interest they had in the fisheries, I thought it was proper to invite them to a conference and to submit to them confidential documents which should be treated, of course, confidentially. I do not know whether the minister who was representing the Ontario government at that meeting thought that he was authorized to publish that confidential document which was put in his hands, and I am greatly surprised to find that it has been made public. I have here this document which my hon. friend has just sent over to me, and I might perhaps read the heading:

International regulations, restrictions and provisions for the protection and preservation of the food fishes in the waters contiguous to the United States and Canada, prepared pursuant to a convention concluded between the United States of America and His Majesty King Edward the Seventh, dated the 11th day of April, 1908, by the International Fisheries Commission, appointed as directed by the said convention.

Mr. STEWART.

I see that the following words are crossed out in pencil mark:

Printed by order of the Legislative Assembly of Ontario, Toronto, L. K. Cameron, Printer to the King's Most Excellent Majesty, 1909.

I do not know whether that document has been laid before the legislature.

Mr. J. D. TAYLOR. My understanding was that it had been distributed to the members of the legislature.

Mr. BRODEUR. Well, if that is so, I cannot characterize too strongly the attitude of the minister or of the person who has been guilty of such a breach of trust. I invite a person to discuss with me a document which is marked 'confidential' and he takes upon himself to print that document and publish it broadcast. Do I understand that the words which have been struck out, 'printed by order of the Legislative Assembly of Ontario' have been struck out by my hon. friend or had they been struck out before he received the document?

Mr. J. D. TAYLOR. I would like, if the minister will permit me, to make another suggestion. I may say that these words were pencilled out when I received the document just as they are now. But when the minister says that he gave this Ontario minister the regulations as printed by Prof. Prince I want to say that the regulations as drafted by Prof. Prince were not these regulations, because I had a confidential copy of those regulations and they differ in many important particulars; so that this is not the version to which the minister refers.

Mr. GRAHAM. Then why should they be published?

Mr. BRODEUR. That is still more serious. I understand that the hon. member had in his hands a document which purported to be the document which I had handed to the Minister of Public Works of Ontario and had discussed with him and which was marked 'confidential.' Is that not the document?

Mr. J. D. TAYLOR. I made no statement of that kind, because I was not aware that the minister had handed over anything to the Ontario government. I merely read that as a proposed regulation and mentioned that it came from an American source. I may say that I have here a confidential document that I do not wish to read, which contains all the passages I read to the House, except that one about anything which these commissioners might do, making invalid any Act which this parliament had passed or might pass. These several quotations I made are contained in the Canadian draft.

Mr. BRODEUR. That does not explain the situation. I understand that my hon. friend quoted from a document which had been published by the Ontario government and which purported to be a copy of a document which had been handed over to the Minister of Public Works of Ontario.

Mr. J. D. TAYLOR. No, Mr. Speaker, I did not mention the Minister of Public Works of Ontario at all. I do not know where they got that document.

Mr. BRODEUR. Then my hon. friend was quoting from a document which came to him confidentially.

Mr. J. D. TAYLOR. It is not fair for the minister to say that. It was not given to me confidentially; it was given to me by a gentleman entirely disconnected with the Ontario legislature into whose hands it had passed I suppose in the ordinary course from some person authorized to receive it. I got it third or fourth hand.

Mr. BRODEUR. I would like to know very much where it was obtained. The document was marked confidential and it was given to the Minister of Public Works for Ontario with a view of having a confidential discussion on it.

Mr. J. D. TAYLOR. I did not read from the Canadian draft to which the hon. minister refers. I read from the document the minister has in his hands now, which is the American draft.

Mr. BARKER. The paper the minister is reading from now is simply a reprint of what the United States papers had published as coming from the United States authorities.

Mr. BRODEUR. Yes, but I understand my hon. friend has another document which seems to have found its way to the public.

Mr. BARKER. It is a reprint of the United States document.

Mr. BRODEUR. There is another document also.

Mr. J. D. TAYLOR. I know of no other document; that is the only document to which I have referred.

Mr. BRODEUR. The hon. gentleman has been quoting from a document which purports to contain the draft regulations made by Professor Prince. Where did he get that?

Mr. J. D. TAYLOR. I stated very distinctly that the draft regulations were not made by Professor Prince and I said that we were allowing the American commissioner to make the draft and that we were only in the position of being revisers of it.

Mr. BRODEUR. Nobody was ever authorized to publish any draft regulations prepared by Professor Prince, and if they were made public it was done without authority. I have always refrained from discussing these regulations before the House because I maintain that so long as such negotiations are not embodied in the treaty and the treaty signed it is not proper to discuss them or make them public. I hold that it is proper procedure that the negotiations between the two contracting parties should be kept secret until the time comes to give them to the public. It is not right that we should discuss any regulations which are now the subject of negotiations with a foreign country and indeed such discussion might lead to serious embarrassment. When the treaty is signed, then if the regulations are not considered proper the government is liable to censure, but until they are embodied in the treaty we should not discuss them in parliament or in public. My hon. friend from New Westminster has stated the interests of Canada are injuriously affected by this treaty. On the contrary, it is my opinion that the securing of uniformity in the fishery regulations on international waters is desirable not only for this country but the for United States. I will not say we got the best of it, but I do say that we gained a great point when we secured a treaty which provided for uniformity. In some cases there was no close seasons on the American side and as a result the fisheries were being depleted, but now it is hoped we will have uniformity in the regulations for the close season, for the size of the mesh and in other respects calculated to preserve the fisheries. That is what we had in view when we adopted the treaty. My hon. friend (Mr. J. D. Taylor) spoke especially of the fisheries of Puget Sound but he knows very well that the fish that go up the Fraser river have to pass through American waters.

Mr. J. D. TAYLOR. Not all of them but a large quantity of them.

Mr. BRODEUR. I should think that the greater number of the fish that go up the Fraser river pass through the straits of Juan de Fuca and Puget Sound in American waters.

Mr. J. D. TAYLOR. Not the larger quantity, but a large quantity of them.

Mr. BRODEUR. Our object was to get the American authorities to pass regulations so that the fish would not be destroyed before entering the Fraser river, and so I say that the treaty must have the effect of protecting the fisheries in which the city of New Westminster is so greatly interested.

Mr. J. D. TAYLOR. Is there anything in this treaty which aims at protecting the sockeye salmon on their way up the Fraser river?

Mr. BRODEUR. The treaty provides for regulations for the protection of the fisheries. But in the treaty it is agreed that among the waters within which the regulations are to be applied are the strait of Juan de Fuca, those parts of Washington Sound, the gulf of Georgia and Puget Sound lying between parallels 48° 10' and 49° 20'. My hon. friend knows that most of this is American territory, and as the fish, in order to get to the Fraser river, have to pass through the strait of Juan de Fuca and through Puget Sound and Washington Sound, the interests of the fisheries of the Fraser river require such a treaty. Some years ago we had a commission for the purpose of inquiring into the fisheries of the Fraser river, and that commission tried to approach the authorities of the state of Washington and get them to make some regulations for the preservation of the fish. They did not succeed; but now by this treaty, not the state authorities of Washington, but the central authorities of the United States, agree, that regulations shall be made for the purpose of preserving the fish of the Fraser river. It is Canada that is going to derive the great and special benefit of this treaty. There were no regulations on the American side, while there were some very good regulations on the Canadian side. We have been preserving our fisheries, and it was important that there should be regulations on the American side, and these we have obtained by the treaty.

With regard to the treaty-making power, and the ratification of treaties by parliament, which my hon. friend has discussed, I want briefly to disabuse the minds of some Canadians on that subject. All British treaties are made in the name of the King, and formerly they were never submitted to Canada, but for some years past treaties affecting Canada have been submitted to the Canadian government, which has the right to pass judgment on them before they are accepted. But my hon. friend goes further and suggests that the Canadian parliament should ratify those treaties. As some people are more Catholic than the Pope, my hon. friend is more loyal than the King himself, because it is a principal of British constitutional government that treaties are made by the King without the sanction of parliament. There are only two cases in which treaties have to be approved by parliament, where a tax is imposed or where some commercial taxation has to be established. These treaties have to come before parliament because of the old principle that there can be no taxation without representation—that the King has no right to tax anybody without the consent of parliament. But all other treaties are made without the consent or approval of parliament. The right which until a few years ago was exercised only by the British government is now exercised also by the Canadian government. But it is asserted in some quarters in this country that the Canadian parliament should exercise rights which the British parliament does not exercise. I think we should feel gratified that the British parliament is now willing to consult the Canadian government on all questions affecting Canada, and it is not fair to say that the Canadian parliament should exercise the rights which the British parliament does not exercise. I might quote many authorities in support of this position; but I will only quote Todd, who at page 366 of volume 1, says:

> The constitutional power appertaining to parliament in respect to treaties is limited. It does not require their formal sanction or ratification by parliament as a condition of their validity. Parliament has the right to give or withhold its sanction to those parts of a treaty that require legislative enactment to give it force and effect, as, for example, change of existing tariffs or commercial regulations.—Forsyth, Const. Law, p. 369.

My hon. friend will find the same idea expressed by De Martens, by the American encyclopedia, by Wheaton and other authorities. It is a well-known principle, and instead of blaming the government for not having brought this treaty before parliament for approval, we should recognize the right or privilege which the King and the British government have conferred upon the Canadian people in consulting them through their government before giving effect to these treaties. In the exercise of the same constitutional powers as are exercised in Great Britain, we have received a right and a privilege for which we should be grateful. I do not want to discuss the regulations which my hon. friend from New Westminster (Mr. Taylor) has seen fit to comment upon. These are now the subjects of negotiation between our Canadian representative and the American representative, and I am sure my hon. friend will admit that there is no man better devoted to the interests of Canada than Professor Prince; and instead of entering into a discussion which might hamper him, we should congratulate ourselves on the fact that we have such a good man to advocate our interests.

As regards the fisheries of Lake Winnipeg, may I be permitted to thank my hon. friend from Selkirk for the confidence he has expressed in my good intentions. On several occasions we have discussed this question together, and I do not think we are far apart except in one respect, and I think he will find out before long that what he has said with regard to the officers of my department is not well founded. My experience is that the officers of the Fisheries branch, though they may have made some mistakes, as anybody may, they have always been de-

voted to the preservation of our fisheries in the west. As regards our arrangements with the American companies, my hon. friend knows that the department has not much to do with them, as the licenses are not issued to these companies but to our fishermen. Possibly these fishermen may abuse these licenses and in some respects I think my hon. friend is right. For instance, those domestic licenses which we are issuing are in some cases, I am afraid, used for commercial purposes. But should we therefore prevent American capital from coming into our country to develop our fisheries and other natural resources?

Mr. BRADBURY. That is a point on which the department and myself have differed for years. We do not require one dollar of American capital to develop the fisheries of Lake Winnipeg. That is not expensive work like delving into the earth for minerals. All a man has to do is to put his nets into the water and take the fish out. The money the Americans have put in does not amount to anything of consequence and they are depleting us of our wealth.

Mr. BRODEUR. I think we ought not to go too far in that respect. There is some American capital which we welcome to develop our natural resources, including our fisheries. In the maritime provinces and on the Pacific coast, we are glad to see American capital coming in to develop our fisheries. I admit, however, that in our west the position is not absolutely the same, but should we on that account boycott American capital? I agree with my hon. friend that the proper policy is—the fish for the settlers and the Canadian consumers in the first place and that is the policy I have always tried to carry out. But when our Canadian settlers and Canadian consumers have got all the fish they require, should we remain absolutely idle and not allow the surplus to be exported?

Mr. BRADBURY. But the fish are gone.

Mr. BRODEUR. I shall come to that in a moment. While we should not permit American companies to deplete our fisheries should we not, when our home consumption is satisfied, and there is still fish for export without depleting our lakes, permit Americans to fish in our country? I see my hon. friend assents to that proposition, so that we are not very far apart. Well, that is the policy we have adopted. My hon. friend says that the fishery on Lake Winnipeg is being depleted for lack of proper protection. Of course we have to be guided by the reports that are made to us, and I do not find by these reports that my hon. friend's statement is well founded. I have here the report of the department for last year, and the values of our fisheries in Manitoba, Saskatchewan and Alberta are there given as follows:

1898	$ 745,000
1900	718,150
1901	958,410
1902	1,198,437
1903	1,478,665
1904	1,716,977
1905	1,811,570
1906	1,492,923
1907	968,422

These figures do not show that the lake is being depleted. But the hon. gentleman says the fish are smaller in size and the revenue is less. But I find that we have to-day from the lakes in the west, the same revenue as we had before, and even larger. The hon. gentleman has quoted from the report of Mr. Young, which shows why there was less last year than before. Here is what Mr. Young says.

> Throughout the summer season the weather conditions were very unfavourable for successful operations of the fisheries, which created a shortage in the catch. My observations led me to believe that the shortage was entirely due to the above cause, and not from the depletion of the fishery.

That is the situation. Of course I have a great deal of confidence in the opinion of my hon. friend, but the officer of the department, Mr. Young, who is also a very efficient officer, reports to the contrary. At all events, there seems to be doubt as to whether the regulations are being carried out. There seems to be doubt as to the cause of the depletion, and in view of the representations which were made by the hon. member for Brandon and the hon. member for Dauphin, the Minister of the Interior and myself decided to appoint a commission to investigate the question of fisheries in the Northwest, and to find out the best means of protecting them. I was glad to hear my hon. friend say the other day in the committee that the two local men appointed there were good men.

Mr. BRADBURY. Would the minister tell us the powers of that commission?

Mr. BRODEUR. They have as extensive powers as it is possible to give them. I did not want to restrict their powers in any way, I gave them powers by order in council to investigate the whole question of the fisheries. Some suggestion has even been made that some of our officers were protecting the American companies, and I gave instructions to these commissioners thoroughly to investigate that charge also, so that when the commission reports there may no longer be any doubt as to whether the regulations are being properly carried out. My hon. friend referred to Mr. Wilmot's comments on some of the regulations. Well, I see that Mr. Wilmot makes a very important recommendation, namely, that the present close season from October 5 to Novem-

ber 30 be extended. I may say to my hon. friend that since 1907 when I took charge of the department I have had a regulation passed extending the close season, in order to protect the fisheries, from the 30th of November to the 15th December. I know my hon. friend will approve of that. He will see that the department is anxious to protect the fisheries, and to protect those natural resources of our country which are among the most valuable in the west, where there are so many valuable resources. Since I have been in the department I have given this matter a great deal of consideration. My hon. friend has spoken of Lac du Bonnet. The same regulations prevail there as on the Red river.

Mr. BRADBURY. Lac du Bonnet was one of the portions that was set aside by Mr. Wilmot years ago, but that was invaded by one of the companies who fish openly in that lake.

Mr. BRODEUR. When we saw those companies were going there we took immediate steps to provide a close season in order to protect the fisheries.

Mr. HENDERSON. Before this subject is disposed of I would like to say a few words. The hon. minister seems to meet this question with a great deal of warmth on account of what my hon. friend from Westminster (Mr. Taylor) has said. I do not think there was any occasion for the minister to have his French blood warmed up, as he apparently did. I am not here to defend the Ontario government—they look after their own affairs—as to whether there was or was not a breach of faith in connection with the document which has beeen read. I happen to know a little about it, because I felt a deep interest in these matters and had occasion to make inquiry. I understood that Dr. Jordan, the American commissioner, who is associated with our own very excellent commissioner, of whom I cannot speak too highly, Professor Prince, had drafted regulations under the treaty made by the King of England and the people of the United States. These regulations, as Dr. Jordan had drafted them, got into the press of the United States, and many people I know, there were many people in my own province who were interested in fisheries, were led to believe or got the idea that these were actually the regulations approved by the two commissioners. I was written to with regard to these regulations and asked if they had actually been completed. Some of the regulations suggested by Dr. Jordan were not at all such as our people would desire, and our people were indignant, and appealed to me to ascertain from the government here whether those were the actual regulations and whether they had been approved by this government. Well, I did not trouble any member of the government I believe in making that inquiry, because I understood that nothing had been made known by Prof. Prince as to what the regulations were, and nothing would be made known until he and Dr. Jordon had finally agreed upon them.

Mr. BRODEUR. What I complained of in regard to the publication of that document by the Ontario government was that, instead of giving it as a tentative draft, they gave it as the regulations passed under the treaty.

Mr. HENDERSON. I do not understand that the Ontario government published these regulations as those that had been decided upon.

Mr. BRODEUR. Yes, the heading says so.

Mr. HENDERSON. That may be but I do not so understand it.

Mr. BURRELL. I did not understand that the hon. member for New Westminster (Mr. J. D. Taylor) stated it in that way.

Mr. BRODEUR. No, the document shows it. It states positively—

Mr. HENDERSON. That is said by the Americans.

Mr. BRODEUR. No, it is said by the Ontario government. It says on the face of the document that it is printed by order of the Legislative Assembly of Ontario, by the King's Printer of Ontario.

Mr. HENDERSON. I understand that that is simply a reprint of something published in the United States.

Mr. FIELDING. It might as well have been published in Greenland; there is nothing to show it is published in the United States.

Mr. HENDERSON. There is nothing to show it is an original document. I do not so understand it and I take it to be nothing more than a reprint of matter copied from American newspapers.

Mr. BRODEUR. Oh no.

Mr. HENDERSON. However, I am not here to defend the Ontario government in any thing they have done. The minister has read this document and I need not read it again, I take it simply to be a reprint of something that appeared in American newspapers.

Mr. FIELDING. There is nothing to show that.

Mr. HENDERSON. I think the Minister of Finance could draw on his imagination sufficiently to see it there.

Mr. FIELDING. If my hon. friend says he is drawing on his imagination I am content.

Mr. HENDERSON. I think I have a right to draw on my imagination because we know the regulations have not been concluded.

Mr. BRODEUR. But they are published as being.

Mr. HENDERSON. The minister has stated that. I think he knows that regulations have been discussed very clearly as between him and the Ontario government. I do not stand sponsor for the Ontario government.

Mr. BRODEUR. We had better say it is a typographical error.

Mr. HENDERSON. I will not say that, because I take this to be nothing more than a reprint of something that appeared in the American papers. The Minister was certainly very warm in discussing this matter with the hon. member for New Westminster (Mr. J. D. Taylor), and seemed to reflect upon him very severely for having read this document, although I gathered that the hon. member (Mr. J. D. Taylor), understood it as nothing more than a reprint of what appeared on the other side of the line, and that possibly the Ontario government thought it was a wise thing to let Canadians know what the Americans were suggesting. I have heard something to-night with regard to the treaty at which I confess I am surprised. The treaty, it appears, was negotiated in the first instance between the King of England and the people of the United States. I was not aware until to-night that the treaty had even been submitted to the Canadian government. I did not think that we had had so much to say in our own affairs that even the members of the government should have had this privilege of looking over the articles of that treaty. I differ a good deal from the hon. gentleman. He thinks we are given a great deal of freedom by Great Britain, that we have a right to look after our own affairs in matters of such vital importance as the obtaining of our food supplies. My impression is that the government should have gone a great deal further. I think that this treaty not only should have been submitted to the government but should have been submitted to parliament and if I mistake not, in 1888 when the Fishery treaty was negotiated by Sir Charles Tupper, that treaty was submitted to the Canadian parliament and to the Senate of the United States for ratification. And now at this date we are not permitted to know what the treaty contains until it is signed, sealed, and delivered; our rights may be taken away from us without our having the slightest knowledge of what is being done. I confess I am too much of a democrat to permit that way of making treaties.

Mr. BRODEUR. The treaty of Washington contained tariff changes, so it had to be submitted to parliament.

Mr. HENDERSON. It had very extensive relations to fisheries. My recollection is that the first year I was in parliament it was submitted to this House for its ratification and it would also be submitted to the Senate of the United States for its ratification. That was a very important treaty. I think that something the same course should be taken in this case. If we have no precedent for it, surely we can make one; I think the time has come when we ought to begin making precedents for ourselves. If Canada is a nation, as we are told, I think that we should exercise our rights as a nation. I confess, as I said before, that I am too much of a democrat to allow even the King to make our treaties without our knowledge. It is not right that we, the people of Canada, should know nothing about how our property is disposed of and how our rights are dealt with, until the document is signed, sealed and delivered and we cannot help ourselves. Matters pertaining to the everyday life of the fishermen along the great lakes are of very grave importance indeed to them. I presume that the same thing will occur in regard to the regulations. I do not like all this secrecy, this working away in the dark. The regulations, I am informed, are to be completed and finally fixed and determined upon before parliament or any man outside of the government knows anything about them. I do not like that idea. I believe that the regulations themselves ought to be a matter for discussion by the people's representatives, either to approve of them or disapprove of them. I very much fear, although I have every confidence in Professor Prince, that he may handicap some of our Canadian fishermen, and I will give you an illustration of how this may occur. It is not to be supposed that even a man with the knowledge and excellent judgment that Professor Prince has can possibly know all the little details. You will find fishermen along the coasts of Lake Ontario, Lake Huron and the rivers who can give him pointers with reference to this matter. I am told that Dr. Jordan is a man of very strong mind and that he will make a superhuman effort to get his own way. I do not say that Professor Prince is not an equal match for him, but what I was going to point out was that even in determining the size of the mesh of the net used to catch herring an eighth of an inch difference may be the difference between prosperity and starvation. Fishermen in my county tell me that if they increase the mesh one

eighth of an inch it means starvation to them. This is a very small item. Is it to be supposed that Professor Prince is in a position to obtain the practical knowledge that will enable him to hold out against Professor Jordan upon a point like that? That is the reason why we ought to see that these negotiations should not go on in the dark. I think that Dr. Jordan did a wise thing on the other side when he published his conclusions as to what he thought these regulations would be and brought them under the review of the people of the United States to have them discussed and see whether they would be approved of or not. I confess I speak with a good deal of hesitation because I have so much confidence in Professor Prince, but I believe that the government would be wise if they allowed the draft regulations approved by Professor Prince to be made public so that the newspapers of the country and members of the parliament could discuss this question and so that a proper solution of the whole question, because it is going to last for a good many years, may be arrived at before the document is finally signed and sealed and before the fate of our fishermen is determined upon. I think it is a matter of the very greatest importance and I am sure that the government will act wisely and that they will better serve the interests of the people if they adopt that suggestion. It is too late to talk upon this question any longer. We have had a good discussion on fishery matters. I know nothing about the fisheries in the Northwest, but I am going to ask the minister one question just for my information. What revenue do we get out of these fishery licenses from American companies who come into Canada? Do we get a revenue at all or is it anything worth while? They seem to take a great deal out of the country. The minister spoke about developing the fisheries but I do not see anything in developing the fisheries unless we develop some money for the country out of them. Simply letting them take the fish out of the lake is no advantage to this country. It is a disadvantage unless we get a very good license fee for the privilege of fishing.

Mr. BRODEUR. Licenses are issued by the Dominion authorities and, of course, we get whatever revenue accrues from them.

Mr. GEO. TAYLOR. It does not pay the expenses of the inspectors.

Mr. BRODEUR. They are not excessive.

Mr. HENDERSON. No idea what they are?

Mr. BRODEUR. No, I could not say.

Mr. R. BLAIN (Peel). I want to say a word about the controversy in respect to the Minister of Public Works and the provincial government of Ontario. The minister was very heated in his references to the minister in the Ontario government. All I wish to say is that if my hon. friend the Minister of Marine and Fisheries gave a document marked 'private and confidential' to the Minister of Public Works of Ontario I am quite sure there would be no breach of trust on the part of that gentleman. I would think it would only be fair for the minister to make no references in the way in which he has made them this evening until he receives some communication from the Minister of Public Works of Ontario. Turning over the document to which my hon. friend has referred I notice that 'Warwick Brothers & Rutter, Limited, Printers, Toronto,' were the printers who printed this document.

Mr. FIELDING. They are the printers for the legislature.

Mr. BLAIN. That is all right. The statement that it was printed under the authority of the provincial government of Ontario is struck out. Therefore, my hon. friend has no right to make the statement in this House that it was printed under the authority of the provincial legislature of Ontario. The Minister of Finance must know full well that Warwick Brothers & Rutter do a great deal of printing outside.

Mr. FIELDING. But they do not put the King's Printer's name on it then.

Mr. BLAIN. I am not debating that and I am not saying whether it is printed by the King's Printer in Toronto or not, but what I do say is that it was not, in my opinion, printed under the authority of the government of Ontario.

Mr. FIELDING. Is not every document bearing the name of the King's Printer of Ontario printed under public authority—under the authority of the government?

Mr. BLAIN. I wish to say that the statement in the document that it was printed under the authority of the provincial government is struck out; therefore, I have the right to assume that it does not appear here as having been printed under the authority of the government of Ontario.

Mr. FIELDING. But the King's Printer name is still there.

Mr. J. A. CURRIE (North Simcoe). Mr. Speaker, at this late hour I do not wish to continue the debate. However, I wish to offer one or two observations in reference to the fisheries on the great lakes. One point that is objectionable in the treaty is simply this that the United States government, whilst it pretended to have jurisdiction over the fisheries in these great lakes, had no jurisdiction whatever and any treaty which Professor Prince and Professor Jordan may make has not the force of authority as far as the fisheries on Lakes Huron, Superior

and Erie are concerned. These are matters of state rights and they are so recognized in the United States. The states control the fisheries along the international waters.

Mr. BRODEUR. So long as there are no treaties, but when a treaty is made affecting the question of the fisheries or local rights the treaty prevails over everything else.

Mr. J. A. CURRIE. The minister knows well enough that the enforcing of any treaty rests with the state.

Mr. BRODEUR. No.

Mr. J. A. CURRIE. If the minister is quite willing to stand up in his place and take the responsibility of saying that this treaty will be maintained by the United States government and that the state governments will not interfere with the regulations, of course, that objection fails.

Mr. BRODEUR. I may say to my hon. friend on this point that the treaty formally provides that the federal authorities in the United States will have to carry out its regulations. They are not going to be enforced by the state authorities but by the central authority. It is their duty under the treaty and when the hon. gentleman raises the question of state and federal rights we have the opinion of Secretary Root that the authority belongs to the federal government and they formally undertake themselves to carry out that obligation. I am sure they will live up to their word.

Mr. J. A. CURRIE. That being the case, any regulations that are adopted by the joint commission will be carried out by the United States government and for that reason any objection on that score fails.

Mr. BRODEUR. I might quote to my hon. friend article 3, which states that:

The two governments—

Meaning the British government, or the King, and the president of the United States.

—engage to put into operation and to enforce by legislative and executive action, with as little delay as possible, the regulations and restrictions with appropriate penalties for all breaches thereof.

That is their undertaking

Mr. J. A. CURRIE. If they fail and there is a conflict between state rights and federal authority on that matter the same as there is a conflict under the Waterways Treaty over the riparian rights at the Soo, which authority will prevail? The federal government has undertaken to see that the states will adopt the federal regulations, but there is no constitutional obligation on the states to do so.

Mr. BRODEUR. I would not think for a moment that the United States would refuse to carry out a treaty entered into by the president with the consent of the Senate.

Mr. J. A. CURRIE. If the views of Prof. Prince as stated before the committee as to the preservation of the fish on the great lakes be carried out well and good, but if the proposed regulations will give the Americans reciprocal fishing rights all over the Canadian shore it will be a serious matter for the Canadian fishermen, and I do not think the minister himself would endorse it. Then, in the matter of including the north channel of the Georgian Bay as a portion of the International waters, immediately that was done the United States government threw open Lake Michigan to Canadian trade, which it had hitherto regarded as closed, for fear we would take stronger ground and close up the north shore fisheries from any possible interference on their part. The fishery question is undoubtedly of international importance, but for years we in Canada have been proceeding along well-defined lines for the protection of our fish, and now we have lots of fish and well protected fisheries and the Americans have no fish at all. It is believed by every one connected with the fisheries on the great lakes that the Americans wish to have international regulations now so as to endeavour, if possible, to share in our fish. We had regulations in Canada as to the size of the mesh and in the close season and other matters and we were carrying out our own views in that regard with satisfaction to ourselves and benefit to the country. In view of all this I fail to see any great necessity for the treaty, or for the regulations under it, and the minister will hardly deny that we will just be as well off if the commissioners arrive at no conclusion as if they do.

Motion agreed to, and House went into Committee of Supply.

SUPPLY.

Dredging, $326,500.

Mr. JAMESON. Where will the dredging be done in the maritime provinces?

Mr. PUGSLEY. There will be dredging done at a number of places, amongst others at East river, near Pictou, Red islands, Petit de Gras, Cheticamp, Yarmouth, Miramichi bay, the Restigouche, the mouth of the Gaspereau river, Shediac, the shoals upon the St. John river, the river Kennebecasis, St. Andrews, St. George, and other places.

Mr. BARNARD. What is the total vote for dredging in the maritime provinces?

Mr. PUGSLEY. In the main estimates $230,000 and in the supplementary estimates $150,000.

Mr. BARNARD. That is exclusive of the appropriation of the harbour of St. John?

Mr. PUGSLEY Yes.

Mr. BARNARD. What is the total appropriation for dredging in British Columbia?

Mr. PUGSLEY. $125,000 in addition to the $150,000 for the payment of the new dredge. In the supplementary estimates we have $150,000 for a further payment on that dredge and $25,000 additional to pay the balance required to operate the four dredges during the season.

Mr. J. A. CURRIE. Where will the dredging be done in Ontario?

Mr. PUGSLEY. I have not yet decided as to all the different places where dredging will be done. There are very urgent demands for a great deal more than the appropriation will enable us to do. This year we will have to go slowly in dredging work. Last year we spent on dredging in Ontario and Quebec $675,000. This year there is appropriated only $380,000 for both provinces. There are a number of places where dredging is urgently required; for instance, Waubaushene, Kincardine, Goderich, Pickering, Port Hope, Port Burwell, Rondeau, Sarnia and others. I intend to go through the urgent demands that we have received and take up the reports of the engineers upon them. There is also dredging urgently required at Telegraph Point on the route to Belleville. The necessity for dredging seems to be increasing every year as the vessels become larger, and there also seems to be evidence that the waters of the lakes are gradually lowering. The water on Lake Huron, I am informed, is two or three feet lower than it was two or three years ago.

Mr. MARSHALL. Has the work at Port Burwell been commenced?

Mr. PUGSLEY. Yes.

Mr. J. A. CURRIE. At the town of Collingwood a large sum has been spent for dredging and a small portion remains unfinished. I would like to ask the minister if this has been taken into consideration and if there is a prospect of the work being finished?

Mr. PUGSLEY. I have given very careful consideration to the necessities of Collingwood harbour. While a great deal has been done for that harbour, $700,000 or $800,000 having been expended upon it, and the harbour having been greatly improved, there is still room and necessity for further improvement; but just at this moment I cannot hold out the hope to my hon. friend that anything further will be done this year, because of the very urgent necessities of other places.

Mr. PUGSLEY.

Mr. J. A. CURRIE. A great deal of government money has been spent on Collingwood harbour, and after the work has been completed with the exception of a small portion, it is a pity that this should be allowed to impair the usefulness of what has been already done. Two or three months' work of a medium-sized dredge would probably finish the work. If this is not done, the money expended to make a good harbour will have been to some extent useless. The depth of the harbour is generally 20 feet, but there are a few places where that depth has hardly been reached, and it would be advisable to have the channel swept and these rough spots removed. Then, there are some angles that require to be rounded. This work was not done for a political object, for this reason, that many years ago the town of Collingwod entered into an agreement with the government to have the work carried on, the town agreeing to pay a portion of the cost, and the Grand Trunk Railway Company was to pay another portion. The work has been carried on for ten or twelve years, and the town has paid its portion of the cost, while the Grand Trunk Railway Company has not paid anything. As a business proposition it is only fair that the work should be completed, because the harbour is one through which a great deal of business is done, and the fact that it is in the constituency which I represent should make no difference. If the minister will do business in that way he cannot expect members on this side of the House to aid him very much in passing his estimates.

Mr. PUGSLEY. There must be an effort to treat the different parts of the country with some degree of justice. We cannot expend all the money available in a few ports. Collingwood has been treated very generously by this government, and the harbour has been made an excellent one by the work done. The work is all rock, very expensive work, requiring blasting. To make Collingwood harbour an ideal harbour, as we would like to do, would cost hundreds of thousands of dollars more. All I can say is that the appropriation for dredging is limited, that I am considering carefully the demands of different sections, and that I am not at this moment prepared to say whether or not I shall be able to provide for any further work in Collingwood harbour this season.

Mr. J. A. CURRIE. The hon. gentleman does not show any knowledge of the facts of the case by his remarks. He assumes that there is a great deal of work to be done at Collingwood to complete it as an ideal harbour. The government spent a large sum of money to provide a channel and turning basin in the harbour, and the hon. gentleman's friends informed him a few months ago that there were still

boulders in the channel. The danger is that when a steambarge comes in there loaded with grain and touches one of these boulders, it is liable to suffer damages to the extent of from $30,000 to $40,000. The government does not seem to exercise due care in having these boulders removed. The work done is all right as a whole, but a certain amount yet requires to be done to make the channel perfect. The sum required is not large and in justice to his own department the minister should see that work of that kind is completed. He might as well claim, after he has built a post office, that he should not continue the chimney a few feet over the roof in order that it may draw properly. I am quite aware that people when they get dredging done want it continued indefinitely, but this is not a case of that kind; and where it is necessary to have the work properly finished and that can be done for a small expenditure, the minister should not hestitate doing it. He knows that very large sums are being expended on the great lakes in dredging and that three-fourths has been expended at the head of the lakes, and that there is just as much necessity for dredging at the lower end as at the top. We cannot have vessels taking on cargoes at Port Arthur or Fort William unless they can discharge them at the lower end. If there be not sufficient depth of water at the lower end, the vessels cannot take on cargo for they cannot lighter in the middle of the lake. A programme for dredging in Collingwood and some other harbours was laid out by the late Minister of Public Works (Mr. Tarte) and that programme should be carried out. Instead of carrying on dredging work as a political game, it should be done as a business proposition; and if the government undertakes a piece of dredging it ought to have a definite purpose in view and complete the work so as to accomplish that purpose. It is just as necessary to have that work completed for the purposes of transportation as it is for a railway company to have a station or terminal where it can unload its freight: I would like to have a definite statement from the minister whether he does not think it necessary in view of the facts I have stated, to spend a certain amount and have the work completed in a satisfactory manner as speedily as possible. The Minister of Railways knows that if the wall of a canal falls down, he must take the boulders out of the channel and finish it up as rapidly as possible. The same conditions obtain in a harbour where a channel of this kind is cut through a rock excavation. If boulders are then found in the channel they should be removed. I would like to know whether it be the intention to have this matter gone into seriously and have this work completed and thus save these annual protests because of its non-completion.

Mr. PUGSLEY. I recognize that money can be expended to the public advantage at Collingwood and in many other places; and if this were a year when the revenues were buoyant, I would have made provision for further work at Collingwood. But this year we have been obliged to cut our estimates very materially, and I have to consider very carefully where the work is most urgently required. All I can say is that after the estimates have been passed, whether before or at the close of the session I intend to go very carefully through the requirements of the different ports, and will endeavour, with the little money at my command, to have the work done where it will be to the best possible public advantage. If it be more desirable to do more work at Collingwood than at some other places, I shall give its claims favourable consideration. More than that I cannot say at present.

Mr. J. A. CURRIE. I would like to ask whether any representations have been made to the government by the people of Collingwood to have this work completed and what these representations were, and whether the department has made any inquiry into the matter, and what the resident engineer, Mr. Sims, reported.

Mr. PUGSLEY. I took occasion to visit Collingwood myself last year when I examined very carefully the harbour to see what work was done. I also conferred with Mr. Sing, the resident engineer and was impressed with the desirability of doing further work there, but I am not impressed with the absolute necessity of doing it this year and neglect more urgent work in other places.

Mr. J. A. CURRIE. Have there been any representations since then, because I understand an accident has occurred since the minister's visit.

Mr. PUGSLEY. I have not been informed of that.

Mr. J. A. CURRIE. Does the minister state that his department has had no report of trouble in that channel since his visit?

Mr. PUGSLEY. My deputy informs me that there has not been any report of any accident there lately.

Mr. J. A. CURRIE. Was the department not notified of trouble there last August, because the work was not completed? Were no representations made last fall to the government by men interested that a certain amount was required for work to be done to complete the harbour?

Mr. PUGSLEY. If my friend will put a question in the House I shall be glad to get the information for him, but as I am

not making special provision for Collingwood, I have not got that information with me. As he has brought the matter to my attention, I shall make inquiries and give the information to-morrow or later. I will say further that as he has declared that an accident has occured through boulders being in the channel, I shall have that looked into very carefully.

Mr. J. A. CURRIE. Does the minister expect that his estimates ought to go through before that answer is given?

Mr. PUGSLEY. Yes.

Mr. J. A. CURRIE. He had better let the item stand until he has brought down the information.

Mr. PUGSLEY. That would be very unreasonable and nothing would be gained by it.

Mr. SUTHERLAND. There are many points along the frontier which have very urgent claims on the minister. Take, for instance, the Detroit river, and it would be very unreasonable to claim that we should hold up the estimates because of that claim for work to be done at the mouth of the Detroit river, where there is an enormous traffic, just as enormous as on the whole international boundary.

Mr. J. A. CURRIE. Has any accident occurred in the channel of the Detroit river?

Mr. SUTHERLAND. There are frequent accidents there.

Mr. J. A. CURRIE. Through lack of water?

Mr. SUTHERLAND. Because of the boulders in the channel.

Mr. J. A. CURRIE. Will the hon. gentleman mention one accident?

Mr. SUTHERLAND. I could not at the moment, but I could give the information later.

Mr. PUGSLEY. There was an accident at Goderich harbour, and representations were made to the department on that account.

Mr. SUTHERLAND. Representations have been made by the Traffic Association with regard to the Detroit river.

Mr. GEO. TAYLOR. The minister should have a special officer examine into the conditions at Collingwood, and have the work done there completed by the removal of the boulders. In view of what has been said about the town of Goderich and in view of the fact that it has contributed a certain amount and that the Grand Trunk Railway was to pay a certain amount, but has not done so, we should have the claims of that port looked into.

Mr. PUGSLEY. I will give the matter my attention.

Mr. THOBURN. What has been expended on the harbour at Port Hope?

Mr. PUGSLEY. I cannot tell the exact amount, but we will do what dredging is necessary at Port Hope. There has been a drifting in of silt which has somewhat blocked up the entrance. We intend to do what dredging is necessary to make a reasonably deep channel.

Mr. J. A. CURRIE. With reference to the harbour at Goderich, is it the intention of the government to remove the sunken pier that destroyed a vessel some months ago belonging to the Ontario government, and causing a loss of $15,000.

Mr. PUGSLEY. When was that done?

Mr. J. A. CURRIE. A year ago last fall.

Mr. PUGSLEY. That is ancient history, that has been built up long ago. We have made a fine breakwater there.

Mr. MARSHALL. Is it the intention to spend any money dredging in Port Bruce this year?

Mr. PUGSLEY. That is under consideration.

Mr. J. D. TAYLOR. Does this appropriation cover anything for dredging in the vicinity of Chilliwack on the Fraser river?

Mr. PUGSLEY. We intend to do work upon the Fraser river, that is most urgently or immediately required, and it is not unlikely that some dredging will be done at Chilliwack.

Mr. J. D. TAYLOR. I would like to tell the Minister, because evidently it has not been brought to his attention, that the work is very urgently required at Chilliwack. In fact is was so urgently required that last October a special private dredge was hired to go up there and dredge out a channel so that the mail steamer might pass up to the wharf. The dredge hired by the government was being towed by a steamer drawing six or eight feet, but as there was only three feet of water or less near Chilliwack, the dredge could not get within ten miles of its destination, and so remained idle for many days and never reached Chilliwack. Unfortunately the elections came on before the dredge got there, and the day after the voting she was ordered back and never came to Chilliwack since. Some people regarded it as more or less of a joke that the abortive attempt was made at that particular time. But the necessity still remains, because in the winter time it is impossible for steamers to get within a mile of the proper landing place. The

whole trade of Chilliwack is now taxed about 50 cents a ton additional because of the want of this dredging. I am sure that if the minister would give attention to that, and see that a steamer should be able to get there at all seasons of the year, his action would be much appreciated by the people of Chilliwack. I would like also to call his attention to the desire of the peope of Agassiz that the stretch of river between Agassiz and Chilliwack should be dredged and snagged, so that it may be possible for freight boats to reach Agassiz. At present the people there are dependent solely on the Canadian Pacific Railway for the removal of their produce, and, as invariably happens when there is only one avenue of traffic, the rates are made so high as to be irksome. If the minister could do a trifling bit of dredging between Chilliwack, the present head of navigation, and Agassiz, the people could make shipments by water, with very great advantage.

Mr. PUGSLEY. No one sympathizes more deeply than I do with the demand for dredging. I think there is no public work more important, or which can be made of greater benefit to the public. But we must be patient, we cannot do it all at once. I will note carefully the remarks of my hon. friend, and we will see just how soon it may be possible to do this work. In the meantime I will inquire as to the urgency. I do not know whether we have any snag boat in that vicinity. We are doing a very important work upon the Fraser river. We have just purchased one of the most powerful dredges in the Pacific waters, perhaps as powerful as any in the Atlantic waters, capable of dredging about a thousand cubic yards per hour. This is for the improvement of the Fraser river. We have now four dredges for operation in British Columbia, outside the snag boats.

Mr. J. D. TAYLOR. The people on the Fraser will very much appreciate the action of the department in providing that new dredge. But while it will be of great use to us, that work is of no direct advantage to the neighbourhood between Chilliwack and Agassiz.

Mr. JAMESON. The minister has mentioned certain places in the maritime provinces where he proposes to do dredging but he did not mention Digby. Does he contemplate continuing the dredging operations that have been in progress there?

Mr. PUGSLEY. We have been doing in Digby the dredging which is necessary for providing for crib sites. But just how much further work has been done this season I am not able to say. But I am inclined to think we will not be able to continue there for much more than a month longer during the present season. We have a special vote for Digby, but it is not sufficiently large to enable us to continue during the whole season. I think probably that in about a month more we will have done all the work we can do during the present season.

Mr. JAMESON. Is it proposed to do dredging at the Racquette?

Mr. PUGSLEY. I am inclined to think not this year.

Mr. JAMESON. Will the dredging that it is proposed to be done make the new works at the pier available for steamships entering the port?

Mr. PUGSLEY. Yes, I think it would be sufficient to give reasonable accommodation.

Mr. JAMESON. Will the work which is being done be up to the plans that were prepared?

Mr. PUGSLEY. There will still be further dredging work to be done.

Slides and booms, $55,000.

Mr. PUGSLEY. North Saskatchewan river booms and log storage works—this is a very important undertaking, and we are undertaking it not only from public necessity, but because the Dominion government is greatly interested in the timber which floats down the river. Then in the St. Maurice district we are making improvements to slide and boom works to facilitate the floating and storage of logs.

Mr. J. A. CURRIE. The minister states that the Dominion government is very much interested in the logs that float down the Saskatchewan. What is their interest?

Mr. PUGSLEY. The Dominion government owns the timber areas and receives stumpage.

Mr. J. A. CURRIE. I understood that all timber limits in the west, except two or three trees, had been leased or sold to other parties.

Mr. PUGSLEY. Not sold; my hon. friend is wrong. The Crown owns large areas.

Mr. J. A. CURRIE. Is timber being cut on these areas in sufficient quantities to justify the expenditure of money on booms, &c.? In Ontario and other provinces, when the lumbermen desire to handle logs they get permission and build their own booms.

Mr. PUGSLEY. Not always; the government build some booms.

Mr. J. A. CURRIE. Where?

Mr. PUGSLEY. Along the Trent waterways, at Newcastle, up the Ottawa, on the St. Maurice in Quebec.

Mr. J. A. CURRIE. Possibly in Quebec.

Mr. PUGSLEY. And in Ontario too.

Mr. J. A. CURRIE. I do not understand why, when the government have sold the timber up there these men do not build their own dams.

Mr. PUGSLEY. The government owns the land, it receives stumpage and its revenue will be increased by having facilities to handle the lumber.

Miscellaneous, $527,000.

Mr. G. TAYLOR. I do not see any item among these appropriations for monuments for one to the late lamented Hon. Sir John Thompson. Is it the intention of the government to put that in the supplementaries or to provide for it next year?

Mr. PUGSLEY. Possibly it might be considered next year. It is not provided for now. I do not know what will be done with regard to it.

Mr. LENNOX. These monuments are all for the grounds here?

Mr. PUGSLEY. Yes, all on parliament hill, except the one at Brantford. There are a few items in the supplementary estimates, but the estimates are very small, I am surprised myself that we have been able to make them so small. I may say, speaking in a general way, that there are no items whatever in the supplementaries for public works, except those which are most urgently required, such as making repairs or reconstruction. There are one or two cases where wharfs have been carried away by ice, and another case where a wharf which was torn away last fall has to be rebuilt. They are all works of the most urgent character.

Public works—income, harbours and rivers, Nova Scotia—Port Hood harbour—closing northern entrance, $15,000.

Mr. PUGSLEY. This is a special work that I put in with a great deal of reluctance but it seemed to be absolutely necessary to prevent the harbour from filling up. This is the only special work there is in these supplementaries in the province of Nova Scotia.

Nova Scotia—harbours and rivers generally—to provide for urgently needed works, viz.: enlargements, works of reconstruction and other improvements, $25,000.

Mr. PUGSLEY. This is to complete work where the timber has actually been bought or where contracts have been entered into, and includes no new works.

Ontario—harbours and rivers generally—to provide for urgently needed works, viz.: enlargements, works or reconstruction and other improvements, $26,300.

Mr. THORNTON. Is it the intention of the minister to do any work at Newcastle?

Mr. J. A. CURRIE.

Mr. PUGSLEY. No, I think not this year although I am not quite sure. I will find out.

Mr. THORNTON. There is a very important work to be done there.

Mr. PUGSLEY. I know, but it will have to stand over the same as some others.

Mr. THORNTON. The dredge wintered there and unless the harbour is deepened it will not be able to get away.

Mr. PUGSLEY. She will not be the only dredge that will be idle this year.

British Columbia — harbours and rivers generally—to provide for urgently needed works, viz.: enlargements, works of reconstruction and other improvements, $3,000.

Mr. BURRELL. I would like to ask the minister if there is to be anything done between Quesnelle and Fort George? There is a work that is partly done and I believe it was promised to make the river more navigable between those points. I believe that another boat has been put on and that there is some difficulty in connection with navigation. It is necessary for some more rock to be removed. I would like to know what the government intend to do.

Mr. PUGSLEY. We did some very useful work there last year which greatly improved navigation, but I regret that I have not been able to make provision for it this year owing to our cutting down the appropriations.

Mr. BURRELL. Does the minister expect to go on with it next year?

Mr. PUGSLEY. We will not this year, but I do not see any reason why we might not hope that next year we will be able to make some provision for it.

Mr. BURRELL. I would like to ask the minister a question in reference to dredging the Okanagan river between Okanagan lake and Dog lake. There was an item in the estimates of $10,000 and I have received inquiries as to what is being done by the government engineer in connection with this work. It will take a sum largely in excess of the amount which has been appropriated to make a work of any practical use and I am anxious to know what the department is doing.

Mr. PUGSLEY. Provision was made last year for improving the channel between Okanagan lake and Dog lake, but owing to the fact that Dog lake is about 14 feet lower than Okanagan lake, I, myself, after considering very carefully the report of the engineers, have very grave doubts as to the desirability of proceeding with the work. I am inclined to think that it will not be proceeded with at the present time and I

will tell my hon. friend why. I am afraid that if the outlet of Okanagan lake is lowered so as to give a free run to the water the result will be to lower the level of Okanagan lake and that might necessitate dredging.

Mr. GEO. TAYLOR. Put a lock there.

Mr. PUGSLEY. A lock might be put there but that would be quite an expensive operation. I am inclined to think that it might be better to delay proceeding with the work until a more careful study is made of the conditions. There is always the danger, when you attempt to alter natural conditions with the idea of improving the navigation so as to give access to Dog lake, that the result will be to materially injure the navigation of Okanagan lake which will be very much to be regretted.

Mr. J. A. CURRIE. I understand the length of the work contemplated is only a few hundred feet.

Mr. PUGSLEY. I think it is about two or three miles.

Mr. BURRELL. Of course my object was to ascertain if the work was being thoroughly looked into. A great many people there realize that it will lower the lake. The people at Kelowna would be willing to have it lowered but they feel that as the work would probably involve a large expenditure of money a definite and well considered plan should be prepared and they are anxious to know if steps are being taken in that direction.

Mr. PUGSLEY. I am rather inclined to think that we will not do any work this year but that we will allow the appropriation to stand.

Mr. BURRELL. There is another matter that I want to touch on in connection with the protection of navigable streams in British Columbia. The matter has been brought to the attention of the government before and I would like to refer to it just for a moment. As the minister is probably aware there have been claims put forward by the province of British Columbia in connection with large expenditures by the provincial government on the Fraser and Columbia rivers. I would like to call the minister's attention to the following correspondence which will emphasize the point that I desire to make:

13th February, 1908.

Revelstoke and Chilliwack Districts.

Sir,—I herewith beg to confirm telegrams which passed between us recently, as follows:—

To the Honourable the Minister of Public Works, Ottawa, Ont.

31st January, 1908.

Immediate necessity exists—carry on works costing five thousand dollars to protect bank of Fraser river at Chilliwhack. This government consented last year to contribute five thousand dollars, Dominion government contributing like amount for similar protection Fraser bank at Matsqui. Will your government aid the work at Chilliwhack to extent one-half estimated cost namely two thousand five hundred dollars?

(Signed) FRED. J. FULTON,
Chief Commissioner.

February 4, 1908.

Fred. J. Fulton,
Chief Commissioner, Victoria.

Re your telegram January thirtieth, kindly furnish reasons why federal government should assist in work requested at Chilliwhack. Is this not a matter for provincial authorities?

(Sgd.) WM. PUGSLEY, Minister.

4th February, 1908.

Hon. Wm. Pugsley,
Minister of Public Works, Ottawa.

Reply your telegram this date; reason work required is that Fraser a navigable river and should properly be entirely undertaken federal government. Precedents at Revelstoke on Columbia and Matsqui, on Fraser.

(Sgd.) FRED. J. FULTON,
Chief Commissioner.

And have now to acknowledge your reply of the 6th inst., reading as follows:—

Ottawa, Feb. 6, 1908.

F. J. Fulton,
Chief Commissioner L. & W.,
Victoria.

Have considered request re Chilliwhack and am prepared to recommend to council that federal government aid work there to extent one-half estimated cost, namely, two thousand five hundred dollars under same conditions as Matsqui.

(Sgd.) WILLIAM PUGSLEY,
Minister of Public Works.

And for which I beg to extend my thanks.

Hon. Wm. Pugsley,
Minister of Public Works,
Ottawa, Ont.

In this connection I desire to draw your attention to the fact that on the 13th September, 1907, a letter was addressed to you by myself giving the amounts expended by this government in protection works at Revelstoke on the Columbia river, and at Chilliwack on the Fraser river, up to that time. The amount for Chilliwack, therein specified as being $16,931.79, was inserted through an oversight, as this amount was for protection work at another point and one where the work would have to be provided for provincially. I find, however, that in a previous letter to the Minister of Public Works, under date the 8th February, 1907, signed by Hon. R. G. Tatlow, Commissioner of Lands and Works, the expenditures for Chilliwhack up till the end of the year 1906 are correctly enumerated, and totalled the sum of $42,396.58. In addition to this amount there was expended on similar work at this point during the year 1907, $110.26, and to the end of

January of the present year, $136.50, making a total to the 31st January, 1908, of $42,643.34 expended in the construction of works to prevent the encroachment of the Fraser river in order to secure the safety of the Chilliwhack dyke. This sum, together with the expenditure for Revelstoke stated in my letter of the 13th September before mentioned, namely, $39,416.20, make a sum total of $82,059.54. I may add that for the remainder of the present year there is an estimated expenditure of $5,000 to aid in further protection works at Chilliwack.

It will not be necessary for us to review the grounds upon which this government requests the Dominion to reimburse this province in the amount above stated. A reference to the communication of the 8th February, 1907, herein referred to, will demonstrate the strong claims of the province in this regard, and I can only urge that you give the whole question your consideration at an early date, as it is most desirable that a proper understanding be reached regarding same.

I beg to urge, in addition to the above, the question of the Dominion government assuming the whole expenditure of the protection works at Matsqui and Chilliwhack, and that the federal government will be pleased to reimburse this province in the total sum thus expended, as well as to assume, in future, any works necessary to prevent any encroachment of the rivers in question on their banks.

I have the honour to be, sir,
Your obedient servant,
FRED. J. FULTON,
Chief Commissioner of L. & W.

A reply was received to this, dated Ottawa, 21st April, 1908, over the signature of J. B. Hunter, acting deputy minister, stating that the department could not see is way clear to make payment, on account of the fact that the work in question had not been authorized.

I bring this matter up because it is a question of very great importance to the whole province and in order to ask what the intention of the government is, especially in view of the fact that this session the government, on the authority of the Minister of Justice, stated in answer to a question put by my hon. friend (Mr. J. D. Taylor) that the federal government claimed the foreshores on navigable rivers. If that is the fact of course it makes the position as set forth in the correspondence absolutely unassailable, namely, that as to these sums which are voted for the protection of the river banks we can legitimately call on the government through the Minister of Public Works to reimburse. I would be glad to have a statement from the Minister of Public Works in regard to this matter.

Mr. PUGSLEY. Did I understand the hon. gentleman to say that the Minister of Justice stated as a general proposition that the Dominion government owns the foreshores of navigable rivers?

Mr. J. D TAYLOR. That question was answered by the Minister of Justice after three weeks' deliberation, and his answer was that the federal government asserts jurisdiction over all foreshores within the railway belt of British Columbia.

Mr. PUGSLEY. That is a different proposition; they asserted ownership because they own the land in the railway belt.

Mr. BURRELL. The rivers I have mentioned are in the railway belt.

Mr. PUGSLEY. The question raised by the hon. gentleman is of very great importance because of the liability which would devolve upon the federal government if it assumed as a matter of duty the protection of the banks of navigable rivers. If it assumed that liability why might not the city of Montreal make a claim for the building of revetment walls to prevent property being flooded in the city. The government may take steps for the protection of its own property by protecting the banks of rivers, but that would be from motives of self-interest and not as a result of the federal authority. My hon. friend is now presenting the claim of the provincial government against the Dominion because this river is navigable at these points. I would understand that people who are interested in the protection of the banks must be the persons who have acquired the property, and that therefore the ownership is no longer with the Dominion government.

Mr. BURRELL. I gather from the correspondence I have read that the government has already admitted the principle by agreeing to pay one-half. The contention we make is, in view of the declaration that the federal government own the foreshores, that it falls legitimately within their scope to provide the necessary protection to the banks from erosion. I should think they would certainly be responsible for that. It is an important matter and I should like a a clear declaration from the minister with regard to it.

Mr. PUGSLEY The matter is important but the fact that this is within the railway belt cannot make any difference if the Dominion government has disposed of its property and is no longer interested as riparian owner.

Mr. BURRELL. There is a good deal not disposed of.

Mr. PUGSLEY. Under the British North America Act the federal government has control of navigation, which means the regulation of shipping and everything that pertains to navigation; but the question of the erosion of the banks of a river is a question of injury to property and has, of course, nothing to do with navigation. It is true that this government did agree to pay a portion of the cost of the improve-

ments which were made at one place, but it does not follow that it is bound to assume the cost, even in whole or in part, of other improvements. I was obliged to inform the hon. member for New Westminster, who desired certain improvements at Ladner, further down the Fraser river, that I thought it was a matter for the local authorities to attend to. Only a short time ago my hon. friend from Saguenay and Chicoutimi presented a petition appealing for protection of a portion of the banks of the St. Lawrence, because it was believed there might be a landslide and great injury to property and perhaps loss of life; and I had to take the same ground. My hon. friend from Dauphin called my attention to the fact that some years ago this government had undertaken the work of lowering Lake Manitoba, and I was obliged to state that notwithstanding that, I did not think that a federal work. A short time ago, on the representation of residents of Fort McLeod, an amount was put in the estimates for protection work there; but the amount was dropped, and I instructed my deputy to inform the mayor that I was not able to do that work at present, as I considered it a work of a local character. With the growth of towns and villages along the banks of navigable rivers, if the federal government were to undertake to protect the shores of all these rivers from erosion, many millions would be required to pay the cost, and it is not unreasonable to take the ground that the time has arrived when the provincial governments and the local authorities might be fairly called on to undertake this work themselves. I do not shut the door on all applications or say that in no case shall assistance be given as long as I am minister; but I refuse to recognize this as a federal obligation rather than a local or provincial obligation. Therefore, I am not able to hold out any hope that the claim of the British Columbia government for improvements done by that government on the Fraser river will be recognized. We are prepared to assume to the full our obligation to improve the means of navigation, but I do not think we should go further and assume obligations for works of a purely local or provincial nature, such as those my hon. friend has called my attention to.

Mr. J. D. TAYLOR. I cannot say that the reply of the hon. minister is entirely unexpected, because we in British Columbia have become so accustomed to the Dominion Government shuffling out of their obligations; but we think the time has come when we should enter a protest against the continuance of the disregard of solemn obligations. Our claim on the government for this expenditure comes under several heads. In the first place, we invite the minister to occupy the position of his own government's choosing, that is, to stand in the position of proprietor having proprietary rights over all the railway lands in the railway belt of British Columbia. I am not here to argue a point of law in that respect. As an ordinary Canadian citizen who has given some attention to this subject, and who knows the terms of the grant of the railway belt to the federal government, I do not think that position is tenable. But the fact that it is taken by the federal government is interfering with the right of the province of British Columbia to enjoy certain privileges within that railway belt. It seems to me not logical on the part of the minister to say that the provincial government should be at the expense of protecting the foreshores owned or claimed to be owned by the federal government. It seems to me the federal government must abandon one position or the other.

Mr. PUGSLEY. Has not the land at Matsqui been disposed of by the federal government? I am informed that it does not own a foot of land there.

Mr. J. D. TAYLOR. The federal government has disposed of a considerable quantity of land there, although not by any means all the land affected; but that to my mind only makes the situation worse, because it was disposed of to settlers who had a right to expect that the government who sold it to them would use ordinary precautions to protect them against the action of the Fraser river. The Dominion government claim that the provincial government parted with all its interests in the land in the railway belt in consideration of money paid to the province at the time of union, and it says that it cannot interfere to protect its own foreshores against the ravages of the Fraser river. Another reason for the appeal of the people of British Columbia is that this claim has to do with navigation, because if the channel of the Fraser river had been kept free and controlled as it should be from the mouth to Agassiz, the erosion of the banks would not have occurred, but there would have been a free flow of water down the river without the interruption caused by the accumulation of sand at the sand heads. The third reason is that part of our pact with the federal government is that British Columbia is to receive from the federal government such advantages as are allowed to other provinces and we have in every report of the minister the statement of officers of his department that in the other provinces this government has undertaken the responsibility of protecting lands from ero-

sion by the action of rivers. I will quote two or three instances. $1,500 was voted as an appropriation to protect the shores of the Baddeck river in Nova Scotia from erosion. The report states that the appropriation was made without any official knowledge of the requirements; in other words, they made it, not because the case was urgent, but simply to be good fellows. To do that work the sum of $1,500 was voted for expenditure during 1907-8 and the report goes on to say:

As the appropriation was made without any official knowledge as to requirements, an examination of the river at that point had to be made to ascertain what was to be done with the amount available, and it was decided, in order to prevent further damages by the river during the freshets, to divert the course of the river into an older and straighter channel.

That had nothing to do with navigation and yet that expenditure was made. Then we come to the Bear river, Annapolis county, Nova Scotia, and we find that money was spent there, not in improving navigation but in removing the upper portion of an old pier of a highway bridge which was rebuilt by the provincial government about 12 years ago on a site about 300 feet further up stream. Also in rebuilding in substantial pile work, the dropping pier on the down stream side of the swing span of the highway bridge. This I take from the report of the department. Then we come to the St. Louis river in the province of Quebec, and I find in the report:

During the spring high water, the river St. Louis spreads over the farming land from the canal feeder to the village of St. Louis de Gonzague, a distance of about 7 miles and thus causes considerable damage. During the summer, the river often overflows, especially after a heavy rain storm, and extensive fields of promising crops have been entirely lost.

You will notice that there is nothing about navigation there and yet the government does this work.

During 1905-6 some 5,000 cubic yards of rock and hard pan were blasted and removed in the making of a cut 700 feet long, 40 feet wide and of an average depth of 5 feet. General dredging including that of blasted materials was done for a length of about 1,500 feet. Expenditure during the year was $7,101.74.

Then on the same piece of work the government expended in 1906-7 $7,111.73, and the following year $7,205 was spent there simply to prevent these lands being damaged by the overflow of the St. Louis river, and these were lands in which the government had no proprietary interest whatever. Taking all the expenditures, and I could cite many others, we have a very special case in British Columbia. We appeal to the proprietor of the lands who sold them to the present occupants to protect them from damage caused by their neglect in not keeping open the channel of the river and also on the strength of their solemn obligations to discharge in British Columbia all those obligations which they discharge in the other provinces.

Mr. PUGSLEY. I do not want my hon. friend to assume that I am actuated by any disposition to deal differently with British Columbia from the other provinces. Very probably if our revenues were buoyant, there might be many works which would be done with the approval of this parliament, which might not be considered as wholly federal in their character. Take, for instance, the improvements in the Nation river. The work has been done there at different times to a limited extent and the same may be said with regard to the Richelieu river, but it does not follow that because such work may be done to a limited extent in other provinces, that imposes on the federal government the obligation to do all works of that character which may be required to be done. The federal government has also done work of this kind in British Columbia as well as in the other provinces. We have paid certain amounts to the government of British Columbia for work done in other places besides Matsqui. We have done work on the Columbia river and have spent many thousands of dollars in that province on works of this character. But it does not follow that because we do it in some instances we should do it in all. If we had plenty of money, we might not draw the line very closely between what might be called federal and what might be called provincial works. But at present I do not feel that this is work of a federal character which we are called on to do. It is work which, in the other provinces, is largely attended to by the provincial governments or municipalities. Take the city of Ottawa, they do work to protect the people from the flooding of the Rideau river, but if we are called upon to do this work, why might not the inhabitants of Gatineau Point call upon us to build protection walls to prevent their property being flooded by the overflow of the Gatineau?

Mr. J. D. TAYLOR. I do not think that is quite the same.

Mr. PUGSLEY. In the case my hon. friend has referred to, the river is simply washing away the bank. The same thing has been occurring for years on the St. John river, New Brunswick. There the highways are washed away by the flooding of that river over its banks, but I never heard of any claim on the Dominion to reimburse the local authorities for the cost of repairing those highways. A good deal

depends on the magnitude of the work and the financial ability of the local authorities and also upon the conditions of the Dominion revenue.

Dredging—maritime provinces..	$150,000
" Quebec and Ontario.. ..	150,000
" British Columbia..	25,000
To pay Beatty & Sons in full and final settlement of all claims for alterations made to boilers of three dredges built by them under contract of April, 1898..	1,500
	$326,500

Mr. JAMESON. What work is to be done for that item of $150,000 in the maritime provinces?

Mr. PUGSLEY. It is for contract work which last year was not completed. This will take in Fourchu, Miramichi bay, the la Havre river near Bridgewater and other places I mentioned in dealing with the main estimates. The amount in the main estimates is sufficient to keep the government dredges at work. This $150,000 will enable us to do some work at different points but not nearly what requires to be done, and a good many dredges will be necessarily idle during a considerable part of the season.

Mr. JAMESON. Is it proposed to do any work on the breakwater at Saulniersville, Digby county, in the way of removal of stones? I drew attention to the fact that it is necessary to do some work there and wrote the minister full particulars regarding it. The expenditure would only be $150, but because there are stones at the outer end of the breakwater, that breakwater is rendered almost entirely useless at certain times of tides and wind.

Mr. PUGSLEY. My hon. friend wrote me in regard to Saulnierville, and I referred him to the chief engineer. It is being looked into. I think it can be done out of the general vote.

Mr. JAMESON. I would like an assurance from the minister that it will be attended to.

Mr. PUGSLEY. I cannot say, until I get a report from the engineer, as to the necessity of it.

Mr. JAMESON. I also drew the minister's attention to some slight work of a similar character required on the breakwater at Tiverton.

Mr. PUGSLEY. I also referred that matted to the chief engineer, but I have not had the report brought to my notice, and cannot say to-night as to whether that work will be done.

Mr. JAMESON. The Minister of Marine and Fisheries told us to-night that the fisheries should be preserved for the settlers and the Canadian consumers, which I think is a very good doctrine. These expenditures are very insignificant, yet very important from the standpoint of the people who require to use these works. Unless wharfs are made available the people suffer great hardship. I noticed in the main estimates passed some time ago that a very large sum, no less than $4,500, had been expended in Clark's harbour for the protection of private property, and a further sum of $800 was also appropriated this year for the same purpose, making a sum of $5,300 for the protection of private property in Clark's harbour. Now, if money can be expended for that purpose, there must be ample funds available for works of urgent necessity like those I have alluded to, and I hope the minister will see that they are attended to.

Mr. THOBURN. What proportion of this $150,000 will be expended in the province of Quebec and how much in Ontario?

Mr. PUGSLEY. I am inclined to think, from the demands on the department, that the sum will be divided pretty nearly equally between the two provinces.

Mr. THOBURN. At what points in Ontario?

Mr. PUGSLEY. The same points which I mentioned when we were discussing the main estimates.

Mr. CROSBY. I would ask the minister why the appropriations he is now asking for in the supplementary estimates were not put in the main estimates when they were brought down in the first place? I understand these supplementaries are for the purpose of carrying out work that was commenced last year and not finished.

Mr. PUGSLEY. In the main estimates we simply put what we thought would be sufficient to keep the government dredges working, and we did not think we would require any additional amount for dredging. But very strong representations have been made to us from the maritime provinces for dredging which is said to be most urgently required at certain points, and we have put in $150,000 for the maritime provinces, and a similar amount for Quebec and Ontario, to meet cases of most urgent necessity in the interest of navigation.

Mr. FRASER. Is it the intention to remove the dredge that has been at work in the village of Souris before it completes the work that is necessary to be done there? The reason I ask is that within the last few years there has been $74,000 spent on the wharf there; and I am informed and believe that if this dredge is now removed before

she completes the work at the village of Souris this wharf will be practically useless.

Mr. PUGSLEY. The information in my department was that about three weeks' additional work would be sufficient to make the wharf available for public use, and I authorized her remaining there for that period. There is more work to be done at Souris, but I am informed that it can wait. There is work urgently required at Summerside and at other places A great deal of work has been done at Souris, the dredge has been there for two seasons steadily at work, and I did not feel that we could keep her there any longer, to the neglect of other places where she was more urgently required.

Mr. FRASER. During the last campaign the gentleman who represented that county informed the electors that this dredge was built especially for use in King's county, and he said there was plenty of work to be done in King's county that would keep the dredge going for two years. Now it seems the dredge is to be removed before the work is completed.

Mr. THOBURN. Is it the intention of the minister to do some dredging at Newcastle harbour in Ontario? I think one day's work, or two at most, would be sufficient to make a channel in that harbour. When the crew is together and steam is got up, the dredge might well be allowed to go there. The harbour must have an entrance so that boats can call there. A bar is formed during the winter which could be easily dredged in one or two days.

Mr. PUGSLEY That dredge is not owned by the government.

Mr. FRASER. I again ask the minister if it is the intention to remove the dredge before she has completed her work in King's county. There is just as much necessary work there as in any other county in Prince Edward Island.

Mr. PUGSLEY. It is quite true that the predecessor of the hon. gentleman was very energetic in getting public works for his constituency, and no doubt he did succeed in getting a great deal of work done there. But work is urgently required in other places, and I must now send the dredge to other places, having done all that I think is presently required at Souris.

Mr. FRASER. Is it because the late representative, whom the minister calls the energetic member from King's county, is not now a member that the dredge is taken away from King's County this year?

Mr. PUGSLEY. Oh, no, not at all; it is because he got so much done that it is not necessary to continue the dredge there now.

Mr. FRASER. Did I understand the minister to say that even if he had been a member of this parliament the dredge would have been removed?

Mr. PUGSLEY. Why certainly, just the same.

To provide for Canada's portion of the expenses of Royal Commission to inquire into trade relations between Canada and the West Indies, $20,000.

Mr. CROSBY. When is the commission here provided for supposed to commence operations?

Mr. FIELDING. The Commission is to be appointed by the imperial authorities. No date has been fixed but the sittings will probably take place in the autumn, They will probably begin in Canada and the commission will doubtless have to sit in the West Indies. I fancy the sittings will be in September or October, but it is difficult to make an announcement at present.

Mr. CROSBY. Has the minister any information upon this subject in addition to what was brought by the last delegation who went out to the West Indies two years ago, Mr. Jones, and Mr. Parmelee, the Deputy Minister of Trade and Commerce? Apparently nothing has been done to follow that up, although it is a matter of very great importance. I am glad this commission is to be appointed and I hope that this commission will produce some tangible result. I have nothing to say against the former commissioners; Mr. Jones was particularly well fitted for the position to which he was appointed, and I think a very capable man, but still it seems that no action was taken upon their report.

Mr. FIELDING. It is not quite correct to say that nothing resulted from the visit to the West Indies by Mr. Parmelee and Mr. Jones. On the contrary, there was then the beginning of a movement which has made very considerable progress. For example as a result of the consideration given to the matter at that time, the colony of Barbados adopted a preferential tariff which they were willing to extend to Canada on certain terms. It was felt, however, that the acceptance of the proposal was open to some objection because it was not as complete as respects the colony of Barbados as we might desire, and there are difficulties in the way of dealing with one colony rather—without others. The object of this commission is to try to bring a number of colonies into co-operation so that if there is to be a treaty arrangement it will not be with one colony but with a group of colonies. I consider that the former commission has had good results and we are

now moving forward to a broader view of the same question.

Mr. CROSBY. That may be so, but I cannot come to the conclusion to which the Finance Minister has come. When we went to the British West Indies we had already accorded preferential treatment to them and were not in a position to give anything more than we had already given. If the British West Indies do not grant us some opportunity of trading with them, I think it would be the duty of this parliament to see that they do not continue to enjoy the benefit they now receive from our British preference. We have done something for them, they have done nothing for us, and I think it is up to us to withdraw any advantage they are now receiving if they do not reciprocate. They feel that they have got from us all that they can get and they keep us in the same position in relation to trade as the United States, who are our great competitors there, and are taking our trade from us.

Mr. JAMESON. Does the government of Canada appoint any of the commissioners?

Mr. FIELDING. Yes, the government of Canada will be represented on the commission. No names have yet been chosen although my name has been referred to in the public press. The Colonial Secretary, Lord Crewe, has kindly asked me to take a place on the commission. Whether or not I shall be able to do so will depend on other engagements. At any rate, the government of Canada will be represented on the commission.

Intercolonial Railway.	
Extension to wharf at Dalhousie.. ..	$27,500
To put line between Indiantown and Blackville into condition for operation..	50,000
Original construction to pay claim of Henry N. Paint for land taken at Point Tupper..	6,000
	$83,500

Mr. JAMESON. We want an explanation of that.

Hon. GEO. P. GRAHAM (Minister of Railways and Canals). There is no new work in any of these items. These are works that are under way and will probably be completed very soon.

Mr. FRASER. Does this include any railway work in Prince Edward Island?

Mr. GRAHAM. There is nothing for Prince Edward Island in any of these items.

Mr. CROSBY. Why have these items not been put in the regular estimates?

Mr. GRAHAM. It is impossible in managing a large department to get all the details in time to include them in the main estimates, because they are made up before the House meets, and as the work is further advanced now we make provision for it in the supplementary estimates.

Mr. CROSBY. There is no reason why men should be kept at this late hour of the night passing supplementary estimates which should have been put in the regular estimates.

Mr. GRAHAM. We have had supplementary estimates for a great many years.

Mr. CROSBY That does not make any difference. You should try and make things as easy as possible and not make them any harder.

Mr. JAMESON. Would the minister give us an explanation of the item to provide for the payment of $6,000 to Henry N. Paint?

Mr. GRAHAM. This is a claim that has been before the department for some time and which I have endeavoured to settle. The claim was for $25,000 or $30,000 and I made an offer to the parties of $6,000, about 25 per cent of the original claim, which they accepted after consideration.

Some resolutions reported.

Mr. FIELDING moved the adjournment of the House.

Mr. GEO. TAYLOR. What business will the government take up to-morrow and is it the intention to rise at six to-morrow evening?

Mr. FIELDING. To-morrow is Friday.

Mr. GEO. TAYLOR. I understood that on account of some doings at Government House we would not sit to-morrow evening.

Mr. FIELDING. Oh, I must reserve my answer to the latter part of my hon. friend's question. To-morrow we desire to take up a number of Bills on the Order Paper. I do not know that any of them has special precedence. We should like to feel free to take up any of the Bills which have been placed on the order paper and at a later period in the day the House will go into Committee of Supply. In that case the Prime Minister will take up the estimates with respect to the Department of Trade and Commerce and steamship subsidies. At this stage of the session we would like to feel free to take up any estimates yet remaining.

Mr. GEO. TAYLOR. I understood from the Prime Minister or some other person that the government were all going to the state ball and that the House would not sit.

Mr. FIELDING. I am not authorized to say who will go or who will stay, but I think the House will meet.

Motion agreed to, and House adjourned at 1.15 a.m. Friday.

HOUSE OF COMMONS.

FRIDAY, May 14, 1909.

The SPEAKER took the Chair at Eleven o'clock.

PUBLIC ACCOUNTS COMMITTEE.

Mr. A. H. CLARKE (Essex) moved: That the 11th, 12th and 14th reports of the Public Accounts Committee be concurred in.

Mr. R. L. BORDEN. The 12th report is something more than formal; perhaps this had better stand as a notice.

Mr. A. H. CLARKE. I will confine the motion to the 11th and 14th reports.

Motion, as amended, agreed to.

MONTREAL HARBOUR COMMISSIONERS.

House again in committee on Bill (No. 154) respecting the Harbour Commissioners of Montreal.—Mr. Brodeur.

On section 1,

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). The port of Montreal is that section of the river St. Lawrence extending from Montreal to Port Neuf, and it was originally so defined for the purpose of construction. All the improvements on the St. Lawrence, as well as the rules of the road and the pilotage authority, were under the control of the Montreal Harbour Commissioners. Some years ago the Shipping Act was amended to vest the pilotage authority in the Department of Marine, but the Montreal Harbour Commissioners Act was not amended to conform with that and this section proposes to do so. The rules of the road between Montreal and Port Neuf will also be controlled by the Marine Department in future, as they are in all other places in Canada.

Mr. EMMERSON. I wish to call the attention of the minister to a question that has arisen between the Harbour Commission of Montreal and the lessees of certain lands lying along the Lachine canal. The leases to these lands were granted many years ago. Their western boundary was the canal itself and their eastern boundary the harbour of Montreal. For a long time there was some dispute with respect to the eastern boundary. As long ago as 1873 a conventional line was established, I think by order in council. That conventional line was recognized for years, and from time to time was made the subject matter of orders in council. Recently difficulties have arisen between the lessees and the Department of Public Works.

Mr. BRODEUR. The Department of Railways and Canals.

Mr. FIELDING.

Mr. EMMERSON. I think some of the leases were made when Railways and Canals were under the control of the Public Works Department. In 1903 and 1904 there was some dispute with reference to these boundaries, and it will be found that even as late as that date the rights of the lessees to this conventional line were recognized by orders in council. It is claimed by the Harbour Commission that that line should not be the line. Originally the line was irregular, following the windings of the stream, but in order to prevent any misapprehension with respect to it and to the changing shores of the stream, the conventional line was established. The commissioners have brought suit against the lessees with respect to the matter, and it would seem to me that if the lessees or their assignees have or have had rights which have been recognized in the past, they should be recognized to-day, and there should be no legislation which would change their status in any degree. It occurred to me that possibly this section might in some way affect the status of these lessees, and I think the Department of Marine and Fisheries, in succession to the Department of Public Works, should stand by the action of the department in years gone by, and is in justice and in equity bound to recognize their rights. It seems to me most unfair that these parties should be brought into court after so many years, and after the several departments of the government have treated this conventional line as one that was established for all time, and one that was not to be subject to the whim or the caprice of any commission. I am sorry the Minister of Railways is not in his place at the moment, as his department is particularly interested in the matter. It is a question which I think the Department of Railways and Canals and the Department Marine and Fisheries should jointly take into consideration, and deal with the subject without the assistance of the courts.

Mr. DOHERTY. It seems to me that this question would rather arise under the next section of the Bill, which defines the limits of the harbour, not under this section, which defines the port. As the hon. member has brought the matter up, I may say that I have had occasion to see the records in the pending litigation, and it certainly does seem to present a case for the consideration of the government. The action of the Harbour Commission is against persons with whom that board made a contract establishing the boundaries of these lots, a contract which I believe was authorized at the time, and was subsequently ratified, by order in council. The position which the Harbour Commissioners now take in attacking the boundary line so established, does seem to me to be one which it

ought to be possible for the government to avoid. This boundary line was established by a deed which is unquestionably valid unless it be set aside on the ground that by it some portion of the ground which formed the harbour was lost to the Harbour Commissioners. The commission take the ground that the piece of land in question, being public property, was not susceptible of being alienated, and therefore that the conventional line fixed for the boundary was illegally fixed. It does seem to me that these parties, who contracted with the Harbour Commissioners, are entitled to stand on the title they got. Moreover if I mistake not, that title was passed thirty or forty years ago and they have possessed the property in conformity with it ever since; so that if the matter were one between individuals, they would have a prescriptive right to it. The Harbour Commissioners in addition to repudiating their own contract in order to get rid of this boundary, are reduced to take the position that no prescription can stand against the Crown, or that the property being public cannot be acquired by prescription. The position is made doubly hard by the fact that in some cases the parties with whom the convention establishing the boundary was made have since sold their property. The present litigation is between the Harbour Commissioners and the present owners; and the people who were the owners at the time of the fixing of the boundary find themselves called in to guarantee and protect their purchasers against the consequences of this action. I have nothing to say as to how far the position taken by the Harbour Commissioners may be legally well taken, but assuming that it is, it seems to me to be a case of considerable hardship on the holders of these properties, who in good faith entered into this arrangement with the Harbour Commission, an arrangement which was at the time ratified by order in council and which has ever since been acted upon. One can readily understand the confusion into which things are going to be thrown if that convention is upset. The gentlemen who entered into the convention with the Harbour Commissioners, actually held the property adjoining, between which and the harbour the line was drawn, deriving their title from the government of Canada; and they were entitled to a warranty of the government of Canada to the peaceful possession of their property. The situation is that these people who hold title to their property from the government of Canada, with whom in good faith they entered into a convention to establish the boundaries of that property, now find themselves, by the action of one of the departments of the government, sought to be deprived of that property. It does seem to me to be a case in which the different departments of the government ought to get together and see if it is not proper to refrain from disturbing the rights of these people. As I understand, the very narrow ground on which the Harbour Commission is acting is that the government, when it passed the order in council ratifying the conventional line, did a thing which by law it had not a right to do. The case is certainly one deserving of the consideration of the government.

Mr. BRODEUR. I shall be very glad to bring to the attention of the Harbour Commisioners of Montreal the statements just made by my hon. friend from Westmoreland and the hon. member for St. Anne's. This matter was never brought before me, because it is a question of internal management, with which we of course never interfere. Of course, neither this section nor the third section refers to the question of the boundaries. We have accepted the boundaries as they were. The Harbour Commission of Montreal is a very old organization, extending as far back I think as the thirties. The boundaries of the harbour were determined by an Act passed 50 or 60 years ago, and our intention is not to change the old boundaries; but we are providing in this Bill to extend the jurisdiction of the Harbour Commissioners from Longue Pointe Church to the extreme end of the island.

Mr. DOHERTY. You extend the boundaries up and down the river, not between the river and the properties along the river.

Mr. BRODEUR. We do not touch at all the old boundaries of the harbour. From Verdun to Longue Pointe they will be just as they are to-day; but we propose to extend the boundaries from Longue Pointe to the extreme end of the island, so that the question raised by my hon. friend from Westmoreland will not be affected by this legislation. It simply provides that the jurisdiction which the Harbour Commission exercises, extending from Montreal to Portneuf, shall pass to the Minister of Marine and Fisheries, so far as pilotage, the rules of the road and public works are concerned. Since the Minister of Marine and Fisheries has become the pilotage authority, instead of the Harbour Commission, there is no more reason why the rules of the road should be made by the Harbour Commission for that section of the river, and they are hereafter to be under the control of the minister. With regard to the matter which has been brought to the attention of the House by my hon. friends, I must admit that I am not very familiar with the details of it. I do not think it has been

brought formally before me, but I have heard some discussion by the former Harbour Commission and probably by the existing Board on that point. If I remember rightly, it is claimed that there has been an encroachment upon part of the property which was under the control of the Harbour Commission. Whether this has been done by leases issued by the department here or not, I am not sure.

Mr. DOHERTY. I understand that whatever encroachment there has been is in conformity with the deed of the Harbour Commission by which the boundary line was agreed upon. Now the Commissioners come, forty or fifty years afterwards, and say: 'That line did not mark the real limit of the harbour; we gave you by it a bit of the harbour, which we could not legally do, because it was public property, and therefore what we did and what the Governor in Council ratified was null and void,' the resulting situation being that these people, if they had dealt with any private individual, would unquestionably have an absolute valid title to their property both under their deed and by prescription, but that they are to be ousted because they have been dealing with the Crown.

Mr. BRODEUR. I think that the rentals were made first with one of the departments, whether with the Public Works Department or the Railways and Canals I do not know; and that there was after that, or at the same time, an agreement made with the Harbour Commissioners of Montreal. But, as I understand it, the Harbour Commissioners claim that this agreement has not been lived up to by these lessees.

Mr. DOHERTY. The contention of the Harbour Commissioners, as I understand it, is: Inasmuch as the line was not on the exact line of the harbour, the effect was to give these lessees property which is part of the harbour, and, as we could not alienate any part of the harbour, the deed did not convey it, and though you have had possession all this time, you could not prescribe it, because we are the Crown. I do not know whether there may be other difficulties as to details.

Mr. EMMERSON. The canal branch, when it was under control of the Department of Public Works, issued certain leases to several lessees respectively, the boundary of the leased property being the western boundary of the harbour of Montreal. Now, under the Act—and if reference is made to it it will be seen that this is correct—the western boundary of the harbour of Montreal followed the western bank or shore of the river St. Lawrence. And, as it practically worked out, when these lessees came to take possession of their property, a question arose as to exactly where the western shore or bank of the river St. Lawrence was. In order to obviate any difficulty and to set at rest all questions as to where that proper western boundary of the harbour of Montreal was, a conventional line was established in the interest of the department as well of the Harbour Commissioners of Montreal. That conventional line, thus established, was distinctly recognized by order in council on one occasion at least, I think in 1873, and it has been lived up to on the part of the commssioners of the harbour of Montreal and the Department of Railways and Canals respectively, and all subsequent leases issued by the Department of Railways and Canals were based upon that conventional established line. Now, the question arises: The commissioners gave assent to that conventional line——

Mr. BRODEUR. With certain conditions attached.

Mr. EMMERSON. I think there were no conditions, because the line was made a fixed line.

Mr. BRODEUR. But the hon. member (Mr. Emmerson) will see this also in the papers. There was to be an outlet from the works of the Harbour Commissioners to the street—Mill street, I think. But that has not been lived up to by the lessees; they have not kept the outlet. And, as a result, the harbour commissioners to-day have no outlet from their property in that section, and the lessees will not carry out their part of the agreement.

Mr. EMMERSON. That raises an entirely different question. But the question to which I wish to draw the attention of the committee is that that line was established by order in council and that the assent of the Governor in Council was given to the action of the Harbour Commissioners.

Mr. BRODEUR. Yes.

Mr. EMMERSON. Now, the harbour commissioners say: 'The western line of our harbour followed the western line of the River St. Lawrence, and this conventional line does not follow, on the contrary in some respects it encroaches upon the River St. Lawrence, our harbour; and so, our deed, while it was done in good faith, while it was done in the interest of all parties involved at that time, was one we had no power to make, for we could not alienate the property of the Crown.' They admit that they gave assent, but they say that because they had not authority to do it,

they repudiate the conventional line and plead the right of prescription in the Crown, and say that these lessees have no vested rights up to that conventional line. Now, the original lessees, perhaps, are not in existence. But their assignees are in existence, and for years, certainly since 1873 down to the present moment, all parties have acted as respects this property upon the basis of that conventional line being the true line which the government of this country recognized and established. The government itself has, by order in council, time and again since 1873 recognized this conventional line. It seems to me that it would be a breach of faith on the part of the government to permit, even though the law would enable any of the departments to do it, to permit any of the departments to deviate one hair's breadth from the conventional line established in 1873. I am simply calling the attention of the minister to this, with the hope that he, as representing the harbour of Montreal and the rights connected therewith, and his colleagues in the government, especially the Minister of Railways and Canals as representing the canal interest, will look into this matter, consider these original leases referred to in the order in council, and see whether that conventional line was established, whether it has been acted upon——

Mr. BRODEUR. And whether the agreement has been carried out by the two parties.

Mr. EMMERSON. And to have the matter settled, for the reason that every property thus situated has a cloud upon its title. There is not one of these lessees, or an assignee of any of the original lessees, but what is now in a perilous condition as respects his holdings under these leases. He cannot alienate, he cannot dispose of them, he has not the free use and enjoyment of his property, and all because one department in the government says to the other department: 'We have no right to do this, and therefore it is wrong.' Now, I do not think it would be contended by my hon. friend that the action thus taken in 1873 was wrong. It may not have been legally carried out, there may not have been the authority of parliament in strict legal exactness for making the western boundary of the harbour of Montreal follow the western shores of the River St. Lawrence and consequently that wherever to-day that western shore is to be found the western boundary should be followed. But it will not be said that because a certain line was established, such line should not now be recognized, as it was by the government in 1873 and has since been recognized down to the present time.

Mr. BRODEUR. On that point I may be permitted to say a word or two. I do not think that the Harbour Commissioners are desirous of repudiating the agreement which was then made. There was an agreement made by which the boundary of the harbour of Montreal was extended a little to the east in order to give to these people a larger quantity of land, but at the same time those people were obliged to give to the Harbour Commissioners an outlet, and they do not carry out their part of the agreement. They do not give that outlet—if I remember the circumstances of the case. I speak subject to correction. There was an agreement made, and these lessees will not carry out the agreement, they will not give an outlet to the Harbour Commissioners, and the Harbour Commissioners say: 'If you will not live up to the agreement, give us our property as it was before.' That is the basis of the action which has been taken. So I think we must consider the two sides of the case. It is all very well to say that the Harbour Commissioners should carry out this agreement. At the same time the lessees should give the Harbour Commissioners what they have promised to give, and that is the question that is now before the courts.

Mr. DOHERTY. The nature of the action, so far as I am acquainted with it, does not rest on the complaint that the lessee in a particular case has not carried out his obligation. Whether there are any one or more of them that are not doing it, I do not know. But this action is purely and simply on the ground that the department was never authorized by parliament, and that even the Governor in Council had no power to ratify the contract. And to show what a difference it makes whether the action be one of that kind, which is a simple repudiation of the contract, or an action such as the minister speaks of, I would like to point out to him what happens in a particular case. The particular action is brought against a purchaser from the original lessee who made the boundary contract. If that action against that purchaser were on the ground that he, succeeding to the obligation of the lessee under the boundary deed was not fulfilling the conditions of the deed, of course there would be no question of his having an action in warranty against the man who sold, because it would be his own failure to fulfil his obligation would be complained of. In the case I speak of, that is not complained of at all. But the position is that the action of the government gives to this second person who bought from his auteur with whom the government contracted the right to compel that auteur to warrant him against the government's action. Whereas were the action what the minister describes it as being, then that vendor or auteur would not have any such obligation

to warrant his purchaser against a suit based on the latter's default. The minister will see what a material difference it makes in that case which position is taken. Under the position as taken actually by the Crown, the person who is going to suffer is the original owner who contracted with the Crown, because he is bound to protect his purchaser from the Crown's repudiation of his own title. If, on the other hand, the position taken by the Harbour Commissioners were that the present holders of that property are not carrying out their obligations, and that the commissioners want the contract, which was perfectly valid, either carried out or annulled merely because the present holders do not fulfil their obligations, then the Crown or the commissioners and the present holders might fight it out. It seems to me an injustice to the man who originally contracted with the Crown.

Mr. EMMERSON. I only wish to add a word. I am not familiar with any of the conditions of the original lease, at the time of the issuance of the original lease, at which time this conventional line was established. But I do know that since then, under the Department of Railways and Canals in 1884, and in 1885, if not later, certain leases were granted, the eastern boundary of which holdings was to extend to this conventional line, and that the subsequent leases were not issued upon any conditions perhaps similar to those in the original lease. I think that will be found to be the case. But these parties who got their lease with this line thus established, are to-day brought into court in an action the object of which is to repudiate entirely the conventional line established in 1873. Now it would not be just or right, it would not be fair that the government of Canada should permit these men to suffer because forsooth the original lessee of another property failed to fulfil his conditions.

Mr. GEOFFRION. So far as I can remember the question raised by the hon. member for Westmoreland, I think there was a conventional line established by agreement between the parties. But now the difficulty in connection with the case in court, if I remember right, on the part of the commissioners, is that the lessees have not lived up to the contention properly.

Mr. EMMERSON. Is that in all cases?

Mr. GEOFFRION. In most of the cases; I think it is in all cases. When the convention was made conditions were imposed by the commissioners and it is those conditions which have not been fulfilled by the lessees which are now the subject of contention in court. The point taken by my hon. friend from Montreal, St. Anne, (Mr. Doherty) is right. I think it is also contended on the part of the parties that there was no power to lease.

Mr. DOHERTY. In the case that I spoke of they ask for nothing more than a judgment declaring that the harbour commissioners could not make that deed and that it does not bind them. There is nothing about conditions.

Mr. GEOFFRION. That may be one of the allegations; I do not remember exactly now. But one of the allegations was that the conditions imposed when the agreement was made was not fulfilled and, therefore, even if the leases were granted according to the convention, the cases will be considered and judgment will be rendered according to the convention.

Mr. EMMERSON. Why are they brought in the court at all?

Mr. GEOFFRION. These cases have been standing a long while.

Mr. DOHERTY. Their object is to declare that the convention does not govern. Their position is that you could not make that agreement, and they want the court to declare that the agreement is without effect.

Mr. GEOFFRION. Their position is that the contention of the Harbour Commissioners is wrong?

Mr. DOHERTY. That it is wrong.

Mr. GEOFFRION. Well, the case is still standing and will be judged according to the convention.

Mr. GEOFFRION. According to the law and if my hon. friend is right judgment will be rendered accordingly. But this clause simply——

Mr. BRODEUR. It does not affect that question at all, we do not touch that.

Mr. GEOFFRION. It simply says that the old board will be re-established and extended.

Mr. DOHERTY. I quite understand that the clause does not affect that boundary line between the proprietors behind the water lots.

Mr. BRODEUR. The only question that has been raised is as to whether the action of the Harbour Commissioners in taking these proceedings against the lessees is proper or not. Since the discussion was begun I have received the papers, but unfortunately I cannot lay my hand on the contract. The matter has been referred to my department and to the Department of Justice and there is a resume of the case given by Mr. Newcombe in which he says:

It would appear from the papers and from verbal explanations made by Mr. Seath, the secretary of the Harbour Commissioners,

that the Crown gave what are in effect perpetual leases to various persons of hydraulic lots on Mill street in connection with the water-powers created by the Lachine canal. In some cases these lots were very shallow and on the 26th December 1873, the Harbour Commissioners made an agreement with all the proprietors except two, in which it was recited that doubts had arisen as to whether the various lessees did not encroach upon the rights of the Harbour Commissioners by running their lots further into the river than they had a right to do and that to put an end to the said doubts the Harbour Commissioners had had a map or plan prepared by their engineer showing where the rear line of the said lots should run, which was annexed to the agreement and duly signed.

It then goes on further to recite that the Harbour Commissioners contemplated making certain improvements in the harbour at the rear of the lots by building a wharf along the whole length thereof and otherwise improving the harbour, and at a meeting held at their office it was agreed that the boundary line between the Harbour Commissioners' property and the various lessees should in future be a line marked 'A' on the plan and the Harbour Commissioners gave up to the various lessees 'all right or claim they may have to the land lying between Mill street and the said division line so marked 'A,' the lessees, on their part, transferring to the Harbour Commissioners certain pieces of land for the purpose of making roads between Mill street and the wharf to be built in rear of the lots. This agreement was 'acquiesced' in by order in council dated the 8th October, 1878.

Now the lessees will not deliver the property they agreed to deliver. Then Mr. Newcombe adds:

It would therefore appear to be very desirable to effect a settlement of the case if this can be done, and I understand from Mr. Seath that the Harbour Commissioners might be satisfied if the lessees would make arrangements to give the roads that they undertook to give under the agreement of 1873 and a strip of land for railway tracks.

The agreement was made in 1873. The commissioners are willing to live up to that agreement, but the others will not live up to it. Let them give the land they promised, and I am satisfied that the commissioners will be willing not to disturb them. If they want the Harbour Commissioners to carry out the agreement they themselves should carry out their agreement. It is all very well to say: 'Give us a piece of land along the river front but we will not give you the outlets that we promised to give you.' Let the lessees carry out their part of the agreement.

Mr. DOHERTY. Will the minister say that the action will be reduced to the demand that they fulfil their obligations and that the contract be annulled on that point? If the minister will do that he will clear the whole situation and remove the grounds of complaint.

Mr. BRODEUR. I have always understood from the Harbour Commissioners that they were willing to leave the harbour front as it is to-day provided the others would carry out their agreement. If they are willing to give the Harbour Commissioners the streets that they promised to give, I think the Harbour Commissioners will be willing to leave the river front as it is.

Mr. EMMERSON. I would like to impress upon the committee the fact that the action brought is not for the purpose of compelling these parties to carry out the conditions of the lease, but for the purpose of absolutely annulling the lease on the ground that the Harbour Commissioners had not the right, by authority of parliament, to give a lease of that portion of land. It seems to me that the attitude of the Harbour Commissioners is one that cannot be justified for the reason that the subsequent leases were all granted, that the government recognized this conventional line and the government should not permit the Harbour Commissioners to say, in a fit of anger, perhaps, or something else: 'You have not done this and we will absolutely have this conventional line annulled.'

Mr. BRODEUR. That is of the greatest importance.

Mr. EMMERSON. There can be no complaint of any action brought to compel these parties to fulfil the conditions, but it does not seem to be fair on the part of the government now to be bringing an action to cancel the lease.

Mr. DOHERTY. This is a case of punishing the innocent and the guilty alike. Because there are some men who are not carrying out the conditions of the lease it is proposed to punish all. I do not know the fact, but if the present form of action will deprive the man who did carry out the conditions of the right to his land under the lease you will do an injustice. As a means of compelling possibly one or two proprietors who do not want to carry out the conditions to carry them out you will deprive all the other proprietors of the benefit of the line. The undoubted position which the government takes is that 'that line does not bind me with regard to anybody whether he carries out the conditions or not.'

Mr. BRODEUR. It is not the government, it is the Harbour Commission.

Mr. DOHERTY. That may be, but apparently the Harbour Commissioners claim to be the Crown because it is said no prescription can run against them, and I suppose the Crown and the government are more or less identified. The action itself is not a pure and simple action to have the deed as something that once did

exist, set aside for non-fulfilment of conditions. It is quite another thing, an action to have it declared that the deed never bound the commissioners at all, that, ab initio it was absolutely beyond their powers, and that therefore that line did not exist, with the result in this particular case that parties who are not now in possession of the lands find themselves called in to warrant the title of new people, who, if the minister's position is correct, are the people who are violating their obligations. If the action raised the question of a violation of the obligation then these people would be entitled to say: 'We have no warrant to give you if you do not fulfil your obligation.' But, as the government chooses not to say that there has been a violation of the conditions, but rather that the title is void, ab initio, then the previous holders, the vendors, have to come in to defend this man who, according to the government's now position is the man who is violating the obligation.

Mr. BRODEUR. But, if the action is taken for the purpose of having this man carry out that agreement that would be a question for the courts to decide.

Mr. DOHERTY. Yes, between the warrantee and the warrantor. If this be the action of course there would be absolutely no discussion with regard to it, and I have not a word to say against the government in enforcing any obligation that may exist.

Mr. BRODEUR. I suppose that the lawyers who advised the Harbour Commissioners found that this sort of action was better than the other.

Mr. DOHERTY. Exactly, sometimes when one has a case which he does not expect to succeed on, he tries another.

Mr. EMMERSON. What about those who have fulfilled their conditions?

Mr. DOHERTY. Precisely, you punish indiscriminately those who fulfilled the conditions and those who did not.

Mr. GEOFFRION. I think we had better discuss the clause before the House.

Mr. DOHERTY. Very well; I have no doubt I have so impressed the minister that he will see the justice of my contention.

Mr. EMMERSON. The clause says:

> From the said north point of the island of Montreal to a point opposite the church of the parish of Longue Point, the boundary shall follow the west boundary of the River St. Lawrence along high water mark and including the beach thereof.

If these words are to remain in the Bill they would absolutely do away with any conventional line and wipe out your orders in council and all the recognition that the government has given from time to time to this conventional line and upon which they have issued leases. If this legislation goes through and the facts are as I surmise, then there is no need for litigation.

Mr. BRODEUR. Our intention is not to affect pending litigation between these lessees and the Harbour Commissioners. If the hon. gentleman has any doubt we might put in a clause to that effect.

Mr. EMMERSON. I should like to have a clause inserted to that effect.

Mr. GEOFFRION. The rights of the parties will not be affected. How could this clause affect the rights of the parties making contracts according to conventions which existed between them?

Mr. DOHERTY. I should think the clause would affect these rights because here we have the statute declaring precisely where the boundary of the harbour of Montreal is to be. The convention in this case has no other purpose than to define the boundary of the harbour of Montreal at this particular place, and if by law we define it as being somewhere else of course the convention would be absolutely wiped out.

Mr. BRODEUR. There may be something in the point raised. I would not like to take advantage of this Act to interfere with pending legislation and we can insert a clause declaring that it shall not.

Mr. DOHERTY. I have no doubt that there is no intention to affect proceedings pending.

Mr. EMMERSON. You are doing away with the conventional line which seems to me to be unfair and to be going back upon everything that successive governments have done for many years, and I think there should be a recognition of the conventional line in this clause.

Mr. BRODEUR. If my hon. friend can get the lessees to live up to their agreement I will try and induce the Harbour Commissioners to do the same thing.

Mr. EMMERSON. I quite agree that these parties must live up to their agreements, but I do not think the department should in any pique do away with what has been established for 40 years or more because as is alleged some parties have not lived up to their agreement. Make them live up to it. My recollection is however that that was not the point raised when the matter of several of these properties was brought to my attention as Minister of Railways.

Mr. BRODEUR. We will insert the words: 'Provided nothing in this Act shall affect pending cases.'

Mr. EMMERSON. And insert also the words: 'Provided nothing herein shall affect the conventional line established.'

Mr. BRODEUR. I am not going to declare that the Harbour Commissioners are guilty in that respect when others do not live up to their agreements.

Mr. EMMERSON. If the government of the country has for 40 years recognized that conventional line surely legislation of this character should also recognize it, and while you are extending the bounds of your harbour you should not be guilty of a breach of faith with any of these parties.

Mr. BRODEUR. It would not be fair to say to the Harbour Commissioners: 'You must live up to this agreement' without at the same time forcing the others to live up to their agreement. The question, is before the courts and I am inserting a clause saying that this legislation will not affect pending cases.

Mr. EMMERSON. I do not want the minister to do anything whereby the lessees will be relieved of any of the conditions of their leases. The retention of the conventional line which has been recognied for forty years will not have this effect.

Mr. GEOFFRION. Even though there was a conventional line, it does not follow that the government are going to continue the same limits of the harbour of Montreal forever. We may be obliged in twenty years hence to extend its limits again.

Mr. EMMERSON. You can at any time extend the bounds of the harbour by the right of eminent domain; but in doing so you should recognize the rights of individuals. It was certainly in the interest of the department to have that conventional line established, it has worked well all these years, and I appeal to the minister not to suddenly wipe it out and thus destroy the rights of these people.

Mr. BRODEUR. My hon. friend loses sight of a very important point. Here are two parties to an agreement, one of whom was to give a portion of property on the river front, and the other was to give streets and lanes for communication between the river front and the city of Montreal. There is litigation. It is contended that the lessees who were going to supply these streets and lanes did not carry out their part of the agreement, and the commission say to them: 'If you want the contract to be lived up to, give us the streets, as we have given you a portion of our property; if you do not give us the streets, give us back our property.' I do not think it would be fair for us to force one party to live up to the agreement without forcing the other party. I admit that there is something in the point raised by my hon. friend, and therefore we provide that this statute shall not affect in any way the rights of the parties.

Mr. EMMERSON. I do not take exception to anything the minister says with respect to these parties carrying out their obligation; but that is an entirely different question. This is a question, not between the Harbour Commissioners and the lessees, but between the government and the Harbour Commissioners. The Crown can compel the lessees to fulfil every condition contained in their leases, and I have no word to say against any such action. But the litigation is not for that purpose. I know that there is no question with respect to some of the assignees of the lessees fulfilling the conditions of their leases, whatever there may be with respect to others; but if you allow this action to annihilate the conventional line to go on, you will do an injustice to parties who have lived up to the conditions of their leases from the beginning down to the present time.

Mr. BRODEUR. Not by this legislation. It will not affect in any shape or form the rights of these parties.

Mr. EMMERSON. I certainly think it will, because the leases under which they hold recognize a conventional line, and by this legislation you are going to wipe out their eastern boundary and cloud their title—a clear violation of the original contract and a breach of faith towards them.

Mr. RIVET. Do I understand that the hon. gentleman is opposed to the extension of the harbour of Montreal?

Mr. EMMERSON. No.

Mr. RIVET. Well, can he suggest any other way than the way provided by this legislation whereby the new boundaries may be defined?

Mr. EMMERSON. Yes, I can.

Mr. RIVET. The amendment of the hon. minister will protect the rights of all these parties.

Mr. EMMERSON. If I were asked to make a suggestion, I would say that I want to make a reservation with respect to the conventional line that has been accepted by the government, by the lessees, by the Harbour Commission, by everybody, for thirty or forty years. That does not in any way affect the question whether or not these lessees have lived up to the conditions of their leases.

Mr. BRODEUR. Here are parties before the courts to-day, and my hon. friend wants us to declare, by this legislation, that one of the parties is right.

Mr. EMMERSON. No. The action in the courts is not for the purpose of finding out whether or not these parties have lived up to the conditions of the leases, but for the purpose of doing away with all idea of a conventional line and saying that, ab initio, it was a mistake. My hon. friend knows that all the lessees have not violated the agreement, and I am speaking on behalf of those who have lived up to the agreement. I am not attempting to justify any one of them who has not lived up to the agreement.

Mr. BRODEUR. It was a joint agreement between the Harbour Commissioners on the one side and the lessees on the other side.

Mr. EMMERSON. No, it was a joint agreement with respect to the Harbour Commissioners and the government. I remember going over the leases at the time Sir Charles Tupper was Minister of Railways and Canals, and I remember seeing there a recognition of that conventional line. More than that, if my hon. friend will refer to the records of the Privy Council for 1903, he will find an order in council recognizing it in connection with leases issued by the Department of Railways and Canals. What I claim is that these suits are brought for the purpose of wiping out that conventional line, and that the position of the Harbour Commissioners would be fortified and buttressed in every way by this section.

Mr. BRODEUR. Not at all.

Mr. EMMERSON. That is my view as a lawyer and from my knowledge of the facts, and I think it will be sustained by the courts if the courts go the full length.

Mr. LANCASTER. I am bound to say that, listening to the discussion, I think the hon. member for Westmoreland is practically right in his contention. I cannot see why the minister should want to interfere with the boundary line of a man's property for the purpose of protecting the rights of the parties in litigation in other respects. I do not think that is fair or equitable to the parties. I think some amendment should be inserted that will say more than the minister states, that this section shall not interfere with the boundary line or the decision as to what should be the boundary line. The section as it is would cause litigation after this Act was passed.

Mr. BRODEUR. I do not think my hon. friend is right in stating the object of the clause. It simply leaves the boundary line as it was under the former statute. I admit that perhaps it might be construed as affecting the rights of the parties in the suits now pending, and in order to remove that possibility I have moved an amendment to the section. What the Harbour Commissioners are willing to do is to let everybody live up to his agreement.

Mr. EMMERSON. Let the government live up to its agreement.

Mr. BRODEUR. The litigation is not a matter of public interest. It is between private parties, as the Harbour Commissioners in this case are practically private parties.

Mr. LANCASTER. I maintain that the remedy of the hon. gentleman goes a great deal further than he says he wants to go. It would cut away the conventional line agreed upon and interfere with the litigation on behalf of one side instead of protecting both sides.

Mr. DOHERTY. I understand that the hon. minister desires simply to protect the rights of the Harbour Commissioners with respect to people who have violated the conditions of their agreement On the other hand, I do not think there is any desire to protect the rights of anybody who has violated the conditions of his agreement, and certainly there is no desire to prevent the limits of the harbour of Montreal from being extended. What I would suggest is that the amendment be made to read something as follows:

> Provided that nothing in this Act shall affect the rights as defined in the deed of the 6th December, 1873, of any proprietors or lessees who have fulfilled their obligations under that contract.

Now, the minister says, and says repeatedly, that the object of this litigation is only to enforce the fulfilment of obligations by the proprietors. Therefore, he virtually concedes that this litigation ought not to be gone on with against proprietors who have fulfilled their obligations. If the minister is willing to declare, as by this amendment, that the rights shall stand as defined in the deed in the case of all proprietors who have fulfilled their obligations, I shall be most happy to leave those who have not fulfilled their obligations to take the consequences of their own acts.

Mr. BRODEUR. But the hon. gentleman (Mr. Doherty) sees how dangerous such an amendment would be. It would purely and simply dismiss the case now before the court. The hon. gentleman admits that?

Mr. DOHERTY. Yes.

Mr. BRODEUR. Is it not a very serious matter to legislate anybody out of court? Would it not be very much better to have the amendment that I propose, for it simply provides that this legislation shall not affect in any way the question which is now before the courts. The hon. member (Mr

Doherty) is suggesting an amendment which would dismiss the case of the Harbour Commissioners.

Mr. DOHERTY. Then, will the minister admit what I have been contending for from the beginning--that the case before the courts is not a case to compel all parties to fulfil their obligations, but that it is, as described by the hon. member for Westmoreland (Mr. Emmerson) and myself, a pure and simple repudiation by the Harbour Commissioners of Montreal—who, whether they are the government or not, are very close to the government, and I do not think would repudiate any contract without the government's approval—

Mr. BRODEUR. It is because the others have not lived up to their agreement.

Mr. DOHERTY. The hon. minister reasons in a circle. When I ask him to protect the rights of the Harbour Commissioners only against those who have not lived up to their agreement, he says that that will legislate the Harbour Commissioners out of court, the action being to declare that even those who have lived up to their agreement have no rights. But when I point out and show that that is a virtual repudiation by the government of the commissioners' contract, he says that he wants to make these lessees live up to their agreements. I think it is true that this amendment which I propose would legislate the pending case out of court. But I do think that, so far as that goes, for the sake of the public credit and honour—the action being what the minister concedes it to be—we ought to legislate it out of court. I think it a shameful thing that any board under the control of the government of this country should be before the courts with a bald repudiation of a contract not questioned to have been entered into in good faith, standing on the sole ground that the property affected was public property and neither the Harbour Commissioners nor the Crown itself—which approved of what had been done—could alienate it. Because by this ground of action, the Harbour Commissioners, with the government of Canada behind them and approving, declare that they will take advantage of the fact that this was public property to repudiate a contract which, if they were private individuals, would be absolutely binding upon them not only in honour but in law. I do not understand that it is questioned that as a matter of honesty and good faith that contract is binding on the Harbour Commissioners. If this amendment would legislate that case out of court, as the minister says, it is because the Harbour Commissioners rely for success in that case upon the fact that they cannot be compelled to do the thing they agreed to. The practical position is this: For the purpose—I do not want to dispute that that is the purpose, seeing the minister has declared it,—of compelling some recalcitrant proprietors to fulfil their obligations, the Harbour Commissioners, with the government behind them, are simply holding up every proprietor who did fulfil his obligations. They simply declare that if they cannot make everybody do what they wish they will take away from everybody what has been held for forty years under an agreement made at their own instance—for, if the minister looks at the deed, he will see that it was at the instance of the Harbour Commissioners that this contract was made. If the hon. minister will look it up, he will find that, with the full knowledge of the possibilities of the arising of this legal question, the Governor in Council (I cannot give the date) expressly declared that this arrangement should be approved ,and should be so approved, as a matter of justice. The position now is that the government, always insisting that the purpose is to make recalcitrants fulfil their obligations, refuse to accept my amendment that provides for that, and while protecting the rights of the Harbour Commissioners against every man who has not fulfilled his obligation, will leave unaffected the position of those who have fulfilled their obligations and have carried out their contract in good faith.

Mr. EMMERSON. We have here the spectacle of a Minister of Marine saying: 'We are going to allow these actions to go on because certain individuals have not fulfilled their part of the agreement.' He says: 'These men have not fulfilled their agreement, and therefore the government will not fulfil its agreement with certain other people.' From the standpoint of public honour, it is certainly a spectacle that I had not expected to witness in this House. These individuals have their rights under the Crown, as given in 1883, 1885, 1887 and other years, rights based upon a conventional line established in 1873 under an agreement between the Harbour Commissioners and these other parties. But I hold that it is a matter in which not merely the Harbour Commissioners are interested, but the government is especially affected for the reason that it is the government that issued these leases, so that the lessees hold their rights under the government and under the Department of Railways and Canals. Their holdings go to a certain boundary, which was established by a conventional line. And now the government, by this legislation, proposes to back up the Harbour Commissioners of Montreal in sweeping away entirely the rights which were granted under these leases by the authority of the Governor in Council. I think it is perfectly reasonable to ask the minister to protect the rights in this conventional boundary of

those parties who have kept their agreement.

Mr. BRODEUR. Permit me to put a question to the hon. gentleman. If the Department of Railways and Canals issued some leases extending to a boundary line, and if now an action is taken by the Harbour Commissioners against those lessees, have not those men an action in warranty against the department, so their rights will not be affected?

Mr. EMMERSON. My hon. friend knows that a conventional line may not appear as a matter of record, but if it is between subjects of the Crown a conventional line is as fixed as a statute of parliament, and that in establishing a boundary between individual subjects of His Majesty the mere agreement and fixing of that conventional line estops either party forever from saying that it is not the right line. But it is different with respect to a matter between the Crown and one of the subjects of the Crown. The right of prescription is there, and, no matter where there is a conventional line, the Crown can repudiate it, and in this instance the Crown is repudiating it. In this instance we have in parliament to-day the assertion of the Minister of Marine and Fisheries to the effect, that because one or two lessees have not carried out their agreement, therefore the Crown is going to repudiate this conventional line, this line that was established, this line that was lived up to, this line that granted certain rights on one hand, on the other hand they are going to repudiate that, they are going to violate their agreement, and the conditions under which they made the lease, because forsooth some individual lessees, or assignees of lessees, have not carried out their part of the agreement. That is what I complain of. What I ask the minister to do, and it is embodied in the amendment of the hon. member for St. Anne (Mr. Doherty), is to preserve to these lessees, or assignees of the lessees, who have not violated their agreement, all the rights which they have and can claim under their leases. That is fair and equitable, that is what the Crown in all conscience should do. It is simple equity, it is in the public interest that it should be done, it is carrying out the public conscience. That is all I ask, and I think the amendment of my hon. friend from St. Anne carries that out entirely. But the minister says he preserves the rights of the parties who are in litigation. But there are others who are not in litigation, there are others who can claim a right to this conventional line whose rights are not in dispute.

Mr. BRODEUR. Which ones?

Mr. EMMERSON. I do not know them all.

Mr. EMMERSON.

Mr. BRODEUR. But my hon. friend says there are some; who are they?

Mr. EMMERSON. I am quite sure there are some. But I withdraw that statement, and will say there may be some, and if there are such, surely you are not going to withdraw from them the protection of their rights in the matter of this conventional line. The Minister of Railways, if he were in his place would not contend that these leases were not binding, though isused in many instances after this conventional line had been established when the parties took their property and accepted their holdings, and went into possession upon the distinct understanding that there was a clearly defined line. And now, by this legislation, you are going to remove that clearly defined line, and you are going to make them subject to the windings of the bank of the river St. Lawrence at high water mark, setting them all afloat. If a doubt existed before, that doubt was settled. And by this legislation, at this late date, because perhaps the Harbour Commissioners have become piqued at some lessee, you are going to pass legislation that simply knocks from under certain lessees all the props they have in their holdings under the original lease. I think the minister should accept the amendment. It can do no injustice to any one, it does not in any way protect those who have not carried out the conditions of their lease, and as I understand him, that is all that he asks.

Mr. DOHERTY. I beg to move in amendment to the amendment:

That nothing in this Act shall affect the rights as defined in the deed of 6th December, 1873, of any of those proprietors who have fulfilled their obligations under that lease.

I have not the precise date of the deed, but I would call it 1873.

Mr. BRODEUR. I hope my hon. friend will not insist on this. He is asking us to do a very serious thing. By this amendment he simply proposes to decide a case which is now before the courts. It will be the first time in this parliament that we have undertaken to dispose of a case before the courts. Public rights are being taken away, and that is a most serious thing to do.

Mr. DOHERTY. I think it is an exceedingly serious thing when a department of this government institutes an action to repudiate its own solemn contract, ratified and approved by the Governor General in Council.

Mr. BRODEUR. I do not admit that. The government have nothing to do with this.

Mr. DOHERTY. If what I am saying is true, then my amendment will not affect the action at all. The minister a few moments ago, when I first suggested this very amendment, said: 'That will legislate the action out of court.' But under this amendment there will merely be protected the rights under the contract of persons who have fulfilled their obligations. Therefore all that the minister is complaining of is that my amendment would legislate out of court that part of the action, if there be more than one part, whereby a department under this government, with the approval of this government, is repudiating its own solemn contract, subsequently ratified by the Governor in Council, by the Crown, in the most formal way, not questioning that the contract was made in perfect good faith, but upon the sole ground that when the Crown ratified that contract it should have addressed itself to parliament and been authorized to do so. In other words, the very serious purpose of my amendment is that parliament should declare that it does not endorse the repudiation of solemn contracts entered into by a department of the government and approved of by the Crown upon purely technical grounds. I think that if parliament fully understands that, all my amendment can affect is the action of the Harbour Commissioners, in so far as it rests on the repudiation of that contract, it will endorse my amendment. I certainly would be very much surprised if the people of this country, through their representatives, wanted to go on record as endorsing a course of that kind with regard to a contract entered into in the manner which I have indicated by a public department and solemnly ratified by the Crown, and as would appear if we had here the order in council to which I have referred, so ratified by the Crown after attention had been called to the fact that the difficulties that have arisen, might arise, and because justice required that it should be so ratified.

Amendment to the amendment (Mr. Doherty) negatived, amendment (Mr. Brodeur) carried, and section as amended agreed to.

Mr. BRODEUR. I am proposing to extend the boundary of the harbour to Longue Point, and it has been suggested to me by my hon. friend from Chambly and Verchères (Mr. Geoffrion) that the boundary of the harbour should not only be extended to the middle of the river, but should include the southern side of the river as well.

At one o'clock committee took recess.

Committee resumed at three o'clock.

Mr. BRODEUR. The Bill proposes in sections 3 and 4 to extend the limits of the harbour of Montreal from Longue Pointe to the northern end of the island of Montreal. It was suggested by the hon. member for Chambly and Vercheres (Mr. Geoffrion) that we should also include the southern part of the river from St. Lamberts down to the intersection of Bout de l'Isle. The Harbour Commissioners have approved of this and I therefore beg to move:

That in lieu of clauses 2, 3 and 4 the following be substituted:—

2. Section 6 of the said Act is repealed and the following is substituted therefor:

'6. For the purposes of this Act the harbour of Montreal shall be bounded as follows:—

'(a) On the western or city side, to a point opposite the church of the parish of Longue Point the boundary shall continue to be as established by the provisions of section 5 of chapter 143 of the statutes of 1855 of the former province of Canada, and as extended by the provisions of section 5 of chapter 61 of the statutes of 1873, which said provisions are set out in schedule two to this Act and shall be construed with reference to the circumstances existing when the said two Acts were respectively passed. Northerly from the said point the said harbour is extended, and the said boundary line shall continue to the extreme northern end of the island of Montreal following the River St. Lawrence along the present line of high water mark, and including the beach thereof.

(b) The southern boundary shall be a line bearing N. 65 E. astronomically from the easterly end of the division line between the lots known respectively as numbers 3266 and 3267 of the official plan and book of reference of the parish of Montreal, to an intersection with the eastern boundary.

'(c) The eastern boundary shall be from the intersection of the southern boundary with (the present line of high water mark on) the east shore of the River St. Lawrence along the said line of high water mark, and including the beach thereof, to the intersection with the northern boundary.

'(d) The northern boundary shall be a line running from the said extreme northerly end of the island of Montreal at Bout de l'Isle and bearing due east astronomically and continuing across the River St. Lawrence to the intersection with the southern boundary.

3. Within the limits of the said harbour the corporation shall have no right to or jurisdiction over the main ship channel of the River St. Lawrence, nor over any island, beach or territory, whether covered with water or not, which has heretofore been granted, alienated or leased by the Crown: provided that if any such island, beach or other territory reverts to the Crown for any reason whatsoever, it shall thereby become vested in and subject to the jurisdiction of the commissioners to the same extent as the other portions of the harbour.

2. The Governor in Council may for the purposes of this section, define the extent and limits of the said ship channel, provided that nothing in this Act shall affect cases pending in litigation.

Amendment agreed to.

Bill reported, read the third time and passed.

SUPPLY—INTERNATIONAL WATERWAYS COMMISSION.

Hon. W. S. FIELDING (Minister of Finance) moved that the House go into Committee of Supply.

Mr. C. A. MAGRATH (Medicine Hat). Mr. Speaker, in rising to discuss some features of the treaty recently entered into between Great Britain and the United States dealing with certain boundary waters between our neighbours and ourselves, I realize the gravity of the situation. I realize that it is not an occasion for any spread-eagleism, but rather one calling for the calm consideration of any gentlemen who undertake to discuss the subject. I purpose criticising our government very freely in connection with this matter, because I regard it not only as my privilege but as my duty as the representative of a section of the country very much concerned in one of the features dealt with in that treaty. In my criticism I hope to do so without offence to hon. gentlemen opposite.

Nor do I wish to offend our neighbours to the south of us in any references which I may be called upon to make respecting them. No man in this country has a greater admiration for the American citizens than myself. I recognize in them a strong, active and clear-headed people, who when they undertake to do anything something happens. I may say that I consider it no offence to them to hold the opinion that if they possess any weakness, it is the outcome of their new-found strength—a desire to be arbitrary, a weakness which appears to have proved to their advantage on more than one occasion.

In the making of treaties there are certain outstanding principles. For instance, I hold that the greatest service any government can perform is in looking after the interests of its people in international matters, because the life of the nation may possibly be dependent thereon. The greatest honour that can be paid the citizen is in being entrusted with the making of a treaty, because it is a certificate from his country through its government of his loyalty, his eminent diplomatic qualities or high technical knowledge of the subjects to be dealt with.

When, however, is a treaty not entitled to be called a treaty? When one of the high contracting parties goes to sleep by the wayside. True, it is a settlement, but it may be a very one-sided one.

In dealing with the subject, I propose to draw a comparison between the peculiar business methods of our government and the methods of a peculiarly business government like that of the United States. To demonstrate this necessitates some detail.

In the early part of 1902, President Roosevelt and his cabinet evidently had some views regarding international waters, some end or settlement they wished to attain in connection therewith, and it is not to be supposed that such astute statesmen would expose to the public, and especially Canada, all of the objects they had in view. They placed, however, some of their views in concrete form in an Act of Congress approved 13th June, 1902. With your permission I will read a paragraph from that Act:

> The president of the United States is hereby requested to invite the government of Great Britain to join in the formation of an international commission to be composed of three members from the United States and three who shall represent the interests of the Dominion of Canada, whose duty it shall be to investigate and report upon the conditions and uses of the waters adjacent to the boundary lines between the United States and Canada, including all the waters of the lakes and rivers whose natural outlet is by the River St. Lawrence to the Atlantic ocean.

There are two features in that paragraph to which I desire to draw attention. It will be observed that the investigation is to cover all the waters whose natural outlet is by the channel of the St. Lawrence to the Atlantic ocean. Take the case of the Nipigon river, a Canadian stream emptying into Lake Superior, wholly within our own territory, yet its waters are discharged into the Atlantic by the St. Lawrence river. Do our friends at Washington regard it as an international stream? The hon. member for Rainy River so expressed himself when introducing his Nipigon River Power Bill to this House several weeks ago—in fact he then stated that the same view had been expressed to himself by a member of the Waterways Commission. I would suggest that the government instruct that member of the commission to take his inspiration from some other source.

The language, however, in the Act is not accidental, as it is not customary for our neighbours to be accidental in anything that they do. Then does it affirm the principle that waters which fall, say in Canada, and go to make Canadian streams must not be so diverted in Canada as to materially interfere with the enjoyment which a territory in possession of another nation has had therein during all past ages? If so, what happened to that principle in the settlement of the dispute regarding the St. Mary's river as between Alberta and Montana? In that case our American friends did not hesitate to say that the chief source of supply of St. Mary's river is the St. Mary's lakes in Montana; that the water belonged to that state and could and would be diverted therein for the benefit of its people, notwithstanding that the stream served Canadian territory for all ages and its diversion in Montana would interfere

with Canadian vested rights, which will be referred to later on.

The second feature in that paragraph to which I wish to refer is that the commission was to investigate waters 'adjacent to the boundary lines between the United States and Canada, including,' &c. Does that language imply any particular boundary waters? I do not think so, and I cannot see that there is any ambiguity in the language, yet in 1905, when the Joint Commission came together the Canadian section presented for consideration the settlement of a dispute on the St. John's river as to certain interests in New Brunswick and the state of Maine. The American section took the matter up with its government and were informed that the subject could not be considered as it was not within the scope of the commission; that the language of the Act confined the operations of the commission to the investigation of the waters discharged into the Atlantic by the St. Lawrence channel. The United States government supported that view by stating that Congress never contemplated the enlarged scope of the operations as suggested by Canada, otherwise it would not have embodied in the Act the small amount of $20,000 for the support of the American section. This contention can hardly be seriously considered, as the American section in reporting to its government on the 1st December, 1905, stated:

To enable it to continue its investigations an additional appropriation will be required.

Another reason given by the United States government, which I will frankly admit is a good one, that international waters affecting New Brunswick and Maine should not be considered by the commission without representation thereon being provided for the governments of New Brunswick and Maine.

It is evident that the United States did not intend to allow the St. John river matter to be considered. And in casting about for reasons to support its position it certainly put forward a very excellent one, and it is astonishing to me that our government permitted the government of the United States to recede from that position when it evidently undertook to include in that treaty a dispute regarding the St. Mary's river as to certain interests in Alberta and Montana, without making any provision for an expression of opinion by the government of Alberta or other varied interests in Alberta interested in this matter. The United States government was obdurate and Canada was forced to withdraw. Sir Wilfrid Laurier, writing to the secretary of the Canadian section, 5th June, 1905, states:

With reference to the objection raised by the American commissioners to consider any other waters than the waters of the lakes and rivers whose natural outlet is by the River St. Lawrence to the Atlantic ocean, it would be no use to persist in our contention, and the government therefore are of opinion that the commissioners had better proceed even in this limited way. At the same time the Canadian commissioners would do well to call the attention of the commission to the condition of things which exists on the River St. John and the necessity of prompt joint action thereon.

I must admit that previous to the date of this letter our government certainly did endeavour by several representations to Washington, to have the work of the commission extend to any boundary waters. One cannot help remarking that the action of our friends at Washington did appear to be arbitrary in that particular instance, and it is not difficult to imagine the position that government would take should Canada undertake to force the Canadian companies supplying power in the state of New York to desist from doing so for the purpose of furnishing the same to Canadian consumers.

With your permission, I will read another paragraph from that Act:

The president in selecting the three members of said commission who shall represent the United States is authorized to appoint one officer of the corps of engineers of the United States army, one civil engineer well versed in the hydraulics of the great lakes, and one lawyer of experience in questions of international and riparian law, and said commission shall be authorized to employ such persons as it may deem needful in the performance of the duties hereby imposed.

That is essentially the act of a business government. There is no evidence of any patronage to be employed under that paragraph. We sometimes hear about cheap politics being played in that country, but certainly we have no evidence of the same when they undertake to deal with the governments of other countries. Then it is a question of finding men of the very highest professional standing and to whom they entrust the affairs of their country, satisfied that the United States cannot suffer under such conditions.

Let us follow that Act of Congress. It was in the hands of Ambassador Choate in the city of London on the 15th of July, 1902, because on that date he forwarded it to the imperial government with an invitation to participate in the investigation referred to therein. On the 30th of July it was forwarded from Downing street to our government and then it apparently reached dead water, because nothing more was heard of it until a cable was sent from Downing street on the 2nd of December, 1902, to Lord Minto referring to the matter and adding:

What are the views of your ministers? Telegraph reply. Papers were sent to Prime Minister July 30.

and on the following day a communication followed the cable inclosing another copy of Mr. Choate's letter as well as the Act of Congress, wherein the statement is made that:

I shall be glad to receive any observations which your ministers have to offer at an early date. A copy of this letter was communicated to Sir W. Laurier on July 30 last but no answer has yet been received from him.

Evidently this communication was effective and our government passed an order in council, dated 27th of April, 1903, in which it is decided to accept the invitation to co-operate in the formation of the Commission and

That the appointment of the three members of the commission representing the interests of Canada be made on the recommendation of the Minister of the Interior and the Minister of Public Works.

No more British Commissioners for Canada. A few years ago the cry was heralded throughout this country that the honour of Canada was dragged in the dust and a good slice of her territory handed over to our neighbours through the action of a British Commissioner—a view that I personally do not hold. However, in this instance Canada is going to look after its own interests. Well, let us see what happened? A copy of the order in council was sent to Downing street and from there the United States government was duly informed of its contents and Downing street on the 6th of June, 1903, advised Canada of the action it had taken; and adds:

His Majesty's government accepts the suggestion of your ministers as to the appointment of the commissioners, and I presume that steps will now be taken to carry their recommendations into effect and to select the three British representatives.

Evidently the American government waited a short while, and finally on October 2, 1903, the American section was selected. It is hardly necessary to ask if President Roosevelt fulfilled the obligations imposed upon him by the Act of Congress. Here are the names of the gentlemen selected by him: Col. O. H. Ernst, engineer, United States army; Mr. George Clinton, Buffalo, New York; and Prof. Gardiner S. Williams of Ithaca, New York. Regarding these three men, from 'Who's Who in America,' we learn that Col. Ernst had a long and honourable career in the service of the country;

He was engineer in charge Western river improvements, 1878-1896; in charge of harbour improvements on Texas coast, 1886-1889, where he inaugurated the great work which resulted in deepening the channel at Galveston harbour from 12 to 26 feet; member Isthmian Canal Commission, 1899-1901 and 1905-6; author of 'Manual of Expert Engineers, &c.' Gardiner S. Williams is given as a civil engineer having had experience in waterworks construction in certain towns of the United States; was with the Board of Water Commissioners, Detroit, Michigan, 1893-8; engineer in charge of hydraulic laboratory Cornell, 1899-1904; professor civil, hydraulic and sanitary engineer since 1904; member of International Commission on Navigation of Great Lakes, 1903-5; author of 'Hydraulic Tables.'

Prof. Williams, finding that his business engagements were interfering with the performance of his duty as a member of the commission, retired and was replaced on the American section on 8th of June, 1905, by the late Mr. G. Y. Wisner, a well known hydraulic engineer of Detroit, and who was at one time employed to report upon the Georgian Bay Canal by the English capitalists who are now connected with that undertaking. Mr. Wisner died in 1906 and was replaced by Mr. Eugene E. Haskell, Prof. of Civil Engineering, Cornell University.

Now, let us follow the actions of our government in connection with the appointment of the members of the Canadian section. It will be remembered that by order in council dated the 27th of April, 1903, Canada undertook to take part in the investigation. The American section was appointed October 2, 1903, as already referred to; the names were sent to London and Downing street on 16th of October cabled the names of the American section to our government. It is quite evident that the imperial government wished to give Canada the opportunity to get its section organized with the least possible delay so that it would have at least equal opportunities with the American section to gather the vast amount of technical information for a proper understanding of the matters to be investigated. Evidently that cable was effective, and by order in council 3rd December, 1903, Mr. King, Chief Astronomer for Canada, was appointed a member of the Canadian section, a gentleman for whom I have the highest regard.

Nothing further was heard of the matter until a communication from Downing street was received nearly a year after, viz: On October 28, 1904, suggesting that the question of the appointment of the Canadian section be taken into early consideration. This evidently was effective, and by order in council January 7, 1905, James Mabee, K. C., of Toronto, and Louis Coste, engineer of Ottawa, were appointed. On the previous day Secretary of State Scott, wrote to Mr. King, notifying him of his two colleagues, and this significant paragraph appears:

It is proposed to appoint Mr. Thomas Coté, journalist of Montreal, as secretary of the commission.

Doubtless Mr. Coté is a very excellent journalist and has made a good secretary,

but there again we have the patronage system, which, according to the statements made across the floor of the House during the short period I have been here, frequently enters into everything except where work is performed by tender. How did the American section select its secretary? They were empowered by the Act of Congress to employ such persons as they deemed necessary, and in reporting to their government on 1st December, 1905, we find:

> The section was fortunate enough to secure the services as secretary of Mr. L. C. Sabin, a hydraulic engineer of many years' experience on the great lakes in the service of the government.

On 20th of May, 1905, Mr. Mabee was appointed chairman of the Canadian section by order in council, and a most remarkable thing occurred in November of that year, when Mr. Mabee was removed from the commission and placed upon the judiciary of this country. To my mind that action of our government is an evidence of its failure to grasp the very great service which the Canadian section was called upon to perform for the people of this country, an evidence that our government did not appreciate the great asset Canada has in its interest in all international waters. Here we find our government undertaking to treat a position on that commission as a temporary resting place on the road to the judiciary of this country. We have any quantity of men apparently well fitted to serve us in a judicial capacity, but I am not so sure as to the capacity of Canada to put forward men of tact and ability to serve on international matters. It is quite evident from Judge Mabee's subsequent career that he certainly is a very able man. He was succeeded, so the order in council relates, at the instance of Mr. Hyman, then Minister of Public Works, and representing the city of London in this House—by Mr. Geo. C. Gibbons, K. C., of the same city. Mr. Gibbons is a very excellent lawyer, so I understand, and a prominent politician. He was active in support of Mr. Hyman in his elections. He was president of the Liberal Association; and as early as 1893 came to this city, to the great Liberal convention, when he moved a resolution demanding economy in the public administration. I think for my part that gentleman might be permanently employed in preaching that doctrine to-day. Now, the question naturally arises: Is this another case of patronage? We have its ugly countenance so frequently appearing in the public affairs of this country that at times it is almost to be seen oozing out of the garments of some hon. gentlemen opposite. I qualify that, Sir. The question naturally arising in one's mind is whether that gentleman was selected by Mr. Hyman, as a reward for his services rendered politically, or was he selected on account of his pre-eminent ability to serve his master, the people of this country in a high and important position? I do not want hon. gentlemen to think that I take the position that because men are active politically they should not be given public appointments, I have no such opinion to offer this House. But I do hold firmly to the doctrine that the first and only consideration that should be observed is the fitness of the men to serve the people whom we are sent here to serve, and who are our masters. Neither do I wish it to be understood that I am making any attack on Mr. Gibbons, none whatever; I am prepared to say that I believe that gentleman is giving the best that is in him to the service of this country.

Now as to his diplomacy—and I presume that is what he was supposed to perform on that commission. I propose to place on record in this House an action of his in the city of Toronto, in February last, when he undertook to address a public meeting of the Canadian Club, dealing with this treaty and before it reached the people of Canada through its representatives in this House. If that was diplomacy, then I do not understand what it means. I am disposed to think that he is a candid friend of the government from what I shall now read to the House. I am quoting from the Toronto 'Globe' on the 23rd February last:

> There was, continued Mr. Gibbons, much of earnest in the jesting description of Mr. Root of present procedure. Under it some pirate, backed by his senator and member of congress, submitted an ex-parte complaint. A letter was then written to the British Ambassador, who, after he had found out where the place was, and a few other necessary details, writes to the colonial office. The latter probably knew less than the ambassador and set its officials to investigate where and what it was all about. Then the subject matter travelled to the Governor General, who was the most prompt and official intermediary of all. He immediately handed it to the government at Ottawa. Here came the longest delay of all. It was never known what department it belonged to. In about three to six months, if fortunate, it was determined whether the complaint went to the Minister of Marine, Public Works or Interior. Having found the right minister, the latter corresponded with the member for the district or constituency concerned. He looks up the pirate on the other side of the case and secures from him an ex-parte statement of defence—probably as far from the truth as the original complaint. A venomous reply is prepared—of course, it must be a little sassier than the first. It again is transmitted to the colonial office and thence to the ambassador. "If, 'said Mr. Root,' we have the good luck to start the communication when we are early in office, it may get back to us before we leave at the end of our four year term, but the chances are fifty to one that we are out of office or dead before it gets back."

Before leaving this feature I wish to point out that it took our government nearly three years to select three men, two of them it found without leaving the corridors of its own offices. It would not have occurred to them to look to our great seats of learning, as was done by the Americans, for men professionally trained in the subjects to be dealt with.

Now for the honour of our people let us hope that this will be the last occasion in which Canada will make such an exhibition of itself by exposing its utter lack of ordinary common-sense business methods. Whenever an international matter is broached by our neighbours, let us get busy and quickly select men of the highest technical standing, bearing in mind that a doctor of divinity can never fulfil the functions of a doctor of medicine in a sick room, no matter how eminent the divine may be. It is true that a claim was advanced that Canada was delayed in the selection of its men owing to the illness of a minister of the Crown. That is a contention that cannot seriously be considered under such conditions.

I now desire to deal briefly with the work of the joint commission in so far as Niagara is concerned. The first business meeting was held in Toronto, June, 1905. Two days were consumed in the discussion of certain questions and dealt with by both sections in their reports to their governments under the headings 'A' to 'K' inclusive. The Canadian section, however, has under the heading 'L,' 'The transmission of electric energy generated in Canada to the United States and vice versa.' The American section in its report makes no reference to the subject, and while the transmission of power to the United States is referred to in other reports of both sections, the vice versa feature is never so far as I could see thereafter mentioned, and it appears to me that it is a subject well worthy of consideration especially when we believe that we in time are going to have a very populous country. Under the heading 'B' is, 'The uses of the waters of the Niagara river for power purposes and the regulations necessary to ensure an equitable division of the waters between the two countries and the protection of the Niagara Falls as a scenic spectacle.'

The criticism that I have to offer to the expression 'equitable division' is that it should have a rider embodying equal benefits to the two countries.

I find, according to the reports, that the Joint Commission was more or less active during the balance of the year, visiting various localities between Duluth on the west and Montreal on the east, giving interested parties an opportunity to express their views on the international waters of the Great Lakes system. So far as the Niagara situation is concerned, the commission were at Niagara September 11 to 14, and Buffalo October 27, 28, also November 10 and 11. It therefore cannot be said that very much time was spent in studying the local situation along the Niagara river. On 28th October, 1905, a resolution of the Joint Commission was passed at Buffalo suggesting that both governments refuse any further pledges for water-power until the commission was able to report more fully on the situation.

It appears, however, that matters were forced in the following spring by the American section. In February that section was asked by its government to bring the Niagara situation to a head, and when the Joint Commission met, on the 6th and 7th March in the city of Toronto, the American section pressed for the consideration of the Niagara situation and that other features be temporarily laid aside. From the report of the Canadian section to Mr. Hyman, we find:

> The commission spent two days considering the details of a report upon the conditions at Niagara Falls. When the commission had partially agreed upon the facts a series of recommendations was suggested by the American section to the effect that a treaty be concluded between the two countries, wherein it should be agreed to preserve for all time the scenic beauty of Niagara by pledging each country to cancel all charters other than these under which works had been actually constructed.... The Canadian section opposed any hasty action... Intimation was given at the meeting that unless the joint commission was prepared to report promptly the American section might be called upon to give an independent report.

The above is taken from the report of the Canadian section, dated 25th April, 1908, and that report goes on to add:

> Your commission is therefore of opinion that the time has come when it is desirable to make a treaty limiting these diversions (on the Niagara river), and we have prepared a series of resolutions which we intend to submit at the next meeting of the Joint Commission.

And then follows the resolutions referred to, which it is unnecessary to repeat here. Regarding the Niagara situation it adds:

> If our proposal is carried out the diversions will be about as follows:—
>
> Diversions on American side.
>
> | | | |
> |---|---|---|
> | Niagara Falls.. .. .. | 18,500 | second feet. |
> | Chicago drainage canal... | 10,000 | " |
> | Total.. .. .. | 28,500 | " |
>
> Diversions on Canadian side.
>
> | | | |
> |---|---|---|
> | Niagara Falls and on the Niagara peninsula .. .. | 36,000 | " |

It is interesting to note that a very full and exhaustive report was made by the American section to its government regarding the Niagara situation, dated 19th March, 1906, and within, it will be ob-

served, twelve days after the meeting with the Canadian section in Toronto. It appears by joint resolution of both Houses of Congress, dated 15th March, that the American section was called upon to report on the Niagara situation, and four days thereafter it made its report embodying the same suggestions as to the distribution of water, viz.: 18,500 second feet to be drawn from Niagara on the American side, 10,000 second feet at Chicago from Lake Michigan for the Chicago Drainage canal and 36,000 second feet on the Canadian side from Niagara river. It adds:

> One of the effects of such legislation would be to give to Canada the advantage of diverting 7,500 second feet more than is diverted by the United States. The advantage is more apparent than real, since the power generated on the Canadian side will to a large extent be transmitted to and used in the United States. In the negotiation of a treaty, however, the point should be considered.

I expect 'the point' was considered, and without offence to those who dratfed the treaty, I presume it is protected therein. The report goes on, and mark this passage:

> The substance of this report was submitted to our Canadian colleagues before the passage of the Joint Resolution (of the 15th March) with a view of uniting in a joint report under the general law providing for the commission.

Who are, therefore, the real authors of the suggested diversions of the waters in question? Did the American section hypnotize the Canadian section into believing that the suggestion regarding the division came from it? And one is led to fear that the American section dominated the Candian section in this matter. Furthermore, the Canadian section cannot be blamed at all; it had not a fair opportunity to go into this matter even supposing the men were as technically fit for the work as the American section, which was appointed fully two years in advance of the Canadian section, and our section finally rushed into reaching a conclusion. On 3rd May, 1906, the Joint Commission met at Buffalo and the division as outlined in the reports of both sections was approved and recommended to both governments.

What is the situation at Niagara Falls? Our Geological Survey had investigations carried on for two seasons—1905-6—by Dr. J. W. W. Spencer, who in his report deals with the 'ratio of the volume of the Canadian and American channels and falls.' He places the discharge of water over the American fall at 7 per cent of flow, yielding about 14,000 second feet. On the 15th February last the Minister of Public Works, in answer to a query of mine as to the respective amounts discharged over the American and Horseshoe falls, referred me to the International Waterways report for 1906. Upon looking up the report I found it was the report of the American section, and as usual had to go to our neighbours for information. That information would indicate the discharge over the American fall varying from 21,500 to 27,800 second feet, with a total flow in the stream varying from 171,700 to 222,400 second feet. From the information to which the Minister of Public Works directed me it would appear that 14 per cent of the discharge is over the American fall.

One is almost forced to the opinion that the joint commission fixed the maximum amount—18,500 second feet—to be diverted on the American side and then adjusted the Canadian situation thereto. Of course this is only an opinion. In support of this opinion the following may be of interest, and it must be borne in mind that the total amount to be extracted from the river under the Treaty is 56,000 second feet. The Canadian section in its report to Mr. Hyman of the 24th December, 1905, states:

> A competent hydraulic engineer at the request of Dr. Clarke, a geologist of the state of New York, has calculated that the subtraction of 40,000 second feet from Niagara river above Goat island will draw the water down to the rock bottom edge on the American fall, leaving a miserable little film dripping over the sill, and that the substraction of 40,000 second feet more, or 80,000 in all above Goat island will dry up the American channel completely, while the Canadian channel will still be an object of interest.

The American section, reporting on the same subject, states:

> The water taken on the Canadian side below the crest of the rapids will affect the Horseshoe fall alone. If all that taken on the American side should affect the American fall alone it would practicailly leave it dry, but it seems probable that only a part of this diversion will be at the expense of the American fall. Exactly what portions that will be cannot be stated with precision, but from a study of the channels and reefs, so far as they are known, a reasonable estimate is that the water would come from the two arms in about the proportion of one-sixth from the American fall and five-sixths from the Horseshoe fall.

There are three companies on the Canadian side now in operation which have commitments against the stream practically exhausting the total diversion to be taken out on that side, and these companies draw their water from below the crest of the rapids, while the American diversions are being taken from above that point in the proportion of one-sixth from the American side and five-sixths from the waters which would pass over the Canadian fall. If Canada was to be allowed the right to an additional charge against the stream and extracted it from above the crest of the

rapids, it would doubtless interfere with either the extraction of the 18,500 second feet on the American side or seriously injure the scenic features of the American fall, without any injury to the Canadian falls. I am aware that the contention is that several companies had secured certain rights to divert water from the Niagara on both sides of the river. Some of these companies had made no expenditures towards carrying out the works provided for in their charters. Those companies were brushed aside and the balance, it was found, could exhaust the total amount of water settled upon by the commissioners to be diverted. Many conditions may present themeslves in a large and important matter like the Niagara Falls Power question and it is a natural course for one of the parties interested to fasten on a condition that readily lends itself to an argument favourable to that party's end. Regarding the basis of the treaty, and it must be remembered that notwithstanding the unanimous conclusion reached by both sections that 18,500 second feet was to be the limit of the amount to be diverted on the American side, the treaty increases that amount by 1,500 second feet which is in itself a magnificent stream, larger than many of our western rivers and a body of water which any hydraulic or irrigation engineer would consider as being worth a great deal of money either in connection with power purposes or in the reclamation of a semi-arid district.

As stated elsewhere, the Joint Commission on one occasion referred to an 'equitable division.' After the Joint Commission had agreed upon the amounts to be diverted, then the Canadian section in its report to the present Minister of Public Works, dated 9th March, 1908, commenced to theorize about 'equal benefits.' From that report the following extracts are taken: 'The commission by their various reports made suggestions and recommendations, from which the following conclusions were drawn.' Amongst these conclusions we find:

No diversion of these waters shall be permitted to the injury of navigation interests save such diversions as are necessary for the preservation of the public health—sanitary purposes and domestic use—and service of locks of navigation canals.

Now, Sir, we all know that the Saskatchewan river is a navigable stream because some small vessels are now to be found running theron; at certain seasons of the year its navigation is difficult owing to the small amount of water carried in the stream. We know that the St. Mary's river discharges into the Saskatchewan and it would be interesting to know to what extent that feature was considered by those dealing with the subject in the treaty, as to the effect the diversion of one-half of the waters of the St. Mary's river from the Hudson bay drainage into that of the Gulf of Mexico will have on the navigability of the Saskatchewan. The report adds:

When temporary diversions of such waters without injury to the interests to navigation are possible, they should be permitted so that each country, so far as is practicable, shall receive an equal benefit. This principle is applicable to diversions for power purposes in the St. Mary's (at the Sault) and St. Lawrence rivers.

Elsewhere in the same report appears:

The Joint Commission had agreed as one of the principles which should govern the use of boundary waters that where there could be temporary diversions, without injury to the interests of navigation, for the purpose of developing power, they should be allowed so that each country, so far as practical, would receive an equal benefit.

Now let us see to what extent the equal benefit feature exists in the settlement at Niagara Falls. The 36,000 second feet to be allowed for diversion in Canada will produce about 432,000 horse-power, while the 20,000 second feet for the United States will produce about 260,000 horse-power. The three Canadian companies exporting power to the United States have agreements with the Queen Victoria Niagara Falls Park Company covering a period of over 100 years and by which so far as the local supply in Canada is concerned they undertake to supply like amounts 'to the extent of any quantity not less than one-half the quantity generated.' The American section in its report to its government puts it in this way: 'In the case of each of the Canadian companies the authorities reserve the right to require that one-half the power generated shall be supplied to places in Canada. It therefore appears that the United States will have the 260,000 horse-power generated in its own country plus say 200,000 exported from Canada, and the situation will then be for use in the United States 460,000 horse-power and in Canada 232,000 horse-power. In short, Canada with over 80 per cent of the water-producing power has in sight 33 per cent of the power that is to be generated, so that there is not very much evidence of any equal benefit in a settlement of that character.

Regarding the exportation of power developed by Canadian waters, at for instance Niagara, let us make a comparison of the benefits of the country producing the power with the country receiving and using it. While the power plants are installed in Canada at a very heavy cost, there they stand in so far as the exported power is concerned like handsome monuments in a

cemetery, not yielding any benefit to Canada by the creation of industry.

Follow the power over the network of transmission lines penetrating 150 miles into the United States, and we find the transported power creating industry—thereby engaged in the highest form of development work in the upbuilding of that country, and enabling its people to compete with ourselves in the markets of the world. That is what it is going to mean to Canada, even admitting that we will have enough left for the purposes of this country. Do we object to American capital coming to Canada to aid in our development? I never so understood it. Very good, if we keep our power at home, capital will be forced to come to us. Naturally our neighbours prefer spending their money in developing their own country, if we are generous enough to send them the power with which to do it. It would be interesting to find a legislative body in the United States permitting the export of power from that country to this. They are essentially a business people and they carry their business principles into their public acts.

We have in Canada 'The Electricity and Fluid Exportation Act,' which contemplates the granting of licenses for the export of power. This legislation was enacted two years ago. The present Minister of Justice in putting the Bill through the House, became poetical over the miller being unable to 'grind again with the water that has passed,' and the water that is flowing over Niagara to-day can never produce electrical power unless it is utilized in its passing. He considered it would be a 'dog in the manger policy' to deny the use of our surplus power to a foreign country. He said ('Hansard,' January 29, 1907, page 2238), in referring to the Bill:

> It provides that there shall be no exportation whatever without permission under a license, that the license may be revocable forthwith if the Canadian demands are not adequately supplied, and that the amount of power which may at any time be exported under the license may be limited to the surplus after the Canadian needs are completely satisfied.

All that is quite true, but under existing conditions only. It should not be overlooked that lending and borrowing amongst neighbours often leads to trouble. The Canadian section of the Waterways Commission also has something to say about this matter in his report to the Minister of Public Works, dated March 9, 1908.

> 'If,' it says, 'we should require more than 200,000 horse-power (half of the production) we can safely leave until then the adjustment of that difficulty.'

That is exactly where I differ with these gentlemen. While the Minister of Justice theorized on present day conditions when the great bulk of power is being produced from coal, the view held by the Canadian section apparently is 'Sufficient unto the day is the evil thereof.'

In dealing with factors that may play an important part in the development of a country of Canada's position and potentialities, we must of course consider 'probabilities,' but on no account are we to overlook 'possibilities.' This we are told is Canada's Century and I cannot conceive how gentlemen can get away from the situation that when Canada needs the exported power, which may not be for many years, it will then find the consumers of that power in the United States practically unable to replace it. Just think of gradually destroying industrial works in which millions of dollars have been invested, with large centres of population dependent thereon. No self-respecting government would allow such a thing to be done to its people. We will, however, find our neighbours nailing down such privileges by treaty or otherwise long before Canada can see in sight the necessity of taking for its use the exported powers.

If we still seriously think we are going to stop the export of power at some future date when our people require it, I would suggest to the government that they adopt regulations under the exporting law requiring the exporting company to adopt a form of lease agreement with its consumers containing a clause clearly stating the terms under which the power is being allowed to be exported, and provide that such contracts must be signed by consumers and a triplicate copy registered with the department of the government having the administration of the waters producing the exported power.

Turning to the Chicago Drainage Canal, being a channel originally constructed to supply Chicago with water from Lake Michigan for sanitary purposes; this canal discharges its very large volume of water into the Mississippi River drainage. Both sections of the commission recommended that it should be dealt with in any treaty arrangement, as the Niagara situation could not be complete without fixing by treaty any permanent diversions of water from any of the great lakes, which would affect their level.

The Joint Commission, reporting from Toronto, on January 4, 1907, states that 10,000 second feet

> will therefore suffice for the sanitary purposes of the city (Chicago) for all time. Incidentally it will provide for the largest navigable waterway from Lake Michigan to the Mississippi river, which has been considered by congress.

It would appear from the report of the American section, dated November 27, 1907:

That the trustees of the sanitary district of Chicago raised a question as to the right of the Secretary of War to control the diversion of water from Lake Michigan, which question will be decided in the courts.

The only bearing the treaty has on this matter is one in my opinion not satisfactory to Canada. Article 3 provides that no further 'uses or obstructions or diversions' of boundary waters affecting the natural level or flow shall be permitted without the approval of the International Joint Commission as well as the consent of the government of the country in which the proposed works are to be located. This provision, however, does not preclude the disturbance of waters 'for domestic and sanitary purposes.' It will therefore be observed that as the Chicago drainage canal is for sanitary purposes, and is likewise an immense transportation channel, it and similar works may be developed without the consent of the International Joint Commission. It is quite evident that Canada is topographically not in the position of the United States in the matter of permanent diversions from the great lakes system as water can be drawn therefrom into the Mississippi drainage, and no such diversions are possible on the Canadian side. It therefore appears to me that there should have been a rider to the proviso in article 3 that the disturbance of waters for domestic and sanitary purposes without the consent of the Joint Commission may only be allowed when the water is returned to the water system from which it was diverted.

Now, Sir, turning to the controversy regarding the St. Mary's river as between Alberta and Montana, I may say that the St. Mary's lakes—22 miles long—are nestled in the Rocky mountains in Montana. From these lakes the St. Mary's river flows northeastward 12 miles and crosses into Canada, thence its waters are eventually discharged into Hudson bay. The Milk river likewise rises in Montana, but out in the foothills to the east of the St. Mary's river and flowing northeasterly crosses the international boundary, thence running eastward and within 12 miles of that boundary it finally returns to the state of Montana, at a point over 100 miles to the east of the point of ingress along the boundary line. The length of the stream in Canada, however, is owing to its windings probably 200 miles. The St. Mary's river is perennial and carries probably nine times the quantity of water that is to be found in the Milk river.

In 1894 the Canadian government started certain irrigation surveys through southern Alberta, and in the following year located a canal from St. Mary's river, the intake being about five miles north of the international boundary. In 1897 an English corporation hereafter referred to as the Canadian company undertook the construction of this canal with the consent of our government and made an appropriation against the stream under the Canadian irrigation law for all the available low water and up to 2,000 second feet of high water or flood stages. That company then actively commenced its irrigation development and have been carrying on the same continuously ever since.

In 1901, the United States passed an Act for the reclamation of some of its arid lands, and the department of that government entrusted with the work is known as the Reclamation Service, and promptly commenced the investigations in certain arid sections of that country. It found the Canadian company operating in Canada from the St. Mary's river, and in its investigations located certain lands—about 200,000 acres—within the valley of the Milk river in eastern Montana. As that river is a small intermittent stream largely supplied by the rain and snow fall, and has already appropriations against it in Montana, it could not under any circumstances be depended upon for the supply of water to any portion of the 200,000 acres referred to. The Reclamation Service then took up the question of diverting water from the St. Mary's lakes into the Milk river in Montana and to allow the water to flow down the Milk river channel through Canada. The proposed diversion canal is about 25 miles in length.

The foregoing is a brief history of the situation as between the two countries, and without attempting to discuss it technically it may be stated that Canada has about 500,000 acres within the St. Mary's drainage capable of development by irrigation and within 50 to 150 miles of the lakes, while the area which the United States wishes to develop—200,000 acres—is 300 miles distant from the lakes and within a drainage system which discharges into the Gulf of Mexico.

The irrigation engineers engaged in the preliminary investigation, both by the Canadian government and by the Canadian company, were all of one opinion, viz.: that the diversion of the St. Mary's river in Montana was out of the question as it could not in any way be regarded as a commercial undertaking. Of course those opinions were expressed previous to the time the United States government itself undertook to engage in irrigation development, and it was never at any time considered from the standpoint of Canada furnishing the United States with the channel of the Milk river for over 100 miles through our territory.

What are the conditions to-day? The Canadian company has a canal from St.

Mary's river of a capacity of over 800 second feet. It has a legal appropriation under our laws, and being similar to the regulations under which water is appropriated in all other countries where intelligent irrigation development is in progress, of 2,000 second feet from St. Mary's river. The Canadian company was organized, having in view the development which would exhaust the amount of water appropriated and vested rights were thereby created. Under the settlement arranged by this treaty Canada is given a prior right to 500 second feet only, and the water of the stream is to be equally divided between the two countries. The language of article 6 of the treaty dealing with this matter is ambiguous. Canada is to give up a portion of the water that has been appropriated under its law, not for the purpose of protecting vested rights in the United States, but to create rights that do not as yet exist.

The Canadian section in its report to the Minister of Public Works, dated March 9, 1908, theorized as follows:

> As to streams which cross the international boundary, no diversion of such streams or their tributaries should be permitted in either country so as to interfere with the natural flow thereof to the injury of public or private rights in the other country; nor should any obstruction be permitted to such streams in one country to the injury of public or private rights in the other.

Now from the press reports it would appear that the chairman of the Canadian section of the Waterways Treaty was in Washington when the negotiations were in progress, and it would be interesting to know if he advocated the principle in the paragraph just read, when the settlement as between Alberta and Montana was under consideration.

And in the suggested division in the waters at Niagara the recommendations of the Joint Commission were made on a basis practically honouring the commitments against the stream in favour of the operating companies. Commitment of the Canadian company, however, was set aside.

Even in the treaty itself there is enunciated the principle of fully protecting vested rights. Article II refers to the waters flowing across the international and emptying into boundary waters. This article provides for redress for injured interests. Are vested rights less sacred along a stream crossing the boundary, though not discharging into a boundary stream, than if such waters eventually emptied into such a stream?

The method of dealing with all waters running along or across the international boundary is an exceedingly large one and both countries must approach it in a spirit of fairness. The settlement should be eminently fair and expressed in such concise language as to leave no question of doubt as to the true meaning and intent of same. For my part I am willing to see adopted the equal division feature, yielding equal benefits and having some due regard to vested rights.

In Article VI we have the skeleton of an arrangement whereby the United States takes half of the water of the important stream, the St. Mary's river, and has the use of a very valuable channel for the transportation of that half; and it would certainly appear from the language than no portion of the water diverted from St. Mary's river into Milk river channel can be used by Canada. There are certain seasons of the year when the Milk river carries very little water, and the time will probably come when there will be a considerable settlement in that country and our people may have the opportunity of seeing a large volume of water going down the channel of the river and unable to touch it except probably for domestic purposes. The question naturally arises, is Canada to be a hewer of pulpwood and a drawer of irrigation water for our neighbours?

Mr. A. C. BOYCE (West Algoma). I rise for the purpose of offering my contribution to the very important subject which has been initiated by my hon. friend from Lethbridge (Mr. Magrath). Speaking for myself, I can say that I appreciate very much indeed the good will and the courtesy of the right hon. the Prime Minister in allowing this matter to be dealt with at this stage. There never has been to my knowledge, a matter of such deep interest to Canada, under present conditions as this treaty for the adjustment of our privileges and rights and the definition of our boundary line. If, in this discussion, in criticising the provisions of this treaty we can point out where the rights of Canada are not sufficiently protected we shall be strengthening the hands of this government and the imperial authorities, and enable them to have this treaty so remodelled and reformed, that it will protect the rights of Canada and not injuriously affect those rights as other treaties have done in the past. In order to explain the case, I wish to present with regard to the people of the locality I have the honour to represent, I desire to trace for a moment the history of this treaty. To do this we must go back to the time when the Treaty of Paris was entered into, on the 30th of November, 1782, when the boundary line between the two countries was established; and with regard to that part of the treaty which deals with the St. Mary's river, I would refer to the extraordinary fact that, neither in the Treaty of Paris nor in the definitive Treaty of Paris which followed, nor in the Treaty of Ghent, and which was agreed to on the

24th of December, 1814, was there any line of demarcation drawn between the connecting waters of Lakes Huron and Superior. That was a very extraordinary oversight or an intentional omission; but it is nevertheless the fact that, for a period of about 50 years, there never was any line of demarcation drawn between Great Britain on the one hand and the United States on the other in that portion of the connecting waters between Lakes Huron and Superior. I emphasize that by merely pointing out that article 2 of the Treaty of Paris defines the boundaries of that waterway as follows:

Thence along the middle of said water communication into Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philippeaux——

Thus it does not define in any way the line of demarcation through St. Mary's river or the outlet of that river below where it enters Georgian bay. Again, in the definitive treaty, the description of that part reads exactly in the same way:

Thence along the middle of the said water communication into Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philippeaux to the Long lake.

Coming to the treaty of 1814, that treaty recites the provisions of the former treaty and sets forth that doubts had arisen as to what was the middle of the rivers and lakes and the water communications and appointed commissioners to define them. Article 7 of the Treaty of Ghent empowered the Commissioners under the treaty to fix and determine, according to the true intent of the said Treaty of Paris of 1783:

—that part of the boundary between the dominions of the two powers, which extends from the water communication between Lake Huron and Lake Superior to the most northwestern point of the Lake of the Woods; to decide to which of the two parties the several islands lying in the lakes, water communications and rivers forming the said boundary do respectively belong in conformity with the true intent of the said treaty of peace of one thousand seven hundred and eighty-three and to cause such parts of the said boundary as required to be surveyed and marked.

Now, it will be seen that there is this strange defect in that treaty—that it empowers the appointing of commissioners to define the boundary line according to the true intent and meaning of previous treaties which contain no reference to the boundaries of the water line between Lake Huron and Lake Superior. It cannot be wondered at that the two commissioners, Messrs. Peter B. Porter and Anth. Barclay were absolutely unable, though they had many sessions, collected much data and made many voyages in that part of the country, to come to any decision as to the boundary line of the water communication between Lake Huron and Lake Superior. The final meeting of these commissioners was held on April 4, 1826, and no agreement was reached between them. It was not until the Webster-Ashburton treaty on the 9th August, 1842, that there was any definite settlement of the boundary so far as the St. Mary's river and the waters communicating with Lake Huron were concerned. Under article 1 of that treaty, the boundaries under Article 5 of the Treaty of Ghent were provided for. Article 2 of that treaty is the one to which I wish particularly to refer. This article was arrived at after a very great amount of negotiation and difficulty between the commissioners, notwithstanding all that is popularly supposed with regard to the ease with which these commissioners struck that line. The history of the negotiations shows that there was correspondence extending over a number of years, and that with regard to that part of the territory, both commissioners representing their respective countries, took a great deal of pains to see to it that each country had included within it what according to its contention properly belonged to it. Under this Article—No. 2—of the Webster-Ashburton Treaty, the boundary was thus decided upon, and, so far as that treaty was concerned, finally adjusted as between the commissioners. I extract only a part of a very long description which refers to that portion of the boundary:

—thence west to Jonas' island, into St. Marv's river, to a point in the middle of that river about one mile above St. George's or Sugar island, so as to appropriate and assign the said island to the United States; thence, adopting the line traced on the maps by the commissioners, through the river St. Mary's and Lake Superior, to a point north of Ile Royale in said lake, one hundred yards to the north and east of Ile Chapeau, which last mentioned island lies near the northeastern point of Ile Royale where the line marked by the commissioners terminates.

So, Sir, was defined in effect the line of demarcation in the St. Mary's river, between Lakes Huron and Superior. The treaty of 1908, by article 4, empowers the existing International Waterways Commission to fix the boundary line from its intersection with St. Mary's river to the mouth of the Pigeon river, providing that the International Waterways Commission shall finally determine that line by buoys, by boundary posts, and by accurate modern charts.

That is the history of the fixing of the boundaries. Following that, the International Waterways Commission made its re-

port on June 3, 1908, in which it is shown that they had under consideration the work placed upon them by the treaty of preparing in an efficient manner to properly draw that line and define it in the manner provided by the treaty. I am not going to deal with the subject matter of this treaty to any great extent otherwise than in regard to the locality which I have the honour to represent. My hon. friend from Medicine Hat (Mr. Magrath) has dealt with the matter very ably in some of the points, and other hon. gentlemen who are to follow me, no doubt, will give a great deal of information on others. I desire to refer shortly to the position of this treaty and some documents which accompany it. We heard that there was some debate in the United States Senate about the treaty. This debate resolved itself, on March 3, 1909, into a resolution of the Senate which I shall take the liberty of reading, as it is very short:

Resolved (two-thirds of the senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Great Britain, providing for the settlement of international differences between the United States and Canada, signed on the 11th day of January, 1909.

Resolved further (As a part of this ratification), That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's river at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of St. Mary's river, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty.

On two or three occasions I have made inquiries of the right hon. leader of the government (Sir Wilfrid Laurier) and the Minister of Justice (Mr. Aylesworth) to ascertain what construction was going to be placed on that rider by this government, and whether this government was going to advise the Imperial Government to assent to this treaty with what I consider to be an absolutely, indefinite, ambiguous and incomprehensible rider attached to it. The construction of that rider is extraordinary. It provides that there shall be no interference with existing territorial or riparian rights in the water or in the lands covered by water. Now it might be said, were we not dealing with such a very important subject, that this rider perhaps would be harmless, that it is simply something which deals with existing conditions, which is the very thing the treaty proposes to preserve, and that therefore it might be argued that the rider was practically harmless. But leaving aside the ambiguity of the rider itself and its mysterious features, we have to come to the arguments by which that rider was forced upon the United States Senate by one or two gentlemen representing interests up in the northern part of the state, close to St. Mary's river. Now, Senator Smith, the senator from Michigan, argued the matter, and as he admits himself it was by reason of his great foresight, of his courageously championing the cause of the state of Michigan, that this rider, which provides for very large concessions to the United States shores and United States interests, should be added to this treaty. That gentleman based his claim to the insertion of this rider broadly upon two contentions. The first contention was that the larger part of Lake Superior is south of the boundary line, and that consequently the greater part of the flow of water through the St. Mary's river should belong to the United States, and that in proportion to the area of Lake Superior on each side of the line the contribution on both sides of the river should be distributed. The second contention was that the supply of water to Lake Superior which feeds the St. Mary's Falls, that is, the water shed contribution to Lake Superior, is mainly from the south side of the boundary line, and is in the proportion of two to one. As the area of the water in Lake Superior is two to one, therefore, the water power of St. Mary's, according to his contention in the Senate, and subsequently before the Committee on Foreign Relations, should be divided between the two countries in the proportion of two to the United States and one to Canada. Now that contention resulted, not in a definite assertion by the United States of their claim to two-thirds of the power, but to an insidious, vague and mysterious rider clothed in unintelligible language, and ambiguous in construction, very mysterious in its general effect, but which, according to the United States solemn contention, means that they claim by this rider to be entitled to sixty-six to seventy-five per cent of the power flowing over the St. Mary's, and that Canada is entitled only to thirty-three per cent or less. Well, I will deal first with the arguments which preceded the adoption of this rider. The area of Lake Superior south of the boundary line is larger than it is in Canada. The area of Lake Superior is about 32,000 square miles, of which 11,800 square miles are in Canada, 20,200 square

miles are in the United States. Now, what is the actual area of the water-shed contribution to Lake Superior. Senator Smith contended that it was in the ratio of two to one, a very wild and inconsidered statement. The water-shed contribution to Lake Superior is as follows: Ontario, 30,780 square miles; Minnesota, 6,800 square miles; Wisconsin, 3,160 square miles; Michigan, 7,860 square miles. So the total water-shed contribution is 48,600 square miles, of which Canada contributes 30,780 and the United States 17,820 square miles. Now, apart from that, we have the fact that the International Waterways Commission, by a joint report, have taken up the matter of the conditions at Niagara and Sault Ste. Marie, and in their report of 1907, at page 112, we find this extract with regard to the St. Mary's river:

It is apparent, therefore, that the actual present use of water for power purposes is nearly equal to the amount of flow obstructed by the works of all the power development companies considered as a unit, and it is clear that the amount of water required for the proposed additions to present power developments is so great as to call for complete control of such extensions by an international commission.

Then they recommend as follows:

4. That the governments of the United States and Canada reserve all water necessary for navigation purposes, at present or in the future, and the surplus shall be divided equally between the two countries for power purposes.

That is the decision of the Waterways Commission in 1907, and that decision it is attempted to override by the United States Senate attaching this rider to the treaty.

Mr. JOHN HAGGART. Would the hon. gentleman give us his own opinion as to the meaning of the rider?

Mr. BOYCE. My own construction of that rider is this, that the United States government are providing by it for the preservation of both private and public riparian rights.

Mr. JOHN HAGGART. Public or private?

Mr. BOYCE. Both private and public riparian rights, and I will deal with that subject in a moment. I have in my hand a very admirable report which was made by Mr. John A. Wilde, a civil engineer of large experience, a report made with regard to this very matter, on the 30th of March, to the president of the Sault Ste. Marie Board of Trade, a copy of which report is in the hands of the Prime Minister. This memorandum was written with special reference to the interpretation of this rider, and the contentions of Senator Smith to which I have referred. Mr. Wilde has, during a period of 21 years, been intimately associated with the development of power at Sault Ste. Marie, and has familiarized himself with conditions there. Here is what he submits as a result of that experience :

At St. Mary's Falls, however, St. Mary's island, Whitefish island, and numerous smaller ones, lie well to the north of the boundary, as provided for, but as there are not similar islands on the American side, the boundary passes nearer to Whitefish and St. Mary's islands than it does to the American shore. This boundary was shown by the old authorities, on the more or less crude and inaccurate maps of the time, but certain points on the main shores were located and connected by triangulation across the river so that the boundary could afterwards be located. To my fairly certain knowledge this boundary has never actually been located on the ground by a mutually appointed commission of the two countries, though the American War department, through their corps of engineers have made careful, and no doubt accurate, surveys. Our government, I believe, have done nothing in that line, and if any agreement has been arrived at it would be from entirely American information, and I am fairly positive that when the Waterways Commission met at this place, no other surveys definitely defining the boundary were made, so that at the present moment the precise location of the boundary through the rapids is undefined and debatable.

I therefore may give my views of it from a British standpoint.

As I before stated the boundary under any circumstances passes closer to the islands on the Canadian side, than to the American shore, and from careful examination made in years past, and personal surveys made in connection with the Canadian power development, I would determine that the boundary crosses the International Bridge somewhat south of the third span from the Canadian side, leaving at all events three clear spans of the total—10—in Canadian waters, and for purposes of my calculations I will assume that three belong to Canada and 7 to the United States, and fortunately from our standpoint the water is deeper on the side nearer the Canadian shore, so that 42·8 per cent of the main river outside the Canadian islands passes, or rather I should say did pass under the three Canadian spans.

In 1895 and 1896 the United States corps of engineers made an exhaustive survey of the outflow of Lake Superior at Sault Ste. Marie, and from the report made in 1897, made by Alfred Noble, C.E., of the United States service, I proceed.

Mr. Noble shows that at the normal level of Lake Superior the discharge is 57·2 per cent through the three northerly Canadian spans and 57·2 per cent through the 7 southerly American spans of the bridge, without taking into consideration the four old streams formerly discharging on the north side of the Canadian island. (I have a number of photographs showing the large volume of these streams in former years.)

From a survey made in 1890, before the power development on the Canadian side, I find that 3,003 cubic feet per second was dis-

charged by the small Canadian streams, even after they had been much obstructed and the water diverted into the main channel by the construction of the Canadian Pacific Railway in 1887. With this 3,003 cubic feet discharge at that date, in addition to the main river discharge, we would have 45·2 per cent of flow in Canadian territory as against 54·8 per cent in American territory, a gain to Canada of 2·4 per cent, and a corresponding loss to the United States, but even this is unfair to Canada.

When the Canadian Pacific Railway was constructed across the four Canadian streams mentioned, the natural flow was very much obstructed and diverted to the main river, particularly was this the case where it crossed the stream that was afterwards used for the Canadian power canal. More than 50 per cent of the width of the stream was closed, and as the time was three years previous to the Canadian flow of 3,003 cubic feet per second, I will for the purpose of argument, assume that a modest 2,000 feet per second should be added. This would leave a final percentage of 46·7 per cent to Canada and 53·3 per cent to the United States or very nearly one-half of the total flowing belonging to Canada. How then could the United States possibly be entitled to three-fourths of the flow?

When the Michigan Lake Superior Power Company undertook the power development on the American side, the United States War department would not allow the company to divert water from the river unless suitable compensating dams were erected. This work was done by the Consolidated Company, which controlled the subsidiary companies on both sides, and the two north Canadian spans were completely obstructed from flow and have been for over six years past. By this means only one Canadian span remains open, and the flow through the main river is represented by 26·1 per cent Canadian and 73·9 per cent American, and no doubt this unfair or inadvertent statement has been carried on from the War Department of the United States to be used by the Waterways Commission.

It is not very difficult to arrive at the contention which is supposed to be associated with these river piers. First, there is the area of Lake Superior—an argument which I think I have completely exploded. Second, there is the watershed contribution, and thirdly the actual flow down the river as defined by the piers of the International bridge crossing the river. All of these arguments are disposed of in that way. At the time when Senator Smith was so vehemently and forcibly endeavouring to induce the United States Senate to attach this rider to this treaty he was largely interested in protecting and pressing the claims of the Chandler-Dunbar Company, which had certain water concessions in the river, certain commitments on revocable terms, from the minister of war. The Chandler-Dunbar Company were claiming also that when the war department of the United States gave the Michigan-Lake Superior Power Company the right to divert 30,000 second feet of the river into their canal above the works of the Chandler-Dunbar Company, they were, to a large extent, interfering with the operations and the rights which they possessed with respect to the development of the water-power. The position of the Chandler-Dunbar Company is briefly set out at page 52 of the joint report of the commission. It appears that the company, acting under a promise from the minister of war, had developed power to a certain extent and had sublet to the Edison Soo Electric Company some of their privileges. Then the contention of the Chandler-Dunbar Company came and this contention, I am informed, largely actuated Senator Smith in his argument. The Chandler-Dunbar Company were pressing the United States government vigorously to secure compensation for damages which they said had been done to their interests by reason of the authority given to the Michigan-Lake Superior Power Company to divert the water of the river to the extent of 30,000 second feet above the Chandler-Dunbar Company's works. The Chandler-Dunbar Company claim as being the owners of the riparian rights. It was by virtue of their rights as riparian proprietors that they sought to press their claim against the United States government and a very substantial claim it was. So it was, in order to support the claims of the Chandler-Dunbar Company, that Senator Smith laid down his claim that riparian rights on the American side were being infringed, that there should be more water on the American side than was apparently allowed by the treaty. That claim was recognized by the Waterways Commission and it was admitted that therefore the rider should contain, supporting the contention, of the Chandler-Dunbar Company, a provision protecting all proprietary, riparian rights, public and private, on both sides of the river, which was exactly what the Chandler-Dunbar Company wanted to make their claim good against the United States of America. This debate went on for some considerable time. There was a great deal of difficulty occasioned the United States government by the Chandler-Dunbar claim, and I am informed that, recognizing to a certain extent that the rights of the Chandler-Dunbar Company had been injuriously affected by the somewhat unusual permission given to the Michigan-Lake Superior Power Company to divert about half of the whole flow of St. Mary's river above the works of the Chandler-Dunbar Company, the United States government extinguished their rights, purchased their concession and compensated them for what they claimed. So that the ground work of Senator Smith's contention with respect to this river is absolutely gone and these rights, as far as they were represented by the Chandler-Dunbar Company, have been absolutely extinguished. I enter into this explanation to show that the reason which prompted Senator Smith to make this extraordinary argument was entirely based on local conditions and in connection with local

claims which were then pending. The International Waterways Commission as at present constituted, having looked into this whole question of the flow of St. Mary's river as well as the Niagara river, and after providing for the maintenance of the stream for navigation purposes, provided that the surplus for power purposes shall be divided equally between the two countries. What are we going to do? We have the finding of a commission appointed by both countries for this very purpose. How then can we attach any importance to or receive with favour a rider, vague and indefinite as it is, which behind it has an argument which is diametrically opposed to the sober judgment and unanimous finding of the members of the Waterways Commission? Complex and indefinite as may be the conditions existing between the two countries at present in this respect, and much as it may be desired that the rights of the two countries should be definitely ascertained, I say that the very object of this treaty and of the treaty of 1908 will be defeated if this government should advise His Majesty to ratify that treaty with that rider incorporated in it, because such a treaty would never settle the respective rights of the two countries to the flow of that river.

Then, as to the riparian rights, what is the meaning of these words in the rider:

> Nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's river at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's river within its own territory.

There are apparently two sets of riparian rights contended for; there is the right of the individual to the water (according to the contention here) flowing past his holding on the shore, and there is the claim of each country as a nation to its rights. I contend most vehemently and solemnly that there can be no riparian rights whatever under these conditions and that to incorporate an admission that there are such rights is simply to over-ride the law as it is at present. Now, as to what the law at present is, I shall read the opinion of the Attorney General of the state of New York, which is incorporated in the joint report of the International Waterways Commission under date the 19th of March, 1906. At page 254 Mr. T. E. Hancock, Attorney General of the state of New York, under date November 16, 1895, says:

> The Niagara river is a public navigable stream, to the bed of which, and the water flowing over it, the state and not the riparian owner has title.
>
> It would be a waste of time to attempt to show why this proposition is correct. It is sufficient to say that it has been amply supported by judicial decision and is now the established law.
>
> The sole question, therefore, for determination is: Can an owner of the soil adjoining a navigable stream divert the water for private manufacturing purposes without the consent of the state? Let us examine it.
>
> By the term 'navigable,' it must be remembered is not meant, 'capable of being navigated.' As used in this discussion, 'navigable stream' means one which is navigable in the legal sense. Rivers may be navigable in fact but not in law, or they may be navigable in law but only in part navigable in fact. A mere local interruption of actual navigability, therefore, will not change the character of a stream in its legal aspect.
>
> The river being navigable in the legal sense, the title to the bed of the stream and to the water flowing over it is in the state, at least to the boundary line between the state and Canada.
>
> The diversion of water from a public stream for any other than domestic purposes is a nuisance, and therefore may be abated at the suit of the Attorney General.

Notwithstanding that very clear definition of what I believe is well known law applicable as well to the St. Mary's as to the Niagara river, this rider contains something which is diametrically opposed to it as a legal international proposition. In a period of 50 years or 100 years hence when we have attained the splendid development which we all believe we shall attain, and which our descendants will enjoy, there would be this argument advanced: 'Yes, that might have been the law as defined between the two countries at that time, but it was solemnly agreed between these two countries that notwithstanding that the riparian rights, whatever they were in other circumstances, should be in that river recognized to the fullest possible extent, as also the rights of the two high contracting parties to the treaty from the national point of view.' I am very desirous of condensing my remarks at this late stage of the session and I shall now say in brief, that it would be highly improper and highly dangerous for this government to recommend the acceptance of this treaty, if only for that reason; and, unless my right hon. friend and his government can clearly define that that rider means something definite, and what that something definite is, and that they shall hold that that something definite does not encroach upon the rights of Canada or upon Canadian citizens on the one side or does not give to the United States or to any of the citizens or corporations of the United States on the other, any rights which they do not enjoy in the United States and which they do enjoy on the side of Canada, then that treaty should never be allowed to

be ratified in the interests of Canada. I join in the sentiment expressed by my hon. friend from Medicine Hat (Mr. Magrath). I have the utmost faith in the high standards of those who negotiate treaties on the part of Canada, and I am not suggesting that there was any bad faith in the making of this treaty or other treaties which have been the subject of comment. I am quite sure that this government is anxious to do all that it can by this treaty honestly and fairly to preserve the rights of Canada and prevent those rights being jeopardized now or in years to come. But I very earnestly charge the Prime Minister, for these and other reasons, to see that there is not taken from us at Sault Ste. Marie water which is necessary for our industries now and in the future, on principles the very opposite of those which were laid down with regard to Niagara Falls, and on which we were asked to make and did make large concessions to the United States. The falls of Niagara belong one-sixth to the United States and five-sixths to Canada.

Mr. LANCASTER. Rather one-tenth to nine-tenths.

Mr. BOYCE. I know that the contention varies; but at the most the United States have one-sixth and Canada has five-sixths. However that may be, the working out of the concessions given under the treaty results in a very much larger percentage of the actual power going to the United States than the proportion to which they are entitled on this argument. If that be the argument, let it be applied equally to both sides. Let the same argument that was applied to Niagara be applied to Sault Ste. Marie, or let the argument that the United States senate applies to Sault Ste. Marie be applied to Niagara. The arguments on both sides are equally cogent; but the strict rights of the two countries based on the flow of the waters have been compromised, and a reasonable adjustment has been made by the eminent gentlemen forming the International Waterways Commission, by one-half the flow being assigned to each country after reserving sufficient water for navigation purposes. This is what we contend we have by the ruling of the commission, what we ought to have, and what I ask my right hon. friend to maintain by the rejection of this rider. Again, this rider purports to decide only those matters of difference between the two countries which are referred by the body of this same treaty to the International Joint Commission. By articles 9, 10 and 11 all these matters of difference—matters which affect the very substance of that rider—are specially referred to that commission. These are generally the facts and arguments with regard to the St. Mary's river.

I may say that the government of Ontario takes the position that the treaty is not a proper one in the interest of the province. I have before me a copy of a telegram which was sent by the Hon. Sir James Whitney, the prime minister of Ontario, to the right hon. the prime minister of Canada under date of Toronto, May 12, 1909, which I will take the liberty of reading:

> The Ontario government is of opinion that if the waterways treaty be ratified by the parliament of Canada, that ratification should be exclusive of the rider inserted at the end thereof by the United States senate, and this government respectfully protests against such rider as being unfair to the province of Ontario, in view of the other provisions of the treaty as to waters and streams.

I feel quite sure, Sir, that these remarks, which I fear have been very lame, being the result of a somewhat hasty examination of the matter, but which are none the less sincerely offered, will be received by the government in the spirit in which they are offered, and that due consideration will be given to the excellent arguments of my hon. friend from Lethbridge (Mr. Magrath) and other arguments which may be adduced by other hon. gentlemen, and that the right hon. gentleman will hesitate before he permits the very important commercial and other interests of Canada to be jeopardized by the acceptance of a rider which is so meaningless on its face, but which covertly may contain in its future construction very much hardship or at least uncertainty for the Canada of the future.

Mr. A. C. MACDONELL (South Toronto). Mr. Speaker, my apology for detaining the House at any length on this matter at this late period of the session will be made by the brevity of my remarks. I join with the hon. member for West Algoma (Mr. Boyce) in an expression of thanks to the right hon. gentleman for permitting this opportunity for an expression in this House upon this treaty at this late hour of the session. I trust, however, that the remarks which have been made by the hon. member for Lethbridge (Mr. Magrath) and by the hon. member for West Algoma may not be without some compensation for the courtesy which the right hon. gentleman has extended. My remarks will be directed entirely to one feature of the treaty, namely, that in connection with the treatment and disposal of the power at Niagara Falls. The hon. member for Lethbridge has already reviewed this at some length and in some detail. This feature of the treaty is unlike the rider which has just been discussed by the hon. member for West Algoma, because in regard to the Niagara Falls situation there is complete simplicity;

there is no conflict of facts; there is no doubt or uncertainty as to the whereabouts of the boundary line. All the facts regarding the Niagara river were definitely settled and disposed of many years ago by the two nations; so that when the commissioners who had to deal with this matter approached the question, on neither side were they embarrassed with any conflict of facts. Permit me to read article 5 of the treaty which deals with and disposes of the question of the Niagara river. It is as follows:

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara river so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the state of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the province of Ontario.

So long as this treaty shall remain in force, no diversion of the waters of Niagara river above the falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the state of New York of the waters of said river above the falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the province of Ontario, may authorize and permit the diversion within the province of Ontario of the waters of said river above the falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of thirty-six thousand cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purpose of navigation.

The language of that article is in no respect uncertain; and, like other wise tribunals, the commissioners gave no reasons for concurring in it. The plain statement is made there that the United States people shall have the use of 20,000 cubic feet per second, and the Canadian people the use of 36,000 cubic feet per second.

Mr. JOHN HAGGART. What is the actual user?

Mr. MACDONELL. It is very difficult to say. We must assume that the commissioners who dealt with those rights, did so on some established facts and some well-defined policy. Let me say that, so far as I am concerned, and I think the same may be said of other hon. members, we are not cavilling at this treaty in its fundamental features. No policy can be wiser than that this government should definitely set at rest, so far as we can, our boundary line. The desirability of preserving, as far as possible, peace between the two countries, cannot be overestimated, and to secure that, even concessions might reasonably be made. I desire to refer to one authority with regard to the quantity of water we have at the Falls. My hon. friend from Lethbridge (Mr. McGrath) has shown very fully by his own argument and by quotations from documents and reports of this commission, that it was intended that the commission should approach this matter with the view of making an equitable division of these waters—a division which should be based on the respective rights of the parties concerned. With the view of ascertaining all obtainable facts regarding the Falls of Niagara and the Niagara river, Professor Spencer, attached to the Geological Survey Branch of the Department of Mines of this government, spent two years in making very careful surveys and soundings of these waters. He not only made personal investigation in the years 1904-5 and 1905-6, but procured all obtainable information on the subject, and it must be said that his efforts were largely successful. His own investigations and the information he procured elsewhere are to be found in a book he published, which certainly ought to be very useful to the people of this country and the members of this commission. He begins his work with these words:

The international boundary line at Niagara falls was determined by the signed map of the commission of that time (1819). At one point this line is found within 235 feet of Goat island, thus throwing the whole of the great crescent of the falls within Canadian territory, while only the turn beyond the crescent, trending to Goat island, belongs to New York. Here the cataract is now often reduced to mere strings of water. The withdrawal of the water for power purposes threatens to leave exposed a strip of rock belonging to Canada, now covered by the rapids, on the eastern side of the falls. The quantity of water falling over this end adjacent to Goat island is too small a factor in the whole volume to be considered. But the volume flowing down the American falls is approximately seven per cent of the whole.

For that authority he refers us to chapters 2 and 3 of his work, in which he elaborates the statements herein made:

The proportion of the discharge of the rocky rim, which determines the flow of water down the upper rapids, gives to Canada 75 to 80 per cent of the total discharge of the river.

That is, I take it, that right at the brink of the Falls where the water flows over the American side, the Americans have

only about 7 per cent of the total flow. Further up the river, at the crest of the cataract he statees that the proportions are 80 per cent to Canada and 20 per cent to the United States. Further, at page 16, he says:

The placing of the boundary line gave the whole of the eastern channel, the American falls, and Goat island to the state of New York; but only from 235 to 300 feet of the river at the falls. This threw the crescent of the Canadian falls within the territorial boundary of Canada.

Then at page 8, he figures out the quantity of the main discharge which falls over the main bed of the river:

The mean discharge of 204,000 cubic feet gives a gross horse-power from above the upper rapids of 4,900,000. It was reduced in February, 1902, to 4,200,000 horse-power, when low water prevailed, or for the lowest day to 3,800,000. But this does not represent the available force, as two of the power companies take the water from nearly fifty-five feet below the head. Again there are other great losses in the application so that the whole power cannot be used, and these will reduce the amount by 30 or 35 per cent. Accordingly the available low water discharge is reduced to 2,600,000 horse-power; for only this amount can be considered in the power question.

Then Mr. Spencer prepared a table showing the average flow of water from the Falls from the year 1860 until the present, giving it by yearly periods and also by high and low date. According to that the average per second is 204,000 cubic feet:

The descent of the Niagara river from the first cascade of the upper rapids to Lake Ontario is 312 feet. The surface of the river below the falls may be taken at 100 feet. Thus the power of Niagara represents the product of a fall of 212 feet and the variable discharge volume of any particular day.

Average discharge.	Cubic feet per second.	Corrected cubic feet per second.
1860-1890..	*226,000	204,000
1891-1905..	204,000	204,000
1860-1905..	*219,000	204,000
1858 (October 7)..	314,000	292,000
1862 (for the year).. ..	243,000	221,000
1862 (month of June).. ..	260,000	238,000
1895 (for the year)..	187,000	187,000
1902 (month of February).	175,000	175,000
1902 (February 28).. ..	†158,500	†158,500

Reducing these figures to horse-power the following results are obtained:—

Range of Horse-power of the Falls.

Average gross horse-power.	Horse-power.	Corrected horse-power.
1860-1890..	5,444,000	4,914,000
1891-1905..	4,915,000	4,915,000
1860-1905..	5,276,000	4,748,000
1858 (October 7)..	7,563,000	7,033,000
1862 (for the year)..	5,854,000	5,326,000
1862 (for month of June).	6,264,000	5,736,000
1895 (for the year).. ..	4,505,000	4,505,000
1902 (month of February)	4,216,000	4,216,000
1902 (February 28).. .. ..†	3,818,000	†3,818,000

From these figures it may be seen that the work of Niagara varies enormously.

*These averages taken from the discharge tables, but on account of the lowering of the lake outlets, not allowed for here, the correct mean discharge is that of the period of 1891-1905.

†Water at Port Colborne only 569·58 above the sea.

He continues in this way, and I desire to read this because the Chicago Canal has some bearing on it:

A change of one foot in the height of Lake Erie will increase, or diminish the discharge by 23,205 cubic feet per second, which is equivalent to 569,000 horse power. When it comes to the question of the artificial application of power of water to be taken from the river below the first cascade, the obtainable horse power will be much less than if taken above; on the average of all the companies, the available amount will be reduced by from 30 to 35 per cent, owing to the loss in height, in the waste weir tunnels, and at the bottom of the shafts, &c. This will reduce the available horse power for a foot of fall in the lake to 400,000 or less. Where the water is taken at a considerable distance below the head of the rapids, from forty to fifty feet lower down, the available amount will be still further decreased. Accordingly, the net mean water power of the falls if entirely diverted for artificial purposes would fall to 3,200,000 horse power, and the low water discharge to 2,600,000. On the basis of 7 per cent, the available horse power of the American falls is 350,000 for mean stages, or nearly 250,000 for low water.

Now, let us compare what Professor Spencer says the American side is entitled to compared with what they get. Under the treaty, regarding the quantity of horse-power to which each nation is entitled, I find that the United States gets five horse-power to our nine. By the natural flow of the river, the United States, under Professor Spencer's definition, is entitled to five horse-power to our fifty-two. Taking the most favourable American claim or contention, to which I will refer more fully in a moment, and it would give the United States one horse-power to six for us. There is a discrepancy there which it is very hard for ordinary people in this practical age to understand. Professor Spencer continues:

At the first cascade of the American channel the average depth scarcely exceeds three feet; and being very much smaller that the deeper section of the Canadian channel, the volume of discharge is reduced considerably below nine per cent, perhaps as low as six per cent, though probably the range may be

between this and eight per cent. At seven per cent the volume is about 14,000 cubic feet per second.

At page 259 of his work, Professor Spencer again figures out the result and reaches the same conclusion—namely, that the American falls are entitled, approximately, to seven per cent of the whole flow. He appends a table of the franchise-using companies on both sides, and from that we are able to figure out what horse-power is generated or produced by a given number of cubic feet per second. Professor Spencer says:

At the brink of the American falls themselves the volume of the cascade, as given above, is approximately seven per cent, while the stream of water over the end of Goat island shelf, from a breadth of less than 300 feet, is so inconsiderable that it is almost inappreciable. Above this end the whole great cataract lies within Canadian territory.

The table to which I have referred is as follows:

Canadian-Niagara Power Company	8,600	cubic feet per second ;	100,000 H.P.
Ontario Power Company	11,700	" "	180,000 "
Electrical Development Company	10,750	" "	125,000 "
Electrical Railway Company	400	" "	
	31,450		
On the New York side:			
Niagara Falls Hydraulic Company	10,000	cubic feet per second ;	100,000 H.P.
Niagara Falls Power Company	17,200	" "	200,000 "
	27,200		
Chicago Drainage Canal	10,000	cubic feet per second.	
Welland canal (including Hamilton Cataract Company)	1,100	" "	
Erie Canal	1,200	" "	
	12,300	" "	
Total	70,950	" "	

One thing shown by this table is that at the very lowest calculation, one cubic foot per second will produce ten horse-power, that being the result on the American side. On the Canadian side, where the fall is somewhat higher, the flow greater and more rapid, the power generated rises considerably above ten horse-power per cubic foot per second. In fact, in some places it reaches almost 20 horse-power. Appended to that table is a note in which Professor Spencer says:

As a power question alone, below the first cascade, almost all the water passing down over the Canadian falls belongs to Canada.

Now, let me for a moment point out the value of this power at Niagara Falls. As I have said, Professor Spencer estimates that the Americans are entitled to one cubic foot per second as compared with ten for Canada. The American people themselves, as part of the report which they made to their government, claimed that we should have as six to one. The flow in the Niagara river, we find to be 36,000 cubic feet to Canada and 20,000 cubic feet to the United States, making a total of 56,000. Now, on the basis of a natural division, 5,600 would go to the Americans and the rest, 50,000, to Canada. In these figures I have not taken into account the 10,000 cubic feet per second which the American people are withdrawing at the Chicago canal. And yet, as I read the report, it is admitted by the American, as well as by the Canadian section, that this amount of water, taken from the great lakes by the Chicago canal, should properly be taken into account in the distribution of the waters and charged to the American people. For, it is quite plain that, as you abstract water from the upper lakes you reduce the level of those lakes and reduce the level of the waters below, including the level of the Niagara river and the volume of water flowing over the falls. The reduction of the level of Lake Erie because of the 10,000 cubic feet per second at Chicago is very appreciable. But this I have not taken into account in the figures I have given. Had I done so, it would have shown in a still worse light the way in which Canada has been treated. Taking the total available flow as 2,600,000 cubic feet per second, which is Professor Spencer's estimate ; now, divide this on the basis of the treaty—still leaving out of consideration the 10,000 cubic feet per second withdrawn by the Chicago canal and assuming it all to be coverted into power—the treaty gives to the United States a total of 928,572 cubic feet and to Canada 1,671,482 cubic feet, whereas the natural flow, as per Professor Spencer, would give the diversions as follows: to the United States 250,000 horse-power, and to Canada 2,350,000.

Now putting an approximate value on that power, none of it I understand is being disposed of at less than $10 per horse-power at the point of production. I think we can reasonably say that it is worth $10 per horse-power. If that be so, what is the value that the Americans will get, what is

their power valued at, and what is our power valued at? The American people under the treaty will get power to the value of $9,285,720, and the Canadian people will get power to the value of $16,714,890, whereas the value which should be put upon it according to the natural flow of the waters would be: American people, $2,500,000; Canadian people, $23,500,000. These figures may not be accurate, I am putting them forward approximately. I am taking first of all as a basis the production of horsepower, and then taking the yearly value of that production. So hon. gentlemen can deduct these sums and see to what extent the Canadian people have been deprived of the value of their power.

Now the hon. member for Lethbridge (Mr. Magrath) reviewed at length the correspondence leading up to and preliminary to this treaty. I do not desire to repeat what he has said, but there are one or two points that I would like to call attention to. It was in the year 1902 that the American people began to move in the matter. Congress passed an Act on the 13th of June, 1902, authorizing this commission. Almost immediately the Act was handed to the British government, and Downing street, in July, of 1902, sent it to this government. Now it is reasonable to suppose, from the class of men appointed on the American commission—and the hon. member for Lethbridge has stated their qualifications under the Act, and has given us a short review of the personnel of that commission—it is reasonable to suppose that when they went to work with the power they had under the Act by which they were appointed, authorizing them to employ such persons as it might seem needful for the performance of the duties imposed upon them, they sought the best available information, and at once set themselves to the task for which they were appointed. On the other hand the Canadian authorities seem to have been more than dilatory. It was not until they were aroused by telegrams from Downing street—and we are in the habit of being told that Downing street is a sleepy old woman, and that we in Canada are very much more alive than they are, but on this occasion she seems to have had the duty of arousing us and bestiring us to action. The first move made in Canada was on the 3rd of December, 1903, when Dr. King, the astronomer for Canada, was appointed a member of the Canadian commission. The matter drifted along, and on the 7th of January, 1905, Mr. James P. Mabee, K.C., was appointed to the Canadian section. Here let me bear a tribute to Mr. Mabee's great ability and his peculiar qualifications for this office. The government could not have selected a more competent man to deal with our rights and interests, and I entertain the opinion that had Mr. Mabee been continued in that office and in the performance of those duties, we would have had a very different result from that which has occurred. Mr. Mabee was appointed chairman of the commission in May, 1905, and continued to perform the duties of the office until his elevation to the bench in November, 1905. By the order in council accepting his resignation, Mr. Geo. C. Gibbons, K.C., of London, Ont., was appointed. I have no desire to make any criticism of Mr. Gibbons or of his appointment, further than was made by the hon. member for Lethbridge. I think Mr. Gibbons is an able lawyer, a man of great experience, a man of much knowledge of constitutional law and of civil law. But scarcely was he appointed to the commission when we find that the American section proceeds to rush matters. Resolutions are passed by them, the business is hastened, and in the autumn I think of the same year it was decided to give now new privileges in the Niagara river to generate power on either side. The American section sought to rush matters to a conclusion. In March and April of 1906 this treaty was practically concluded, as I judge from reading the reports of the Canadian section. So time does not seem to have been at the disposal of the Canadian section. They seem to have taken up this matter as an ordinary every day affair, instead of considering it what it is, one of the greatest events possibly in the lifetime of our nation. Now it would seem from the report of the Canadian section dated the 25th April, 1906, that the American section prevailed upon them to agree to a basis on which the waters should be divided. The Canadian section in a report to this government regarding the Niagara situation, had this to say:

> Your commission is therefore of the opinion that the time has come when it is desirable to make a treaty limiting these diversions (on the Niagara river), and we have prepared a series of resolutions which we intend to submit at the next meeting of the joint commission.

Regarding the Niagara situation it adds:

> If our proposal is carried out the diversion will be about as follows:—
>
> Diversions on the American side.
>
> | | Square feet per second. |
> |---|---|
> | Niagara Falls | 18,500 |
> | Chicago drainage canal | 10,000 |
> | Total | 28,500 |
>
> Diversion on the Canadian side.
>
> | | Feet per second. |
> |---|---|
> | Niagara Falls and on the Niagara Peninsula | 36,000 |

Now the American section made a report about the same time, saying this:

> One of the effects of such legislation would be to give to Canada the advantage of diverting 7,500 feet per second more than is diverted by the United States. The advantage is more apparent than real, since the power

generated on the Canadian side will to a large extent be transmitted to, and used in, the United States.

So throughout the whole transaction the American section seems to have had the better of the Canadian section in reference to the division of power. Now both the sections apparently reported that the American diversion would be 18,500 feet per second whereas the real diversion amounts to 20,000 cubic feet per second. The net result of it is this, that Canada gets a volume of 36,000 feet per second, which equals 432,000 horse-power; the United States gets 20,000 feet per second, producing 260,000 horse-power. But of Canada's 432,000 horse-power, 200,000 of it is exported to the United States, and so far as we can see will continue to be exported. That leaves a total for Canada of only 232,000 horse-power, outside of the Chicago drainage canal.

Now, Mr. Speaker, just a few words more and I have finished. We have before us the naked result of the work of our commission. They were handed over a most important work, they were handed over the disposition of the water-power of Niagara Falls, together with that of other powers. They have made their report, but I do not think that the Canadian people are satisfied with the disposition that they have made of our heritage. I think it right that we, who are affected by this report, should ask the question of these hon. gentlemen, how it is that they have dealt with our natural rights in such a manner as to lead to the disparagement of our peoples' heritage. They found a natural condition most advantageous to Canada. They seemed to have receded from their position of advantage, to have given up their position which was, at the very worst for us, six to one, and they submitted to a compromise by giving the American people 30,000 feet per second and receiving a contribution for the Canadian people of 36,000 feet per second. I think that we have no apology to offer for having brought this subject to the attention of the House. It is a matter for the government to deal with. The treaty is there. It has not yet been ratified. It may be ratified by His Majesty upon the advice of his responsible ministers whom, I take to be, in this case, the government of this country. Can the government, in face of the facts, justify the acceptance of this finding, more especially as we have no offset to the loss that we suffer at Niagara? There is no claim that we are securing other rights that we were not entitled to or that might be doubtful rights in consideration of our giving up our rights at Niagara Falls. There is no question of a set-off against a right of that nature. We simply voluntarily agree to a division which is not based upon any just or equitable principle. We have no compensation at all, either at Niagara or elsewhere, in consideration of this treaty for what we give up at Niagara Falls. It is for the government to say whether, in face of the facts, this country will be justified in agreeing with the findings of our commission as they are laid down in the report.

At six o'clock, House took recess.

After Recess.

The House resumed at eight o'clock.

PRIVATE BILLS.

CONSIDERED IN COMMITTEE—THIRD READINGS.

Bill (No. 158) respecting the Bank of Winnipeg.—Mr. Molloy.

Bill (No. 177) respecting the Royal Victoria Life Insurance Company, and to change its name to the Royal Victoria Life Insurance Company of Canada.—Mr. Sutherland.

Bill (No. 103) respecting the National Accident and Guarantee Company of Canada.—Mr. Pardee.

Bill (No. 169) respecting the Patents of Washington McCloy.—Mr. Rivet.

Bill (No. 182) for the relief of Fleetwood Howard Ward.—Mr. Lewis.

Bill (No. 183) for the relief of Aaron William Morley Campbell.—Mr. W. H. White.

Bill (No. 184) for the relief of John C Cowan.—Mr. Turriff.

Bill (No. 181) for the relief of Laura McQuoid.—Mr. Nesbitt.

Bill (No. 168) respecting the Mexican Transportation Company, Limited, and to change its name to the Mexico Northwestern Railway Company.—Mr. Sutherland.

Bill (No. 171) respecting the Quebec and New Brunswick Railway Company.—Mr. Michaud.

Bill (No. 170) respecting the Brockville, Westport and Northwestern Railway Company.—Mr. Marshall.

Bill (No. 178) for the relief of John Wake.—Mr. McCraney.

Bill (No. 163) to incorporate the Prairie Provinces Trust Company.—Mr. Sutherland.

Bill (No. 167) to incorporate the Board of Elders of the Canadian District of the Moravian Church in America.—Mr. G. W. McIntyre.

Bill (No. 185) to incorporate the Catholic Church Extension Society of Canada.—Mr. Parent.

Bill (No. 166) respecting the Central Railway Company of Canada.—Mr. Ethier.

Bill (No. 176) to incorporate the St. Maurice and Eastern Railway Company.—Mr. Geoffrion.

SECOND READINGS.

Bill (No. 188) respecting the Prudential Life Insurance Company of Canada, and to change its name to the Security Life Insurance Company of Canada.—Mr. Proulx.

Bill (No. 189) to incorporate the Commerce Insurance Company.—Mr. Geoffrion.

Bill No. 190) respecting the Fidelity Life Insurance Company of Canada.—Mr. McCraney.

EQUITY FIRE INSURANCE COMPANY.

House in committee on Bill (No. 161), to incorporate the Equity Fire Insurance Company of Canada.—Mr. Macdonell.

On section 1,

Mr. LENNOX. I have instructions from several shareholders of the old company to oppose the incorporation of this company. They point out various features which they think objectionable. I do not want to say in a public way anythng that would prejudice this company if it is about to do business. Certain shareholders, principally resident in Barrie, have a very strong objection to this company being incorporated here mainly on the ground that, as they claim, the company has not been successful, and they think it will not be successful. I heard the counsel state in the committee the other day that this company is absolutely solvent. I do not know anything as to that. It is reducing its stock. I call the attention of the Minister of Finance to a statement made in the committee the other day that this company is reducing its shares to $50 each, and that the new Insurance Act has a provision that the capital stock shall not be divided into shares of not less than $100 each. If so, that would conflict with this Bill.

Mr. FIELDING. There is a clause inserted providing that where in any case the provisions of the two acts come in conflict, the provisions of the General Act shall prevail; so that I do not anticipate any difficulty.

Mr. LENNOX. The final clause of this Act provides that where there is a conflict, the provisions of the General Act shall govern. That being the case, it seems to me that section 3 of this Bill would not be workable, and the policy on which this Bill is framed would fail in that respect. There is a distinct provision here for a reduction of the shares to $50, and that a certain amount shall be credited upon them, $5 out of $30, and that the difference between that amount and $50 shall be the amount the shareholders shall have to pay. That could not be worked out if the value of the shares were made $100 again. It would seem to me that this Bill, notwithstanding its special provisions, would be governed by the General Act, so that the shares would have to be $100. If so this provision in section 3 would become unworkable, and the object of the incorporation would fail. I leave that matter to be dealt with by the Finance Minister. I was also specially requested to draw attention to section 8, which provides that the affairs of the company shall be managed by a board to be composed of not less than eight or more than twenty-four directors. It is pointed out that that is too large a number. In the same section it is provided that a director must have possession of fifty shares. I am instructed to urge, what I believe is a correct principle, that stockholders who hold twenty shares ought to be eligible to be directors. It is also pointed out that section 11 seems to be defective in that the statement of the affairs of the company is not required to be made under oath. I do not know what the policy of the government has been in reference to that. The loose way in which statements and returns have been made from time to time in connection with insurance companies indicates the importance of requiring such statements to be made under oath. These are not nearly all the objections I have been asked to make to this Bill, but they are the principal ones, the main one being that as the company has not been successful, and, as these old shareholders feel, is not likely to be successful, it should not be incorporated.

Mr. MACDONELL. The hon. gentleman who has just spoken appeared before the committee and made the same complaints there that he has made here, and the committee disposed of the matter without taking his objections very seriously, because he did not make them seriously. My hon. friend did not even divide the committee, because it transpired from his remarks that the gentlemen whose views he was putting forth were a number of shareholders in the town of Barrie on whom certain calls on the stock of this company had been made. These gentlemen are not desirous of paying these calls, and take this means of trying to get even with the company. The Bill as it appears before the House passed the Department of Finance, and was very carefully gone into by the committee. The hon. gentleman who made these objections made them in a half-hearted way, and let them drop. As the end of the session is in sight, I think we ought to put this Bill through. When we come to the various clauses of the Bill, we can deal with the difficult objections the hon. gentleman has made.

Mr. LENNOX. I take very serious objection to the hon. gentleman telling this House that I did not make my objections seriously or made them in a half-hearted way. I made my objections in the commit-

tee, and I repeat them here, in a perfectly serious way, and I hope they are entitled to some consideration from the committee. I have the greatest respect and friendship for my hon. friend, but I do not propose to let him make the statement unchallenged that I pressed these objections otherwise than seriously. I hope he realizes that it is not necessary to shout or swear or declaim in order to be serious. I am not a member of the committee and have no power to divide the committee, as my hon. friend suggests. But I made the objection on behalf of several subscribers for stock in the town of Barrie, who are not in a different position as regards this company from other stockholders. Whether I shall be able to carry my proposition or not, I assure my hon. friend and the committee that I am exceedingly serious and exceedingly earnest in the matter, and I have very great faith in the propositions I advance. I do not know whether I shall succeed in convincing the Minister of Finance (Mr. Fielding), but I feel that if I had him convinced I should win the battle. But I urge upon him to take this matter into his serious consideration. Here is a company that has been, so far, unsuccessful. I have great respect for some of the gentlemen connected with the company, but that shall not deter me from advancing the proposition that I believe to be in the interest of the public, and I believe it to be in the interest of the public that this company should not be incorporated.

Mr. FIELDING. Owing to other engagements, I was not able to give personal attention to this Bill, though I was present for a few minutes in the committee. My officers informed me that they had examined the Bill carefully and that there was no objection to it from a departmental point of view. That being the case, I was prepared to have it passed.

Mr. MACDONELL. I am bound, in my own defence, to repeat the impressions that I stated I received in this House and before the committee as to the manner and attitude of my hon. friend in dealing with this Bill. I do not care to go over what I said as to his attitude, when the Bill was before the committee. The hon. gentleman (Mr. Lemieux) was there apparently to speak on behalf of private interests, and in that capacity appeared before the committee. Not a member of the committee supported my hon. friend or adopted his views. In justice to myself I must say that. And no attempt was made to divide the committee, and the Bill passed the committee unanimously. It is entirely in the hands of the Minister of Finance (Mr. Fielding) whether the Bill is proceeded with now or not. I would like to have it proceeded with, and, if possible, disposed of, and I do not know any reason why it should not be passed.

Mr. NESBITT. The Bill was considered carefully in the committtee and, while I have no interest in the world in the matter, as the chairman of the committee is not here, I would like to report the fact that the Bill was carefully considered. Anything that might appear to be wrong in the Bill will be rectified by the general Act. It must have the consent of two-thirds of the old shareholders before it goes into effect.

Mr. LENNOX. I cannot allow the remarks of my hon. friend from South Toronto (Mr. Macdonell) to go unchallenged. I think his last remarks even more unwarranted than the first. If there is anything he can divulge, I hope he will be manly enough to divulge it and to state openly what he knows. I do not like his insinuations, and I take it as an insinuation that there was something not divulged. I went to the committee and asked to be heard. There were a great many gentlemen as usual, who wanted to speak, and I only briefly outlined my position. I had to leave to attend the meeting of another committee. I recognized then, and recognize now, that there was a very large and influential committee that had evidently more knowledge of these matters than I had, but I hope it did not appear to any one besides my hon. friend that I was not in earnest. I am exceedingly in earnest and I do not think it becomes any hon. gentleman, unless he has something that he has not yet divulged, to state that I was not in earnest.

On the motion to report the Bill.

Mr. MACDONELL. As a matter of personal explanation, I desire to say to my hon. friend from South Simcoe (Mr. Lennox) that I had no intention of imputing to him any motives other than the most honourable, either in what he said or in his attitude in this House or before the committee. I got the impression, no doubt an erroneous one, that possibly he was not in earnest in presenting his objection. I accept the statement that he was, and I entirely concur in the opinion that his attitude throughout has been earnest and sincere.

Mr. LENNOX. Of course, I accept my hon. friend's (Mr. Macdonell's) statement in exactly the way he gives it.

Bill reported, read the third time and passed.

MONTREAL BRIDGE AND TERMINAL COMPANY.

House in Committee on Bill (No. 180) respecting the Montreal Bridge and Terminal Company.—Mr. Ecrement.

Mr. LENNOX. I desire to call the attention of the Minister of Railways to the special report from the Railway Committee in reference to this Bill, which says:

With respect to the last mentioned Bill, your committee have deemed it desirable to call special attention to it in view of the representations made to them to pass the said Bill with sections 3 and 4 contained therein, notwithstanding the report of the Select Standing Committee on Standing Orders, of May 16, 1909, which report recommended that the powers contained in the said sections be not granted, as in the opinion of that committee the notice therefor had not been duly advertised.

I do not know what the minister proposes to do in that connection.

Mr. GRAHAM. The Senate Committee on Standing Orders approved of the notices and it passed through the Senate Committee on Railways, but the Standing Orders Committee of the House found there was not sufficient notice for sections 3 and 4, and there being no objection to the Bill, it was put through the Railway Committee with the precaution that this committee should be notified. There seems to be no serious objection on the face of the Bill itself.

Mr. LENNOX. I have no serious objection neither, but I thought it my duty to call attention to this special report.

Mr. AMES. This House has already passed a resolution ratifying the action of the Standing Orders Committee which declared that clauses 3 and 4 were not covered by the notice, and so the House will have to swallow itself in order to pass this Bill. Is it not necessary to reconsider our previous resolution?

Mr. BRODEUR. The Committee on Railways and Canals, notwithstanding the recommendation of the Standing Orders Committee, decided that the Bill should be reported. My hon. friend will admit that the provision which is inserted in the Bill practically prevents the company from building anywhere else than in the place originally intended. Clause 4 declares that the company may erect certain stations in Montreal, but only with the consent of the city council.

Mr. AMES. Is it to be taken as a precedent hereafter that notwithstanding that the House may have ratified the report of its committee declaring that the notices were insufficient, nevertheless a Bill can be passed.

Mr. GRAHAM. A statute overrides a resolution.

Mr. BRODEUR. The report of the Standing Orders Committee was before the Railway Committee, and the Railway Committee passed judgment on the whole thing, and came to the conclusion that the defect in the notice was not sufficient to prevent the Bill being passed.

Mr. GRAHAM. The Railway Committee did not consider that they were called on in any way to deal with the insufficiency of the notice. they dealt only with the merits of the Bill, and they made a provisional report. What is the use of referring a Bill to the Committee on Standing Orders if its recommendation is to be entirely thrown aside, and if it declares after due deliberation that the notices are insufficient, this House ignores or overrides that decision of the committee.

Bill reported, read the third time and passed.

SUPPLY—INTERNATIONAL WATERWAYS COMMISSION.

The House resumed adjourned debate on the motion that the House go into Committee of Supply.

Mr. E. A. LANCASTER (Lincoln and Niagara). Mr. Speaker, I feel it my duty to say something upon this question, which I consider one of the most important now requiring the consideration of the government. It is a little significant that the very first time I spoke in this House shortly after the first parliament to which I was returned had opened, that I found it my duty to bring this very matter to the attention of the government. My constituency adjoins the international boundary line, and from what I had heard at that time in the adjoining republic, I thought there was nothing like taking time by the forelock, and if our neighbours were acting as I deemed they were acting, I thought the Canadian government should know it. On the 6th day of February, 1900, I put a question upon the Order Paper and it was answered on the 14th of that month (page 94, 'Hansard,' 1901):

Mr. LANCASTER. Is the government aware that in the United States Senate of United States, at the first session of the 56th Congress, in January, 1900, the following resolution was passed, viz.:

That the President of the United States invite the government of Great Britain to join in the formation of an international commission, whose duty it shall be from time to time to report upon the conditions and uses of the waters adjacent to the boundary line between Canada and the United States, including all the waters of the lakes and rivers whose waters flow by the River St. Lawrence to the Atlantic ocean and also upon the effect upon the shores of these waters—and the structures thereon and upon the interests of navigation by reason of their diversion from their natural flow and further to report upon the necessary measures to regulate such diversions.

Have any representations been made to this government by (1) the government of the United States, or (2) by the imperial government with reference to the above?

If so, will the government state how the matter referred to now stands?

The PRIME MINISTER (Sir Wilfrid Laurier). The government has not been informed of the matter referred to in the question, either by the imperial authorities, or by the United States government.

The information I had received caused me to ask that question. I also had the object in view, as I have had ever since, of trying, entirely from a non partisan or political aspect, to protect this country against the incursion on, or may I say the invasion by our neighbours to the south of this great natural resource of ours. The answer given by the government, which I have cited, was given two years before the United States appointed their commission, and that commission was appointed almost in the very words of the resolution of the Congress of the United States to which I refer in my question. In view of the fact that the attention of the Canadian government had been drawn to the matter by my question at that early date, I think it is a great pity that the responsible officers of the government, whoever they may be, should not have taken means to keep track of what the government of the United States was doing so as to be prepared for the emergency which has since arisen. I may perhaps be accused of claiming to know more than any one ordinarily knows, but my constituency being on the border line we naturally take a deep interest in such matters and are more apt to know the ways of the Americans than the people of the rest of the country do, and we are possibly more attentive than others to their manner of doing business. In 1902 the United States appointed their commission; they got busy at once, and they had their army engineers and surveyors out through the counties of Lincoln and Niagara, which are situated on the Niagara river. We wondered if they were making surveys for military purposes or not, but as their efforts seemed to be directed on a point upon the Niagara river towards the Falls, we concluded at last what their real object was. I had occasion to bring the matter up again in 1906-1907, and the question put by me and the answer given on behalf of the government will be found in 'Hansard' of the 3rd December, 1906.

Mr. LANCASTER. 1. Were any copies of a certain map presented by Dr. J. W. Spencer, printed, or engraved, by any department of the government, to illustrate a report on the recession lines of Niagara Falls?

2 If so, how many copies were printed or engraved?

3. Why was not the map included in the summary report of the Geological Survey for the year 1905?

Mr. LANCASTER.

The MINISTER OF INLAND REVENUE:

1. Yes.

2. 5,550.

3. The map was intended to accompany Dr. J. W. Spencer's report, the manuscript of which has not yet been received from Dr. Spencer.

The reason that question was asked, as I explained at the time, was that Dr. Spencer had been examining Niagara Falls for the purpose of reporting upon their recession, and incidentally discovered where the boundary line was. At the same time he discovered that the Waterways Commission were paying no attention to the question where the boundary line was. He marked the boundary line distinctly on this map, and it showed what proportion of Niagara Falls belonged to Canada and what proportion to the United States. For some strange reason that map was not then published; and Dr. Spencer being loyal to his trust as an employee of the Canadian government, and wishing to have the fact known to Canada, made it his business to visit me at my residence at St. Catharines, and gave me reasons why the Waterways Commission should be very careful in dividing the waters of the Niagara river. On the 14th of January, 1907, I again introduced the question into this House, not in a party spirit, but simply as a Canadian who desired to save Canada's resources, and gave the House all the information that Dr. Spencer had given me, showing that if the Waterways Commission were going to divide the waters of the Niagara river as they did divide them, they were going to make a very bad bargain in Canada's interest. The boundary line between the two countries is of the greatest importance. When we made the division between the two countries by the treaty of Ghent, the line ran through Goat island above the falls, placing part of it in one country and part in the other. Then Jonathan said in that suave way of his to John Bull, 'There is no use of splitting this island in two; let us have the land and you have the water, and you will have the beautiful falls.' Of course at that time Jonathan did not think the water was worth anything except for its scenic beauty, while the land was valuable; and John Bull, with his usual willingness to deal and to accept a fair proposition, accepted that, and the line was put over against the American falls, so that the great bulk and depth of the water was given to Canada. It was very strange that neither section of this Waterways Commission said anything about the question where the boundary line at Niagara Falls was. As I pointed out, it was not so strange that the American commissioners did not bother about it. These gentlemen were experts in another way. They had investigations and surveys of United States army officers made in the year 1900,

and two other surveys in 1903 and 1904, showing where the boundary was and all the surrounding circumstances. So that the United States section of the commission could well afford to leave that question alone, if they could see any chance of getting the Canadian section to treat the matter as if each party owned about half the water. Without dignifying the commissioners with the name of diplomats, as Mr. Gibbons, the chairman, seems to think they should be called, according to his speech as reported in the 'Globe,' one would have thought that the Canadian section of the commission would have the idea that an ordinary farmers son would have, if sent out to divide a field of grain with his neighbour's son. He would say: How much of this farm does your dad own, and how much does my dad own, in order to divide the crop. But these commissioners never seemed to consider where the boundary line was or that it had anything to do with the question. Well, there was that positive agreement made between the two countries in 1842, subsequent to and qualifying the Treaty of Ghent, that the line should be where it is shown by the map of Dr. Spencer. That is undoubtedly the true boundary line, giving practically one-tenth of the water to the United States and nine-tenths to Canada—not in distance, but in bulk, because the American falls are almost parallel with the shore, so that if the Americans were to draw upon the quantity of water mentioned in the report, the American falls would be nearly bare, while the Horseshoe fall would be full. No wonder the Americans began to talk about scenic beauty. While they were developing their water-power on the American side of the river, we heard not a word about scenic beauty. But as soon as the Canadians began to develop the water-power on their side, then all of a sudden this business government began to talk about the scenic beauty of Niagara Falls being preserved. As I pointed out, the result of preserving the scenic beauty of the falls would have been to hamper us in developing the water-power on our side in the same proportion as the United States, while if we were not so hampered, the United States in the matter of water-power would go to the wall a great deal faster than we would, because we had nine-tenths to draw upon against their one-tenth. I pressed these views on the House as reasons why the agreement should not be confirmed. If we got the worst of the bargain at Niagara Falls, I would have been satisfied if we could have got at the Sault or at some other part of Canada a quid pro quo; but what do we find? While the American commissioners put aside all idea of territory and paid no attention to where the boundary line at Niagara Falls was, at the Sault and at every other place they insisted on dividing exactly according to territory. So much was that the case that they had a rider attached to the treaty providing that:

> On either side of the international boundary at the rapids of the St. Mary's river at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, each to use the waters of the St. Mary's river within its own territory.

Our commissioners have not yet apparently seen the advisability of having the same rule for the United States as for Canada. It does not seem yet to have occurred to them that what is sauce for the goose ought to be sauce for the gander, that if they are going to measure by territory at the Sault, they should do the same at the Niagara Falls. There is still time for this government to say to them: If you are not satisfied to accept that treaty without the rider, we will accept the rider on condition that you apply the territorial principal at Niagara Falls as well as at the Sault, and give us nine-tenths of the water instead of about 5½-tenths as you propose. At the Sault, where they think they will have the advantage by territorial division, they want territorial division applied. Now is the time for this government to say to the United States: In view of your admission in your rider that the territorial principle should prevail at the Sault, we will accept that and apply it every where else, including Niagara Falls. I press that on the government, and hope the Prime Minister will give it full consideration. Then, the reports of the United States army surveyors, made in 1900 and in 1903 and 1904, should be obtained and looked into, and there should be a thorough understanding of the facts they disclose before the treaty is confirmed.

Mr. SPROULE. Were those surveys made on Canadian soil?

Mr. LANCASTER. Yes, partly.

Mr. SPROULE. On what authority?

Mr. LANCASTER. I do not suppose they had any express authority. We supposed in 1903 and 1904 that these men were railway surveyors, but their efforts were concentrated about the river. Dr. Spencer published the fact in his report, but told me of it in 1907 before it was published, and I thought it wise to give it to the country without waiting for the report. These surveyors were there dressed in civilian clothes, acting under the instructions of the American government to find the boundary line—because the boundary line in water cannot be indicated without reference to old monuments and old places along the river as they existed in 1842 and in 1812. Dr. Spencer found the boundary line, and wanted to mark it on his map for the information of the people; but he was told that he was not sent there to report

on where the boundary line was, but only on the recession of the falls. When he told me of that at my house at St. Catharines, I said to him: 'You are in the same position as a man who is sent out by an executor of an estate to see how much timber is on a piece of land, and who reports that there is so much timber and also a gold mine, and the executor tells him, I don't want to know anything about a gold mine; I only want to know about the quantity of timber there.

Mr. LENNNOX. Who said this to Dr. Spencer?

Mr. LANCASTER. It was somebody connected with the geological survey. It was not Dr. Lowe himself, but somebody under him who was editing the report. All this was brought up by me in 1907. I said then that my desire was not to have another Alaska case. I said I wanted to prevent the milk being spilt. I think we are still in time to prevent the milk being spilt, though the jug is now near the edge of the table, because I think we can prevent this treaty being confirmed. I do not wish to say anything harsh about these commissioners, but it is manifest that whether from lack of information or lack of ability to deal with the question, they have not got the bargain they should have got for the people of Canada. If the boundary line at Niagara Falls had been disputed, I could understand a compromise; but if the Canadian section made that agreement without bothering or saying anything as to where the boundary between the two countries was, it was a matter of almost ignoring their duty to get evidence. When their report was made, it is true that this information had not yet been put before parliament. The sessional report of that year was lying on the table when I drew attention to it, but at the time this information was given the Waterways Commission had met.

They would have to reverse their other bargain. They, perhaps, were too proud to do that. If they knew what happened in this House in January, 1907, they ought to have taken that into consideration. But they have gone on as if that information had not been given. They ignored the territorial division at Niagara Falls, but they have given all that the Americans could claim on that ground at Sault Ste. Marie and everywhere else. And, as pointed out by hon. members who preceded me, everywhere the Americans got the best of it. During the two years from 1902 to 1904, the American authorities went on investigating with our commission doing nothing. In 1906, our commission began paying attention to the matter. They spent, all told, five days in considering the question of Niagara Falls, two days in Toronto, and three days outside. That is all the time they claim to have spent on this subject—five days given to ascertain how this great world-famed cataract, this greatest of the world's water-powers, should be divided. And they never discussed, as I have said, where the boundary line was. There is an undue haste about it all. So, I contend that it will not be any harm even if you leave these same commissioners in office, to put before them all the evidence and suggestions—or the suspicions, if you like—and warn them that they ought to make a new bargain in regard to this matter. And if you must reject the treaty or accept it, why reject it, on the plain ground that it is unfair to Canada. If you can still make a bargain about it, all right. But we do not have to worry about that, for, even without a treaty, we are all right, and the Americans cannot stop us in developing. It is nice to have a bargain with your neighbour, but better have no bargain than have one that will be against your own interest and one that will cause heart burnings and grumblings hereafter. But if you are going to have a treaty for the sake of having a treaty this rider ought not to be rejected, but simply take it as showing that the territorial division ought to govern, and, in that case, what you lose at Sault Ste. Marie will be more than made up at Niagara Falls. If they will not agree to the territorial division, why, then, the whole thing can be shown to be unfair. It looks to me as if the Americans thought we were easy. I want to be good friends with everybody on the other side of the river. I have great respect for them as business men. But I know, as one living near the boundary, that they like to succeed in a bargain. One hon. gentleman here said that he did not wish to say anything offensive of the Americans. We need not worry about that. You cannot offend them as long as you let them have the best of the bargain. They do not care what you say or do; they want to report to their people that they have got the best of the deal—and they certainly have been able to do that so far as this treaty is concerned. They seem to think that, as we were so easy that we never bothered about the territorial question at Niagara Falls, they can bring in that question at the Sault where it will enable them to get a little the best of us. That rider that they have passed should be taken as reason for a new negotiation. I offer that suggestion to the Prime Minister, and I would like to see him adopt it. This is not a party question. In all humility, I offer this to the Prime Minister as the suggestion of an ordinary citizen representing 35,000 or 40,000 other ordinary citizens who live near Niagara Falls and know something of what they are talking about in this matter. If this rider be taken as a reason for new negotiations, they will make a better offer in the whole matter than what we have now.

There is one other subject I wish to say

a word about before I sit down. In 1907, as the Prime Minister knows, we passed a Bill regarding the export of power. I pointed out that we should be careful about this export. I said I could not see why we should not put in a clause providing that power should not be exported until all the power required to be used in Canada had been supplied. I took the liberty of proposing a resolution to the effect that not more than half the power generated should be exported. That was voted down. Now, I do not say that the government will allow them to export from Canada all the power they produce. But, so far as this government is concerned, there is nothing illegal about it. The power companies have an arrangement with the Ontario government, so far as the province can control them, that they should not export more than one-half of what they produce. If the Americans, with their great capital, with their previous holdings, and their prior knowledge of the conditions and how to manipulate that power, took this 28,000 cubic feet per second that they are entitled to, and added to that one-half the 36,000 cubic feet which we are entitled to, they could transfer to their own side the power to represent all that water-power and there is nothing in the treaty to prevent it In view of these circumstances, I think the government ought not to sanction this treaty. The matter is so important, so manifestly momentous in the interests of Canada, that, even at the risk of being uncomplimentary, if you like, to the commissioners who have made the treaty, we ought not to confirm it in the interests of Canada. Those interests demand that it should be refused and an entirely new treaty made.

Rt. Hon. Sir WILFRID LAURIER (Prime Minister). This subject is an important one, and perhaps it is to be regretted that, at this period of the session, we cannot give it the attention we would give it otherwise. The treaty was passed on January 9, and, as soon as passed, congress being then in session, it was referred, under the terms of the American constitution, to the United States Senate. The Senate, almost two months afterwards—that is on March 3—gave it their sanction, with, however, the introduction into it of an important amendment affecting the disposition of the treaty in so far as the rapids of the St. Mary's river are concerned. I have listened with great care to everything that has been said by the gentlemen who have addressed the House on this subject. I am sorry that my hon. friend from Medicine Hat (Mr. Magrath) is not present, because I would rather have said in his presence what I wish to say. That hon. gentleman is generally fair, but it seemed to me that he imported into the debate an amount of political bitterness which I should not have expected from him. He attacked the composition of the Canadian section of the Waterways Commission, and rather insinuated that this had been appointed for political purposes and as a matter of patronage rather than for considerations of the fitness of the commissioners. It seems to me that such a reproach is altogether unwarranted, there is not even the semblance of a reason for it. We have only to look at the personnel of the commissioners. First of all, there was Mr. Mabee. Nobody has a word to say against him, on the contrary everybody admits that he was a man eminently qualified for the position, both by character and by judicial ability. When Mr. Mabee was afterwards promoted to the bench, Mr. Gibbons was put in his place. Nobody who knows Mr. Gibbons, his ability as a lawyer, his ability as a business man, his earnestness in anything he undertakes, but will say that it would be difficult to select a gentleman better suited for the position than he is. The second commissioner is Mr. W. F. King, in one of the departments here. Why did we appoint Mr. King? Certainly not for political considerations. Mr. King had been in the Civil Service for at least 25 years. I do not know what his politics are, I do not think he ever had any. But he is an expert, and has always been chosen by the present government and by the former government to serve in all matters of this character. The third commissioner, Mr. Louis Coste, had been an employee of the Public Works Department. He is an engineer. I do not know that Mr. Coste has any politics; I know the politics of his family, and they are not in accord with the present government. Therefore, if we had considered his politics alone they would perhaps have been a bar to his appointment. But we selected Mr. Coste because of his competence as an engineer, and on the whole I think it would have been difficult to make a better selection. So it is absolutely out of the question to say that these appointments were political. Whatever may have been our sins in other directions, it is preposterous to say that in the composition of the present commission there was any political consideration whatever.

Now we come to the work of the commission. The commissioners were entrusted with the duty of preparing, if possible, a treaty for the division of the waters of the St. Lawrence system. They made a division which I believe is on the whole very fair. It gave to the two countries an equal division of waters, with the exception of the Niagara river, where Canada had a larger proportion than the United States in the proportion of 36 to 20, or nearly two-thirds on the Canadian side and a little more than one-third on the American side. Everywhere else, on the whole St. Lawrence system, there was an

equal division of the waters. I will come in a moment to the amendment which was made by the United States Senate. By taking this part of the treaty alone, it seems to me that everybody must admit that there was a very fair division. My hon. friend from Lincoln (Mr. Lancaster), my hon. friend from Medicine Hat (Mr. Magrath), my hon. friend from Algoma (Mr. Boyce) not to the same extent, but especially the former two, and my hon. friend from Toronto (Mr. Macdonell) contended very strongly that we did not get the proportion of water to which we were entitled at Niagara. Well, Sir, I will not dispute them. It is difficult to say mathematically what would have been a fair division of the water. That we should have more water on our side than the Americans, was conceded by the American commissioners. The only question is as to the proportion. Some of the hon. gentlemen who have addressed the House say that we should have had nine-tenths and the Americans only one-tenth. I do not dispute that. But a treaty never was negotiated which gave each party everything they thought they were entitled to. A treaty is not an adjudication in court, it is simply a matter of negotiation, and very often, in order to get a treaty at all, you have to give a little more perhaps than you think you should give otherwise. Now I put it to my hon. friend from Lincoln who is a representative of one of the border counties: Does he not believe that it is of the utmost importance that we should have a joint commission for the division of the waters, for the preservation of the waters, which would be guided by certain rules to be observed by the commission? He agrees to that. Article 7 of the treaty provides that there shall be a board of three commissioners appointed by Canada and three appointed by the United States, which shall have authority to divide the waters between the two countries, and to see that no unfair advantage be taken by one country at the expense of the other. If we have not a commission of that kind, what will be the consequence? The consequence will be that either country will be at liberty to tap waters on the other side of the boundary, until navigation must suffer. Perhaps treaty rights would not permit navigation to suffer; but my hon. friend will realize how difficult it would be to prevent a powerful neighbour like the United States from exercising rights to which we might object, and object perhaps with very little effect, at all events, not without serious trouble. Everybody will agree that the treaty was wise, that it was eminently judicious to organize a commission of that kind. And if, in order to have such a tribunal appointed to see that justice was done to both countries, the commissioners gave the United States little more at Niagara than the hon. gentleman thinks they should have given, after all, it is a matter for consideration whether they acted wisely or unwisely.

Sir WILFRID LAURIER.

Now I come to another objection which was made by my hon. friend from Medicine Hat, an objection which interests him more than anybody else, because it interests the part of the country which he represents, and the very riding which he has the honour to represent in this House; I refer to article six of the treaty with regard to the St. Mary's river and the Milk river. The disposition of the treaty with regard to the river St. Mary's and the Milk river, in article 6, is in these words:

> The high contracting parties agree that the St. Mary's and Milk rivers and their tributaries in the state of Montana and the provinces of Alberta and Saskatchewan are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and the 31st of October inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk river, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of the St. Mary's river, or so much of such amount as constitutes three-fourths of its natural flow.
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> The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted declination officers of the United States and the properly constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

The St. Mary's river rises in Montana and flows into Alberta, and empties into the south branch of the Saskatchewan river. The Milk river also rises in Montana and flows into Canada for a distance of about 100 miles, running almost parallel to the boundary, and flows back again into the United States. The St. Mary's river is not a large stream comparatively, but is much larger than the Milk river. This treaty, if it comes into force, will join them, that is, power is given under the treaty to join the two rivers into one stream which will flow together in the bed of the Milk river and enter the United States. My hon. friend has asked why we should have agreed to such a disposition as that, why we should have permitted a stream that flows into Canada to be made to flow into the United States? The reason is such that I am surprised that my hon. friend does not appreciate it; I was more than surprised, was more than sorry, I was even astonished at the criticism which he made of that disposition.

The United States reclamation service have undertaken large works upon these waters and they contemplate still larger works. They contemplate first to tap St. Mary's lake through which the St. Mary's river flows and to divert it in their own country. If this had been to the injury of a river flowing into Canada we would have protested against anything of the kind being undertaken. Whether we would have protested successfully is a matter as to which I am not quite sure, because the United States claim that they have the right to divert any river, even if the river flows into Canada or into a foreign country, so long as they tap it within their own territory. They assert that their sovereignty with regard to a flowing stream is absolute even though that stream flows into a neighbouring country. I am not quite sure that as a matter of international law the position is well taken. My view on the contrary is that the principle of civil law would apply to international law and there is strong authority for that contention, but whilst it is a contention, the Americans have held to a different construction and they assert that they have the right to exercise sovereign power so long as the work in question is within their own territory, even though the water flows through a foreign country. There was a source of difficulty. But, putting that aside, the Americans contemplate establishing at the head of these streams, large reclamation works, that is to say, putting up an immense reservoir to store the waters and keep them for the whole season. Under the present conditions my hon. friend stated this afternoon that with a commitment of 2,000 feet of water they never could develop more than 800. Why? I speak under correction, because I have to get my information from other sources, and I am not familiar with the country, but I understand that in a very short time in that section of the country the spring waters are exhausted, and that in the summer they have a very small amount of water, whereas, if they had these immense reclamation works which are contemplated by the American reclamation service the water would be stored and would be available during the whole summer, and therefore my hon. friend from Alberta and his constituents would have the benefit of the storage of that water all summer. I know that I speak with absolute certainty when I say that the reclamation service cannot join these two streams into one as contemplated under this treaty unless they construct these immense reclamation works which are now proposed. Therefore, these reclamation works being established, Canadians will have the benefit of them, and will have a store of water to draw from all the long summer, whereas, at the present time, they can only have it in the spring and fall months. That is the reason we have agreed to this diversion of the St. Mary's river into the Milk river and I am pretty sure that when the matter is looked into the disposition of the treaty will be found to be an excellent one.

This, however, is a matter which relates more to a physical condition than anything else, and therefore I have no hesitation in expressing an opinion upon it. I would not care, however, at this moment, to express an opinion upon the whole treaty, and I will tell my hon. friends the reason why. I said a moment ago that the treaty was passed on the 9th January and signed by the American and British plenipotentiaries. Having been passed and signed it was referred, under the terms of the American constitution, to the United States Senate then in session. The Senate deliberated a long time over it, but after two months of anxious debate, echoes of which have come to us, they agreed to the ratification, adding the rider to which my hon. friend from Algoma has taken very strong objection. My hon. friend will not be surprised if I do not care at this moment to express an opinion upon it. I have only this to say that the amendment which has been made to the treaty has been such as to cause us to pause before we would advise the ratification of it. Two things have to be considered before we make up our minds finally upon it. It is proper that we should make up our minds upon it but only two months have elapsed since the ratification by the United States Senate and therefore no time has been lost. Two things have to be considered before we come to a conclusion whether or not we should advise His Majesty to ratify the treaty. The first is: What are the physical conditions which are to be affected by this amendment? What are the rights of the riparian owners, how much property is affected, what are the rights upon one side of the river, what are the rights upon the other, who are the riparian owners, and so on. This is a subject which we have not yet had time to investigate, but I think the House will agree that we should undertake an investigation before we come to a conclusion. There is another consideration. This amendment, speaking with all due respect, perhaps, is not as clear and lucid as one could wish. I have my own views upon it. I have consulted my hon. friend the Minister of Justice (Mr. Aylesworth) and we have agreed pretty much as to the conclusion at which we should arrive, but the time has not come for us to announce any conclusion upon this matter and certainly

until we make up our minds as to what attitude we should take, it would not be proper for me to offer any opinion.

Therefore, I have only to say to my hon. friends who have spoken to the House that for my part, while making some slight reservation with reference to some of the words of my hon. friend from Medicine Hat (Mr. Magrath), I altogether appreciate the spirit in which the remarks have been made by hon. gentlemen who took part in the debate. I am very glad to have their views upon this subject. I do not know that I accept their views altogether. I am not prepared to say that I would act upon them in advising His Excellency as to what we should do, but I altogether appreciate the manner in which they have been made and the spirit which inspired them. As my hon. friend from Lincoln and Niagara (Mr. Lancaster) observed, this is a matter in which the government and people of Canada are very much interested. May I say a word as to the observations which were made by the hon. member for Algoma (Mr. Boyce) in which he stated that the Ontario government had interfered in this matter. I do not know that the government of Ontario were well advised when they interfered as they did. When they interfered with regard to the Bill of the Ontario and Michigan Power Company I quite appreciated the ground of their protest, because it was a matter in which, as a government, they were interested, as the Bill might have interfered with the policy which they have declared of developing their water-powers as a matter of provincial rights. When they interfered in the matter of the Canada Life Bill I could not at all appreciate upon what ground they rested. It seemed to me that they were altogether beyond their authority, and, not only beyond their authority, but that they were no where near their authority when they interfered in this matter. It was a matter as to which Sir James Whitney, or Mr. Hanna, or any other gentleman, might offer his opinion, but when the government, as a government, sent in a protest it seemed to me that it was a matter that had not been properly considered. I say as well with regard to this matter that if Mr. Whitney, Mr. Hanna, or any member of the government of Ontario, should offer his opinion we should certainly give it great weight. I may say that Mr. Gibbons had instructions during the time that negotiations were being carried on, to confer with the government of Ontario and with the members of the government of Ontario, and I think he did, because we realized that they were concerned and very properly concerned in a matter of this kind.

Now, Sir, having said this much, I have only to add that the matter is under consideration now, and we are not prepared to say whether we should or should not advise His Majesty the King to ratify this treaty. If the amendment had not been inserted by the Senate I am free to say that for my part I would entertain a strong opinion that we should have ratified that treaty, because after all, although its provisions did not contain as much for us as I would have liked to have, I hold that we must give and take, and I would be disposed, I think, to take that position. I am not sure that I would, but such would have been my inclination. But with the amendment that has been placed in the treaty by the Senate, it is right that we should look carefully into what is implied by that amendment before we make up our mind. That is why at the present time I am not prepared to say what action should be taken by the government.

Mr. R. L. BORDEN (Halifax). I do not think that any one in the House will have the slightest fault to find with the attitude the Prime Minister has taken in that respect. The treaty has been amended by the Senate of the United States and it is only proper and right that the government of this country should take ample time to consider what their attitude will be in regard to its acceptance or non-acceptance. Indeed I do not think any one on this side of the House expected that the Prime Minister would at this stage of the proceedings make any definite declaration as to what the policy of the government would be, having regard to the somewhat dubious effect of the rider which has been added by the Senate of the United States. I am not prepared, however, to concur in the observations of the right hon. gentleman with regard to what he terms the interference of the province of Ontario. He seems to be utterly forgetful of the fact that the province of Ontario is a riparian owner on these international streams, and why should it not interfere? I would be absolutely astonished if the government of Ontario, thinking that this treaty was detrimental to the interests of that province did not interfere. They would be absolutely false to the duty they owe to the people of the province if they did not put in their protest while there was yet time to make a protest. My friends on this side of the House consulted me as to whether or not they should speak with regard to this treaty, and I told them that if they had anything to say which would be of assistance to the government in coming to a conclusion with regard to it, it was their bounded duty to speak now when the government could take their representations into consideration, and not to wait until after the government had taken action and

then make their criticism. I say that the government of Ontario have precisely the best possible reason, both on account of their interest and by reason of the doubt as to what the action of this government will be, to make representations. The government of Ontario were absolutely justified, if they thought this treaty was not in the public interest, in making that protest. Did the right hon. gentleman think it would be better for the government of Ontario to wait until the Dominion government had taken action, and if that action were adverse to the interests of the province, denounce this government in the legislature or upon public platforms? Is it not infinitely fairer and better for them to make their protests now. And, when the right hon. gentleman said that he had instructed the members of this commission to consult the government of the province of Ontario, he absolutely knocked the ground from under his feet and destroyed his whole argument. If it be impertinence now for the government of Ontario to raise their voice in support of what they believe to be the just rights of that province, how was it that the government of Canada instructed this commission to consult with the government of Ontario in regard to the provisions of this treaty. It seems to me that the observations of the right hon. gentleman on this question are inconsistent with each other.

I do not intend to speak at any length upon the matters which have been so fully and ably discussed by my hon. friend from Medicine Hat (Mr. Magrath) and my hon. friend from Algoma (Mr. Boyce) and other gentlemen. But, when the Prime Minister criticises the observations of the member for Medicine Hat (Mr. Magrath) and regards his strictures upon the policy and administration of the government as lacking in fairness, I would like to remind him that the member for Medicine Hat simply stated the facts, and I think he stated them fairly. The hon. gentleman drew, as he was perfectly justified in drawing, certain inferences from these undisputed facts. It may be that the right hon. gentleman or other members of the House do not concur in the inferences which have been drawn by my hon. friend, but these inferences cannot be regarded as unfair, and every fact he stated to the House was absolutely beyond dispute.

I notice that my right hon. friend in running over the personnel of this commission most skilfully avoided the secretary, Mr. Coté, a gentleman who is supposed to have ample time and ample ability as well not only to conduct a very influential Liberal journal but also to safeguard the interests of Canada, as secretary of this commission, in respect to a matter that he knows absolutely nothing about so far as I am aware. The government of the United States took a very different course; they appointed as secretary of their commission an experienced man, a man who had long and varied acquaintance with the matters to which this commission must direct its attention. The example of the government of the United States in the appointment of their secretary, in contrast with the action of the Canadian government in the appointment of Mr. Coté—which I say without fear of contradiction can only be regarded as a gross exercise of patronage—the action of the government of the United States stands in splendid contrast with the action of the right hon. gentleman and his colleagues in making such an appointment.

I would like to make another observation with regard to the government of Ontario. Has the right hon. gentleman read his own treaty; does he know what it contains? Does he know that by its very terms that treaty calls for legislation and that that legislation, dealing as it does with private rights, must as it seems to me, be enacted by the various provinces of Canada where those rights will come into question? I see no escape from that. There is a section in the British North America Act giving power to the government and parliament of Canada to make treaties, and although I have not carefully considered the matter, I would not suppose that that section would confer jurisdiction upon this parliament to carry into effect by legislation, the provisions of this treaty so far as they do affect civil rights. There is a provision in article 2 of the treaty under which citizens of the United States are to be invested with the right in the province of Alberta to maintain an action against any person in that province who may have done anything without the authority of the commission, which shall have resulted in detriment to any person owning land in the state of Montana through the diversion of a stream running across the boundary line.

In other sections of the treaty we have the same thing. We have in article twelve an express provision that:

> The high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the commissioners the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and compelling the attendance of witnesses.

—and so forth. I would suppose, speaking after a careful examination of the treaty, that if carried into effect it would call for legislation, not only by the parliament of Canada, but also by some of the provinces of Canada; and was it not therefore wise for the government of Ontario, as it is liable to be called on hereafter

by this government to provide legislation for the purpose of carrying into effect the provisions of this treaty, to give the government of Canada their views in regard to the treaty and to say that according to their present judgment it is not in the true interest of that province?

The article of the British North America Act to which I alluded a moment ago is this:

> The parliament and government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any province thereof, as part of the British empire, towards foreign countries, arising under treaties between the empire and such foreign countries.

I do not know that any exact construction has ever been put upon that section; but it would seem to me, in the light of its language, that there is at least grave doubt whether or not the legislatures of some of the provinces of Canada must not be called on by this government to implement the provisions of this treaty in case it is ratified.

Might I allude, just for a moment, to a matter which I spoke of earlier in the session—the desirability that treaties of this kind should be made subject to the ratification and approval of this parliament. Some previous remarks of mine on this question were interpreted as casting some reflection on the inperial government and as calculated to arouse suspicion in the minds of the people of this country that Canada had not been fairly treated by that government. As I have already explained, I had no such idea. I regard this treaty as one for which the government of Canada alone is responsible. The British government has acted on the advice of the Canadian government in negotiating this treaty, and whatever there may be in it of merit or of matter deserving of censure, is attributable to the government of Canada and not to the imperial government. Therefore in the remarks I make I am not referring in any way to the imperial government, but solely to the government of this country, whom I regard as absolutely responsible for this treaty. It does seem to me that a treaty of this kind should be made subject to the ratification and approval of this parliament, and I hope that if this treaty is revised and another is brought down at another session, it will be made subject to the approval of this parliament. It can never be carried into effect without legislation of this parliament, or without legislation of some of the provinces of Canada. Therefore the treaty should be subject to the ratification and approval of parliament in order that it may be fully discussed by the representatives of the people before it becomes binding on the people. I alluded to several instances in which that course was taken, and I may now mention one other. The treaty of 1887 was signed on the 5th of February, 1888; it was sent to the United States Senate on the 20th of February, 1888; it was brought down to the Canadian parliament on the 7th of March, 1888; it was rejected by the United States Senate on the 21st of August, 1888.

I gather from the most authoritative text books that treaties under the following conditions should be made subject to the approval of parliament: First, those imposing any burden on the people; second, those involving any change in the law of the land; third, those requiring legislative action to make them effective, or which affect the free exercise of the legislative power; fourth, those affecting territorial rights. Anson in his edition of 1896 referred to the Heligoland treaty between Great Britain and Germany as creating an unfortunate precedent, the British government having ceded the Island of Heligoland subject to the approval of parliament, it being apparently the view of the British government at that time that any treaty involving cession of territory ought to be made subject to the approval of parliament. In view of what has since taken place in Great Britain, I observe that this criticism is entirely absent from the 1908 edition of Anson, in which, at page 107, he says:

> We seem to be drawn to this conclusion, that apart from precedents relating to Indian territory, it has of recent years been thought desirable, if not necessary, that the consent of parliament should be given to the cession of territory in time of peace.

Lowell, the new president of Harvard University, in his recent work on the Government of England, at page 22 of volume I, speaking of the power of the Crown, acting upon the advice of the Cabinet, says:

> It has power to declare war, make peace and conclude treaties, save that, without the sanction of parliament, a treaty cannot impose a charge upon the people or change the law of the land, and it is doubtful how far without that sanction private rights can be sacrificed or territory ceded.

This treaty must have the effect of altering the law of the land if carried into effect. You must have new laws in regard to actions brought by people in Canada against people residing in the United States or by people in the United States against people domiciled in Canada. It sacrifices private rights to a certain extent and in respect to various portions of boundary waters it makes a cession of territory. The Heligoland Treaty of 1890 and the Anglo-French Treaty of 1904 were both made subject to the approval of the parliament of Great Britain. The Japanese Treaty of 1906, and the French Treaty of 1907 were made, and I presume the French Treaty of

1909 will be made—subject to the approval of this parliament. Under these precedents and having regard to all the circumstances, I think it would be the wiser course, in dealing with matter of this kind, to make such treaties subject to the approval of parliament. It would have the additional effect of avoiding the unfortunate occurrence of last winter, when this treaty was published in full in nearly every newspaper in this country and the United States, when it was officially before the representatives of the people of this country.

I observe in a report of an opinion of the Attorney General of the State of New York that that eminent authority has declared that the title to the bed of the stream of the American side of the Niagara river and the water flowing over it are in the state of New York. This would seem to indicate that in the United States as well as in Canada legislation for one or more states would be required. For that reason also it should be apparent to the right hon. gentleman that the provinces of Canada as well as the various states of the American republic are directly interested in the terms of this treaty and that legislation of both would be required to carry it into effect.

I would conclude with an observation with regard to the constitution of commissions of this character. The government of Canada could well follow the example of the government of the United States in making such appointments. It should get the very best experts we have in the country to deal with a great international question such as this one, in respect of which both knowledge and experience are absolute necessary. The government of the United States may have been criticised in the past with regard to the administration of its public affairs, but in one thing it has given an example which we would do well to follow in respect to the execution of its public works. It has had its public works executed under the direction of the most eminent officers of the army of the United States, men of great technical training and experience. For a matter like this Waterways Commission it secures the very best enginering talent and experience in the United States—men having experience, knowledge and training, not only in engineering but in hydraulic engineering. We ought to follow that example in Canada. I do not believe that it would be difficult to get men of the requisite training and experience in Canada; but if we cannot do that, we ought to go outside of Canada for the necessary assistance and advice in respect of great international questions such as this.

I join with the Prime Minister in congratulating my hon. friend from Lethbridge (Mr. Magrath), and the other gentlemen who have spoken on this occasion, not only on the ability, but on the moderation and fairness with which they have presented their views to this House, and I sincerely trust that what has been said this afternoon may prove to be of some service to the government when they come again to consider the provisions of this treaty, and once more submit to parliamest their policy with respect thereto.

Motion agreed to and House went into Committee of Supply.

Ocean and mail service between Canada and Great Britain, $600,000.

Sir WILFRID LAURIER. There is an increase over last year of $50,000, due to the superior service which is now given by the Empresses and the Victorian and the Virginian. The number of passengers carried in 1907 was 60,000, last year 78,000; the tons of freight carried in 1907 were 162,000, last year 225,000.

Mr. CROSBY. I would like to ask if the government has any control over these steamers. They are paid large subsidies, and in carrying goods from the other side to Halifax, they first call at Halifax and deliver the mail, and then go on to St. John and ship the goods from there to Halifax by rail; charging for them 2s. 6d a ton more than they charge for freight to St. John. In addition to that, and when goods are delivered in the city of St. John, they are very anxious, of course, and rightfully so, to send them to the west as speedily as possible. And you can understand how the eastern freight going back is not as well looked after as the western freight going on. I would like the Prime Minister (Sir Wilfrid Laurier), as he is here, to see to it that a reasonable clause is put into the contract to provide that steamers must land in Halifax the goods intended for Halifax and Nova Scotia, unless other instructions are given. I do not think that is asking too much.

Sir WILFRID LAURIER. No complaint has come to me up to the present time on this point, but I will have the matter looked into.

Mr. CROSBY. As a matter of fact, this has taken place. And as a matter of fact, I have spoken of it in this House before. I would like to have some assurance that, if we are going to subsidize boats, the city of Halifax should not be overlooked. It would be easy to provide that goods billed to Halifax should be landed at Halifax.

Steam service between Canada and Mexico upon the Atlantic and Pacific oceans—$100,000.

Mr. R. L. BORDEN. Some trade is developing there, is it not?

Sir WILFRID LAURIER. There is a very good trade developing on the At-

lantic, but very little on the Pacific. It is questionable whether the line on the Pacific will be renewed.

Steam service or services between Canada and Newfoundland, $18,000.

Mr. CROSBY. To whom is that given?

Sir WILFRID LAURIER. To the Reid Newfoundland Company.

Steam service between Canada and New Zealand, $50,000.

Mr. AMES. To what company is that given, and how frequent is the service?

Sir WILFRID LAURIER. It is given to the Allan Line, and the service is every two months. It is questionable whether it will be renewed this year.

Steam service between Canada and South Africa, $146,000.

Mr. BLAIN. Has the government any control over the freight rates on these vessels to which we pay subsidies?

Sir WILFRID LAURIER. Yes.

Mr. BLAIN. Are rates submitted to the government for approval?

Sir WILFRID LAURIER. Frequently they are. They are always liable to be submitted if we have complaints. The rates are subject to revision by us.

Schooner service twice per month during the season of open navigation between Gaspe basin and north shore of the river and Gulf of St. Lawrence, $1,000.

Mr. AMES. Who has that schooner service?

Sir WILFRID LAURIER. Louis L. Cormier.

Mr. AMES. What tonnage is the schooner?

Sir WILFRID LAURIER. It is 57 tons; speed 8 knots.

Mr. AMES. Does the hon. minister know the name?

Sir WILFRID LAURIER. The 'Sea Star'.

Steam service between Halifax and Canso, $4,000.

Mr. CROSBY. To whom is that paid?

Sir WILFRID LAURIER. To the Halifax and Canso Steamship Company.

Steam service between Halifax and Newfoundland via Cape Breton ports, $4,000.

Mr. CROSBY. To whom was that paid?

Sir WILFRID LAURIER. Pickford & Black.

Mr. AMES. What is the vessel in that case?

Sir WILFRID LAURIER. The 'Harlaw'.

Steam service between Halifax and Spry bay, $2,500.

Mr. CROSBY. To whom is that paid?

Sir WILFRID LAURIER. The Halifax and Sheet Harbour Steamship Company.

Steam service from the opening to closing of navigation in 1909 between the mainland and the Magdalen islands, $12,500.

Mr. AMES. Is that the service from Pictou?

Sir WILFRID LAURIER. Yes.

Mr. CROSBY. To what company is that paid?

Sir WILFRID LAURIER. The McClure Company. It is a Pictou firm, I understand.

Mr. CROSBY. What boat is it?

Sir WILFRID LAURIER. It was formerly the Magdalen Islands Steamship Company, and the steamboat used was the 'Amelia.' That has been changed, but I have not the information as to the other at hand.

Mr. CROSBY. The 'Amelia' is on another line and subsidized in another direction. I presume that, though we pass the item and grant the subsidy, the government will see to it that they have a proper service and a proper boat on the line.

Steam service between Prince Rupert, B.C., and Jedway, Queen Charlotte islands, $5,000.

Mr. AMES. How does it happen there is so much of an increase over $750?

Sir WILFRID LAURIER. It is a new service altogether. The purpose is the development of the Queen Charlotte islands.

Steam service between Prince Edward island, Cape Breton and Newfoundland, $12,000.

Mr. CROSBY. What company performs this service, and what is the name of the boat?

Sir WILFRID LAURIER. The Dominion Coal Company. The boat is the 'Buena Vista.'

Mr. CROSBY. Are they running a boat there to carry coal, or is it a regular passenger boat?

Sir WILFRID LAURIER. They are running a regular service boat. The number of passengers carried last year was 482, and tons of freight, 6,864.

Mr. AMES. The hon. member for Halifax (Mr. Crosby) wanted to know if this was a Dominion Coal Company boat, and if she still carries coal?

Sir WILFRID LAURIER. She does.

Steam service during the year 1909, between Quebec and Blanc Sablon, calling at ports and places along the northern shore of the river St. Lawrence between such terminals, $20,000.

Mr. AMES. What is the boat now on that service, and who are the owners?

Sir WILFRID LAURIER. The boat is the 'Arranmore,' and the contract is with Halliday Brothers. The length of the boat is 250 feet, breadth, 34 feet, depth, 15 feet; net tonnage, 500; gross tonnage, 1170.

Mr. AMES. I wish to file a protest as to the manner in which Halliday Brothers of Quebec have in past times performed their contract. They are the people who figure so frequently in Judge Cassels' report, and with reference to whom the report is not altogether complimentary. They were previously owners of the 'King Edward,' a new vessel which was put upon that route, and which, if it had been properly handled and properly cared for, would have made a good business I think on that route. But we pay that company a large subsidy for operating their boats, and notwithstanding the contract they have with the government, the company fulfils that contract in their own way, at their own pleasure and as they see fit. They run their boats at such intervals as they see fit, they take their boats off when they see fit. They go out for salvage and remain off several weeks at a time, collecting salvage for other companies when they see fit. Some times the land salmon fishermen on the north shore who expect to be taken back in a fortnight, according to the schedule time, but they are left there for several weeks at a time waiting for the boat to call for them. I have had serious protests from some of them, for I know that coast from one end to the other, and have heard the men themselves complain of the way that service is conducted. Now we pay for that service a large sum of money, and the people on that north shore, and those who visit that shore, should have the first claim on the service on the boat that company supplies, and that company should not feel that they are at liberty to divert that boat from its regular service and use it for other services, and allow passengers to wait for it at the pleasure of the company. It is the only means by which persons can get to that 250 miles of shore. Practically the Halliday people have a monopoly of the passenger mail and freight carrying business, and having that monopoly, they ought to treat the public with much more consideration than they do. They should run the service on schedule time, they should keep their engagement with the people interested. Instead of that, they not only draw their subsidy, but they collect large sums by way of salvage if any vessel is wrecked along that coast, and devote themselves to other business. There is one case in point. When there was a vessel wrecked several years ago on the Bird rocks, the 'King Edward' instead of taking her regular trip, was used to take the cattle and freight to shore, and spent a considerable time there, and was handsomely paid for doing it. And yet we had to pay her just the same, the full allowance right through.

Sir WILFRID LAURIER. They were not paid, I understand. There was a deduction made for that trip, according to the information given me.

Mr. AMES. How much?

Sir WILFRID LAURIER. I do not know, but I am informed they were not paid.

Mr. AMES. I would call the attention of the Prime Minister to the fact that the service this company renders requires very much closer watching than it has had in the past.

Sir WILFRID LAURIER. Hear, hear.

Steam service for not less than fifty-two full round weekly trips between St. John and Halifax via Yarmouth and other way ports, or in the alternative for not less than one hundred full round trips between St. John and Yarmouth during the season of 1909, $10,000.

Mr. R. L. BORDEN. What boat performs that service?

Sir WILFRID LAURIER. The 'Amelia'.

Steam service from the opening to the closing of navigation in 1909 between St. John and Minas Basin ports, $3,000.

Mr. EMMERSON. What steamer is performing that service?

Sir WILFRID LAURIER. The 'Brunswick'.

Mr. EMMERSON. Does she run from St. John up to the ports of the Chignecto basin?

Sir FREDERICK BORDEN. No, to Minas basin.

Mr. BLAIN. What precautions does the government take to see that those who receive these subsidies fulfil their contracts? Is there any special officer appointed?

Sir WILFRID LAURIER. The customs collectors certify to the accounts and to the performance of the service.

Mr. BLAIN. For each trip?

Sir WILFRID LAURIER. Yes.

Steam service between Victoria, Vancouver, way ports and Skagway, $12,500.

Mr. AMES. What boat is that and what is the company?

Sir WILFRID LAURIER. The company is the Canadian Pacific Railway and the service is performed by the 'Amur,' 'Princess May,' 'Princess Beatrice,' 'Tees,' 'Princess Royal' and 'Queen City.'

Allowance for probable variation in agreements and for additional services, $10,000.

Mr. R. L. BORDEN. That seems to be a new item.

Sir WILFRID LAURIER. This is a new vote taken for the purpose of making allowances here and there for which no provision has been made, or for any little service that is required or any excess in the service. It is in the nature of a contingent fund.

Mr. CROSBY. If you vote a specific sum for a specific service that is the maximum that the steamer should get. There must be some reason why you are putting in this extra $10,000.

Sir WILFRID LAURIER. It is in the nature of a contingent expenditure given to the Department of Trade and Commerce. They can make some little changes here and there. This is a new vote altogether and it is in the nature of an experiment.

Mr. AMES. What department of the govment is particularly charged with the oversight of these mail services?

Sir WILFRID LAURIER. The Department of Trade and Commerce.

Mr. CROSBY. I take it that this $10,000 will probably be included to cover any application that is made after the estimates are made up, but I cannot understand why you would have to pay anything beyond what the contract specified to a steamer receiving one of these subsidies because I take it for granted that the maximum amount to be paid is put in the main estimates.

Sir WILFRID LAURIER. My hon. friend has hit it right. That is what it is intended for.

Mr. J. D. REID. Perhaps the Prime Minister could let us hear the latest news from Captain Bernier of the 'Arctic'?

Sir WILFRID LAURIER. Too late this evening.

Trade and commerce—administration of the Chinese Immigration Act, including remuneration to trade and commerce and customs officers, $7,000.

Sir WILFRID LAURIER. There is an increase of $3,000 due to an increase in the business,

Mr. J. D. REID. At what point?

Sir WILFRID LAURIER. Chiefly in British Columbia.

Mr. AMES. Perhaps this is a pertinent place to ask the Prime Minister what is the policy of the government with respect to Chinese students who come here with the intention of pursuing a course in our universities?

Sir WILFRID LAURIER. I may say to my hon. friend that an order in council has been passed within the last few weeks to exempt Chinese students from the capitation tax. Up to the present time they have been subjected to the tax but they are now exempt.

Mr. AMES. What definition do you apply to a student? How do you define a student to be free from the capitation tax?

Sir WILFRID LAURIER. I am sorry I have not the order in council at hand, but I understand that it is sufficiently broad in its terms to apply to any gentleman who is a bona fide student.

Mr. AMES. Would the minister let us have a copy of the order in council to-morrow?

Sir WILFRID LAURIER. With pleasure.

Mr. CROSBY. How do you keep track of the students? Are they warehoused or in bond? This is a very serious question and while students may come in here and attend college I would like to know whether they go back or remain here.

Sir WILFRID LAURIER. If my hon. friend will wait until to-morrow I will bring down the order in council. If I were to attempt to explain perhaps I could not do it to his satisfaction or to mine.

Mr. R. L. BORDEN. I thought it was regulated by the statute which was passed last year.

Sir WILFRID LAURIER. I understand it has been done by a regulation of the Treasury Board approved by order in council.

Mr. R. L. BORDEN. Perhaps the statute provides for that.

Trade commissioners and commercial agencies, including expenses in connection with negotiation of treaties or in extension of commercial relations; miscellaneous advertising and printing, or other expenditure connected with the extension of Canadian trade, $85,000.

Mr. R. L. BORDEN. When was Mr. Preston removed from Japan to Holland? It came rather as a shock to us the other day to hear he was leaving Japan.

Sir WILFRID LAURIER. Mr. Preston has been applying for more than a year to be removed from Japan for domestic reasons. He has been assigned to Holland within the last month.

Mr. CROSBY. Who was in Holland before?

Sir WILFRID LAURIER. It is a new agency.

Mr. LENNOX. There is something mysterious about Mr. Preston?

Sir WILFRID LAURIER. How?

Mr. LENNOX. Because after we were told the other day that he had gone to Holland one of these trade reports shows that he was still in Japan and the trade reports are supposed to be up to date.

Sir WILFRID LAURIER. The order in council was passed within the last month, but I am not yet informed as to whether he has yet removed to the new sphere of usefulness to which he is assigned.

Mr. AMES. It would appear from one of those official documents that on the 22nd April he was in Hong Kong. Is he taking a preliminary canter to Hong Kong before he goes to Holland?

Sir WILFRD LAURIER. There must be some mistake there.

Mr. J. D. REID. I would like to know what grip this man Preston has on the Prime Minister. When he was in England we had the North Atlantic Trading Company trouble, and we had continental European immigrants sent out here who were injurious to Canada. Then immediately on his landing in Japan all these Japanese came to British Columbia and the whole country was set wild over his actions there. Now he has gone to Holland and I suppose we will have some trouble with Holland before long. The Prime Minister should have considered seriously before sending him to another country. I believe it would have been better to have sent him to some remote part of China, whence he could not send immigrants and where he would lose himself. The first thing you know you will have a war between Holland and Canada, and as soon as we get that settled Mr. Preston will be sent somewhere else to cause a row.

Mr. AMES. I cannot help but feel that the natural phlegmatic temperament of the Dutch was taken into consideration in choosing a place to which Mr. Preston might be sent. No doubt the cabinet looked the world over very carefully to discover somewhere that Mr. Preston could not stir up trouble. I would suggest that Patagonia or Spitzbergen or some such place as that might be assigned to Mr. Preston after he has succeeded in setting Holland on fire. His experience in Japan has been peculiar. He has not been there long but he has succeeded in getting the foreign merchants of Japan at loggerheads, he has managed to fall out with the British Trade Commissioner at the embassy, he has got into lawsuits with several newspapers whom he is suing, and I think there are complaints from the Kobe and Yokohama boards of trade to this government with respect to Mr. Preston, which we have asked the government to lay on the table, but so far without success. Mr. Preston is irrepressible in his zeal, and his usefulness in Japan having disappeared we may expect that even Holland will become agitated in a year or two, when I suppose Mr. Preston will be removed to some other field of labour. After all the matter is not laughable, because it does not bring the Canadian commercial consular service into good repute. Let me say just a few brief words along that line. If we are ever to build up a Canadian commercial consular service we must endeavour to train men for that service. We must not take simply politicians for whom we can find no other place, whose whole ability has been displayed in serving the party, and place them in competition in foreign lands with men who have been brought up all their lives in diplomatic work. I would recommend in all seriousness to the Prime Minister that this should be the subject of serious consideration in the future. I think the time has come when Canada should begin to train men as trade representatives in different parts of the globe where there is a possibility of our opening up markets. We are rapidly expanding, and we are utilizing within our own markets the greater portion of the goods we manufacture. The markets for our foodstuffs have hitherto been comparatively limited, but on the other side of the Pacific the diet of the peoples is changing and the demand for the food products that Canada produces is becoming very rapidly greater. There will be great opportunities for Canadian export trade in parts of the world which we have as yet made no attempt to reach. In order to do that, we need trained men. The merchant who has started to sell his goods in a new country does not take the first man from the street and say to him: Take my samples and go out and get orders. He takes a man who has been all his life in a particular business, who has learned the good points of the wares he is called upon to sell, who can place these wares in the most attractive mode before a possible buyer, and who by his superior knowledge oftentimes actually forces his goods upon the buyer. In taking men for our commercial consular service we should select those who have had a business training or who have keen business insight and place them at these points throughout the world where we may expect to do trade. I would like to suggest to the Prime Minister that the time has come when we should attempt to adopt a sort of training school in Canada to equip men for that service. I am sure it would

not be difficult for McGill University or Toronto University or the other universities in the Dominion to establish a course in training men for this commercal diplomatic service, and then, after a few years engaged in some real business enterprise in this country by which they would become acquainted with the goods Canada has to sell, they could introduce these goods in foreign lands. I should like to see the time come when at Sydney, or Melbourne, or Bengal, or Calcutta, and in other parts of the world, there would be going on all the time a sort of small exhibition of what Canada has produced and which could be sold in these countries. The Canadian commercial agent abroad, if he has his little exhibit of Canadian products, would constantly be endeavouring to introduce these goods into that country, and soon an increasing export trade would be built up. I bring to the serious consideration of the Prime Minister the thought of training men for the commercial consular service which will some day be an important factor in building up our Canadian export trade.

Mr. CROSBY. We have a great opportunity for just such men in South America, in the Brazils. We are building up a large trade between Canada and South America, and it would be a great advantage to our merchants who are shipping goods there if we had a Canadian agent to whom we could appeal in case of dispute to see that fair play was given to our trade. I trust that the government will take that matter into consideration.

Sir WILFRID LAURIER. I realize that it would be a great advantage if we had a trained class to draw upon for these agents. I do not see, however, what action the government can take. The universities might enlarge the scope of curricula to give the necessary information to some of their young men.

Mr. AMES. I think they would do so if they knew there were places for them.

Mr. R. L. BORDEN. How many agents are there and where are they stationed?

Sir WILFRID LAURIER. There are seventeen commissioners. They are stationed at Bristol, Cape Town, Belfast, Mexico, Glasgow, Shanghai, Yokohama, Sydney, Birmingham, Leeds, Hull, Manchester, Durban, Paris, St. John's, Newfoundland, Melbourne, Holland and Bermuda. Then we have commercial agents at Antigua, Nassau, Jamaica, St. Kitts, Christiania and Trinidad.

Mr. R. L. BORDEN. Is there any systematic arrangement for the forwarding and tabulating of information, or are the results contained in more or less irregular and discursive letters?

Mr. AMES.

Sir WILFRID LAURIER. There is a complete system of reports which are given to the public every month or week.

Mr. AMES. The difficulty of these reports is that while they appear every week, they are not connected, and they are not tabulated or epitomized at the end of the year. It seems to me the department might as well publish an annual report along these lines.

Mr. R. L. BORDEN. Under the consular system of some countries, more particularly Germany, the consul is required to furnish exact and comprehensive information in weekly, monthly and annual reports, which are exceedingly valuable to the government and the exporter in knowing precisely in what way to attack the problem of making an entrance into a foreign market. If our system has not attained that degree of development, I would think it desirable that a very thorough system should be adopted in that regard, with the results of the year's work of every one of these commercial agents published in tabulated form.

To provide for the expense of administering the Act respecting annuities for old age, $25,000.

Mr. AMES. To what extent is that being taken advantage of?

Sir WILFRID LAURIER. Very largely. The following shows the results up to the present time:

Memorandum re Old Age Annuities.

Number of annuitants.. 155
Amount of annuities applied for. $ 35,779 02
Purchase money received (to date). 101,287 78

Immediate last survivor (man and wife).—Number, 3; amount of annuities, $1,083.58; purchase money (in full), $12,836.

Immediate, single.—Number, 18; amount of annuities, $3,968.18; purchase money (in full), $42,348.65.

Deferred annuities, single payment.—Number, 26; amount of annuities, $7,218.81; purchase money (in full), $33,624.59.

Deferred annuities (being paid for by a lump sum and periodical payments).—Number, 7; amount of annuities, $1,450; purchase money (to date), $4,811.64.

Deferred annuities (being paid for by periodical payments, weekly, monthly, quarterly, half-yearly or yearly).—Number, 101; amount of annuities, $22,058.45; purchase money (to date), $7,666.90.

Militia and defence—chargeable to income—pay and allowances, $1,646,000.

Mr. LANCASTER. Who is the present commandant at the Royal Military College?

Sir FREDERICK BORDEN. Colonel Taylor; but his term is about to expire, and application has been made to the imperial authorities for a successor. We expect that a new commandant will take charge at the beginning of the next college year in September, or about that time.

Mr. LANCASTER. I am bound to say that it is a good thing for the people of Canada that Colonel Taylor is going. If the taxpayers knew as much about him as we do, they would feel that.

Mr. CROSBY. It has been stated in the city of Halifax that the contracts there for supplies have not been properly handled. It was stated that the firm of Davidson & Fraser some three years ago put in a tender for bacon known as breakfact bacon, and that John F. Outhit had also put in a tender, and that while the former firm sold bacon at nine cents and a fraction a pound, it was sold to the Militia Department by John F. Outhit at between eleven and twelve cents a pound. It was also stated that in the following year Davidson & Fraser had no opportunity to tender, because the contract was given to John F. Outhit without tender. I would like to have some explanation on this matter from the minister.

Sir FREDERICK BORDEN. This matter was thoroughly threshed out at the last session of parliament, and the explanation then given, I think, satisfied the committee. But I will, as well as I can remember it, state the situation. Davis & Fraser are manufacturers of bacon in the city of Halifax. It is the custom of the Militia Department to ask for tenders for bacon, vegetables and other things which make up the rations at the different depots through the Dominion. Davis & Fraser tendered for bacon only, and refused to tender for the other things. Outhit, the successful tenderer, tendered in accordance with the requirements for everything which made up the rations, and his tender being the lowest he got the contract. Now, so far as concerns the statements that Davis & Fraser supplied bacon at nine cents for which Outhit received thirteen cents, that is not correct. I have letters from Davis & Fraser complaining that it is not fair to them that bacon should be brought down to Halifax from Ontario. You may be quite sure that if Davis & Fraser had been supplying the bacon there would have been no fault to find. As a matter of fact they were not supplying it, and that was the whole trouble. As to the statement that a contract was renewed, that is true.

Mr. R. L. BORDEN. There was something else. If I recollect well, the charge was that one description of bacon—

Sir FREDERICK BORDEN. The charge that a lower grade of bacon was supplied?

Mr. R. L. BORDEN. Yes, that one grade was contracted for and a different grade supplied.

Sir FREDERICK BORDEN. That was stated, but that also is untrue. It was published in the papers—or some of them—in Halifax, but it was not supported by evidence. As a matter of fact, I am informed, it was absolutely unfounded. Every day a competent and reliable officer inspects all the food that is supplied to the men, and no report has ever reached the department that any inferior bacon, or bacon which is not called for by the specifications, has been supplied. These are simple facts, and I give my word for the truth of them. I certainly believe that if inferior bacon had been supplied, the officer would have reported upon it. And it was open to every man, or to any man, in the barracks, who was not satisfied with the food he was receiving, to make the complaint, and that complaint would, of necessity, have been forwarded to me. No such complaint has reached me.

Mr. R. L. BORDEN. Of course, the men might be satisfied with the bacon, and still you might be paying for a higher grade of bacon and getting a lower one. The hon. minister's argument would not be conclusive. Still, I have not the information to justify me in making a statement of the case inconsistent with that which the minister has given. But what is the reason that all these articles are tendered for en bloc? That is not the custom with the imperial government.

Sir FREDERICK BORDEN. Yes.

Mr. R. L. BORDEN. My recollection is that they used to call for tenders, for example, for bread separately from other things. I feel sure that was the case, because I was consulted, when I was practising my profession.

Sir FREDERICK BORDEN. Possibly there may be a separate tender for bread. I have the form here which will show exactly what I mean.

Mr. J. D. REID. The minister (Sir Frederick Borden) will remember this firm supplied Outhit with the bacon there and they produced evidence to that effect, and that the bacon they supplied was not the higher grade specified in the tender, if I remember well.

Sir FREDERICK BORDEN. They did not give evidence here. This matter came before the Public Accounts Committee, but there was no evidence taken at all. That statement appeared in the newspapers, but there was no evidence to support it. Here is a list of the things for which tenders are asked: Groceries and vegetables—fruit is included; bacon, breakfast; bacon, green; potatoes; beans; jams; butter, cheese; split peas; sugar, and so on. These are put all together, and one tender is asked for them. And it is much more convenient to the administration of the service at the different depots that this course

should be followed. It would be absolutely impossible—or almost impossible—to carry on the work at these depots with half a dozen contractors running in there every day with these articles. As a matter of fact, this course has been pursued in Great Britain and has always been pursued in Canada at the different stations. Take a man who puts in a tender for all these articles, and another man puts in a tender for one; the man who puts in his tender for the whole makes it up on the expectation of getting the whole contract. If you take away one important item, like bacon, you disarrange all his calculations. It would not be fair to him, and he would probably refuse to enter into the contract.

Mr. J. D. REID. The minister is right in saying that this case was before the Public Accounts Committee. But if I recollect well, there were so many cases ahead of it that we never reached it.

Sir FREDERICK BORDEN. That may be.

Mr. J. D. REID. But was not the evidence printed in the Halifax papers, or the statements given in the papers to the effect that Davis & Fraser had been supplying the department for some years with this bacon and supplying that alone?

Sir FREDERICK BORDEN. No, they never supplied the department with bacon.

Mr. J. D. REID. If I remember correctly, the tender called for breakfast bacon, and I think there was an affidavit put in to the effect that they were supplying Outhit with roll bacon, instead of the breakfast bacon, and that this roll bacon went direct to the government in Halifax. And there never was any evidence that I have ever seen from the officials down there or any affidavit produced by the minister here or elsewhere to the effect that Davis & Fraser's affidavits were false.

Sir FREDERICK BORDEN. It would have been only reasonable that Davis & Fraser should establish the proof of their statement. I am very sorry the matter did not come before the Public Accounts Committee, because, I believe, Davis & Fraser were, unintentionally, in error. They may have sold Outhit that class of bacon. Outhit is a large dealer and had a large number of customers outside of this particular contract. But I have here in my hand the letter of Davis & Fraser complaining of the unfairness of bringing in Ontario bacon. They complain that these people 'are supplying goods produced outside the province.' That is their letter, written in 1907.

Mr. BLAIN. What was the complaint?

Sir FREDERICK BORDEN. The complaint was that they did not get the contract, that somebody else got it. I have explained that the department required a tender for a number of articles, including bacon, and Davis & Fraser declined to tender for anything but bacon, and their tender was not recognized. Later on the department agreed to give Davis & Fraser an opportunity of tendering for bacon alone. As a matter of fact they did tender, but their tender was not the lowest even then. The contract was given to a Halifax firm of grocers, not to Davis & Fraser, nor to Outhit & Company.

Mr. BLAIN. Does the minister think there is anything wrong about Ontario bacon coming into competition with local bacon down there?

Sir FREDERICK BORDEN. I do not think so. As a matter of fact the director of contracts in my department says the bacon is better. Perhaps I ought not to repeat that. I refused to take that narrow view myself, I did not propose to exclude Ontario bacon.

Mr. AMES. Has the minister the letter he sent to them asking them to tender on pork products?

Sir FREDERICK BORDEN. The letter I sent to them was this form I have here, which I read, asking for bacon, vegetables and everything else. They were invited to tender but refused to tender on anything but bacon, when they complained, and this letter is one of their complaints. Finally I yielded to them, they were very persistent, and they were allowed to tender on bacon alone. Their tender was received but it was not the lowest, and they did not get the contract.

Mr. AMES. You evidently sent a letter to him inviting him to tender?

Sir FREDERICK BORDEN. No, we did not invite them to tender, we simply posted advertisements, and then they wrote a letter complaining that the advertisements were not properly posted, and my letter which I have just read was in answer to theirs, saying that the advertisements were properly put up and that every opportunity was given. As a matter of fact on that particular occasion we extended the time to enable them to get tenders in. I was trying to find the names of the people who were the successful tenderers in March last.

Mr. CROSBY. Bault & Gibson.

Sir FREDERICK BORDEN. Yes, they were the successful tenderers, but they were lower even in bacon than Davis & Fraser. I do not think there is anything in this story that reflects on the department.

Mr. CROSBY. I would not have anything to say on this subject were it not for the statement made by the minister in reference to bacon coming into competition with bacon from Nova Scotia, for the purpose of making his Ontario friends feel that he was looking after the interests of Ontario?

Sir FREDERICK BORDEN. Fair play is all we want.

Mr. CROSBY. If the hon. gentleman only gives fair play we can stand our ground with any province in the Dominion of Canada. I may say if the gentleman who made their tender for this bacon had got fair play perhaps there might have been another story. I am not attributing anything wrong to anybody, but sometimes a minister cannot know everything that is going on. This contract was called for and these gentlemen made a tender. Now as a matter of fact I know that when the difficulty arose, John F. Outhit & Company went to the factories in Ontario and bought bacon there and brought it down, and they would have bought it there if it had cost them twenty cents a pound, rather than buy from Davis & Fraser after Davis & Fraser had opened up their discussion. Yet it was not better than that manufactured in the province of Nova Scotia. When the time came round, what made Davis & Fraser feel dissatisfied? Mr. Davis, if we are to discuss politics, I think is as strong a Liberal as I know in the city of Halifax; he and his brothers were strong and prominent workers in the Liberal ranks, and held very high positions. I think his brother, the stationer there, holds the position of president or vice-president of the Liberal club and I know that he is chairman of Ward No. 1 or Ward No. 2—I am not sure which. But Mr. Outhit is quite a genius in political warfare. He is not only a genius in political warfare, but he is a genius in many other things. Mr. Outhit is not a grocer or a manufacturer of bacon, nor does he sell bacon I do not know that there is any man in Halifax who has a better knowledge of that kind of thing than myself. We buy more goods of this kind from different dealers in the city of Halifax than perhaps any other firm. We have a large trade with Newfoundland and we buy our goods where we can buy them to the best advantage. We would never thing of going to Johnnie Ouhit for bacon. But we know that Johnnie Outhit is a dealer in potatoes and fruit. I never knew him to be in the grocery business, but the strange part of it is that he came in and got this contract. How did he get this contract? If the minister will look at this contract he will find that while Mr. Outhit was lower on breakfast bacon than Davis & Fraser, he was not lower on rolled bacon. He beat them out in breakfast bacon, but they supplied the rolled bacon. Then again they have another grievance in the fact that while they had information from the department telling them that they would have an opportunity of tendering again in the following year they did not have that opportunity because tenders were not opened. Now, we will come to the tenders which have just been invited. They asked for tenders for everything in the grocery line. Under the old imperial regime they asked for tenders for beef separately and I think you do the same?

Sir FREDERICK BORDEN. Yes.

Mr. CROSBY. They asked for tenders for bread separately and they asked for groceries not beef, butter and vegetables would be included all together. That was the old system. To-day the tenders for these different articles are divided up. We have large stores that sell nothing but butter and cheese, or bacon, butter and cheese. All grocers sell bacon and particularly the large grocers. When the department last invited tenders they asked for a tender for green bacon and a tender for breakfast bacon. The difference between green bacon and breakfast bacon is the difference between having it smoked and not smoked. The tender of Ball & Gibson for green bacon was 6 cents and a fraction a pound and the tender for breakfast bacon was somewhere in the vicinity of 14 cents. Putting the two together they could beat any person who might put in a fair tender for that bacon. No one can sell bacon at 6 cents a pound so that when you put the two together they could beat any honest tender that could possibly be put in. The Department of Militia did not get any green bacon, the firm did not have to furnish any green bacon and you can see how that could be done. The same thing can be done with respect to other articles. There may be a way by which these people can find out whether the department are going to use any green bacon or not. As a matter of fact they never used any and that would be a pretty good indication that they were not going to use any on this occasion. Tenders with regard to flour and other things could be made up in the same way. These people had a knowledge of how the rations were made up in the Department of Militia and Defence. They got the contract. Some dissension was caused on the part of men who were tenderers for the rations on account of this firm getting the contract, and they think that there must be collusion in some way or other on account of a firm like Ball & Gibson which is a reliable firm, tendering to supply green bacon at 6 cents a pound, when they knew that it would be impossible under the market

conditions to-day or for the last five years for any firm to supply bacon at that price. Therefore, they naturally came to the conclusion that they got some information on the inside that nobody else got. Whether that be true, or whether there is anything in it or not, I am not prepared to say, and I am not prepared to stand here and question the department, but, nevertheless, the facts are as I have stated them, and if the minister desires to make an inquiry he will find that what I have stated is true with regard to the actual cost of that character of bacon to-day. He will also find that at present the department does not use that class of bacon. Therefore, I say these dissensions are brought about because, perhaps not by the fault of the department, there is a feeling abroad that an opportunity is given to those on the inside which others do not enjoy. A firm down there wrote to me upon this matter, and I went to the department and got a copy of the contract. The deputy minister was good enough to give it to me and was anxious indeed to give me all the information he could. I sent a copy down to these people and they wrote back that they had nothing to say any further than that the firm which secured the contract had some inside information and they thought that there was doubtless room for suspicion. In the case of Davis & Fraser they still think they have been shut out from having an opportunity, because, having been asked before by the department to tender for bacon alone, it was intimated to them that if their tender was lower for bacon alone the bacon would be taken from them. They gave me to understand that that was the case and the little disturbance which they made was the result of their being shut out. With regard to government contracts you cannot have too much light thrown upon the circumstances and conditions surrounding them if you want men to tender for these contracts at all. If the Militia Department have not been in the past inviting tenders for such articles as bacon, butter, cheese and beef separately these might very well be separated from vegetables and groceries, but that is a matter for the department itself.

Sir FREDERICK BORDEN. My hon. friend will agree with me that a man who fails to get a contract is always disposed to consider himself an injured party and to feel that there has been some conspiracy against him. That is human nature. If Mr. Davis was one of the leading Liberals of Halifax, it is not probable that I would be disposed to enter into a conspiracy to keep him from getting the contract. On the face of it that upsets the idea that there is any political pull. The hon. gentleman has said that Outhit is not even a grocer; neither are Davis & Fraser. In the tender there is a list of articles including bacon, groceries, vegetables and fruit. Outhit is a dealer in fruit and vegetables; Davis and Fraser are dealers in bacon; Outhit sees fit to conform to the requirements of the tender and although not a grocer or a manufacturer of bacon he tenders for everything on the list. It was open to Davis & Fraser to do exactly the same thing; they did not see fit to do it; they have themselves to blame.

Mr. CROSBY. You gave them an opportunity of tendering for the bacon alone.

Sir FREDERICK BORDEN. Afterwards. My hon. friend says that Bauld's prices were not lower than Davis & Fraser, except by combining two prices, namely, the price of the kind of bacon which is used and the kind which is not used, and that by putting these two prices together and striking an average Bauld's price was lower than that of Davis & Fraser. That is absurd; the average could only be made——

Mr. CROSBY. I was speaking of the last tender with reference to which they made some complaint about putting the prices together.

Sir FREDERICK BORDEN. Well, how could an average be reached except by taking the quantities of each kind of bacon, adding the prices together and thus getting the average price. If there is no bacon used of one kind then there would be no price and no quantity of that kind of bacon included.

Mr. CROSBY. You put it in the tender.

Sir FREDERICK BORDEN. Yes, but my hon. friend says the average was reached by putting the high price and the low price together, and I am pointing out that is impossible.

Mr. LANCASTER. What quantities of each kind of bacon do you ask them to tender for?

Sir FREDERICK BORDEN. I do not know, but I am going to show my hon. friend he is mistaken in his premises. As a matter of fact, Bauld's price for breakfast bacon was 13½ cents and the next lowest price was 13⅝ cents, and therefore on this very item of breakfast bacon, which is the bacon chiefly used, Bauld was the lowest and it does not matter what the other price was.

Mr. CROSBY. They got the contract on the average price of the bacon and groceries all the way through, and in that the 6 cents bacon figures.

Sir FREDERICK BORDEN. Yes, but notwithstanding that, and notwithstanding that we allowed Davis & Fraser to tender on bacon alone, on their own ground

they were beaten, because their tender was higher on bacon than the tender of Bauld. These are the simple facts.

Mr. LANCASTER. Did they tender on these figures irrespective of the amount they might be asked to supply?

Sir FREDERICK BORDEN. Yes.

Mr. LANCASTER. They understand they may be asked to supply any quantity at these figures.

Sir FREDERICK BORDEN. That is it.

Mr. CROSBY. Their complaint is, and I do not say it is true, that Mr. Outhit was supplying roll bacon in place of breakfast bacon, and they say they can prove that.

Sir FREDERICK BORDEN. That is the allegation, but I do not think it is true.

Mr. R. L. BORDEN. Will the minister briefly state the system adopted in Nova Scotia for military training in the schools?

Sir FREDERICK BORDEN. An agreement has been reached by which the Department of Militia undertakes to supply instructors to all the schools and colleges in Nova Scotia, in which school teachers are prepared for their work, provided the Educational Department of the province of Nova Scotia will require from everybody who asks for a license to teach, a qualification in the teaching of physical and military drill. In the case of female teachers it would of course be physical training only, and in the case of male teachers there would be military drill and rifle shooting for those in the higher grades. The Educational Department of the province is to make it compulsory upon all who apply for license to teach, to qualify just as they would qualify in reading, writing and arithmetic.

Mr. R. L. BORDEN. That will be in the shape of a binding agreement?

Sir FREDERICK BORDEN. It is now, and I would be happy to send the leader of the opposition all the papers on the subject.

Mr. R. L. BORDEN. I would like to see them very much; it is very interesting.

Sir FREDERICK BORDEN. I have every reason to believe and I hope that the system will be adopted by all the provinces.

Mr. CROSBY. Is the same work going on this year as hitherto at McNab's island?

Sir FREDERICK BORDEN. I think practically the same.

Ocean and river service—maintainance and repairs to government steamers and ice-breakers, $476,250.

Mr. BRODEUR. The following are the steamers: 'Montcalm,' 'Aberdeen,' 'Lady Laurier,' 'Lansdowne,' 'Champlain,' 'Druid,' 'Minto,' 'Stanley,' and 'Quadra'.

Mr. R. L. BORDEN. Is any employment given to these ice breakers during the summer months? I would like to get some information as to the actual net results of the service of these vessels. Is the scheme to be regarded as a practical success so far as opening navigation earlier, or keeping it open later is concerned?

Mr. BRODEUR. These vessels are used not only during the winter but during the summer. At present the 'Montcalm' is in drydock, but in the spring she generally goes in the Cabot strait to meet the incoming vessels. She is also used during the summer to deliver provisions to the different lighthouses, especially in the strait of Belle Isle. In regard to the result of the work of these ice breakers, the 'Montcalm' gave very good results this year. She started in January at Cap Rouge, near Quebec, where an ice bridge of 20 or 25 feet in thickness is formed in the narrow part of the river, and she succeeded in breaking the ice jam, the result of which has been to prevent the flooding which formerly occurred in the upper part of the St. Lawrence and at the same time to open navigation about a fortnight earlier than usual.

Mr. J. D. REID. I see that there were extensive repairs done to the 'Stanley,' costing a total of $93,103.78.

Mr. BRODEUR. The 'Stanley' was sent last year to Glasgow to have new boilers and machinery put in by the original builders of the vessel. The vessel was built nearly twenty years ago, and these repairs were necessary.

Mr. BLAIN. It seems to me that that work could have been done in Canada.

Mr. BRODEUR. I am informed that the vessel could not go through the canals, and the work could not be done at the works at Collingwood.

Mr. J. D. REID. What is the system in vogue of purchasing supplies for all these vessels?

Mr. BRODEUR. We have made contracts with the captains and in some cases with the stewards to provision the crew at the rate of 60 cents per day for the officers and 50 cents per day for the men.

Mr. J. D. REID. It seems to be that under that system the crew would be liable not to be properly fed.

Mr. BRODEUR. This system has been in force for some years on our dredges and on the St. Lawrence fleet, and the results

have been satisfactory. We have had very few complaints. We have prepared a bill of fare for each day of the week, and those who have the contracts are required to live up to that standard, and the crews know exactly what to expect. I agree, however, with a good deal of my hon. friend's criticism, about giving these contracts to the captains—so much so, that in discussing the question with the officers of the department I came to the conclusion that it would be better to give them to the stewards, so that if the members of the crew were not properly fed, they could complain to the captain and he would have the decision.

Mr. J. D. REID. When did that system come into force?

Mr. BRODEUR. During the winter season, when we put the 'Stanley' and the 'Minto' into commission on the Northumberland straits route.

Mr. CROSBY. Did the minister make any effort to have the 'Stanley' repaired on this side?

Mr. BRODEUR. I am informed that the engines and boilers could not be made on this side. I am informed that they could not be made in Halifax.

Mr. CROSBY. I want to tell the hon. gentleman that in Halifax they can do any work that can be done in any other part of the world. If the hon. gentleman looks at his accounts, he will find that in the last ten years large sums of money have been paid for engine and boiler work in Halifax. The steamers of the Black line, and the Dominion coal boats all get their repairs in Halifax, and I am surprised that the minister, who knows Halifax very well, should make that statement. We have in Halifax one of the best docks in the world, equipped with the very best machinery for constructing as well as repairing vessels. In New Glasgow we have a forge that can make any kind of shaft that is required. It is impossible to discuss this matter at this late hour; but it is simply an outrage that this ship should be sent to Scotland for repairs when we have plenty of men and facilities for doing the work in Halifax.

Mr. LENNOX. Does the minister know how much it cost to take that vessel to Scotland and bring her back again? Because I see that in some of the accounts it cost a great deal, after we purchase a vessel, to bring it out to Canada.

Mr. BRODEUR. I understand it would cost about $7,000.

Mr. LENNOX. The two trips, or a single trip?

Mr. BRODEUR.

Mr. BRODEUR. Yes, over and return.

Mr. J. D. REID. Seven thousand dollars each way?

Mr. BRODEUR. Yes, so I understand.

Mr. LENNOX. There are a number of members absent to-night who wish to discuss items of the minister's estimates. I do not know which items they wish to deal with, but I suppose we can arrange to have the discussion go on at a later stage.

Mr. BRODEUR. Yes, we might leave one item.

Mr. LENNOX. With the understanding that any item may be discussed when that is before the committee?

Mr. CROSBY. Yes, we must have an item reserved. Otherwise, we could not let this go by? It is only out of deference to the minister that we leave the discussion over.

Mr. J. D. REID. At page O—20 of the Auditor General's Report, under the head of 'Dominion Steamers—'Lansdowne', I see:

> 'Lord Kitchener' and owners, St. John; charter of steamer from April 30, 1907, to September 2, 1907, and from September 9 to October 9, 1907, at $125 a day, $19,625.

What was this steamer doing? And does the amount paid include the wages and maintenance of the crews? Or had these to be paid for besides the $125 a day?

Mr. BRODEUR. This vessel was chartered for the purpose of assisting in the buoy service in the Bay of Fundy. The $125 a day included the wages of the crew, the fuel and all expenses.

Mr. R. L. BORDEN. Why did not one of the government boats perform this service?

Mr. BRODEUR. Because we have not enough boats for that purpose. Since we have provided aids to navigation in that section, as well as on the Atlantic coast, we have been obliged to employ more boats. For example, in Halifax, we must have two boats, the 'Lady Laurier' and the 'Aberdeen.' And, in the Bay of Fundy, we had only the 'Lansdowne', an old boat, which was not sufficient for the service.

Mr. R. L. BORDEN. What is the actual fighting strength of our navy?—how many boats are there?

Mr. BRODEUR. I think there are fifty-three.

Mr. J. D. REID. Including the 'Arctic' and the 'Maisonneuve'?

Mr. BRODEUR. Yes.

Mr. BARNARD. And all the chartered boats?

Mr. BRODEUR. No, the boats belonging to us number fifty-three.

Further amount required for the construction of the icebreaker for Northumberland straits, $150,000.

Mr. J. D. REID. Who has that contract?

Mr. BRODEUR. Vickers, Sons & Maxim.

Mr. J. D. REID. What will it cost?

Mr. BRODEUR. $500,000.

Mr. J. D. REID. Delivered on this side?

Mr. BRODEUR. Yes.

Mr. J. D. REID. When will she be delivered?

Mr. BRODEUR. In August or September.

Mr. J. D. REID. What will you name her?

Mr. BRODEUR. 'Earl Grey.'

Mr. CROSBY. Did the minister make any effort to have that boat built in Halifax?

Mr. BRODEUR. We advertised in the newspapers, and nobody in Halifax tendered.

Mr. CROSBY. How were tenders called for?—by circular or by newspaper advertisement?

Mr. BRODEUR. Advertisement in the public press.

Mr. CROSBY. I am surprised to hear that. I know of a firm that were prepared to tender, and I understand they communicated with the department with that view. However, I take what the minister says for the present and will make some inquiries.

Mr. BRODEUR. My hon. friend (Mr. Crosby) will find the advertisement in several Canadian newspapers. We received four tenders.

Mr. CROSBY. Was it published in the Halifax papers?

Mr. BRODEUR. I have no detailed information, but I am sure it must have been.

Mr. CROSBY. What time would that be?

Mr. BRODEUR. I think it was in the beginning of 1908.

Mr. J. D. REID. Perhaps the minister will send us the names of the papers and also the names of the tenderers?

Mr. BRODEUR. I will.

Mr. J. D. REID. Have you given the length and beam of that steamer?

Mr. BRODEUR. I will get the figures in a few minutes. Her length is 279 feet, beam 46 feet, draught 18 feet and indicated horse-power 6,000.

Mr. J. D. REID. Can the minister tell me what the specifications were when the tenders were first called for. It strikes me it was 275 feet long and 45 feet beam, or something like that.

Mr. BRODEUR. I recall what my hon. friend (Mr. J. D. Reid) is alluding to. Somebody stated to me that there had been a change in the specifications. That is absolutely erroneous. As this was a matter of great importance to have a first-class boat, the question of her dimensions was referred to the British authorities, and there the plans were revised. The question arose as to what beam she should have, but on consultation with the best authorities, it was decided that the beam should be that mentioned—46 feet. I remember that somebody said there was a change, but there never was any change made.

Mr. J. D. REID. I was told at the time that the department asked for tenders from the Canadian firms, and the minister has just read out a list of Canadian firms. He was anxious to give this tender to Canadian firms, so anxious that he took good care to give them opportunities to tender. The steamer was 278 feet long and 45 feet deep. When it was shown that the parties tendering could do it, the specifications were changed, and called for a boat one foot longer and one foot more beam, with the result that it was impossible for the Polson Iron Works or the Collingwood Ship Building firm to send a boat of that size through the locks. The matter was then up, so far as our Canadian firms were concerned, and the contract went quietly over to the old country. That is the story I have heard, and I believe it is true. I have been through the Collingwood works myself, and I am satisfied that the Collingwood Dry Dock Company can build a boat equal to anything that is built in the world. I saw a steamer there that was launched this spring, I think it is called the 'Hammonic,' one of the finest steamers, I think, in the world, of her class. They claim she is equal to any of the White Star Line steamers. I am satisfied the minister would not tell the manager of the Collingwood Dry Dock, or even of the Polson Dry Dock Company, who I believe are equally able to build, that they could not build a steamer suitable for that work on the Atlantic between Prince Edward Island and Halifax.

Mr. BRODEUR. The story the hon. gentleman heard is a mistake; there was no change made in the specifiations.

Rewards for life saving, including life-saving stations, $39,600.

Mr. J. D. REID. Are there any life saving stations on Lake Ontario east of Toronto?

Mr. BRODEUR. There are stations at Collingwood, Goderich, Kincardine, Longue Pointe, Poplar, Port Hope, Port Colborne, Port Rowan, Port Stanley, Toronto, Wellesley and Wellington.

Mr. BARNARD. What is the situation with regard to the life boat that was wrecked on the west coast of Vancouver island? Has she been repaired, or what has been done with it?

Mr. BRODEUR. We have put a temporary boat there, and we are asking for prices for a new boat. The boat was wrecked about a couple of months ago.

Mr. BARNARD. How long does it take to get a tender?

Mr. BRODEUR. We require a special boat with a special design, and it takes some time to get a tender.

Mr. BARNARD. Does the minister know what injuries were done to the boat?

Mr. BRODEUR. The hull was broken to pieces, but the engines were left in a fair condition, and we are communicating with the manufacturers to find out whether we can use them again.

Mr. BARNARD. In the meantime that whole coast is practically without protection, and it is a dangerous coast. It is a matter that requires some haste.

Mr. BRODEUR. We are trying to act as fast as possible. We have now a regular life surf boat stationed there, which will meet the purpose if there is any accident. It is an ordinary surf boat propelled by oil.

Mr. BARNARD. The coast is from 50 to 70 miles long, and we have had no protection there from February until this time.

Mr. BRODEUR. There is a life boat there now, and besides we have been building the 'Trail,' so that in case of accidents we may be notified, and that the lives of those who are exposed in a wreck may be saved.

Mr. BARNARD. As far as the 'Trail' is concerned it is another question. Work was stopped and there was no appropriation made for a continuation of it in the original estimates. It was only after pressure was brought to bear on the government that provision was made in the supplementary estimates for continuing the 'Trail.' As far as the life boat is concerned this item is to pay for a life boat propelled by oars to cover an inhospitable coast line of fifty or sixty miles. The department should have taken that matter up and had that boat repaired at once or put a new one on. Can the minister give any information as to the circumstances under which that boat was wrecked?

Mr. BRODEUR. My information is that the boat was left in an exposed condition, that the crew was on shore and that there was no one in charge of the boat at all. The men who should have been in charge were not there and they have been dismissed.

Mr. J. D. REID. If the boat was wrecked what use would you have for them?

Mr. BRODEUR. We would need a crew for a new boat.

Mr. BARNARD. Have you a crew for the surf boat?

Mr. BRODEUR. Certainly.

Mr. J. D. REID. What kind of a steamer was this that was wrecked and what would the cost of it be?

Mr. BRODEUR. It was a gasoline boat and the cost was, I think, $25,000. It was a surf boat.

Mr. J. D. REID. The whole crew went away, left that boat and let it get wrecked?

Mr. BRODEUR. That is unfortunately what happened.

Mr. J. D. REID. I think we should know the names of the persons who recommended these men as being qualified to take charge of that boat.

Mr. BRODEUR. I do not know whether we have the names of those who recommended them, but I suppose they must have been recommended by some persons in the locality.

Mr. J. D. REID. The minister last year admitted that he had a committee in different places which recommended persons for positions in his department—the Liberal committee in different places.

Mr. BRODEUR. I never said that.

Mr. J. D. REID. I would like to know if it was the Liberal committee in Victoria or Vancouver that recommended these men.

Mr. BRODEUR. No.

Mr. J. D. REID. Then the minister must admit that it was the member.

Mr. BRODEUR. In cases like that, if there is a member representing a constiuency in sympathy with the administration, we generally get recommendations from him.

Mr. J. D. REID. What member represents that constituency?

Mr. BRODEUR. I think it is in Comox-Atlin and it would then be represented by Mr. Sloan.

Mr. J. D. REID. We take it for granted that Mr. Sloan, the ex-member, was the gentleman who recommended these men for positions on that steamer?

Mr. BRODEUR. I do not say that he recommended them, but in the ordinary course of business this is the way it is done.

Mr. J. D. REID. Either the minister did not have confidence in Mr. Sloan and declined to accept his recommendation as the representative of the constituency or, for some other reason he selected these men on some one else's recommendation. I would like the minister to say whether he treated Mr. Sloan in that way or whether he always carries out those recommendations.

Mr. BRODEUR. It sometimes happens in sections of the country which are far from settlements that our officers select the employees. It would not be a question of patronage but purely a question of finding proper men to carry on the work.

Mr. BARNARD. Would the officers be instructed to take recommendations from the Liberal committees or associations.

Mr. BRODEUR. I do not know.

Mr. BARNARD. The minister would surely know what instructions were given to the officers and his department.

Mr. BRODEUR. I do not know what may be passing between the member and the persons living in the locality.

Mr. BARNARD. I would take it that the members of the different constituencies do not give instructions to the officers of the department, that the instructions to the officers would be given by the minister?

Mr. BRODEUR. Yes.

Mr. BARNARD. Did the minister instruct the officers of the department to get recommendations before making these appointments from the local associations?

Mr. BRODEUR. No, I never gave any such instructions.

Mr. BARNARD. Then, we are to understand that these officers are not entitled to appoint any person they like irrespective of any recommendation?

Mr. BRODEUR. No. When there is a vacancy they simply notify the department and we give them the names of persons whom they may employ. Sometimes we give them instructions to employ whomever they can find. Sometimes they make recommendations themselves.

Mr. BARNARD. How many life boats are there on the west coast of Vancouver island?

Mr. BRODEUR. There are life boats at Victoria, Clo Ose, Bamfield, Ucluelet and Clayoquot and some other places.

Mr. BARNARD. Is the minister sure he is correct in that?

Mr. BRODEUR. Yes, life saving stations.

Mr. BARNARD. How many men are there employed at these stations?

Mr. BRODEUR. The general organization is a coxswain in charge of the station, and he engages the members of the crew.

Mr. BARNARD. These men are paid by the department?

Mr. BRODEUR. Yes, for the drill.

Mr. BARNARD. How many men on the pay-roll for that work?

Mr. BRODEUR. I have not the information.

Mr. BARNARD. That information is necessary in considering this item.

Mr. BRODEUR. At Bamfield the coxswain gets $75 a month, $50 for the engineer and $45 for two men; at Clayoquot, $60 per month and volunteers 50 cents per hour, and so on at the other stations.

Mr. BARNARD. There are boats at these stations?

Mr. BRODEUR. Yes.

Mr. BARNARD. And also at Victoria and Esquimalt?

Mr. BRODEUR. Yes, the boat is in charge of the Victoria life saving association.

Mr. BARNARD. Is there one at Esquimalt?

Mr. BRODEUR. I have not the information with regard to Esquimalt. I understand there are auxiliary arrangements, as well as the large stations.

Mr. BARNARD. What is the auxiliary arrangement?

Mr. BRODEUR. It is an arrangement with the fishermen.

Mr. BARNARD. Then the government does not maintain these life boats?

Mr. BRODEUR. Not in these auxiliary places.

Mr. BARNARD. What life boats does the minister maintain?

Mr. BRODEUR. Bamfield, Victoria, Clayoquot, Clo Ose and Uclulet.

Investigation of wrecks, $9,000.

Mr. J. D. REID. Who discharges the duties of wreck commissioner now?

Mr. BRODEUR. Nobody is formally appointed. Admiral Kingsmill and Captain Demers are for the present making the investigations. We have not been able to find a suitable man for the position.

Mr. CROSBY. You can find plenty of them in Nova Scotia.

Mr. J. D. REID. What do these two gentlemen do?

Mr. BRODEUR. Admiral Kingsmill is in charge of the fishery protection service, and Captain Demers is chief examiner of masters and mates.

Removal of obstruction in navigable rivers, $20,000.

Mr. CROSBY. The owners of wrecks are supposed to remove them.

Mr. BRODEUR. They are obliged by law to do so, but in some cases we have taken steps to remove them ourselves. In some cases we have taken action against the owners of the vessels to recover when they are known. In other cases there is not enough left to meet the expense and we have taken this vote.

Tidal service, including an amount to maintain the surveying steamer 'Gulnare,' in commission for an additional month to finish investigation of currents in Northumberland strait, and to complete the requirements for deep sea anchorage, $42,500.

Some hon. MEMBER. Carried, carried.

Mr. R. L. BORDEN. We will have to have order or there will not be another item passed to-night. This sort of thing must be stopped at once. Mr. Chairman, I am directing your attention——

Mr. BRODEUR.

Mr. DEPUTY SPEAKER. I must be allowed to read the item; I have not yet had the opportunity to fully read it.

Mr. R. L. BORDEN. I think you should keep order instead of reading the item.

Mr. DEPUTY SPEAKER. The hon gentleman is criticising the Chairman's method of conducting the business of the committee, which I regret.

Mr. J. D. REID. And I think it is deserving of criticism.

Mr. R. L. BORDEN. Now that you have read the item I wish to point out to the Minister of Finance that we are trying to expedite business, but we will have to have order. I hope my hon. friend will appreciate that.

Mr. FIELDING. I am appreciating it by keeping absolute silence myself.

To continue subsidy for wrecking plant in Quebec, maritime provinces and British Columbia, $30,000.

Mr. BRODEUR. We have contracts with three companies for the purpose of maintaining wrecking plants, and pay them each a subsidy of $10,000 a year.

Mr. R. L. BORDEN. To what extent do these companies compete with private enterprise?

Mr. BRODEUR. These wrecking plants are for the special purpose of looking after the wrecks, and of course they might compete with persons engaged in the same business. We were asked for several years to establish that plant. For the Atlantic coast we have a contract with the Dominion Coal Company, which has placed at our disposal several boats which are generally under steam and kept available for use in case of a wreck.

Mr. CROSBY. What boats have they there?

Mr. BRODEUR. The 'Douglas Thomas.'

Mr. CROSBY. What apparatus has she for wrecking?

Mr. BRODEUR. She has pumps and all the necessary apparatus and must keep up steam and be ready at all times to go to a wreck.

Mr. CROSBY. As a matter of fact, the 'Douglas Thomas' is a tow boat employed the whole time by the Dominion Coal Company. She is never idle for an hour, and would not have time to go to a wreck. She may be towing to Halifax or Montreal, and may not be available when she would be wanted.

Mr. BRODEUR. The main obligation they are under is to have a boat always under steam and available in case of an accident. I am surprised to hear that this boat goes to Montreal, unless the company has another boat available at Sydney. I will make inquiries as to that.

Mr. R. L. BORDEN. Is there a written contract with regard to these vessels?

Mr. BRODEUR. Yes.

Mr. R. L. BORDEN. I think it would be well for the minister to look into the question of the fulfilment of the contract in all these cases.

Mr. J. D. REID. When was this contract made on the Atlantic coast?

Mr. BRODEUR. A year or two ago.

Mr. J. D. REID. The reason I ask is that the minister was urged to have something of this kind done there, and for two or three years Captain Leslie, of Kingston, who is well-known to be one of the best wrecking men in Canada, had been asking the minister to grant the subsidy. He had a steam barge, a tug, a pontoon, and a complete wrecking outfit, and I cannot understand why he was not considered when this contract was made. I would like to know why the contract was given to the Dominion Coal Company instead of to him?

Mr. BRODEUR. I remember that he tendered for the service but it was felt that the Dominion Coal Company was better equipped, because they had several boats to place at our disposal.

Mr. CROSBY. The 'Douglas Thomas' no doubt complies with the terms of the contract in regard to being always under steam, but where she could be found would be difficult to say, because she is constantly employed in towing. She does most of her towing up the St. Lawrence now, and it would probably take her a few days to get to a wreck on the Atlantic coast.

Mr. MACKENZIE. I would like to ask the hon. gentleman if he knows of any barge of the Dominion Coal Company which comes up the St. Lawrence? I venture to state that the 'Douglas Thomas' never comes up the St. Lawrence at all.

Mr. CROSBY. That does not interfere with the fact that she does take barges up the St. Lawrence, and as she is always engaged in towing, she could not give any attention to a wreck.

Mr. R. L. BORDEN. Perhaps the minister, the next time his estimates come up, will bring down, not the whole of these contracts, but the effective portion which describes what he wants the parties to do.

Mr. BRODEUR. I will get them to-morrow.

To provide for the maintenance of vessels employed in patrolling the waters in the northern portion of Canada, also for establishing and maintaining police and customs ports on the mainland or islands, $59,000.

Mr. R. L. BORDEN. What portion of the fleet is working at this?

Mr. BRODEUR. The 'Arctic.'

Mr. J. D. REID. Has the minister heard from Captain Bernier lately?

Mr. BRODEUR. No.

Mr. J. D. REID. When do you expect him back?

Mr. BRODEUR. A year from now.

Mr. LENNOX. What service is he engaged in?

Mr. BRODEUR. He was to start from Greenland and follow the shore for some distance and then cross to Lancaster Sound and make explorations of the islands, collecting customs dues or license fees from the whale fishermen in those waters.

Mr. LENNOX. What was the amount of the last return of those collections made?

Mr. BRODEUR. I think he collected $500.

Mr. J. D. REID. What is this amount for?

Mr. BRODEUR. The provisioning of the 'Arctic' and the expenses of the trip.

Mr. J. D. REID. When the 'Arctic' started out, the minister stated that she had provisions for three years. Yet she came back after having been away one year; therefore she must have had two years' provision on board. Last year an amount was voted in the estimates to supply here with a year's provisions.

Mr. R. L. BORDEN. I think the hon. member is mistaken. She had some articles supplied for twenty years, and one particular article for between 170 and 180 years.

Mr. LANCASTER. Is this sum all for the 'Arctic'?

Mr. BRODEUR. Yes, but I understand that we have sent some coal also to the Hudson Bay this year.

Mr. J. D. REID. I do not understand. The 'Arctic' was provided with fuel and everything when she left. And here is about $60,000 which the minister says is

for her. I would like to know what it is to be spent for?

Mr. BRODEUR. I see there is an increase here of $9,000, which would appear as an increase for the current year. This was incurred last year and has to be provided for in this estimate. It is to pay for provisions purchased before the boat started.

Mr. J. D. REID. The minister does not understand what I mean. The 'Arctic' must have had three years' supplies on board, for that is what the minister told us when making explanation before. He told us the vessel started off for three years, but when she came back in one year the minister said she had two years' supplies on board.

Mr. BRODEUR. She has been away three years now.

Mr. J. D. REID. But when she started out everything was paid for and it was all on board. And now the minister asks for $50,000 for the maintenance of that vessel. But I cannot understand where the money is going, for the 'Arctic' has her provisions aboard.

Mr. BRODEUR. We have to pay for the crew. The hon. member says that last year the 'Arctic' had three years' provisions, and she should have these provisions yet. But he must understand that she has been away three years. She went first to Hudson bay and spent a year there, then she went to the northern islands, and through Lancaster sound, and spent a year there. She will have been gone four years by the time she gets back. We have to pay for the men and also for the provisions bought last year, as I have explained.

Mr. J. D. REID. All right. We will get it all next year from Captain Bernier when he comes back.

To provide for the organization of a naval militia and expenses in using the cruiser 'Canada' as a training ship, $10,000.

Mr. BARNARD. What is this item to be used for exactly, and what is the extent of this training school?

Mr. BRODEUR. So far, I must say, it is somewhat rudimentary. We have the 'Canada,' upon which are about fifty or sixty young men who are being trained in gunnery and seamanship. In the winter these men are trained in the yard in Halifax. The 'Canada' is engaged in the fisheries protection service.

Mr. CROSBY. How are these young men engaged?

Mr. BRODEUR. Most of them are ordinary sailors. We have, however, two or three cadets on the boat.

Mr. CROSBY. That is what I am speaking about. How are these men engaged?

Mr. BRODEUR. On the recommendation of the minister.

Mr. CROSBY. If a man wanted to have his son put on that boat, should he make application to the minister?

Mr. BRODEUR. Yes, and the minister would be glad to consider the application. We expect, when we have our navy, which will probably be started soon, many of these young men will come. So far, we have received only three applications which have been granted. Just now, we could not consider many more, as the space is limited. But we shall probably have a training ship on the Pacific coast and perhaps one on the Atlantic, and we shall be glad to consider the applications of young men who wish to become part of our naval organization.

Mr. BARNARD. What steps have been taken to obtain a training ship for the Pacific coast?

Mr. BRODEUR. I am in negotiation with the British admiralty in regard to it.

Mr. BARNARD. What is the policy of the minister on that point?

Mr. BRODEUR. We have provided for a cruiser on the Pacific coast, and perhaps I can get from the admiralty a suitable vessel for the purpose we have in view.

Mr. BARNARD. The minister is in negotiations for a man of war?

Mr. BRODEUR. A cruiser, for the purpose of a training ship and to be used in the fishery protection service.

Mr. BARNARD. If I may ask the question without being indiscreet, what is the likelihood of these negotiations culminating in the near future?

Mr. BRODEUR. I expect to be able to complete them when I go across.

Mr. BARNARD. Will it take as long as it does to let the contract for the fisheries protection cruiser? That has been in the estimates three years, and so far we have only got to the point where the minister can tell us that he hopes to let the contract before long.

Mr. BRODEUR. It was probably my strong desire to place the contract with a Canadian firm that caused the delay. We called for tenders, but Canadian builders asked us to delay, beacuse they thought they would be able to tender on a somewhat different specification. We changed the specifications for the purpose of meeting their view.

Mr. BARNARD. That would hardly explain the delay of three years. I am afraid

the minister has not exhibited any undue haste in letting this contract. According to the reports of his own officers, there has been a million and a half dollars worth of fish stolen while he has been trying to make up his mind where he is going to let that contract. His own officers report that those fisheries are almost the most valuable in the world, and yet they are to-day absolutely without protection.

Mr. BRODEUR. We have other ships there on the Pacific coast. We seized an American vessel the other day.

Mr. BARNARD. With regard to that, the minister knows that his officers have been reporting since 1905 that the ships he has out there for the fisheries protection service are absolutely inadequate, they have stated time and again that the vessel we have got there is no use at all. It is a most exceptional case when she can catch a poacher. We lost a prize last year worth $70,000, and in 1907 another prize worth $30,000, because the 'Kestrel' is too slow to catch the poachers. In 1907 the minister promised Mr. Sloan, then member for Comox-Atlin, to give them a cruiser that year. The people are tired waiting for this cruiser. I would like the minister's assurance that the cruiser will be built this year.

Mr. BRODEUR. I cannot say whether we will build this year or purchase one. But the government has decided to put an additional boat there for the purpose of protecting the fisheries.

Some resolutions reported.

Mr. FIELDING moved the adjournment of the House.

Mr. LENNOX. What business will be taken up to-morrow?

Mr. FIELDING. We will take up Bills and resolutions which stand on the Order Paper, including the Insurance Bill. Later in the day, if time permits, we will go into Committee of Supply, Marine and Fisheries first.

Mr. J. D. REID. Is it the intention to press the Insurance Bill through this session?

Mr. FIELDING. I have received many intimations which lead me to believe that it is the desire of the House that the Bill should be considered and disposed of. If there is any general feeling that the Bill cannot be disposed of, I will not press it.

Mr. J. D. REID. Will the House sit to-morrow night?

Mr. FIELDING. There is no arrangement to the contrary.

Motion agreed to, and House adjourned at 1.55 a.m. Saturday.

HOUSE OF COMMONS.

SATURDAY, May 15, 1909.

The SPEAKER took the Chair at Eleven o'clock.

THE INTERCOLONIAL RAILWAY EMPLOYEES.

Mr. R. L. BORDEN. Before the Orders of the Day are called, might I ask my hon. friend the Minister of Railways whether he has any further information respecting a question I mentioned some time ago—the report and recommendations of the tribunal appointed under the Conciliation Act respecting the status and position of certain officials of the Intercolonial Railway?

Hon. GEORGE P. GRAHAM (Minister of Railways and Canals). As I stated on several occasions, the conciliation board made recommendations which included the dismissal of 25 per cent of the freight clerks. It is rather difficult, among some hundreds of men, and takes a good deal of time to get through the work of organization and find out who should be retired and who should be retained. I have handed the matter over entirely to the board of management and asked them to deal with it as rapidly as possible.

Mr. R. L. BORDEN. Some correspondence I have received seems to question the minister's statement as to the number of persons whose dismissal would be involved. They seem to think that the percentage has been greatly overrated. I am not sufficiently familiar with the report or the condition of the road to express any opinion, but thought it only right to bring this to the attention of the minister.

SUPREME COURT BENCH OF NEW BRUNSWICK—VACANCIES.

Mr. O. S. CROCKET (York, N.B.) When may we expect appointments to be made to fill the vacancies on the Supreme Court Bench of the province of New Brunswick? There are two vacancies, one caused by the retirement of Mr. Justice Gregory, and the other by the death of Mr. Justice Hannington. That leaves the bench with only four judges, one of whom is the Chief Justice and Judge of the Equity Court, so that there are available for nisi prius work, and the common law side of the Court only three judges. I have several letters from members of the bar calling attention to the fact that the administration of justice will be greatly crippled if these vacancies are not soon filled. I would also point out that there is at present no judge residing in the capital of the province or in the whole northern district of the province. When the appointments are made

I trust the government will make some provision for the residence of at least one judge in the city of Fredericton.

Hon. A. B. AYLESWORTH (Minister of Justice). I quite recognize that in all our provinces our courts are certainly not overmanned, so that when any vacancy occurs, there necessarily will be more or less—I hope less rather than more—obstruction of the work of the courts for the time being. But in the present instance, at all events, there has been no avoidable delay. There are at present two vacancies in the Supreme Court of New Brunswick, and the earliest one took place only two weeks ago. It cannot therefore be said that there has been any undue time lost thus far in deciding who should be recommended for the vacancies. I can only say that the matter is receiving careful attention, and expecting, as I do, to leave this country for some length of time within a couple of weeks, I have every confidence that the recommendations will be made before that time expires.

THE INSURANCE ACT.

Hon. W. S. FIELDING (Minister of Finance) moved that the House go into committee to consider the following proposed resolution:

Resolved, that it is expedient to provide that in the case of any insurance on property situated in Canada effected in any unlicensed company, the person effecting such insurance shall pay to the Minister of Finance for consolidated revenue fund a sum equal to fifteen per cent of the total net cost of insurance so effected, but not to exceed in any case fifteen cents for each one hundred dollars of insurance for one year, or a proportionate sum for any longer or shorter period.

He said: It becomes necessary, before we can proceed with the Insurance Bill, that we should dispose of this resolution which touches one of the most important clauses of the Bill. I quite realize that at this stage, a Bill of such importance cannot go through except with the general approval of the House. I would suggest that we should consider this resolution in committee, nobody being committed thereby to the terms of the resolution; and as the discussion proceeds in committee, we will be able to form an opinion as to the disposition of the House towards the Bill and decide whether it would be well to press it this session.

Motion agreed to, and House went into committee.

Mr. FIELDING. This is really one of the most important clauses in the Bill, the one which is most likely to create some differences of opinion, but I think that, after a short discussion, the committee should be able to reach a conclusion. While the point is one on which I have views of my own, I do not regard it as a vital matter in the Bill, and will be quite prepared to accept the judgment of the committee upon it. Under our insurance law we require home companies and such foreign companies as desire to do business in Canada to take out licenses, put up deposits, and become subject to the provisions of the general Insurance Act. For example, we require them to make returns in a specified manner and at specified times. If they fail to do so, they are subject to penalties, and in many instances such penalties have been collected. It would seem only reasonable that if as a matter of public policy—and it has been the policy of the country for many years—we impose these restrictions or burdens, as perhaps the companies might call them, but let us call them restrictions and obligations—on Canadian companies and upon all organized foreign companies which are well established in Canada, it would seem only reasonable that if parliament imposes these restrictions on these companies, it should not admit other companies to do the business without restrictions. It would seem that is so reasonable a propositon the committee will accept it at once. That I think is the theory of our present insurance law. It does not contemplate the doing of business by foreign companies free of these obligations which may be imposed on our home companies. In the revision of the Act however, it was pointed out that the machinery for enforcing these conditions seems to be defective, and a new clause was inserted to the effect that among the things as respects which penalties are imposed, is the inspecting of risks. It was found that what seemed to be—I say this with deference to those who may possibly hold a different view—the theory and purpose of the insurance law, was evaded by contracts being made outside of Canada. That is to say, an order for insurance would be sent outside and insurance would be effected, and that it is held did not come within the provision of the Canadian clause. Insurance men in Canada argued, apparently with reason, that if they were placed under these obligations, there should be machinery to impose the penalties on all these outside companies which were not subject to these obligations; and so, for the purpose of thoroughly raising the question—which we were well aware would be the subject of controversy—we inserted in the new Bill this provision, that a person who came into Canada to inspect a risk should be deemed to be doing the business of insurance and become subject to the penalty provided in the Act. Property owners say that the effect would be to prohibit any insurance in unlicensed companies, be-

cause if these foreign companies were not permitted to send an agent to inspect risks they would not do the business at all, and our Canadian owners of property would be placed at the mercy of the insurance companies at home, or what is sometimes called the insurance combine, and we find, by our experience in the committee, that these companies are not the most popular organizations in Canada.

When the matter was discussed in the Banking and Commerce Committee, the very men who came before that committee to oppose our Bill, after discussion came to the conclusion that the Bill in that respect has some merit but was probably too severe. It was, they claimed, prohibitive, because if a foreign company cannot come in to inspect a risk it will not do the business at all, and the ground taken by the opponents of the Bill in the end was this: 'We admit the contention of the licensed insurance companies that they ought ont to be placed under these obligations and other companies be free to come in and compete, but we do not want you to shut out the foreign companies altogether. We think that the home companies are entitled to some measure of protection in view of the restrictions which the law places upon them, but our home companies cannot always undertake the volume of insurance required.' Others said that the rates charged by the home companies are so very high that if we prohibit the foreign companies doing business altogether we shall be placing our property at the mercy of the so called Canadian combine. But these gentlemen who came to oppose the Bill took this position in the end. They said: 'We recognize the fact that the home companies are entitled to some protection but do not think that legislation should be adopted which will prohibit business being done by unlicensed companies. We think you might reasonably give the home companies a fair preference and consideration by allowing business to be done by the unlicensed companies subject to the imposition of whatever may be deemed a reasonable tax.'

One of the most prominent opponents of the Bill accepted that view in a personal conversation with me; and as he was a manufacturer, with very well known high tariff proclivities, I said to him: 'My friend, now that you have agreed that there shall be a reasonable tax, do you want a tax imposed under the general tariff of thirty-five per cent or the preferential tariff of twenty-five or twenty per cent?' He said that the rate of taxation was not so serious a matter as the question of prohibition, and he would leave that to the judgment of the committee and let them decide what would be a fair tax and reasonable conditions to impose. The committee, after due consideration, thought that a tax of fifteen per cent on the net premiums on this unlicensed business would be fair and reasonable.

The New England Mutuals do a very large amount of this business. Then there are individual underwriters who do the business. In the Bill, as proposed at one stage, it was designed that the New England Mutuals should come in under these conditions and the individuals or reciprocal underwriters, but that any foreign organized company which wanted to come in, should take out licenses. However, on further discussion, a gentleman in the committee, which took a very warm interest in the whole matter, proposed that we should remove some of the limitations and not only allow the New England Mutuals and the individual or reciprocal underwriters to come in but any foreign company as well, even if it has no license, provided it was subject to the taxation thereafter imposed. That is the form in which the Bill now stands. If this clause be adopted, any foreign company, even though it has no license in Canada and is not subject to the general conditions of our insurance law, will have the right to effect insurance upon complying with the provision of this section—I mean the section which deals with taxation.

The main portion of the section is before us at this moment, that portion which deals with taxation. The second portion requires them to make a return to the Superintendent of Insurance as to the amount of business, &c. But the vital part is the question of taxation, which is the resolution now before us. The committee reached the conclusion that this tax of fifteen per cent was probably a fair and a reasonable one, but before we had disposed of the question, we were asked to consider the special difficulties of a certain class of property owners. A very large volume, probably the greatest volume, of this business done by unlicensed companies is done by the mutual companies. These companies make it their boast that their business is to prevent fires. By the construction which they insist upon, by the system of protection, by what is called the sprinkler system and by the use of various appliances, these companies say, they diminish the risk to very small figures, and in consequence they are able to give the people insurance at very low rates. Indeed, it was stated before the committee that very much of this insurance was done at as low a rate as 12½ per cents and even 10 cents on the $100. The method employed is this: A fixed rate is mentioned as the premium, let us say, for illustration, one per cent, that being deemed to be the maximum risk which the company would run. At the end of the year an accounting is held, and whatever sum has not been found necessary is returned by way of rebate to the

policy-holders. And we have been told by gentlemen who have had experience that, in some instances, these returns are fifty, sixty, even as high as ninety per cent of the original premium rate. The tax that we desire to impose then is not upon the nominal rate, but upon the net rate. In a case such as I have mentioned by way of illustration—factories specially constructed and protected are able to get their insurance as low as 10 cents on the $100—and if we impose a tax of 15 per cent on the net rate of 10 cents on the $100 it will cost them 1½ extra cents on the $100, and that—

Mr. J. HAGGART. How are you going to get at the net rate until the termination of the policy?

Mr. FIELDING. My hon. friend (Mr. Haggart) is quite right. You cannot get at the net rate until the end of the year; we have to make provision for that. But while it is true, as affects a very large volume of insurance, that, perhaps, a net rate of ten cents per $100 is a very low one, in many instances it is 12½ cents to 15 cents. Still, we are told, there are many cases in which the rates are very much higher. Take, for instance, a class of risks such as lumber mills in certain situations where the hazard is held to be particularly great. We are told that these risks, at times, have to be carried at as high a rate as three, four and even five per cent. A gentleman from British Columbia, with whom I conversed, told me that he thought the average of such risks there would be five per cent, though, on further consideration, I believe, he thought that was rather a mistake. But there is no doubt that in cases, specially hazardous cases, they have to pay as high as five per cent. If a man who has to pay, say, $4 for insuring $100 worth of property, that is a pretty heavy tax, and if we should levy 15 per cent on that $4, we should make his insurance cost $4.60 per $100. And we think that where a man was paying these very high rates the tax we propose here should not apply. So we have put in a limitation. While this 15 per cent shall be imposed upon the net cost of the insurance, not the gross premium, wherever the rate exceeds one per cent the tax shall cease to apply. That is to say, that if a man pays for $1 on the $100, he would have to pay 15 cents extra, but if he had to pay $4 on the $100, as in the specially hazardous cases I have mentioned, he would still only pay the 15 cents. In no case shall the tax be more than 15 cents on $100 of insurance.

Now, I have received many telegrams and letters from property owners since this Bill came before the House in its last stages, in opposition to this proposal. I suppose that, to some extent, the people who send these communications are fully aware of the situation, and do not wish to pay any tax—no man likes to pay any more taxes than he must, and the proposition to levy a tax, even though a small one, on any class of the community, naturally, is opposed by that class itself. But, while that may be true as respects some of the telegrams and letters I have received, a large number of the representations made to me are I think based on erroneous information. For example, I have received a letter from the manager of a very large manufacturing establishment in the Dominion, who stated that he desired to protest against this Bill. He said that this Bill would tax his insured property at the rate of 15 cents on the $100 that his premiums amounted to $400, and that under this Bill we were going to increase them to $900. I have no doubt that many of the representations made against the Bill are based on erroneous information, as that one unquestionably was. The gentleman to whom I refer is, as I have said, the manager of a very large business, had received the impression that what was proposed was a tax of 15 cents on every $100 of insured property. If we apply the Bill to his particular case we shall find that, as he is paying only 12½ cents per $100 for insurance and the cost of his insurance is $400, he would pay 15 per cent on that $400, which would be $60. Therefore, the increase in the cost of his insurance caused by this Bill would not be $500 as he supposed, but exactly $60—he would have to pay $460 a year instead of $400 a year. I believe that if this Bill were more widely understood on that point very much of the objection to this clause would disappear. Some of the criticism, I am aware, has been from quite a different point of view. I have been told by hon. members of the House that the principle of the clause is all right, but that it is ineffective; that if we wanted to do something to give a preference or protection to home companies and those which take out a license, we should have made the tax larger, 15 per cent being too small. Others, on the other hand, think that it is too large. We hope that we have struck the happy medium. However, the House will see the principle in a moment. It seems reasonably necessary that we should do something of the kind to give a measure of protection, if you call it such, to our Canadian companies. The question is as to the amount—is it too high as some would think or too low as others would think? I say I do not regard that as a vital point. It is a point on which I have rather decided views myself, as a result of the study I have been able to give to the question in the light of the information that has been laid before me, but it is not vital, and, if it is the opinion of the House the rate

should be lower, I shall be glad to accept it and proceed with the Bill.

Mr. J. HAGGART. I think it is perfectly right that the government should impose conditions on foreign companies doing business in Canada, to put them on an equality at least with our own companies. The minister seems to think that the proposition he has placed before the committee will, to a certain extent, counterbalance the burden the home companies have to bear in putting up deposits, taking out licenses and so on. But the difficulty I see about it is this: Supposing a citizen of Canada goes, as many have done in the past, to the American side, say to the state of Maine, and enters into a contract of insurance; are we going to tax that contract here? Have we the power to do it? That is a nice question. You may provide a penalty for the Canadian going to a foreign country and entering into a contract of this kind, but whether parties in a foreign country who make these contracts will submit to a tax imposed upon them is another point.

Mr. FIELDING. We do not intend to impose it upon the foreign corporation, but upon the Canadian policy-holder.

Mr. J. HAGGART. I understand that perfectly well. But it is an imposition on a contract entered into in a foreign country. As a Canadian, for instance, I go to the state of Maine and enter into a contract for the insurance of my property in Canada, and I am penalized for it. It is nothing else but a penalty. You give him the right to go there, and you impose a penalty upon him for going there. It is a nice question. I do not know whether we have power to pass such legislation at this time. I suppose the Minister of Finance has looked thoroughly into it, and has got over the difficulty in some way. But at first blush it appears that we have no power to impose conditions upon people of Canada going into a foreign country and entering into an insurance contract.

Mr. SPROULE. There is one feature of this proposal which should not be lost sight of. It is the outgrowth of a need which was not supplied in the country, and parties who were obliged to resort to this means for insurance could not get insurance in the country. The Minister of Finance knows that that was said by several gentlemen before the committee, and I have had information from others since to the same effect: First, that they could not get insurance in the country; secondly, if they could get a portion of insurance in the country, as in some cases they could, they were obliged to pay an exorbitant figure for it. I do not think the insurance companies in the country who cannot supply all the local needs should complain if it is done by outsiders. That is the situation here. In the next place it is a much cheaper insurance than can be got in the country. The Minister of Finance said in many cases mills and such lines as that sometimes had to pay 5 per cent. I can tell him that they would have to pay 6 and 7 per cent; you cannot get it at 5 per cent.. You cannot get it in many cases for cash even at 4 per cent. Now then, with regard to the question of whether the amount payable to the consolidated revenue of Canada is too much or too little, in my judgment it is too much. I have in my mind at the present time a party who tells me that on his insurance he pays $2,500 a year. Now 15 per cent of that would be $325. Why should he be obliged to pay $325?

Mr. MILLER. He would not have to pay it.

Mr. SPROULE. He certainly would pay it, because as it, the business, is run now he has declared he does pay it, and that charge does no more than actually carry his risk.

Mr. FIELDING. Is it all in outside companies?

Mr. SPROULE. Yes. Then if this additional tax were put on it must be paid by the party insured, there is no one else to pay it.

Mr. FIELDING. Does the hon. gentleman happen to know the rate? Is it one of those high rates he refers to?

Mr. SPROULE. It is not a high rate. it is a commercial rate.

Mr. FIELDING. Would it exceed 1 per cent?

Mr. SPROULE. No, it is below 1 per cent.

Mr. FIELDING. Then if the rate is lower than 1 per cent, the whole tax would apply.

Mr. HENDERSON. The hon. gentleman says that he pays annually $2,500.

Mr. SPROULE. All these rates are down to about ten cents on the $100. Then he will pay that amount of money yearly, and in addition he will pay $325, which would go to the consolidated revenue of Canada. That would mean to him $325 a year more for insurance, because he would be obliged to pay every cent of it, there is no doubt. Now in view of the fact that we cannot supply that demand at home, and the present companies, whatever their capacities may be, cannot do that business. I think that is a strong reason why we should allow others to do it at as cheap a rate as possible. Then where people have to pay a large amount of insurance on a large amount of property they could get it at a moderately cheap rate. I think ten per cent would be a very good

rate. It seems to me that while all foreign companies ought to pay something to the country for the business of looking after the finances of insurance, the question is how much they ought to pay. It does not seem a heavy tax, and in view of the fact that the books of the companies cannot publish who is insured, if he is a British subject and a Canadian, I think we should make it as cheap as possible.

Mr. MILLER. The hon. gentleman spoke of a man paying $2,500 a year for his insurance. Does the hon. gentleman know the rate of premium that was paid?

Mr. SPROULE. No, I do not.

Mr. MILLER. I think the hon. gentleman will understand that if the rate of premium was over 1 per cent, as I should think it would be to make that gross amount, then the tax would not be 15 per cent but probably only 5 per cent or 3 or 4 per cent.

Mr. SPROULE. I just answered the Minister of Finance that my understanding is that it is below 1 per cent, and therefore the whole rate comes off him.

Mr. MILLER. What class of property was the insurance on?

Mr. SPROULE. It is on manufacturing property.

Mr. MILLER. Mill property?

Mr. SPROULE. Yes.

Mr. MILLER. A sawmill?

Mr. SPROULE. I am not going any further.

Mr. MILLER. If we knew the class of property we would know something as to the rate of premium that was paid. Much would depend upon whether it was a sawmill or planing factory, or any thing of that sort.

Mr. SPROULE. The hon. member knows you cannot get a rate on an ordinary sawmill or planing factory in this company at all. They do not take that kind of risks.

Mr. MILLER. New England companies do not, but there are companies doing business outside of Canada who do take sawmills and lumber yards; they are not New England companies, but there are some who do. Now many hon. gentlemen have received telegrams and letters asking them to oppose this tax of 15 per cent, not to exceed 15 cents on each $100 I have in my hand a circular letter sent out by Mr. Heaton, who is manager of the Insurance Department of the Manufacturers' Association, and I apprehend that it is as a result of this circular letter from Mr. Heaton that these telegrams and letters have reached members of the House. In his circular letter Mr. Heaton says:

> The committee of the association having this Bill in charge has decided, first, to send a deputation to Ottawa to seek a reduction in the amount of the tax; second, to request you to promptly wire your representative, the Minister of Finance, or other members of the House, protesting against the amount of the tax.

Now, I point out that this letter from the manager of the insurance department of the Manufacturers' Association does not oppose the principle of the tax, it simply asks to have some reduction made in the amount of the tax. I would point out to the House that the hon. member for Brant (Mr. Harris) moved in committee to have the rate of duty increased from 15 per cent to 25 per cent. The manufacturers and others who were here looking after their own interests in connection with this Bill, stated they were quite willing to pay a tax of 25 per cent or even a higher tax; one of them was the secretary of the Manufacturers' Association. I may say that I heard Mr. Kemp, who in the last parliament was a member of this House from the city of Toronto, who is a prominent manufacturer and a prominent member of their association, state that he would be quite willing to pay a tax, if the committee thought it wise to fix it at that amount, as high as 30 per cent. The hon. member who has just spoken (Mr. Sproule) has spoken of the inability of Canadian companies to carry insurance and that therefore it is absolutely necessary for Canadian insurers to go outside Canada. Now there is a great deal of difference of opinion as to that. Mr. Laidlaw, a prominent insurance man, speaking before the commission, insisted that the Canadian companies were quite able to carry all the insurance needed for any who may desire to apply.

Mr. SPROULE. I think the hon. gentleman was chairman of the committee. Is he not aware of the fact that the gentleman representing the Eddy Company came before that committee and declared positively that he had tried all the Canadian companies for insurance, and after they had absolutely refused him, he was obliged to apply to American companies. That is only one of two or three other cases that were cited before the committee, where they could not get insurance in Canada.

Mr. MILLER. I remember the incident very well. I remember there was a little war of words between the gentleman referred to and one of the insurance men, and that the representatives of the insurance

companies who were before the committee said that since the Eddy Company had improved their risks they had not applied to the Canadian insurance companies at all, and he said that the Canadian companies were glad and able to carry all the insurance they could get and to carry it at a rate nearly as low, if not quite as low, as it is being carried now by American companies. It was thought by the committee that as there was a difference in the statements, the insurance men stating that they were able and willing to carry at reasonable rates all the insurance that Canadian manufacturers and other business men may have to offer them, it might be well to allow this Act to go and remain in force at least for one year, and then if there were cases cited to us of the inability of Canadian business men to obtain insurance in Canadian companies or under then conditions in outside companies, some amendment might be made to the Act. I point out to the hon. gentleman that if the Bill carries in its present form no man is prevented from going to the United States or any other part of the world and getting insurance if the Canadian companies are not able to carry the business. He is as free as he was before to go outside and obtain insurance.

Mr. SPROULE. Of course he has to pay a higher rate.

Mr. MILLER. He has to pay a higher rate, but the additional amount will be very small; we were informed by some manufacturers that it will make very little difference in the gross amount of their premiums and will still leave them free to obtain insurance outside of Canada much cheaper than they can in Canada.

Mr. BRISTOL. Then what good would that do the Canadian insurance companies?

Mr. MILLER. This will have a tendency in cases where there is little difference between the rates of the Canadian and American companies to send the business in the direction of the Canadian companies.

Mr. BRISTOL. Is not the information before the hon. gentleman that the difference in rate is very great?

Mr. MILLER. The very cheap insurance that has been given to the Canadian manufacturers and business men by the New England sprinkler companies has been due to the fact that they have been making a specialty of 'sprinkler' risks. In order to carry to advantage this sprinkler business the American companies have employed expert inspectors, among the most clever men in the American business world, each one a specialist in his line. It was not contended that the rates of the Canadian companies were too high under existing conditions but the Americans have their system of inspection and by compelling the improvement of risks, have been most successful in preventing fires. There was not a sufficient volume of the sprinkler business in Canada to permit Canadian companies at any reasonable rate of insurance to employ expert inspectors. That class of business has been growing and with the increase in the number of manufacturers, the improvement in their financial circumstances and their consequent ability to equip their factories with sprinklers, which are quite expensive, the Canadian companies have within the last two years employed just as efficient and well-equipped inspectors as the American, and are just as well able to look after this business. It is true that until very lately they were not as well equipped for handling it as the American companies. The sprinkler rates charged by the Canadian companies are now very nearly the same as those charged by the American companies, in fact a number of Canadian firms who for years have been carrying their business in American sprinkler companies have voluntarily placed it with Canadian companies.

Mr. SPROULE. While in the case of the Eddy Company it was contended by the insurance agents that they would take the risk after the improvements were made, the representative of the Eddy company asked them: 'Why did you not tell us you would take the risk provided certain improvements were made to prevent fires? We would have made them but we had no information from you that you would accept the risk and you did not send any people to educate us how to arrange the buildings or what preventive measures to adopt. You simply told us that you could not take the risk. Now that we have made the improvements you say you will take it.' The Canadian companies are thus primarily at fault because they did not educate the people as to what is requisite to prevent fires so as to reduce the cost of insurance. Then when others come in and give the information the Canadian companies say: 'Oh, if this had been done we would have taken your risk.' There is a flat contradiction between the men most interested, those who are obliged to obtain insurance and the insurance people. I think Mr. Kemp said something to the effect that he could not get insurance on his business in this country and that therefore he was obliged to go abroad. Mr. Kemp is well known by members of this House and is a man in whom everybody has confidence.

Mr. MILLER. I do not think the committee got much information from the somewhat angry words of the gentlemen to whom the hon. member has referred. I

have here a short letter by an insurance agent to the member for North Perth (Mr. Rankin) which I shall read:

Stratford, Ont., May 14, 1909.

Dr. J. P. Rankin, M.P.

Dear Sir,—In reference to the insurance Bill now before the House, I wish to state that I think clause 139 dealing with unlicensed companies is particularly worthy of your support I find unlicensed American companies are canvassing for business in this district. They interfere with the local agent's business, do not pay taxes to the government as all licensed companies do and are not in any way under the control of the Insurance Department. I do not think this is fair to agents who make their living in the insurance business. Some manufacturers claim they can get cheaper insurance, but if this is the case they should be willing to pay the same average rate of duty on their business as the public pay on manufactured goods. I trust you will see your way clear to support this Bill.

Yours truly,

R. THOMAS ORR.

I am myself a director in one of the largest furniture companies in Canada. That company has had two of its factories insured in the New England Sprinkler Company and the management are quite satisfied with the Bill before the House and will be quite willing to pay the small additional tax, which they think reasonable.

Mr. PERLEY. This clause is the most contentious one in the Bill and the one which was most discussed in the Special Committee. It is a very vexed question. Representatives of both sides gave evidence regarding it before the Committee on Banking and Commerce. Personally I think it would be better if things were left as they are at present. To my mind the law ought to be made very strict to prevent any unlicensed company from having an agent, opening an office or soliciting business in Canada. But I can see no good reason why I should not be free to take insurance in a foreign company if I desire to do so. It seems to me you might as well enact that I should not go and borrow money in New York as that I should not take out an insurance policy in New York. To forbid me to take insurance except in Canada is an interference with individual liberty which I do not think any member of this House would countenance. As this clause was drawn it would prevent anyone from going abroad and taking insurance in an unlicensed company. Before the Committee on Banking and Commerce the chief discussion was with reference to the New England Mutual. The representatives of the manufacturers came here and asked that these companies should be allowed to continue to do that business. The chairman of the committee (Mr. Miller) said that Mr. Kemp stated he was willing to pay 35 per cent.

Mr. MILLER. I said Mr. Kemp had said he was willing to pay 30 per cent.

Mr. PERLEY. I do not think Mr. Kemp meant that in that way. The discussion was with regard to putting a tax on, and he said he would be willing to pay one if necessary, even if he had to pay as much as 35 per cent, but he did not state that he believed that that was a proper principle or that he ought to be asked to pay any such tax. However, the clause was afterwards changed in the committee, and as it is now drawn, any person in Canada can go abroad and take insurance in any company provided he pays this tax of 15 per cent. If this principle is to be adopted, the clause as now in the Bill is a good, fair clause. We have tried to put it in as good shape as possible provided this is to be the principle adopted, and I understood that the Minister of Finance thought that was the proper principle. Personally I would prefer to have this clause and subsection (c) of section 70 struck out. That would leave a person free as at present to take insurance in an unlicensed company abroad, but would prevent absolutely any unlicensed company from soliciting business or having an agent in this country. I believe that any insurer in this country would prefer to take his insurance in a Canadian company. If I need insurance it is easier for me to take it from an agent right in the city, from a licensed Canadian company, than to go outside. No one is going outside to place insurance in an unlicensed company and take the chance of their having no deposit in this country unless there is a great difference between the rates. Any reasonable difference between the rates would not be sufficient to influence me or any other insurer in this country to go abroad for his insurance. These New England Mutuals have prevented a lot of fires in this country, they have lessened the ratio of fire losses and Mr. Morrissey himself said in the committee that the Canadian companies have learned from the New England Mutual and are working on the same lines themselves in regard to inspection of risks, and endeavouring to reduce losses so as to be able to reduce rates. It, therefore, seems to me that in the natural course of events the licensed insurance companies will get nearly all the business in Canada, because they will so reduce the difference in rates that no one will go abroad for insurance.

The question is have we the power to make a law of this kind or does it come under provincial jurisdiction. I notice that a few days ago a similar question was

brought up in the legislature of Quebec. It seems that they have a law there regarding insurance which has been amended slightly during this session. I shall quote from this paper remarks made by the Hon. Mr. Weir, Provincial Treasurer of Quebec, who says:

The chief clause was explained by Hon. Mr. Weir, the Provincial Treasurer, as follows:—The Insurance Act prohibits foreign insurance companies from doing business in the province of Quebec, and manufacturers and companies are prohibited from insuring in foreign insurance companies that are not licensed by the province, except under one circumstance, if they can prove to the satisfaction of the Provincial Treasurer that they are unable to obtain insurance within the province at ordinary premiums. The managers of Quebec insurance companies have represented that there is no such thing as an ordinary premium; that there are special premiums for special classes of insurance. We are, therefore, replacing the word 'ordinary' by the word 'reasonable.'

This means that, if the present Quebec statute is intra vires, no person in that province is allowed to take insurance in a foreign company not licensed in Quebec unless he can prove to the satisfaction of the provincial treasurer that he is unable to obtain insurance within the province at a reasonable rate. It will be seen that this covers exactly the ground proposed to be covered by section 139 of this new Act. I think it is a great pity that this Bill should be proceeded with in this House at this late stage of the session. It is very necessary that we should have such an Act in Canada, it has been discussed long enough, and while I am glad to say that this Bill is very different from the report of the Insurance Commission and is in a fairly reasonable shape now, at the same time I am sorry that we have got to pass it at the end of the session when there is no chance of properly discussing it. However, this is the only section of the Bill about which there was any contention or difference of opinion when the committee concluded its labours. Personally I would like to see this section dropped from the Bill and also subsection (c) of section 70 as I have said. If, however, this principle is to be adopted by the government, then I say frankly that I think this clause has been knocked into pretty fair shape.

Mr. MILLER. I would impress three things on this committee: In the first place the committee were at a loss to know how to get over this very difficult question, and the plan adopted, which appears in the section now before the committee, was regarded as a happy solution. It was suggested by the manufacturers who were present at the committee, it was accepted by the insurance men and was in fact a compromise upon which they had practically agreed between themselves. I do not want to emphasize Mr. Kemp's words any more strongly than I ought to, he spoke in an off-hand way without thinking or meditating very long on what he was saying, but still I heard him say that if the tax were fixed at thirty per cent, he would have no objection. At that time there had been no proposition to fix a maximum percentage, which makes it better from the point of view of the insuring public.

The next thing I would like to impress is that any company in the wide world is perfectly free to come to Canada and do business if it will comply with the conditions of the Canadian law, pay a deposit and take out a license. It is not out of consideration for the companies which refuse to comply with our laws, but out of consideration for the insuring public, the manufacturers particularly, that the committee agreed to allow insurance to be effected by these companies under the conditions imposed by this section. The third thing is that the chief expense to Canadian companies in carrying this class of business is not the losses they have to pay, because they almost entirely prevent loss, but the large salaries they have to pay to the very expert inspectors whom they employ. I would point out that anything we can do which will tend to drive business to Canadian companies, to increase their volume of business, makes it possible for the Canadian company to reduce the rates and carry insurance at a rate not greater than that charged by the American companies. The only reason why American companies can and do secure this business at a somewhat lower rate than the Canadian companies is because of the larger volume of business. Anything we can do to increase the volume of business of the Canadian companies would have the effect of enabling them to reduce their rates.

Mr. BLAIN. Would the hon. gentleman state the amount of insurance held by New England Mutual companies in Canada and on what class of property?

Mr. MILLER. I cannot give the amount, because these companies are not bound at present to make any returns whatever to the Canadian authorities, but the class of business they cover is the best Canadian business, such as factories of stone or brick with a first-class roof and a sprinkler system; and they insist on having, in nearly every case, a water supply on the premises clearly and entirely distinct from the municipal supply. No matter how good may be the municipal fire protection, they insist on an independent source of supply. It is the very cream of the business that goes to the American companies. The insuring public, who have not the very first-class risks, are compelled to place them with the Canadian companies.

Mr. BLAIN. Would the hon. gentleman give the amount approximately?

Mr. MILLER. I have nothing on which to base an estimate.

Mr. THOBURN. The parties insuring in these American mutual insurance companies carry, as a rule, very heavy insurance; and while 15 per cent on the premium may seem very low, it amounts, in the aggregate, to a very large sum. I have a case in point which will give a fair idea as to the extra charge caused by the imposition of 15 per cent on the premium. I do not say for a moment that the American insurance companies should come into this country free. I am too good a National Policy man to agitate that. At the same time let us have this insurance at as reasonable rates as possible. If the rates can be reduced, let us reduce them. Let me say that American insurance companies deserve great credit for having reduced the rates for fire insurance in Canada to the extent they have. Although not insured in the American companies, I have had, however, a great deal to do with the Canadian fire insurance companies, and as far as straight-line companies are concerned, I have found them very difficult to deal with. In fact, I am carrying no insurance with these companies. I have to place my risks with the Canadian Mutuals and I cannot understand why straight line companies cannot carry a risk in Canada as reasonably as the Mutuals. The case I have in point is that of a firm which carries $400,000 of insurance with these American Mutuals, paying a rate of 60 cents per $100. On that amount of insurance, the premium would be $2,400. To impose an additional 15 per cent on the premium will cost that firm $360 additional. That would buy $60,000 more insurance with the American Mutuals, so that while the 15 per cent looks small, you see what it may amount to. As a rule, all insurance policies in Canada with the American Mutuals, are for very large sums, because you have to expend a very large sum in equipping your mills with suitable fire appliances before you can have your buildings satisfactory to these companies.

Mr. FIELDING. One good thing we shall accomplish by the discussion of the Bill is that our own companies will find it necessary to adapt themselves to such cases as my hon. friend describes. If nothing else comes out of this discussion, there will be a better understanding arising from it. The representations made by property owners are such that they will challenge public attention and make the companies realize that they must make special efforts to deal with that class of business.

Mr. R. L. BORDEN. There does not seem to be much question about this except as regards the amount of the tax, and I would be prepared to accept the judgment of the committee on that point, who have looked more carefully into the matter than any one not on the committee could hope to do at this stage. I would suggest that we should pass the resolution, but would like at the same time that the consideration of this question might be held over until Monday. My hon. friend from Jacques Cartier (Mr. Monk) is detained by illness. He told me that he had a number of representations to make with regard to this matter, and my hon. friend from Toronto (Mr. Foster) has, I believe, something to say on the same point.

Resolution reported, read the second time and agreed to, and referred to Committee of the Whole on Bill (No. 97)—to amend the Act respecting insurance.

On section 12,

Mr. AMES. I would like to ask if the minister can give us any assurance that the supporters of the government in the Senate will favour an opportunity being given to those who consider themselves aggrieved by this Bill to be heard in the Banking and Commerce Committee of the Senate. This Bill represents the result of a good deal of labour on the part of members of this House who have served on the committee that dealt with it, but if it will make some difference to the attitude we all take in regard to it in this House, whether we are really to consider this a finality or not, if it has to go to the Senate, opportunity should be given before the Banking and Commerce Committee of that body to those who desire again to be heard on this measure.

Mr. FIELDING. I am hardly in a position to make a statement as to what the Senate may do. As far as the House is concerned, the attitude of the government will be that, while inviting discussion, they have no desire to press the Bill unduly. If any number of gentlemen in the Senate want the Bill sent to the Banking and Commerce Committee of that body, the government has no objection. No doubt that committee will be asked to consider it.

Mr. BLAIN. I take it that the government would be favourable to an opportunity being given in the Senate for the hearing of those who desire to be heard on the subject.

Mr. FIELDING. Certainly, we would offer no objection whatever. But application would have to be made by some members of the Senate.

On section 31,

Annual statement of company's business —foreign companies.

Mr. SPROULE. Would this apply to those companies that we have been talking about, foreign companies that do sprinkler insurance in Canada?

Mr. FIELDING. These general provisions would not. They are required by section 139 to make returns of a certain character.

Mr. SPROULE. But it says, 'companies incorporated or legally formed elsewhere than in Canada.' Are these companies 'legally formed'?

Mr. FIELDING. That is a form that has been in the Act for a long time. It refers to companies having a legal organization of any kind.

Mr. SPROULE. But if the company is legally formed, it must, under this section, make a return.

Mr. FIELDING. For this purpose, yes. But the other companies to which the hon. gentleman has referred would not. If the hon. member will read section 139, he will see that we provide that, in the case of unlicensed companies, no penalty shall be imposed if certain things are done—if they make certain returns, pay these taxes, and so on.

On section 55,

Advances to agents forbidden.

Mr. FIELDING. I move to substitute the word 'Canadian' for 'such' in the first line of this section.

Amendment agreed to.

On sections 56 and 57,

Salaries of officers and agents, and salary agreements.

Mr. LENNOX. If it is intended to confine these sections to Canadian companies, it might be more clear to put in the word 'Canadian' instead of 'such,' as in section 55.

Mr. FIELDING. I think it would be better to amend the sections in that way. Of course the distinction is that we cannot control the foreign companies whose charters are obtained abroad, but we can control our own companies.

Amendment agreed to.

At one o'clock, Committee took recess.

Committee resumed at three o'clock.

On section 68,

Mr. PERLEY. I wish to say a few words in connection with this clause and a few others of a similar tenor. I wish to draw attention to what I consider a change in the spirit of our new legislation as compared with the old. I refer to the powers of the superintendent. Of course, I cannot express too strongly my regard for the present superintendent, who, I am sure, will do properly whatever he has to do in this connection. But as this law will be in force many years, I wish to say a few words regarding this change. In section 68 the superintendent is given great powers. If it appears to him that any company has placed a value upon its real estate which is too great he can call for valuators and have that value changed. Subsection 2 further provides:

2. If upon any examination of a Canadian company's affairs it appears to the superintendent for any reason desirable that a complete and thorough audit of the books of the company should be made or if a company makes a written request for such audit, the superintendent may nominate a competent accountant.

According to this, the superintendent may nominate a competent accountant to go through the books of the company, if for any reason he thinks that desirable. That is a power which I think ought to be lodged in the minister and not in the superintendent. In section 77, subsections 2 and 3, which I need not read, it is provided that the superintendent may make all necessary corrections in the annual statement of any company and shall be at liberty to increase or diminish the liabilities given in that statement, and there is no appeal except to the Exchequer Court. In the old Act that would be done through the minister. Under section 44, which is also in the old Act, the Treasury Board may upon the recommendation of the minister, appoint actuaries and valuators to value and appraise the company's liabilities and assets, which provision is right and proper. Under section 109, which is the same as in the old Act, if the reserve of any company falls below the proper basis, the superintendent shall report to the minister who may direct him to compute the reserve or have it computed under his supervision. Section 116 is in the same spirit. It provides that the companies shall make attested returns of their condition and affairs at such times and in such form, and attested in such manner, as are prescribed by the minister. It seems to me that the spirit running through the old Act is more in accord with our institutions than that of the new sections. The superintendent is given great authority in the new sections compared with the old; and while I have no desire to obstruct the Bill, I wish to place my views before the House and shall abide by its decision.

Mr. FIELDING. The minister will still have to be held responsible, in the constitutional sense, for his officers, no matter how we may frame the section. The reason for the change is this: If there was any criticism of the Finance Department at all in this matter, it was that the superintendent did not have sufficient power. When asked why he did not do certain things in certain circumstances he said he had not the power. We are endeavouring to give him larger powers, but not with any desire of relieving the minister. So much of the Insurance Department work is clearly technical that it seems to me, in order that the superintendent may do effective work, we should allow him a free hand to do it properly. If he has to refer everything to the minister, there will be unavoidable delays, and whoever may be the superintendent or the minister, these powers will be used moderately and prudently and only for the public good.

On section 7,

Mr. SPROULE. I would ask to have this section stand and also section 139 as there are some hon. members not present who desire to speak on it.

Mr. FIELDING. I am quite agreeable.

On section 98,

Mr. LENNOX. The question raised some time ago as to medical men being qualified to be directors. Perhaps the minister will inform the committee as to that.

Mr. FIELDING. There was some consideration of that, but the committee were unanimous, I think, in recommending the present form. We had a number of representations from medical men who seemed to think that their privileges were being interfered with. There is nothing in the Bill to interfere with the right of the company to employ a medical referee or to pay him whatever may be considered proper by way of salary or other form of compensation. The point is that officers of the company, other than certain chief officers mentioned —such as the president, the vice-president and the manager—are not eligible to be members of the board. The view of the committee was that as the relations between the company and the medical referee were, without giving offence, those of master and servant, he who is the servant should not be the master. The medical referee, however, may still sit as an adviser of the board, just as a solicitor might do, but he would not be qualified to be a member of the board. There was no intention of legislating against medical men, but it was thought that the officers of the company, other than the chief officers mentioned, should not be directors.

Mr. PERLEY.

On section 139,

Insurance in unlicensed companies.

Mr. SPROULE. This is the section which was to be allowed to stand along with section 70.

Mr. FIELDING. I would move to strike out subsection 4 of section 139 as being unnecessary. Then, the remainder of the clause will stand.

Mr. LENNOX. What does the minister say to allowing that to stand as a notice of motion for the present?

Mr. FIELDING. The whole section can stand, except that I want it clearly understood that I do not want subsection 4 to be passed.

Mr. LENNOX. Yes, but, as to the act of striking it out——

Mr. FIELDING. The whole section can stand; I have no objection.

Mr. PERLEY. What about the revenue?

Mr. FIELDING. It will go into the Dominion treasury. This is practically an appropriation clause, and I doubt that the House, under the present proceeding, could pass it. It is a disposal of the public revenue, and I think that anybody taking the point could have it struck out.

On section 175,

Liability in case of loans by companies to directors or officers.

Mr. FIELDING. I move to strike out the words 'or clerk' in the second line, and to insert the word 'or' before the word 'officer.'

Amendment agreed to.

On section 177,

No loan to directors or officers.

Mr. FIELDING. I move a similar amendment, that the words 'or clerk' be struck out and that the word 'or' be inserted before the word 'officer.'

Amendment agreed to.

Progress reported.

Mr. PERLEY. Is it proposed to bring this on again Monday morning?

Mr. FIELDING. I would be glad to adapt myself to the convenience of any hon. gentleman; the House has been very considerate. If any hon. gentleman wished it brought on at any particular hour I would be happy to accommodate him. For the present, we will simply put it on the order paper for Monday morning.

GOVERNMENT LOANS.

House went into committee to consider the following proposed resolution:

Resolved, that it is expedient to authorize the Governor in Council to raise, by way of loan, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by parliament by any Act heretofore passed, such sum or sums of money, not to exceed in the whole the sum of fifty million dollars, as may be required for the purpose of paying maturing loans and obligations of the Dominion of Canada, and for the carrying on of public works authorized by the parliament of Canada.

That the sums of money to be raised by way of loan on any Act founded on these resolutions, shall be raised in accordance with and under the provisions of that portion of chapter 24 of the Revised Statutes of Canada relating to the public debt and the raising of loans authorized by parliament; and that the sums so raised shall form part of the consolidated revenue fund of Canada.

Hon. W. S. FIELDING (Minister of Finance). The House has already been made aware, from earlier discussions of our public affairs, that there are considerable liabilities maturing for which provision should be made. We have borrowing powers for certain specific purposes but it is necessary that we should have additional powers for other purposes, and particularly to include a provision for maturing obligations. We have a loan of the year 1885, which will mature on the 1st of January. The amount of the loan, which was a conversion of a former loan is very nearly £6,500,000 sterling. Against that there are certain sinking funds which will in part meet the loan, and we shall only have to provide for the balance. The sum required to retire that loan is $20,874,000. We have temporary loans maturing during the fiscal year to the amount of $11,277,333, which of course should be retired. There is another 4 per cent loan of 1885 as respects which we have an option. The loan may be redeemed by the government after giving six months notice; it may be redeemed in the year 1910. It is desirable that we should make provision for the redemption of that loan, if the money market condition should be found favourable. If, on the other hand, the money market condition should prove to be such that there would be no advantage in redeeming the loan, we have a right to carry it on for a further period. It is a 4 per cent loan, and it is a debateable question whether we would find it expedient to redeem the loan; but we ought to be in a position to redeem it if the market conditions are such that we are able to borrow on more favourable terms. We therefore need for the purpose of the redemption of loans within the present fiscal year, $20,874,000 for one old loan maturing; $11,277,333 for temporary loans; and $17,750,000 for the redemption of the second loan, if we should decide that it is wise to redeem it. These sums aggregate $49,901,333. These maturing loans, two of them, were loans of 1885, and the $11,000,000 or thereabouts of current temporary loans, will approximately call for $50,000,000; and we have agreed to ask in our Bill for authority to issue $50,000,000 if necessary.

Mr. LENNOX. What is the rate of interest of this temporary loan of $11,000,000?

Mr. FIELDING. It was at various rates of interest. I gave the figures at an earlier stage; they will be found in the 'Hansard.' They were issued from time to time at various rates in the money market; I think the highest was 4 per cent, some of them were lower.

Mr. PERLEY. I hope the minister, in view of the large amounts we will probably have to borrow in other years, will try to make a long loan instead of these short loans. I must say that the expense of making short loans is very considerable The money market is in good condition this year, and it will be wise to make a long loan. As respects this old 4 per cent loan which can be left for many years without being paid off, it seems to me it is very unlikely that we can borrow money at a net rate of interest lower than that during these years when we have so many loans to make.

Mr. FIELDING. If the market condition was such that we could borrow at 3½ per cent, my hon. friend as a business man, would say that we should do it, and that will be done only if the market condition is favourable. As to the comparative expense of long loans and short loans, I quite agree with my hon friend that a long loan is more desirable. If I might be allowed to refer to a prevlous debate, the hon. gentleman severely criticised the policy of short loans, notably the policy which began in 1904, and in the very same sentence spoke warmly, but not too warmly, of the judgment of my late deputy minister (Mr. Courtney?. It is an interesting fact that the particular short term loan that my hon. friend thought rather imprudent was negotiated by Mr. Courtney himself in London. I do not say that for the purpose of removing any responsibility from the minister; he must take the responsibility, but I mention it as an additional reason why perhaps, all things considered, the short loan was at that time the best that could be done.

Mr. PERLEY. That only shows that even a good man can sometimes go wrong.

Mr. FIELDING. Oh, no.

Mr. SPROULE. I suppose the Bill will not be finally disposed of to-day?

Mr. FIELDING. No, the third reading will be held over until Monday.

Mr. SPROULE. Will the invitation for tenders be for the whole sum or for portions of it according to the judgment of the Governor in Council or the Minister of Finance.

Mr. FIELDING. The probability is that this will be done on the London money market and much will depend on the conditions. If it is deemed best to issue a large sum at once we shall do it. If after consulting with our financial advisers, there appear to be any reasons why it should be divided into two parts, it will be divided, according to the condition of the market and the advice we get from the financial experts with whom we consult in London.

Mr. PERLEY. What does the minister intend to do about sinking funds?

Mr. FIELDING. I stated in the budget speech that although for some years the policy of sinking funds had not been followed it seemed wise to revert to that policy and that in the case of future loans it would be adhered to.

Mr. PERLEY. I think the minister is wise in that, and I hope that policy will be invariably followed in the future.

Resolution reported, read the second time and agreed to.

Mr. FIELDING moved for leave to introduce Bill (No. 191) to authorize the raising by way of loan, of certain sums of money for the public service. He said: This loan Bill is exactly in the words of the resolution we have just adopted. I would ask the House to advance it to the point I have just suggested, reserving the third reading until Monday.

Motion agreed to, and Bill read the first and second times and House went into committee thereon.

Mr. HENDERSON. Will the sinking fund apply to the entire $50,000,000?

Mr. FIELDING. To any loan that is issued thereafter; that is my intention.

Mr. HENDERSON. How will the minister invest the sinking funds until the bonds mature?

Mr. FIELDING. These bonds are placed on the market and can occasionally be purchased. The general practice is to buy the bonds of the Dominion if they are available, and the practice of the past will be followed. Indeed one of the advantages of a sinking fund occasionally is that it makes a market for your own bonds.

Mr. HENDERSON. I understand that the sinking fund now available to retire certain bonds is invested in our own securities, that is we have been investing our sinking funds by buying our bonds and in this way have just so much less to pay.

Mr. FIELDING. Yes. As far as possible we will continue to do that.

Mr. SPROULE. What is the nature of the book-keeping operations in calculating the interest on the sinking fund?

Mr. FIELDING. The sinking fund is held by trustees and if the bond be not cancelled it goes into the sinking fund and you simply credit the interest to it as if it was in the hands of the public.

Mr. HENDERSON. A sort of cross-entry.

Bill reported.

DEPARTMENT OF LABOUR.

Sir WILFRID LAURIER moved the second reading of Bill (No. 165), respecting the Department of Labour. He said: In presenting some days ago the resolutions upon which the Bill is founded I stated that upon the second reading I would give to the House the reasons which have induced the government to introduce this legislation. From certain remarks which on that and other occasions have fallen from the lips of some hon. members, I understood that there were in the minds of some of our colleagues some misgivings as to the advisability of such a measure. For my own part, I think the only criticism that can be offered is that we have delayed too long, that such a measure should have been introduced years ago. This legislation, in our judgment, is rendered necessary by the ever growing dignity and importance of labour questions and labour problems. The word 'labour' is rather a complex term. It has many significations, but so far as this legislation is concerned, we understand by labour the relations between wage-earners and wage-payers. It will not be disputed that for generations and generations the wage-earners had scarcely any standing in the community. The only right the law acknowledged to the labouring men, was that they could sue in a court of law for the miserable pittance paid to them. As to the other rights of labour, as to the dignity of labour as a class, the views of the civilized world, up to perhaps fifty or sixty years ago, were very crude. But some sixty years ago the advance of civilization caused quite a revolution to take place in the relations between wage-earners and the wage-payer. At last labour has been advanced to the dignity of a class in itself, and quite as important in the economy of society as any other class. Labour has been the cause of prolific legislation in all civilized nations from that day to the present, and Canada has not been behind other nations; indeed we may claim to be as advanced if not more advanced in this respect than many others of the more civilized nations. Some years

ago, pursuing the idea which I have just indicated, the parliament of Canada thought it advisable to organize a Department of Labour. It was in the nature of an experiment, and when the proposal was submitted to the House, some did not suppose that it would be conducive to much real good. But, whoever at that time entertained this idea has since revised his judgment. The experiment has proven eminently successful, and were the same legislation to be introduced to-day I doubt if it would meet with any opposition. It is sufficient for us to bear in mind what has been done by the Department of Labour since its organization to enable us to agree that its creation has been more than justified by the results, because it has been successful not only in alleviating the condition of labour itself but in making the relations between the wage-earners and the wage-payers more satisfactory than they ever were before. In our judgment the experiment of nine years ago should now be carried out to its full fruition by the establishment of a Department of Labour presided over by a responsible minister of the Crown. I should say that this has been asked for by the labour organizations of the country. In 1906 the Trades and Labour Congress of Canada which met at Victoria, B.C., that year adopted the following resolution:

That this congress is pleased to express its approval of the action of the Canadian government in establishing a Department of Labour, and also its recognition of the work accomplished by the department in the interests of the industrial classes in Canada, during the six years of its existence. The congress is, however, of the opinion, that while it may have been expedient, pending such time as the organization of the department was being effected and its position established, to assign the portfolio of Minister of Labour to a member of the government holding another portfolio, the time has come when both because of the increasing extent and importance of the work of the department, as well as to secure a fuller representation of the views and needs of the industrial classes in the government of the country, the Department of Labour should be represented by a Minister of Labour, whose duties will be confined to the interests of that department, and this congress is of the opinion that the creation of a separate portfolio of Minister of Labour would receive the hearty endorsation of the working classes of Canada from one end of the Dominion to the other.

At the congress of the same body held the following year at Winnipeg this resolution was adopted:

That this congress records its appreciation of the valuable services rendered to the workingmen of Canada by the Dominion Department of Labour since the establishment of the department in 1900. The congress believes that the continuous growth and expansion in the department's work during the seven years of its existence is an evidence of the increasing importance of this branch of the administration. Whilst recognizing the able manner in which the present Minister of Labour and his predecessors have discharged the duties of their office as minister of the department, the congress believes that the scope of the department's work and its efficiency and usefulness would be greatly increased were a Minister of Labour appointed who would give undivided attention to the work of the department. In the interest of the country as a whole, no less than of its working classes this congress would recommend that the Dominion government add to the present portfolios that of a Minister of Labour who shall be assigned control of the Department of Labour as a separate and distinct branch of the administration.

In 1908 at the congress of the same body held in Halifax a resolution to the same effect was carried; and at the National Trades and Labour Congress of Canada, held in 1907, this resolution was passed:

That the government be urged to separate the Department of Labour from the Post Office Department. This has become necessary in the opinion of this congress owing to the great increase of business in the Department of Labour, and, further, a Minister of Labour, acting solely in that capacity would be in a better position to give greater attention to the demands of the workmen.

At the congress held in 1908 at Quebec a similar resolution was adopted. In the opinion of the government this is a legitimate demand which can be paid heed to, and that is why we introduce this legislation. The House is entitled to know what will be the cost to the country of this proposal. The only cost that can be involved by the creation of this new department will be $7,300 per annum; $7,000 the salary of the minister and $300 in part payment of the salary of his secretary. I suppose that under such circumstances the House will have no hesitation in endorsing the enactment of this legislation and I therefore move the second reading of the Bill.

Mr. R. L. BORDEN. To the proposal to create a Minister of Labour whose duties shall be solely confined to the affairs of that department I have no special objection to offer, subject to certain considerations to which I shall call attention. In Canada as in every civilized country the relations of what are called the labouring classes with the rest of the community are of vital concern to all, and the ability of the people of Canada or of any other country to find a wise and just solution of the various social and economic problems which are pressing upon the attention of the civilized world, is one of the tests of their capacity for self-government. I realize that the questions—I might say the problems—attending labour conditions are worthy of the deepest and most earnest consideration of Canadians, of their representatives in parliament, and of the members of the cabinet. But there is an-

other consideration to which I think attention might be called. We are a somewhat sparse population of about 7,000,000 covering a territory of great area, and we have already provision made in the statutes of Canada for 14 members of the cabinet, and a solicitor general as well. Without making the slightest attempt to cut down the number of the existing cabinet ministers the government now propose to add another, so that in respect to the number of cabinet ministers which this country enjoys we shall, I think, surpass the record of the whole civilized world. Does my right hon. friend recall the echoes which floated through the air before 1896, comparing the number of cabinet ministers in Canada with the number in the United States? Does he remember the vigorous language of his colleagues in those days, men who now enjoy his confidence as members of his government, and who then were very solicitous to know why the people of Canada required twelve or thirteen ministers of the Crown while the people of the United States could get along with seven or eight members in their cabinet. Are these considerations present to the mind of the government at the present time? Let us look abroad a little. Australia has seven ministers of the Crown, with a population of about five millions and a whole continent to govern, with very difficult conditions in many ways, with problems, I am sure, more difficult than a government has to deal with in Canada. New Zealand has a cabinet of eight ministers, Tasmania has a cabinet of five ministers, France has a cabinet of twelve ministers, and the United States, with conditions more analogous in many ways to ours, gets along very well in governing a population of about 90,000,000 with a cabinet of nine ministers. I have not observed, in any remarks the right hon. gentleman has seen fit to address to the House, any statement of the reasons why we in Canada require a cabinet of sixteen ministers.

Mr. SPROULE. Eighteen.

Mr. R. L. BORDEN. There are so many I have really lost count of them. The Department of the Exterior and the Department of Mines do not involve any addition to the number.

Mr. HENDERSON. They will in a year or two.

Mr. R. L. BORDEN. At present there is a President of the Council, a Postmaster General, a Minister of Agriculture, a Minister of Trade and Commerce, a Minister of the Interior, a Minister of Inland Revenue, a Minister of Customs, a Minister of Justice, a Minister of Militia and Defence, a Minister of Marine and Fisheries, a Secreary of State, a Minister of Finance, a Minister of Railways and Canals, a Minister of Public Works and a Solicitor General, to whose already stalwart ranks is to be added a Minister of Labour. Are we in this country so absolutely deficient in capacity that we require sixteen or seventeen ministers of the Crown to govern a population of seven millions, and are the people of the United States so absolutely superior to us in ability and capacity and everything else that contributes to good government that they can properly and well govern ninety millions of people with a cabinet of no more than nine? It does seem to me remarkable, at a time when the revenues of this country are not in a particularly flourishing condition, that the Prime Minister should not have seen fit to turn his attention to that consideration. Are there not some of these departments that might be consolidated? When we create a ministry of Labour, could we not consolidate two of these departments under one minister? I think some of the ministers are not overworked in their administrative duties at the present time. In the United States, I imagine, labour problems are quite as serious as they are in this country. Any person who has studied conditions in the United States and in Canada during the past fifteen or twenty years will realize the truth of that statement. In the United States they have displayed good business judgment in uniting in one department commerce and labour, which are closely related to each other. Therefore I will ask the Prime Minister, when we get into committee to give us the true reasons why the people of Canada require so much governing, while the people of the United States get along with so little, so far as the number of the cabinet is concerned. Since hon. gentlemen opposite came into office they have added two ministers to the cabinet, the Minister of Customs and the Minister of Inland Revenue, who were previously merely controllers. I would be inclined to think that we ought to endeavour to approximate to conditions as they are in Great Britain, where there are many administrative officers who are members of the government, but not members of the cabinet, like our Solicitor General. Neither the Attorney General nor the Solicitor General in Great Britain is a member of the cabinet. The affairs of the mother country, so far as administration is concerned, go on exactly in the same way whether the one party or the other is in power. When a new government comes in, if there is any change of policy, that of course is made manifest; but the real business of the country is carried on by the permanent officials. men trained for many years in the business of government and having a secure position in the Civil Service of the country. To these men is entrusted a great deal of the administrative work which is performed here by ministers of the

Crown. While we cannot hope, nor perhaps would we desire, to approximate too closely to that, still we might make some approximation to it, and if we did so, it would be very easy not only to avoid increasing the number of portfolios we have at present, but to reduce the number in the future. These details can be discussed when we get into committee on the resolution; but in the meantime I thought it no more than my duty to bring to the attention of my right hon. friend some considerations which undoubtedly were in his mind before 1896, but which he seems to have strangely forgotten since sitting on the treasury benches.

Motion agreed to, Bill read the second time, and House went into committee thereon.

Mr. R. L. BORDEN. What does my right hon. friend the Prime Minister say as to the comparison between the conditions here and those in the United States?

Sir WILFRID LAURIER. This question which has been brought up by my hon. friend, is not as old as the hills but is as old as confederation. The comparison between the number of portfolios in Canada and in the United States has been a matter of controversy between the two parties ever since I came to parliament. The difference is very radical, and my hon. friend is aware of it as well as I am. The systems are absolutely different. In the United States the position of a cabinet minister is purely executive and not legislative. He does not sit in Congress, and his duties are absorbed altogether by his executive functions. Even the legislation of that country is not prepared by the cabinet. A minister of the American cabinet may go before one of the Commissioners of Congress or the Senate, if he wants a Bill passed, and discuss it with them, but the legislation rests finally with the Senate or House of Representatives. Take for instance, the Civil War when Mr. Chase was secretary of the treasury and the duty devolved on him of raising funds to carry on that tremendous struggle. What he did was to give his ideas and suggestions to the Committee of Finance of Congress, but he was in no way responsible for the legislation which followed. But our system is very different. Ours is the British system. My hon. friend said that in his opinion we should approximate as much as possible to the system followed in England, and I certainly agree with him, and wish we could. But in that case we should have, as in Great Britain, a number of parliamentary secretaries. But we have no such assistants to our ministers. My hon. friend referred to the fact we had created new portfolios since we came into office. Well, when we came into office we found that, in consequence of the legislation introduced some years before, the collection of customs and inland revenue was placed in the hands of two controllers. Some years previously also the late Conservative government created the Department of Trade and Commerce. That was created in 1890 or thereabouts. It was a new portfolio, and at the same time the collection of customs and inland revenue was placed in the hands of two controllers. I appeal to the older members of the House—my hon. friend had not a seat here then—whether it be not true that the creation of these two officers, the controllers, ever gave satisfaction. It never gave satisfaction to the party then in office, and we found it did not give satisfaction, and that it would be much better to place the collection of these revenues in the hands of responsible ministers. My hon. friend suggests that we might perhaps suppress one portfolio or amalgamate a couple of others. Well, my hon. friend will some day, not in the immediate future, have the responsible position I now occupy, and he will find that while it is very easy to criticise when in opposition it is quite different when he thinks of putting these theories into practice as a responsible minister. He has alluded to some of my friends who, at the time, thought we had too many ministers. He may perhaps find some of the men here to-day who had not experience of office at that time; but even before I had that experience, I never expressed that opinion and always thought that, in accordance with the British system we had not too many ministers. So long as our ministers have to be executive officers and also responsible for legislation and have to sit in parliament, I do not think it possible to adopt the American system, which is subdivided into legislative and executive departments. The two systems are so radically different that one is deceived by comparing the small number of executive officers who are advisors of the president with the numerous officers who are advisers of the Crown. I have always believed that the British system is superior, and if we come to the costs of the two systems, it will be found on the whole that ours is not the most expensive.

Mr. R. L. BORDEN. When my right hon friend compares our system with the British he should bear in mind that the British government performs all the functions essential to the government of the whole empire and in addition does all the work within the British Islands for a population of 45,000,000, which is done by the local governments in Canada. So that if you take the personnel of our government at Ottawa and add to it the personnel of all the provincial governments throughout Canada, you have a number which

would be startling in comparison even with the large number of members comprised within the British government. When my right hon. friend draws the distinction he has drawn between our system and that of the United States I would not be inclined to think that the American system entails any less labour on the members of the United States Ministry. In the United States it is true the ministers do not sit in Congress. When the constitution of that country was framed, the men who framed it were looking to the ideals of British statesmen of the 18th century, and these ideals were absolutely to divorce executive from legislative functions. They looked to expressions of opinion along that line which had been uttered in Great Britain, not only by public men but by constitutional writers, and they framed their constitution accordingly. The net result is that a member of the cabinet of the United States must see that legislation affecting his department goes through Congress, and to do that he must associate himself intimately and frequently with the chairmen of committees. Instead of doing that work by having a seat in Congress, he has to do it by constant association with the chairmen of committees, so that I do not see that an American minister is in any better position or has any less tax on his time or energies than is entailed on the members of this government. But if the United States and Britain are not illustrations to which we can directly and confidently appeal, what about the Commonwealth of Australia, which manages to get along with seven ministers for a population very little less than our own and having problems of government at least as great as any we have to face? Australia can effectively carry on its government with seven cabinet ministers whereas we are supposed to require at least 16. I have no doubt that there may be some force in what the right hon. gentleman has said, namely, that it is easier to criticise than to perform, but that may be said almost of every reform ever attempted. It is a great deal easier to point out a reform than to effect it, but that is no reason why the necessity of reform should not be urged nor why an honest attempt should not be made to bring about the reform if it be a good one. I would like to ask the Prime Minister whether he can give the House any information as to who is intended to receive the new portfolio.

Mr. PATERSON. Before the Prime Minister (Sir Wilfrid Laurier) makes any statement, I would like to say a word. I think this is the first proposition that has been made, since this government came into power, to add to the number of members of the government. And I may say that, perhaps, comparing ourselves with other countries whose circumstances are so different, is hardly the best way to judge of this matter. Since this government came into power, our population has increased, I suppose, by fully one-half. Therefore, it seems to me that it is not exactly a startling proposition a new portfolio should be proposed now. I speak from recollection, but I have been in the House a long time, and I think I am right when I say that the number of members of the government now is precisely what it was when the government came into power. It is true there are two cabinet ministers more than you had then, but at that time there were two controllers, who were members of the government, though they were not members of the cabinet. It is true that the change involved the raising of these to cabinet rank, which, however, they had occupied previously. It was a great mistake to place the two departments, as was done, under the Department of Trade and Commerce, and the change which raised the two controllers to full rank involved only an increase of $2,000 a year each.

Mr. R. L. BORDEN. I do not know whether they have ever occupied the position of cabinet ministers before.

Mr. PATERSON. Certainly. I speak from memory, as I say, and this is a matter of twelve or fifteen years ago. But, speaking subject to correction, Sir John Macdonald proposed a new portfolio of Trade and Commerce, and parliament sanctioned it. The matter was left in abeyance for two or three years. When it was brought into effect—I do not recollect whether that was done by proclamation or how it was done, the Department of Inland Revenue and the Department of Customs, whose heads had been cabinet ministers before, were subordinated to the Department of Trade and Commerce, and had to transact their business with the cabinet through that minister. Of course, it was a most foolish arrangement. The minister at the head of a department has to deal with all sorts of intricacies. I do not want to magnify my own department, but I suppose that any one can understand that many difficult and complex questions arise in the management of a department of government. The minister has to deal with the council and with the Treasury Board. When the head of a department had to go to a Minister of Trade and Commerce and try to get into his head all the ins and outs of a difficult question (one that, perhaps, the head of the department himself had spent two hours in trying to master) so that the Minister of Trade and Commerce could explain it to his colleagues in the cabinet, it was, of course, simply an unworkable scheme. My leader (Sir Wilfrid Laurier) had opposed it from the beginning,

and it was thoroughly understood that if we came into power again the old order would be restored and these would be made full cabinet positions, so that the heads of the Departments of Customs and Inland Revenue could attend the cabinet meetings and attend to their own business. That was done the first session after we came into power. As I said, when the Minister of Trade and Commerce was established, and the Inland Revenue and Customs subordinated to him, a Solicitor General was appointed, who was a member of the government. That office has been continued. So, I think I am right in saying that there is the same number of members of the government that there were twelve years ago when this government came into power. In considering the proposal to add to the number, I think that, rather than compare ourselves with other countries, we should consider the change in our own circumstances. With the growth of the Dominion, with the great extent of country opening up in all directions, with an increase of fully half in population, there is a great deal more to be done. I do not think a cabinet minister who attends to his duties finds time hanging heavily on his hands. I think, as my leader has said, that, if the leader of the opposition (Mr. R. L. Borden) in course of time, becomes the head of the government, he will find it difficult to reduce the number. It may be that departments could be combined and equally good work done, but I do not see how that is to be accomplished. When a minister is absent from his department now, either through ill-health, on account of official business, or from whatever cause, and another minister is temporarily in charge to give the same attention as he does to his own department, he must depend upon his deputy. But, if a minister fulfils the duties of his department, I think he will find full occupation for his best powers.

Mr. R. L. BORDEN. I do not think there is any possible objection to consider the example and practice of other countries in a matter such as this. We compare our revenues, our fiscal system, our mode of government and practice of government with those of other countries—we are doing that all the time. I do not think it is out of place for us to make comparisons in respect of the matter before us with the United States, Great Britain, Australia or New Zealand—all these are fair subjects of comparison. I am at one with the Minister of Customs (Mr. Paterson) in the historical matter he has gone into, except that I do not think that under the Conservative government the portfolio of Trade and Commerce ever existed while the Minister of Customs and Minister of Inland Revenue occupied cabinet positions.

Mr. PATERSON. I think the hon. member is right there.

Mr. R. L. BORDEN. I do not think that population is a very safe basis in this matter. The Ministers of the Crown ought to be more concerned with the policy of the country, and, in that matter, there is not much difference between governing a country of five million and governing a country of twenty million. If population were a fair basis, we might expect to have a cabinet of 192 when we reached the present population of the United States—and, with all the optimism of the Minister of Customs, I think he would hardly regard that as a possible outcome.

Mr. PATERSON. It is the administrative work that makes the difference.

Mr. R. L. BORDEN. That is what I endeavoured to emphasize before. I speak with all deference, with the humility of one who has had no experience in carrying on the business of a department, but it seems to me that administrative work is carried on altogether too much by ministers of the Crown. That is not what they are there for. Their especial business is to direct the policy of the country. Administrative affairs can better be carried on by trained men of experience, brought in not as a matter of patronage, but solely for their qualifications for the work in which they are to be engaged; brought up —if my ideas are carried out—for the most part from one grade of the service to another, until they attain the highest possible position to which their abilities and capacities might entitle them. If more of the administrative work of the country were left to these men I think it would be better.

Mr. PATERSON. Cabinet responsibility.

Mr. R. L. BORDEN. That exists in Great Britain as much as here.

Mr. PATERSON. But they have these permanent under secretaries that we have not here.

Mr. R. L. BORDEN. They have permanent under secretaries, I know, and those permanent under secretaries occupy practically the position of our deputy heads. I do not know in what respect our deputy heads are not expected to perform the duties of permanent under secretaries. I am not speaking of parliamentary secretaries who change with every government, I am speaking of permanent under secretaries. I do not want to be misunderstood. I realize there is one consideration which must not be overlooked, namely, that in a new country like this, more especially in western Canada, it might be desirable, and I have no doubt it is desirable, that the political

head of the department ought perhaps to keep more in touch with the administrative work than is practicable in Great Britain. I realize there is a tendency in officialdom all through to get into a certain rut, and the existence of a rut in which officialdom might travel would be more detrimental in a growing country like this than in Great Britain. Though we cannot adopt the practice of Great Britain, I think we ought to approximate to it very much more than we are doing. But I say that Ministers of the Crown today, from my own experience and observation in parliament, are doing slavish administrative work that they ought not to be called upon to do, and if we brought about a better condition of affairs in that respect, I think we could safely reduce the number of cabinet ministers in Canada. I am not going to argue that undue burdens ought to be imposed on any man. I believe a great many of the cabinet ministers in this country are overworked; sometimes under our system, our somewhat absurd system, they are worked to the point of nervous breakdown. I have seen that myself in past sessions, I have seen it over and over again, and it is a condition of affairs that we ought to be free from; ministers ought as far as possible to be free from the work of administrative detail.

Some one will say, there is cabinet responsibility. Of course there is cabinet responsibility, but that does not mean that every one of these details ought to come before a minister of the Crown. A minister of the Crown is responsible, under the system in Great Britain, for the minutest details of the administration in his department; he is politically responsible, but he does not know anything at all about them. When anything goes wrong in his department he is responsible therefor to parliament; and if he comes to parliament and points out that he entrusted the duty to an official in the ordinary course and in good faith, that he had been selected for his capacity, and ability, and integrity, and the moment that man has gone wrong the minister had investigated the matter to the full and punished that man either by degradation or dismissal, he has done his duty to the public. That is the way matters are dealt with in Great Britain, and it is in that way it seems to me that our affairs ought to be carried on in this country. I do not want the Minister of Customs to imagine for a moment that I propose by any remarks I have made that any greater burden of work should be placed upon any of the ministers of the Crown. I know that in addition to all the administrative work, which is very great, which involves details that they should not be troubled with, they have a very exacting political duty to perform as well, and no man's strength ought to be taxed beyond a reasonable point.

Mr. FIELDING. The difference between the British and American systems are so great that really no comparison can be made between us and the United States. The whole systems of government are widely different, and I think no fair comparison can be made. I admit, however, that comparisons may be made between Great Britain and the great commonwealths of the empire. Now, with regard to our system, I can sympathize warmly with the view taken by the leader of the opposition that ministers of the Crown are burdened with a great many things which they feel it desirable they should be relieved of. I do not know how we are to accomplish that except it is by adopting the British system of parliamentary under secretaries. The hon. gentleman says truly that the permanent secretaries in Great Britain correspond practically to our deputy heads here. Therefore with respect to that class of position we have the same organization; I grant that. But between members of the cabinet and the permanent organization there is another large body of gentlemen under the British system. In one of the latest books on the subject, I find that the cabinet at present —there is no fixed number by statute, but it varies slightly from time to time—I find the names of nineteen gentlemen who are in the cabinet of Great Britain. I find under the head of Ministry, and immediately following these, there are the names of 32 others who are members of one or the other branch of parliament, and who are deemed to be members of the ministry and appear under the head of Ministry.

Now that is a tremendous organization, and these gentlemen attend to a great many details that we are obliged here to deal with directly. If we had that system of under secretaries, then the ideal condition described by my hon. friend, that the members of the cabinet should direct the policy and leave the working of it out to others, that condition might be realized. But to-day under our system the members of the cabinet must not only consider, mature and direct the policy of the country, but they must themselves carry it out in a manner that will enable them to be answerable to parliament, not merely answerable in the particular constitutional way my hon. friend has referred to, but they must be prepared to give an intelligent reason for all these things. That intelligent reason is now given in England. not by a member of the cabinet; it is given by the under secretary. That is an ideal system, but it costs something. We might be able to reduce the number of cabinet members to some extent, but I am sure that if we did that we would be obliged to adopt the British system of under secretaries. It is a desirable system, and I

hope some day that we shall be able to adopt it in Canada. But certainly one of the arguments in favour of it would hardly be that of economy. I think it would be a more expensive system than the present one. But I would not condemn it on that ground, because, I agree that the present system is open to some criticism, because it does impose upon the ministers of the Crown labours which are more arduous than they should be expected to perform.

Now there are one or two other features which lead towards a large cabinet in Canada, and they cannot be ignored. Population is not by any means the chief consideration. With a territory like that of Canada, the extent of our country is a very important consideration. We have a vast territory, with no considerable part of it empty. The western country is rapidly filling up, and each section of the Dominion feels that it is entitled to representation in the cabinet. We do not go so far as to say that every province must be represented, though that was the condition at the beginning of confederation. But we take the view that every large division of the country, the east, the west, the centre, the maritime provinces, the Pacific coast, that all these groups ought to be represented, and that makes towards a larger cabinet than would be necessary if we considered population alone. Then there is another consideration which we are all familiar with, but which no one has mentioned yet. We are a people of different races in Canada, and it is deemed to be the part of wisdom that these different races should if possible be represented, not only in parliament but in the cabinet. I trust the time may come, some of our young men may live to experience it, when these considerations of east and west will have less weight than they have to-day. I trust there will come a time when considerations of race and religion will have less weight than they have to-day. But we must frankly recognize these conditions to-day, and we know that in the best interest of all Canada it is well that in making up a cabinet you should have regard to these things, as we know them in the past. On reflection it will be seen that for the good government of Canada we must have a larger cabinet than perhaps would be required by any other country of the same population.

Mr. HENDERSON. We have had a Department of Labour in practice for a good many years. It was institued by Sir William Mulock and placed under the Postmaster General who has since been Minister of Labour, and the only effect of this Bill will be that we will have both a Minister and a Deputy Minister of Labour. It does not seem fair that the Minister of Labour, on entering the cabinet should receive a salary of $7,000, the amount paid to the Minister of Finance, the Minister of Justice, the Minister of Customs, and the Minister of Agriculture, men who have borne the brunt and the burden of the work of government and whose positions as heads of departments demand much more attention and time than the new Minister of Labour will have to devote to the work of his department. Even with the dual responsibility of being Postmaster General and Minister of Labour, the present minister (Mr. Lemieux), has been able to take occasional trips to Japan and England, leaving both the Post Office Department and the Labour Department to the care of the deputy ministers. We have had only a Deputy Minister of Labour for the past eight years and I am not aware that labour or any other interests has suffered from that fact. We have not been definitely told who the new minister will be, but we may assume the truth of the rumour that it is to be the member for North Waterloo (Mr. King). I do not raise this objection against the member for North Waterloo (Mr. King), or whoever may be chosen for the position, but simply as a matter of fairness and justice to those ministers of experience who have been discharging the duties of their offices for $7,000 a year. I feel like testing the opinion of the House on that question on the third reading of the Bill——

Sir WILFRID LAURIER. That is a good reason for increasing the salaries of other ministers.

Mr. HENDERSON. Of course I am powerless in that matter. But I can at least propose to do something to bring about what I consider an equitable arrangement. We have this year passed etimates for salaries for the coming year in the Department of Labour. We have provided for the following officials in that department:

1	Deputy head..	$ 5,000
1	First division, subdivision A:— Secretary..	2,800
2	Second division, subdivision A.. ..	3,700
8	Second division, subdivision B.. ..	11,000
1	Third division, subdivision A.. ..	950
4	Third division, subdivision B.. ..	2,200
1	Messenger at $650..	650
1	Packer and sorter at $500..	500
	Allowance for private secretary..	300
19		$27,100

To this list we are now adding $7,000 for a minister. With all this retinue of officers I think there will be very little left for the minister to do. I appeal to the government to reconsider this question and, in deference to the men who have been members of the cabinet in the past, not start out a new man with the same salary as the older members receive.

Mr. LEMIEUX. I have listened with pleasure to the declaration made by the

leader of the opposition who, while criti cising the increase in the number of cabinet ministers, frankly declares that he agrees with the principle of this legislation. In answer to the observations of my hon. friend from Halton (Mr. Henderson) I would point out that the representation in the government of this country must be based to a certain degree on geopraphical divisions, and that in cabinet representation the great racial divisions of our people are taken into account. Let me ask the hon. gentleman if it would be fair to give to the head of the Labour Department a lower salary than the other ministers receive? Does he not think that the labouring classes of the country would not take very well to that idea? That of course is a sentimental argument, but, in addition to that there is the fact that during recent years the Department of Labour has assumed greater importance than in the earlier years of its history. The hon. gentleman has said that the Labour Department has been administered by the Postmaster General to the satisfaction of the public. I do not infer that the hon. gentleman is overanxious to unduly praise the present incumbent of that office and I accept the compliment, but I can tell my hon. friend that considering the great number of employees in the Post Office Department and the vast volume of daily correspondence which the Postmaster General has to attend to, it is practically impossible for him to give as much attention to the Department of Labour as it demands. Fortunately for the Department of Labour, since its inception it has had at its head Mr. Mackenzie King, a man of unquestionable ability, and under him competent and hard-working officers. Among the other duties of the Minister of Labour he has to institute inquiries on industrial questions; he has to look after the publication of the Labour Gazette monthly; he has to administer the fair wage policy on public contracts; he has to administer beside, the Conciliation Act of 1900, the Railway Labour Disputes Act of 1903, and the Industrial Disputes Act of 1907. The hon. gentleman says that with all that work the Minister of Labour could absent himself from his office to go to Japan. I would remind the hon. gentleman that if the Minister of Labour went to Japan it was in connection with a labour question of the greatest importance, and on this subject may I give the House the latest figures which I have obtained from the Japanese consul and which show that during the last six months only 92 Japanese came into this country, and in fact that more Japanese left Canada in that period than entered the country. This may help to illustrate the work we have accomplished as a result of the mission of the Minister of Labour to Japan. Then the Industrial Disputes Act of 1907, has greatly increased the work of the Labour Department as may be evidenced by a perusal of the very interesting report published this year. The hon. gentleman says that the cost of the department is not large and he apparently tried to minimize its importance by that comparison. True, the department is administered for about $60,000 a year, but that does not measure the efficiency or the utility of a department. I say that the Minister of Labour has more troubles and more anxieties when there is a strike or a threat of a strike in the coal fields of Alberta, or British Columbia, or Nova Scotia, than have the Minister of Inland Revenue and the Minister of Customs who are official collectors of the enormous revenues of this country. We find from the departmental report of last year that since the passage of the Industrial Disputes Act of 1907, we have had something like 52 boards of compulsory investigation instituted, in addition to a large number of arbitrations. The department had to closely follow these investigations and to send officers of the department to control so far as possible within their legal limits the investigations ordered. These investigations are becoming more and more numerous, applications are pouring into the department every day, and altogether the work is too difficult to be handled by a minister who has also to preside over the affairs of another large department. I may say, as regards the Compulsory Investigation Act of 1907, that out of 52 disputes 50 have been settled, thereby saving to the public a large amount of money, preventing troubles and difficulties between capital and labour, and saving to the wage earners themselves many thousands of dollars. Therefore, I say again, it is not the amount of money involved in the administration of the department itself which should determine the voting of a salary for a Minister of Labour, but it is the difficulty of the problems which present themselves. To prevent strikes and lockouts, to see that the fair wage clause is properly applied in every public contract, to institute conciliation boards, to make inquiries into trade disputes, requires a man of ability, a man whose whole time is devoted to the work, who is the head of the department and has the responsibility as such. My hon. friend the leader of the opposition stated a moment ago that the Minister of Labour in the United States was also the Minister of Commerce. It is true that since 1903 there has been a separate Department of Labour in the United States, but the Bureau of Labour has existed there since 1884. But

this fact must also be borne in mind, that in nearly every state of the American union there is a Bureau of Labour. The Minister of Labour at Washington for that reason has less to look after than here at Ottawa. In nearly all the states of the union there is a Bureau of Labour, where statistics are gathered, and where Conciliation Acts are administered.

Mr. R. L. BORDEN. Are there not also in some of the provinces of Canada?

Mr. LEMIEUX. I think there is one in the province of Quebec and one in Ontario. I do not think there are departments of labour in other provinces.

Mr. PERLEY. Will the hon. minister tell us why it is that Australia can get along with seven ministers while we require fourteen or fifteen? Have they not the same labour conditions that we have?

Mr. LEMIEUX. The labour conditions in Australia are not the same as ours. The administration of the Compulsory Arbitration Act has cost the Australian government something like $600,000 a year, whilst the administration of the Compulsory Investigations Act of 1907 in Canada, with better results, I believe, has cost this country only $20,000.

Mr. SPROULE. A Department of Labour was created in 1900, and the duties of that department were assigned to one of the ministers, I think the Postmaster General, then the Hon. Wm. Mulock. By chapter 24 of 63 and 64 Victoria, in the statutes of 1900, the minister was authorized to establish and have charge of a Department of Labour, and we are now doing what it appears to me was done then.

Mr. LEMIEUX. It was only as an adjunct to the Post Office Department, not as a second department.

Mr. SPROULE. Under section 10 of that Act, the minister was to have the power to establish a Department of Labour, and the Governor in Council was to assign to some minister the work of carrying on that department. Yet we are to-day establishing a department for the same purpose and with the same name.

Sir WILFRID LAURIER. The answer to my hon. friend is to be found in the last section of the Bill. The Act to which he has alluded is the Conciliation and Trades Act, which was passed in 1900. By section 10 of that Act the minister is empowered to establish a department. That Act was submitted to the Department of Justice, and this Bill was prepared by them in view of the clause to which my hon. friend has referred.

Mr. SPROULE. The question I want to ask is, did or did not the minister in 1900 establish a Department of Labour? If a Department of Labour was established in 1900, why is an Act required to establish a Department of Labour in 1909?

Sir WILFRID LAURIER. There are in the Bill the qualifying words 'over which a Minister of Labour shall for the time being preside.' The Department of Labour provided for in the Act to which my hon. friend refers was the branch of another department, that of the Postmaster General. It is provided in section 4 of this Bill that the Minister of Labour shall have the administration of the Department of Labour so created.

Mr. SPROULE. You had the same thing before. By order in council you assigned the duties of administering the department to a minister of the Crown, who was called the Minister of Labour, and he has done the work of that department ever since. Why do you want to create a department which has already been created? Could you not as well, by order in council, assign the duties of the Department of Labour to any minister of the Crown?

Sir WILFRID LAURIER. Not to a new minister.

Mr. SPROULE. That is the only thing you are taking the powers to do now.

Sir WILFRID LAURIER. Yes.

Mr. SPROULE. I remember distinctly when the proposition was made to establish a controllership of Customs and Inland Revenue, how hon. gentlemen opposite criticised it. I think the Minister of Customs is one of them, and Sir William Mulock and Mr. J. Charlton and the late Judge Lyster and the right hon. the Prime Minister, and especially the present Minister of Trade and Commerce (Sir Richard Cartwright). They condemned that proposition most vigorously because of the additional expense it entailed. They declared it was out of all reason, that there was no need for it, and Mr. Charlton cited the United States as being governed by only six cabinet ministers whereas we required 12 or 14. It is rather amusing, in the light of these denunciations then, to see these same men, or at least those of them who are here to-day, defending the creation of another department and the consequent increasing expenditure. The excuse they give is that the country has grown, and I suppose every few years when we have a couple of hundred thousand added to our population, we will find another ministerial department created. The Minister of Finance gave as a reason that in Canada we have different races and must recognize them in the cabinet. If rumour be true, we will very soon go back to the old conditions that existed when we had a union of upper and lower Canada and a kind of dual representation, each province having a representative head

of the government, as in the case of the Dorion-Macdonald or the Macdonald-Dorion cabinet, and so on. Now it appears that the minister who is to be given the control of the Department of Labour is, because of his family history and ancestral line, to form one of a combination leadership of two, when the present Prime Minister leaves the boards. The combination mapped out is to consist of Mr. Mackenzie King as one leader, representing the traditions of his family and the element to which he belongs, and the other Mr. Lemieux representing the French Canadian race.

Mr. FIELDING. Mr. King would represent the Germans.

Mr. SPROULE. If the principle be recognized that we must have every race represented in this cabinet, what will happen in the future when the 47 different races to be found in Manitoba and the territories, shall each have its own minister? What size will the cabinet be then? We shall have in the cabinet Doukhobors, Finns, Galicians and Jews, when their numbers are sufficiently numerous to enable each of them to insist on its claim. We may therefore soon look forward to the day when we will have twin leaders at the head of the cabinet. Instead of the Dorion-Macdonald, we shall have the Lemieux-King cabinet, but of course if hon. gentlemen opposite are determined on this I have no objection whatever.

Some hon. MEMBER. Hear, hear.

Mr. SPROULE. I mean so long as the selection is made from that side and I am not responsible. I do not know what are the qualifications of the hon. gentleman who is coming in, beyond his family history, that entitle him to occupy so important and prominent a position and to be elevated over the heads of the many elder men of the party who have given longer service. Another piece of information I would like to have is the number of cabinet ministers to-day and the salary of each, also the number of departments. We would then know how much we are paying for cabinet ministers when this new department is created. Then there is the department of External Affairs, who is to be at the head of this, or is it to be under the Secretary of State?

Sir WILFRID LAURIER. Yes.

Mr. SPROULE. The Secretary of State then assumes the duties of two departments, but in a short time we shall no doubt have another minister created to take care of that department, and the excuse again given will be the development of the country and the increase of work. I would like to have the number of cabinet ministers and the salaries they draw.

Mr. SPROULE.

Sir WILFRID LAURIER. There are fourteen cabinet ministers now, and there will be fifteen, besides the Solicitor General, who is not in the cabinet. The salary of the Prime Minister is $12,000, the others get $7,000, and the Solicitor General has $5,000, but is not a member of the cabinet. There can be no doubt at all that, in the course of time, the number of cabinet ministers will have to be increased. In answer to the question from my hon. friend, the leader of the opposition, as to why we should have fourteen ministers when Australia has only seven, I may say that I am not familiar with the conditions in Australia, but I know something of the history of this country since confederation was established. The best men of the country at that time—and the first government formed, was a coalition government, composed of men from both parties—concluded that they could not do with less than thirteen ministers. Since then we have had the Trade and Commerce Department created and the Solicitor General and now we are appointing a Minister of Labour. That the late Sir John A. Macdonald and the leading men of both parties, who organized confederation, thought they could not do with less than thirteen cabinet ministers, is a matter of history. As my hon. friend, the Finance Minister, pointed out a moment ago, the framers of confederation concluded that each of the four provinces had to be represented. The work of harmonizing the various provinces was not easy and in order to carry out confederation it was essential to have each province represented—not only the provinces, but the creeds and races. In order to form a homogenous people and conciliate so many different elements, the cabinet was composed of that number of ministers. When the policy of this country was started on that basis, does my hon. friend the leader of the opposition believe it will be possible to cut down the number of cabinet ministers by six or seven in order to reduce our cabinet to the size of the Australian cabinet? My hon. friend will see at once that it is impossible to do so. When you ask me, with so many ministers, why do you ask for another portfolio? I answer that the reason is that the labour element in Canada is such an important element, such a great factor in the life of civilized nations, that it must be taken into consideration. At all events, upon this we submit ourselves to the judgment of the country, that, when the labour organizations of the land ask that there should be a Department of Labour under the ministerial responsibility of one member, that is a suggestion and a request which ought to be granted.

Mr. SPROULE. I would like the country to know what we are paying for cabinet ministers. Including the Solicitor Gen-

eral, who is outside of the cabinet and gets $5,000, the total for salaries is $115,000. They are rather an expensive luxury, and the country ought to know it.

Mr. LEMIEUX. How much do the Canadian Pacific Railway and the Grand Trunk Railway pay their presidents?

Mr. SPROULE. I am not talking about that, because there is no clause relating to the Canadian Pacific Railway or the Grand Trunk in the measure now before us. If you add the $37,000 of sessional indemnity paid to these ministers, you have a total of $152,000. That is liberal, I should think. I draw attention to this because of the strong adverse criticism of what was considered a very liberal expenditure under the former government, though it was so much below the expense at this time.

Mr. HENDERSON. If I understood the Postmaster General (Mr. Lemieux) correctly, and I think I did, he intimated that the labouring class might resent the allowance of a salary of less than $7,000 to the Minister of Labour. I do not understand that the Minister of Labour is to represent only the labouring class.

Mr. LEMIEUX. No.

Mr. HENDERSON. I think the Minister of Labour, like any other minister, will represent every man in the country. He must look to the interests of the employers of labour as well as those of the employee. Why should there be any 'resenting' or any feeling in this matter? I am afraid the Postmaster General was trying to create an unnecessary sentiment. I do not believe the working classes look at it in the light suggested and, in any case, they would have no reason to do so. I think the Postmaster General, if I understood him aright, made a mistake in insinuating or intimating that the Minister of Labour was intended to represent only one class.

Mr. FIELDING. In view of what my hon. friend from East Grey (Mr. Sproule) has said, I wish to add a word to avoid being misunderstood. I do not think there was any criticism in days gone by of the amount of the salaries of the ministers. There may have been some questions as to the number. I do not think the amount paid for ministers of the Crown is a very large one for the people of Canada. Except in the case of the Prime Minister, who did receive some increase, but less, probably, than he should have received, there has been no increase in the salaries of the cabinet ministers in many, many years. They are about the only class of officials in Canada who have not received an increase of salary. I am not allowed, as a minister, to propose an increase of salary, but if the day ever comes, when I occupy a seat on the other side of the House, I will take the responsibility of advocating that the salary of cabinet ministers be increased.

Mr. SPROULE. I am not complaining of the increase of salaries to cabinet ministers——

Mr. PATERSON. There has been no increase since 1873.

Mr. SPROULE. There were two controllers receiving $5,000, and they have been made cabinet ministers at $7,000. There is an increase, certainly.

Mr. PATERSON. They were cabinet ministers before the Department of Trade and Commerce was established.

Mr. SPROULE. But they did not receive the salary.

Mr. PATERSON. Yes, they did.

Mr. LEMIEUX. When Sir Mackenzie Bowell was Minister of Customs, he received the full salary of a minister. But when Mr. Wood was made controller of Customs, he received $5,000.

Mr. SPROULE. That is what I say. He received $5,000. After that, we had the Department of Trade and Commerce——

Mr. PATERSON. The Department of Trade and Commerce was a new office. The Act creating it lay in abeyance for a time, if I recollect aright. But when it became effective the Departments of Customs and Inland Revenue, which were full cabinet offices were subordinated to the Department of Trade and Commerce, and over each was a comptroller who was paid $2,000 less than the minister. The office of Solicitor General was created at the same time. When I entered the House in 1872, I think I am right in saying the salary of a cabinet minister was $5,000 and the allowance of members $600. In 1873, Sir John Macdonald brought in a Bill increasing the salaries of the judges, increasing the salaries of cabinet ministers from $5,000 to $7,000, with the Prime Minister at $8,000, and increasing the allowance of members from $600 to $1,000. That ran without change for many years, when another increase was given to the members. Another increase was given to the members, and what it is now we all know. But, during all these years, from 1873 down to the present, the cabinet ministers have received the same salary. Besides, there is only the same number of members of government to-day that there were when this government came into office. There is a difference in that the Department of Trade and Commece is no longer over the Departments of Customs and Inland Revenue, but there is a minister at the head of each of these departments, which change was absolutely necessary.

Mr. R. L. BORDEN. I think the House unanimously agreed in the change. So far as I am concerned, I think that, if a new

department is created, the salary of the minister ought not to be less than $7,000. To fix it at less would be invidious and is not to be thought of, no matter who fills the office. Whatever criticism I may have of the members of the cabinet, as to their policy or administrative actions, I certainly do not think they are overpaid. If any change is made it should be in the way of increasing their salary and not diminishing it. I appreciate entirely the considerations put forward by the Minister of Finance (Mr. Fielding) and the Prime Minister (Sir Wilfrid Laurier) with regard to the representation of certain interests in this country that may sometimes be regarded as divergent I think that could be done, perhaps—and I say this with all deference, not having had administrative experience—with no more ministers than at present, or even with less, and also with no greater cost to the country, even though the ministers should be given more adequate compensation for their services than at present. As far as I am concerned, I do not think their compensation is adequate, and if the government should bring in a measure to increase reasonably the salaries of the ministers of the Crown, I would be prepared to support it.

Mr. CROSBY. It is with some timidity that I rise to say a word or two on the subject before the committee, but I cannot have it pass without having something to say. I approve of the lines of policy indicated by the leader of the opposition. It seems to me that Trade and Commerce and Labour might be combined under one department. Of course, I know that I am not thoroughly posted, but I am led to believe that there is not a great deal of work in the Trade and Commerce Department, and I agree with the leader of the opposition when he states that Trade and Commerce and Labour should go hand in hand. If that can be done I would be pleased to see it done. I believe in a labour department, I believe this government should have a labour department, and if we are going to add to its efficiency by making it a separate department and giving it a separate head, then let us do so. If, by combining it with the Department of Trade and Commerce, we would detract from its efficiency, I would not like to see that done. The present government have inaugurated a method of settling strikes, and I must say, though I do not want to cast reflection upon anybody, that we have not benefited very much by the Conciliation Act known as the Lemieux Act. I know that if the Act is anything like the name, it ought to be very nice and pleasant; but it has not always been a benefit to those who have availed themselves of it. I know in the case of the longshoremen's strike in Halifax four or five years ago, in place of being an advantage to these men, it was a disadvantage to them. I do not think there was a man who was engaged in the strike at that time who did not have to go back to work at actually less money than he had before the settlement. Moreover, they had to go back to their work without having secured the recognition of the union.

I believe a union is one of the leverages by which the workingman can hold his own against capital. If it is carried out properly, it is not only to the advantage of the labouring classes but it is to the advantage of the capitalist and the man who is an employer of labour. Then we had the dry dock strike in Halifax. There was no conciliation board there. A movement was made to appoint a board; it dragged along from day to day, from week to week, from month to month, almost into years, and there was no settlement. The men who endeavoured to strike on that occasion, many of them, had to leave Halifax and go elsewhere to seek employment. The union became a thing of the past. Then there was the Springhill strike. Three or four conciliation boards, two or three at least, had to be brought together in that case, different judges had to be appointed on different boards, and after all they did not make a settlement. So you can go along the whole line. I do not attribute this particular breakdown to any head of a department, or to the department itself. But I do say that we must have a Labour Department, and we must improve it. I am quite in line with my leader when he says that if we are going to inaugurate a Department of Labour we must not make it a secondary department, but the minister of that department must stand on the same footing as every other minister, his salary must not be any less. I think we can say of him what the Prime Minister said a few days ago, when he quoted scripture to show that the man who was sent to work at the eleventh hour got just as much as the one who began to work at the beginning of the day. My hon. friend the Postmaster General was referring to what had been done by the Labour Department in getting the Japanese to go back to Japan. Now I would like the Minister of Labour to go to Japan as often as possible, if he can take all the Japanese out of Canada and conduct them back to Japan. If there was nothing else for the Minister of Labour to do I would like to see him going back and forth between Canada and Japan for the next year or two in order to clear out all the Japanese we have here. I believe that the more effective we can make the Labour Department the better for the country generally. I hope to see the Conciliation Act brought into operation more often, I hope to see it improved, and

as long as I sit in this House I will be glad to give my assistance in that direction.

Mr. SCHAFFNER. A good deal has been said with regard to the salaries of ministers. I wish to say that ever since I came to this House, and particularly when the question came up of increasing the indemnity to members, I have been of the opinion, and I am willing to take the responsibility of saying so, that our ministers are not properly paid. Now in a way I object to the proposed title of Minister of Labour; and I have heard other members express the same opinion. He should not be called a Minister of Labour. Every minister of the Crown is a minister of all the people, no matter over what department he presides. Another practice of this government which I think is open to criticism is that of going outside the members of this house to get ministers. There may be times when that might be done, but in the present case I see absolutely no need of it. This is not such an important position as that the government must go outside of parliament to find a head of the new department. I know of at least two or three men sitting on the opposite side of the House who are entirely fit, both in experience and ability, to occupy the post of Minister of Labour. Therefore I think the government is open to criticism in having gone outside the House to seek a head of this department.

On section 3,

Mr. SPROULE. This means another deputy minister. I understood the minister to say that there would be no new expense involved in this legislation except the salary of the minister. But you provide a deputy minister.

Mr. LEMIEUX. He has been appointed already. He was appointed when the department was created an adjunct of the Post Office Department.

Mr. SPROULE. Were there two deputies in the other department?

Mr. LEMIEUX. There was a Deputy Minister in the Post Office Department, and there was a deputy minister in the Labour Department. To-day we contemplate having one Minister of the Department of Labour. The deputy minister remains the same.

Mr. HENDERSON. Who is the Deputy Minister of Labour?

Mr. LEMIEUX. Mr. F. A. Acland. He was secretary of the department, and was promoted when Mr. King left the department.

Mr. SPROULE. I understand from the Postmaster General that a deputy was appointed.

Mr. LEMIEUX. Mr. King was acting as deputy minister of the Department of Labour in connection with the Conciliation Act of 1900. An appointment was provided for in that Act. There has been no change. Mr. King has left the department and is now a member. Mr. Acland, who was secretary under Mr. King, has been promoted and Mr. Brown has been appointed secretary of the department.

Mr. HENDERSON. I thought he was assistant to the deputy minister.

Mr. LEMIEUX. The secretary is ranked as secretary of the department and assistant deputy minister. The reason is obvious. Sometimes there are two or three industrial disputes threatening at the same time. The deputy minister may be engaged on an important dispute and it may be necessary for the secretary to deal with another dispute and it is thought better to give him the title of assistant deputy.

Mr. HENDERSON. It gives him more prestige?

Mr. LEMIEUX. Yes.

Bill reported.

Sir WILFRID LAURIER moved the third reading of the Bill.

Mr. HENDERSON. I intimated that on the third reading I might test the opinion of the House on the question of the $7,000 salary to the minister. After hearing the expression of opinion of members I see that I am in a desperate minority and I shall not pursue my intention, although I still hold to the opinion I expressed. I wish it to be understood that I am not objecting to ministers getting better salaries. If we were discussing that question I might perhaps speak differently, but I do think it invidious to put this man, whoever he may be, at the head of this department, which, notwithstanding all that has been said, I do not regard as a department at all equal in importance to the Departments of Customs, Finance, Agriculture or Justice, and pay the same salary as the other ministers receive. I think it is unfair to the men who have been doing the hard work for the last ten or twelve years; it makes too soft a spot for the new man.

Mr. SPROULE. I was not complaining of the size of the salaries of the ministers, what I was complaining of was an increase in the number of departments and the consequent increase in the expense. What has the Secretary of State or the Solicitor General to do which would prevent him administering this department, or could not the Minister of Trade and Commerce administer it? Practically they have very little to do. If the importance of labour is sufficient to justify the creation of a department of this kind, the department might be placed under one of the other ministers

who have so little to do, so that we could avoid adding at least $7,000 for another minister.

Motion agreed to, Bill read the third time and passed.

CANADIAN PATRIOTIC FUND ASSOCIATION.

Bill (No. 175) further to amend chapter 92 of the Statutes of 1901, respecting the Canadian Patriotic Fund Association—Sir Frederick Borden—read the second time, considered in committee, read the third time and passed.

AID TO THE CANADIAN NORTHERN RAILWAY.

Bill (No. 186) respecting certain aid for the extension of the Canadian Northern Railway—Mr. Graham—read the second time, and House went into Committee thereon.

On the preamble,

Hon. GEO. P. GRAHAM. By this Bill it is not proposed to grant any aid to the Canadian Northern Railway. It is to make clear a question that has arisen as to the securities of the Dominion and the securities of the Manitoba government. Under an Act of last session this parliament guaranteed certain bonds of the Canadian Northern Railway. On the property on which this guarantee was given, we took a first mortgage and as security, a second mortgage on the other lines of the Canadian Northern Railway. The Manitoba government gave assistance in the way of a guarantee of bonds, and on the lines on which they gave the assistance they took a first mortgage. On the same lines our mortgage comes in as a second mortgage. The question arose when the bonds came to be issued upon 199 miles which had been begun and not completed at the passage of the Act as to the priority of the securities. It is merely to make clear, as was the understanding, that the Manitoba government securities rank ahead of our security on that portion of the mileage not completed.

Mr. R. L. BORDEN. Will the minister read the section as amended?

Mr. GRAHAM. Yes.

The said deed or deeds of trust shall also create a mortgage or charge, next after the charges existing thereon——

Then comes in the amendment:

and the deed of trust by way of mortgage or charge securing the same, dated 30th May, 1904, confirmed by chapter 37 of the statutes of Manitoba of 1905, and the securities issued, and which may hereafter be issued, under the terms of the said deed of trust, upon all the lines and branch lines.

Mr. SPROULE.

A question could be raised if this debenture stock had been scattered among third parties, but as a matter of fact it is in the bank and the bank has given its consent to this change.

Mr. PERLEY. Is there any other charge on this road except the bonds guaranteed by the Manitoba government?

Mr. GRAHAM. No; they have the first charge and we have the second.

Mr. PERLEY. They have the only charge ahead of us?

Mr. GRAHAM. Yes. They guaranteed bonds up to $10,000 a mile. Their mortgage includes the mileage already constructed and as year by year the legislature of Manitoba undertakes to guarantee a further issue of bonds on further mileage the original mortgage covers the mileage they may guarantee.

Mr. PERLEY. The insertion of these new words looks as if there were some other charge, because it says: 'And the deed of trust'. This deed of trust is really covering exactly the same mortgage?

Mr. GRAHAM. The expression merely covers the $10,000 per mile.

Mr. PERLEY. It is not well worded to express that idea. I think it would be better to use the words 'covered by the deed of trust' so as to show it was the same mortgage.

Mr. GRAHAM. In order that there might be no mistake about it this time, I had Judge Phippen and Mr. Chrysler of Ottawa who are both experts, draw a Bill, agree upon its terms, and sign the original before I would accept it so that there could be no mistake.

Bill reported, read the third time, and passed.

At six o'clock, House took recess.

After Recess.

House resumed at eight o'clock.

RAILWAY EMPLOYEES PROVIDENT ACT.

Bill (No. 164) to amend the Intercolonial and Prince Edward Island Railway Employees Provident Act—Mr. Graham—read the second time, and House went into committee thereon.

Hon. G. P. GRAHAM (Minister of Railways and Canals). The object of this is merely to allow Mr. Pottinger to be chairman of the Provident Fund Association Board. The Act says that the general manager shall be chairman, but under our new regulations there is no general manager, and we are changing the Act so as to allow him to continue to be chairman.

Mr. EMMERSON. I would like to call the minister's attention to a matter to which I have already privately called his attention, that is, the position of certain employees of the railway who are obliged to pay into the fund with no possibility of having their payments returned to them unless there is an amendment to the Act. These are men who have gone beyond the age of seventy, after which age the payments do not count, so that in the event of their retirement they would get no re turn. Some of them have not been more than ten years in the service or long enough to entitle them to participate in the fund. I call the minister's attention to it in the hope that he will deal with it in some way.

Mr. GRAHAM. My hon. friend's remarks are quite apropos. There is an apparent hardship to some of the older members of the service who were compelled by the Act to come into the Provident Fund, but who under the same Act cannot get anything out of it. I have discussed the matter with the chairman of the board, who thought the Act would allow them on retirement to get back the money they had paid in. If there is not authority to do that, I think we ought to get authority.

Mr. HENDERSON. Would it not be possible to insert an amendment in this Bill that would cover this matter?

Mr. GRAHAM. I think we had better not try to do it now, but I think we shall be able to work it out later. No grievance will be suffered by the men because of the delay.

Mr. MADDIN. When the change does come into effect, you will make it retroactive?

Mr. GRAHAM. Yes, it will include the object my hon. friend has in view.

Bill reported, read the third time and passed.

RAILWAY SUBSIDIES BILL CORRECTION.

Bill (No. 174), to correct a clerical error in chapter 63 of the statutes of 1908, respecting railway subsidies—Mr. Graham—read the second time, and House went into committee thereon.

Mr. GRAHAM. As I explained the other day, the resolutions passed last session provided for a subsidy of $200,000 to the Vancouver, Westminster and Yukon Railway Company towards the construction and completion of a railway bridge across Burrard Inlet, as will be found on page 1414 of the Votes and Proceedings. When the statute based on the resolutions came back from the printer, there was no amount in it, the space being blank. This Bill is to correct that error.

Bill reported, read the third time and passed.

COLD STORAGE ACT AMENDMENT.

Bill (No. 147), to amend the Cold Storage Act—Mr. Fisher—read the second time, and House went into committee thereon.

Hon. SYDNEY FISHER (Minister of Agriculture). As I explained when the Bill was introduced, its object is merely to change one word so as to provide that cold storage warehouses shall be eligible for the bonus even though they do not provide accommodation for all kinds of food products.

Bill reported.

Mr. FISHER moved the third reading of the Bill.

Mr. J. A. CURRIE. How much money was spent last year in the icing of cars for cold storage purposes?

Mr. FISHER. Speaking from memory, about $10,000 for the icing of cars and for making up the freight rate in a few instances. Our arrangement with the railways was to guarantee two-thirds of the freight on a car. In most cases the freight is sufficient to pay that, but occasionally there is a deficiency which we make up.

Mr. SPROULE. Early in the session I asked for a return showing the amount of food products shipped in cold storage.

According to the return brought down, the amount of stuffs going by cold storage is infinitessimal. I think it amounted to 1,500 barrels of apples only out of the 15,000,000 produced in the country. If that return indicates what went in cold storage, the country is getting no adequate compensation for the expense of that system.

Mr. FISHER. We have in the ships through Canadian channels four kinds of storage, namely cold storage or the refrigerator compartments, cool air storage, the storage ventilated by air holes, and the common storage. Very few apples go in the refrigerator service. They practically all go in the ventilated and cool air compartments. Butter all goes in the refrigerator compartments except in the winter. I do not think any cheese goes into the refrigerator compartments but into the cool air storage. Some eggs go in the refrigerators in very hot weather, but generally in the cool air compartment.

Mr. SPROULE. All the butter that went into the refrigerator compartments in 1907 was 66,968 packages, and 52 in the cold air. In 1908, 89,000 went in cold storage and none in the other. Apples, 6,105 barrels and 2,077 boxes went in cold storage and 1,000 barrels and 3,000 cases in cool air. Meats, 2,000 boxes went in cold storage and 29,000 in cool air, but the meats were

principally from the United States. Lard, none went from Canada at all. Fruit and vegetables, Canadian, none. Eggs, 398 boxes went in cool air. Beef, quarters, from the United States and pork, 267 boxes. The amount is so very small that it looks as if hardly any one used the cold storage.

Motion agreed to, and Bill read the third time and passed.

COMMERCIAL FEEDING STUFFS.

Mr. TEMPLEMAN moved that the amendments made by the Senate to Bill (No. 127) respecting commercial feeding stuffs be concurred in. He said: The only amendment of any consequence is to change the date of bringing the Act into force from October, 1909, to January, 1910. That is due to the fact that, under the Act, licenses have to be issued in the calendar year, and it was deemed inexpedient to have three months license for the balance of this year.

Motion agreed to.

HARBOUR COMMISSIONERS, MONTREAL.

The House went into committee to consider the following proposed resolution:

Resolved, that it is expedient to provide that the interest on the sums of money advanced to the Harbour Commissioners of Montreal for the construction of grain elevators and other terminal facilities, during the period of construction of the said facilities—such period to terminate as of such date as the Governor in Council shall fix and determine—should be charged to the capital account of the commissioners, and be paid out of the sum to be advanced to the commissioners under authority of chapter 30 of the Acts of 1907.—Mr. Fielding.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). It was thought that by the statute providing for loans of money to the Harbour Commissioners of Montreal, the interest accrued during the construction of the public works should be added to capital account, but it was found that the statute did not provide for that. That was due to a clerical error, because interest on public works during construction is always charged to capital account. Take the railway accounts, it is provided that the interest on the money spent during the construction of a railway forms part of the capital. When the accounts come to be made the capital account is charged with the interest paid during construction.. It was thought in the case of the Harbour Commissioners that the interest which had accrued during construction should be charged to the capital account, but the Department of Justice advised that, under the statute, that could not be done.

Resolution reported.

Mr. SPROULE.

On motion that the resolution be read the second time and concurred in:

Mr. J. A. CURRIE (North Simcoe). I take advantage of this opportunity to say that, if there is any way in which the Bill proposed by me for the weighing of grain at the transfer elevator can be incorporated into law before the end of this session, I shall be glad to assist the minister in striking my Bill from the order paper. By this Bill I endeavour to save the grain men $50,000 a year. If the minister (Mr. Brodeur) would forward the measure, I think his action would be duly appreciated by those concerned.

Mr. BRODEUR. The Bill referred to could be included in some measure dealing with the incorporation of the Board of Harbour Commissioners, but this is an Act for the Amendment of the Act to provide for further advances to the Harbour Commissioners, and it could not be incorporated in this measure.

Mr. J. A. CURRIE. Not in this one; I know that. I only took the opportunity of asking if there would be a way in which the measure could be made law this session.

Mr. BRODEUR. It will have to stand over for this session.

Motion agreed to, and resolution read the second time and agreed to.

Mr. BRODEUR moved for leave to introduce Bill (No. 192) to provide for further advances to the Harbour Commissioners of Montreal.

Motion agreed to, and Bill read the first and second time, and House went into committee thereon.

Mr. SPROULE. I suppose the rate of interest is mentioned in some other Act; it does not appear here.

Mr. BRODEUR. It is provided in the statute. The rate is 3 per cent.

Bill reported, read the third time and passed.

EXCHEQUER COURT AMENDMENT ACT.

Bill (No. 151) to amend the Exchequer Court Act (Mr. Aylesworth), read the second time, and House went into committee thereon.

On section 1,

Appeal by Crown to Provincial Court of Appeal.

Mr. DOHERTY. Is it the intention that this should apply to all cases or only to those cases in which, under the statute as it now stands, the Crown has the right to appeal, which the other party has not? I speak of the statute as it stands only from

memory, but, if I am correct, the other party to the suit with the Crown has no right to appeal where the amount involved is not over $500, but the Crown has the right to appeal in cases even where the amount is under $500. Does this apply only in the particular cases in which the Crown now has the exclusive right of appeal, or is it intended to apply to all cases?

Hon. A. B. AYLESWORTH (Minister of Justice). The committee will observe that there is nothing in the proposed clause with reference to amount. The idea, I may say, which is in my own mind, and with which this amendment has been drafted, is that it should be applied to cases which, while involving, a small amount of money, might involve some important principle of law, and in which it would, therefore, be thought desirable on the part of the officers of the Crown that an appeal might be taken. An appeal to the Supreme Court would be more expensive and would bear, if it were successful, more heavily upon the defeated litigant than if the appeal could be taken to the provincial court. Notably, I might refer to cases which might be determined differently in different provinces. Take, for instance, an action, which is not at all uncommon and which, in the English-speaking provinces, we commonly refer to as an action under Lord Campbell's Act, where a man has been killed by some negligence for which the representatives of the deceased consider officials of the Crown are responsible—it might be on the Intercolonial Railway. If such action arises in the provinces to which the English common law applies, the conduct of the deceased, or a release which he may have given, or a contract which he may have entered into which would preclude him from recovering in case he had been injured instead of being killed, would be a good defence to the action brought by his representatives. In the province of Quebec, under the system which there obtains, such an action I am told is viewed as an independent action altogether, and the action given by law to the widow or to the family is one in respect of which a release which might have been given by the deceased during his lifetime, would be no answer. Such an action accordingly might have a different fate entirely, depending upon whether the accident had occurred and the action was brought in the courts of one province instead of another. In such actions sometimes the amount involved is comparatively small, while questions of law which are raised are of great importance. It has been felt, in the conduct of the litigation of the Crown, that it would often be desirable that questions of importance, legal questions of that character, should be passed upon by the appellate tribunal of the province instead of going to the Supreme Court. The whole object of this amendment is to give the Crown that option in cases where it seemed proper to His Majesty's legal advisers that an appeal should be taken, and in which it would be greatly to be desired that such appeal should be disposed of by a tribunal of the province without going to the Supreme Court at all. That is the whole scope of this amendment and of the fact that no limitation is proposed upon the face of the enactment as to the amount involved.

Mr. DOHERTY. One of the reasons given why it might be considered more desirable upon the part of the Crown that it should have a right of appeal to the appellate court of the province, would be that in cases of small amounts, it might involve less expense and entail less hardship on the other party. So far as that reason is concerned, it occurred to me that inasmuch as the Crown has a right of appeal as it now stands to the Supreme Court, whereas, the opposite party has no appeal in cases in which the amount involved is under a specified amount, it might perhaps be considered proper that some specific amount should be fixed with regard to an action in which the Crown should have its option. Because it seems to me, I say it with all respect, that at first glance it looks a little anomalous to give a right to one party to a suit which you refuse to another.

Mr. A. K. MACLEAN. What is the difference now?

Mr. DOHERTY. If I remember rightly, not having the statute before me, at present the party other than the Crown has no appeal from the Exchequer Court to the Supreme Court in cases where the amount does not exceed $500, whereas the Crown has a right of appeal even if the amount be under $500. If there be some important question of law involved the decision of which might affect future rights, or similar questions in other cases in which the Crown property is concerned, or in which the amount might be larger, it seems to me it would be more logical to make a similar distinction as to amount in creating another case where the Crown is to to have an appeal which the other party is not to have. And if the reason of making this distinction by this present Act is because, in cases of small amounts where the Crown might have a substantial interest to appeal, it might be hard on the other party that he should be compelled to go before the Supreme Court and run the risk of paying all the costs involved in such an appeal. If these are the reasons on which it rests, why should not this exceptional right upon the part of the Crown to choose its appeal be limited to those cases where it

alone has any right to appeal? Then so far as the differences of law in the different provinces might make it desirable to go to the appellate court of the province rather than the Supreme Court, it seems to me that so far as this Act rests on that ground, if it is to be applicable in all cases including those in which the party other than the Crown has an appeal, those very reasons ought to be just as great in the case where the opposite party would be the appellant as where the Crown would be the appellant. I have no doubt this matter has been fully considered by the Department of Justice, more fully than I have been able to consider it; but on the face of it it looks a little anomalous and a little unfair to give the Crown exclusive choice of courts, whereas the opposite party having a right of appeal is limited to absolutely one court. Of course I have no doubt that the representatives of the Crown never desire to abuse it in that way. But you are running the risk of the party with whom the Crown is litigating feeling that he has been condemned by a court that the Crown selected, and that if he had felt called upon to take an appeal he would have had no choice at all. Suppose for instance a litigant in the province of Quebec thinks he would have a better chance under the Quebec law if he loses his case in the Exchequer Court, and the Crown by option takes him to the Supreme Court, he may think: 'Well, if I were to go to appeal I would have to go to the Supreme Court; but the Crown may take the choice of the two courts which seems to it most desirable.' I do not think, however, anybody representing the Crown would do that. I only wanted to submit these considerations to which, as I say, I have no doubt the Minister of Justice has given much more thought than I have been able to do. But, when you are framing an Act, and find that you are giving to one party a remedy which you are refusing to the other party, at first glance there seems to be an unfairness about it. For myself I must confess that it does seem to me that the reasons the minister gives, while they might be sufficient if this Act applied to these particular cases of small amounts in which the party other than the Crown would not have an appeal anyway,—when applied to those cases in which both parties now have a right to appeal—are not satisfactory. I must confess that when you come to make this statute apply to all cases in such a manner that you are giving to the Crown in any case the choice of Court of Appeal, whereas the opposite party, where he has an appeal, is limited to one court, I have to confess that the reasons for making that discrimination do not at the moment seem to be absolutely conclusive.

Mr. DOHERTY.

Mr. AYLESWORTH. Of course I do not conceal that this Bill has been deliberately framed in its present language. It was not intended to confer upon the suppliant in a proceeding against the Crown any new or different right of appeal from that which already exists for him, and I admit that at first sight that appears to be putting the suppliant in a position of disadvantage. But I think that, upon reflection, it will be seen that apparent disadvantage is not after all as real as it might at first be supposed. It is a first principle that the Crown can be sued only by its own consent, the King's writ does not run against the King himself. The Crown can be sued only in the special manner which is prescribed by the presentation of a petition of right and such a petition of right becomes effective only when His Majesty's representative gives his fiat permitting the petition of right to be presented, so that at the very initiation of any proceedings by a subject against the Crown, the consent of the Crown to being sued is an essential pre-requisite. Remembering that that principle underlies the whole administration of justice where the subject pursues the Crown for his remedy, when we come to consider the appeal which is given we will see that at the present time, the only appeal from the federal Exchequer Court is to the federal Appellate Court, the Supreme Court of Canada. I am not proposing to take away from the suppliant any right which he has, I am not proposing to restrict or to affect that right of appeal. In any action which the subject may prosecute in the Exchequer Court, if he has under the existing law a right of appeal, that right remains to him, notwithstanding the passing of this legislation, not in the least degree detracted from or lessened. But I am proposing to confer upon the Crown an alternative right of appeal. I am not proposing to confer upon the suppliant the same privilege. It appeared to me that if a suppliant was unsuccessful in the court of first instance, if his claim was dismissed by the judge in the Exchequer Court and he was discontent, he might well be left to prosecute his appeal, if he were so advised, in accordance with the existing law. If his claim was small, but still he thought that he could succeed, he would not be interested in settling general principles of law which might be applicable to other cases, his only interest would be to recover the amount of his claim and he might therefore well be left to his present remedy by prosecuting what would be probably a more expensive appeal it is true but an appeal to the federal appellate tribunal. On the other hand, the Crown is often interested in establishing some question of law which would be ap-

plicable to a great number of cases, and in actual everyday practice we frequently find a case involving a comparatively small amount in which a judgment is pronounced in the court of first instance with which the advisers of the Crown are not satisfied but they hesitate to go to an appeal and to take their adversary through the expensive proceedings of an appeal to the Supreme Court, when if this alternative of going to the appellate tribunal of the province existed, that hesitation would be removed and at much less expense the question of law might be settled satisfactorily not merely with reference to that particular case but possibly concluding a great number of other similar pieces of litigation. Just because the Crown on that account is frequently interested in getting some question of general importance settled in an action which may be in itself of comparatively trifling importance, this alternative right of appeal would be certainly of great value to the Crown. It would not be of the same value to the private litigant, and I thought that, as I was not proposing to take anything from him by the proposed amendment, but only proposing to confer upon the Crown an additional alternative right of appeal, the proposition was free from objection on that ground.

Mr. LENNOX. I think the Minister of Justice is a little too candid about this Bill to have it commend itself to the committee. The private litigant desiring to bring an action against the Crown is pretty well handicapped under the general law which I think goes far enough in that respect. The minister tells us that the object of this Bill is in effect that if the Crown can get an advantage by seeking an appeal in a provincial court which it could not get in the Supreme Court of Canada, then it will be enabled to take advantage of the local law and obtain a verdict which it otherwise could not get. On the other hand, he proposes to retain for the Crown the existing right of appealing to the Supreme Court. Then, whenever the Crown finds upon investigating a matter that it can obtain a verdict favourable to the Crown, in one court or the other, the Crown can appeal to that court. This does not seem to me to be a fair way of treating the public. I do not understand why the Crown with all its powers should have these peculiar advantages. It is candidly admitted by the minister, giving the illustration which is familiar to us, and which was actually invoked in some cases not long ago, Lord Campbell's Act as against the law of Quebec, and says that the very object of this Act is to enable the Crown to cause that appeal to whichever court is most likely to be favourable to the Crown against the man who has already obtained a verdict. I do not think that this is honest or creditable to the country. Just as it is discreditable for suitors to cast about to see which judge is most likely to give a favourable verdict, it is discreditable for the Crown to take advantage of the proposition the minister submits. I cannot see that this is just legislation in the view in which the minister presents it to the committee.

Mr. MADDIN. It is only fair and right that a suppliant in asking for a fiat to proceed against the Crown, should know exactly what tribunal it is possible for him to go before in order to have his rights determined. He should know before he ventures into litigation what court or courts will have jurisdiction over his case. As the law stands now the litigant knows exactly that if he fails before the Exchequer Court then in certain cases fixed by statute he has a right of appeal to the Supreme Court of Canada and in certain other cases, broader than the suppliants, the Crown has a right of appeal to the Supreme Court of Canada. And so the solicitor of the suppliant is in a position to give him an opinion on the law, but should this amendment carry and the right be vested in the Crown to select whichever of the two tribunals it shall see fit, then the solicitor can never instruct his client with any degree of certainty, because he will be obliged to say that if the case is determined according to the law of the province you will succeed, but if the Crown exercises its right to select the Supreme Court of Canada you will fail. As the law stands the litigant knows what tribunals have jurisdiction, and to insert this amendment is unfair to the litigant. I submit that this legislation should not pass.

Mr. R. L. BORDEN. There may be some reasons why it would be more in the interest of the Crown or the subject to go to the provincial court than to the Supreme Court, but I have always entertained the opinion that the rights of the Crown and of the subject should be correlative and that if you give the Crown the right to sue the subject you should give the subject a corresponding right to sue the Crown. I think that a great deal of the old theory of prerogative is inapplicable to the conditions in this country; it certainly is not applicable to these cases in which the Crown undertakes to carry on the business of a railway company. If the Crown is to be invested with the right to appeal either to a provincial court of appeal or to the Supreme Court of Canada I must confess that I can see no good reason why the subject should not have the same right. When the Minister of Justice introduced this Bill he rather put it on the ground that the Crown was too much oppressed by poverty to stand the expense of an appeal to the Sup-

reme Court of Canada, but surely the hon. gentleman must have intended that as a joke. However, the ground he now puts forward is that there may be laws applicable to a certain case in controversey in a province which should rather be entrusted to the determination of the court of appeal of that province than to the Supreme Court of Canada. If that is a consideration in favour of an appeal on behalf of the Crown to a provincial court of appeal, why is it not an equally good reason in favour of an appeal by the subject to that court? Under the law as at present if the subject matter of dispute amounts to a certain sum either the one party or the other can appeal to the Supreme Court of Canada, and the rights of the parties are precisely the same in that respect. Under this Bill it is not proposed to increase the rights of the subject, but it is proposed to increase the right of the Crown by giving the Crown the option to appeal either to a provincial court of appeal or to the Supreme Court of Canada. I must confess that I cannot see any sound principle on which such legislation can be founded. I would not see much objection to it if the subject were invested with the same rights as the Crown although even then it might be debatable whether there is any good reason for it. But it does seem to me rather a novel principle that you create a right of appeal in the Crown of which you deprive the subject.

Mr. AYLESWORTH. It is dangerous for any one to be more Catholic than the Pope, and I am afraid that in this matter I am more Conservative than the recognized leader of the great Conservative party. I think it is one of the most valuable rights of the Crown that it should not be liable to be sued except upon the advice of its own attorney general. It is all very well to say that the rights of the subject and of the Crown should be co-relative and co-equal, but there is reason for the established order of things which has prevailed for centuries in British dominions. The attorney general is not personally interested; he is not dealing with interests which are his own, and I think the experience of the past has demonstrated that he can safely be trusted not to advise the withholding of a fiat without which an action cannot be brought against the Crown unless the case is of extreme character. I should certainly not be prepared to give up that right and privilege of the Crown wherever British rule prevails. It is a rule established by the wisdom of centuries and I think it is a good rule. It is with the idea of carrying out that general principle that this amendment is introduced. It is an anomalous thing I concede that we should be proposing to permit an appeal from a federal court to a provincial court, and just because it is an anomalous thing I should not be willing to give to the subject the option to exercise that right at his pleasure. I think it is very probable that option would be extensively utilized were it given to the subject. If it is given to the Crown, and to the Crown only, I think I am safe in saying that it will be very sparingly acted upon. It will be in very few cases, and only in cases where important questions of law arise, that the alternative of going to the provincial court will be chosen by the advisers of the Crown. But there are cases in which it has been in practice felt that it would have been preferable if, in view of the special questions which arose in the particular litigation, there had been the possibility of going to the provincial appellate court instead of to the Supreme Court of Canada. I am not able to appreciate the feeling of my hon. friend from Cape Breton (Mr. Maddin) that this amendment would introduce uncertainty into the administration of the law. See how it would shape itself practically. A suppliant has a claim against the Crown, and he consults his solicitor in regard to it. Assuming that the present amendment is the law of the land, his solicitor tells him: 'You must bring your suit in the Exchequer Court, where it will be tried by one judge. If he decides against you, and you do not see fit to accept his judgment, your only chance is by appealing to the Supreme Court of Canada.' There is no uncertainty in the position of the suppliant in that respect. On the other hand, the solicitor says to him: 'If you succeed before the Exchequer Court, the Crown has a right of appeal, and may take the choice of two tribunals, either our own provincial Appellate Court or the Supreme Court of Canada, I cannot tell you which of these tribunals the Crown will select, if it takes any appeal at all.' It may be that there will be differences of result in litigation, depending on individual judges before whom the litigation comes for decision. I suppose that is a necessary consequence of human nature. Upon that the legal adviser, in discussing the question with his client, can only speculate and give to him his own best ideas of what the personal equation in the different judges or different courts of the country will lead to. Upon the general question of the law applicable to his case, no effect whatever is had by granting to the Crown the alternative right of appeal.

Mr. MADDIN. If it were at all possible to make the uncertainty clearer than I did, I think the Minister of Justice has done that in his remarks. When a litigant's case gets to the point at which he asks his solicitor's advice, his solicitor will tell him, as the Minister of Justice has said: 'You are obliged to take your action into the Exchequer Court, and if you fail there and desire to appeal, you are obliged to take your

appeal to the Supreme Court of Canada. Thus far there is no uncertainty. If you succeed in getting judgment in the Exchequer Court, you are obliged to defend that judgment in whichever one of the two tribunals the Crown chooses to appeal to. There is the element of uncertainty. The Minister of Justice has made that as clear as the noonday sun. But it has always been the practice of the Crown, in issuing a fiat to bring an action, to say: 'We will play fair; we will give you a fair deal.' Under the law as it now stands the litigant knows exactly into what courts he will be called, where his rights will be determined. But under this amendment, it amounts to this, that the Crown says to the litigant: 'We will grant you a fiat for a petition, and you may bring your case, but if you succeed in the Exchequer Court, we will consider the question involved, and if we think we cannot beat you in the Supreme Court of the province, we will try it in the Supreme Court of Canada; and if we think we cannot beat you in the Supreme Court of Canada, we will try it in the Supreme Court of the province; but in the meantime, although granting you the fiat, we will not take you into our confidence and tell you which of the two tribunals you will have to face.' That is the element of uncertainty and unfairness. You can easily appreciate that a case might arise in which, after it had been determined by the last court of appeal, the litigant would say: 'If I had known that the Crown, in the event of appealing, would have taken it to the Supreme Court of Canada, I would never have submitted to the fiat.' That element of uncertainty and conjecture should be eliminated, and the proceedings should be made regular so that the litigant would know all the tribunals before which his case would go.

Mr. R. L. BORDEN. I am not inclined to agree with my hon. friend the Minister of Justice that there is any departure from past Conservative doctrine in the attitude I have taken this evening. It was a Conservative government which first made the Crown liable in this country for the negligence of its servants upon public works, where that negligence caused damage to any third person; and I think the tendency of legislation, not only before 1896, but since 1896—because my hon. friend the Minister of Railways and Canals has been carrying out some legislation of the same character—has been towards giving the subject what I call co-relative rights in the assertion of claims in the courts of this country. He has spoken of the safeguards thrown around the subject by his being able to depend upon the advice of the Attorney General, who has no personal interest. I admit that is a safeguard, and I am not putting forward any other claim that would bear any other construction. But sometimes I have noticed, even since I have been a member of this House, that it is not the Attorney General of Canada who determines whether or not a fiat shall be granted, but the minister in charge of a particular department, and it sometimes even appears that the matter has not gone before the Attorney General at all. There are applications today outstanding in the office of the Postmaster General, if I am not mistaken, from some twelve or fifteen men, for permission to sue the Crown in respect of mail contracts which were cancelled by the former Postmaster General, Sir William Mulock, and I was never led to believe that the Attorney General's advice was very much invoked in those cases, although I speak subject to correction. After all, what is there in this prerogative that we should be so much afraid to give the subject the right to sue? He cannot effectively assert his claim against the Crown until it has been passed upon. He stands, if you grant this writ, exactly in the same position as the Crown. The claim of either the one or the other must await the determination of the courts, with the full right of either to appeal to a higher court where such appeal is allowed. It is proposed to depart from that. I do not know that there is to be found in the old doctrine of prerogative anything like this. The Minister of Justice says that this is an anomaly, and in that I entirely agree with him. It is a very great anomaly, but he thinks it perfectly proper that that anomaly should be acted upon in favour of the Crown while it is not in favour of the people. Call it an anomaly, if you will, to give both the Crown and subject the right of appeal, but it is most extraordinary to give the Crown alone the right and deny it to the subject. I do not think the legislation is founded on sound principle and am still unconvinced by the argument of the Postmaster General (Mr. Lemieux). We ought to tend more and more in this country to give the subject the free right of appeal to the courts enjoyed by the Crown.

Mr. LEMIEUX. I do not wish to discuss the merits of the Bill but merely to say a word or two on the remarks of my hon. friend the leader of the opposition about these mail contracts which were cancelled years ago and concerning which a petition of rights was filed. If I remember well the facts—and they came before me a few months after I became Postmaster General—they are as follows: In 1896, my predecessor, Sir William Mulock, examined into a series of somewhat large mail contracts which had been renewed without tender, and decided to cancel a certain number. The contracts were cancelled, new tenders were called for and new con-

tracts awarded. In the Post Office Act there is a section which provides that all mail contracts of above $200 are subject to tender, there were 15 or 20 of those contracts which had been renewed without the necessary authority, and by calling for new tenders the Postmaster General of that day saved quite a large amount to the public exchequer. In every contract there is a clause providing that the Crown may at any time cancel it, but this clause is never acted upon except in particular cases, such as the ones I have just mentioned, so that if the fiat was refused in those cases, the Crown had certainly a right to refuse it.

Mr. R. L. BORDEN. I am not at all concerned as to whether these men had a good claim or not. They were advised by counsel that they had and therefore were entitled to assert it in the courts. If the Crown did not desire to be harassed with 15 or 20 actions, it could have selected one as a test case; and if it thought the men were not responsible for costs, it could have made the condition that they should give security before going into the courts. But when advised that they had a good claim, they should have been granted the opportunity to assert that claim in the courts.

Mr. AYLESWORTH. I would like to add, with reference to the claims referred to, that when a claim is made for the recovery of money against the Crown, the application for leave to present a petition is referred by the Department of Justice to the department interested for instructions and advice. But with regard to the contracts alluded to, while it is a fact that during the eight months when I was Postmaster General I heard of these claims, it is equally the fact that they were then nearly ten years old and that no formal application of any kind to revive them or ask that they be considered came before me; and during the three years, or nearly so, in which I have been Minister of Justice, those claims have never in any way been submitted to me for consideration but appeared, as I always supposed them to be, claims which were disposed of more than ten years ago. I am not familiar with the details, but with regard to the administration, by me at any rate, of the privilege of advising His Majesty's representative on the important question as to whether permission should be given for the presentation of a petition of right, I have only to say that I share entirely the views expressed by my hon. friend the leader of the opposition, namely, that the petition of right ought to be granted practically always. I have advised, in the three years I have been in my present position, the granting of petitions of right in possibly hundreds of instances; and in so far as I recollect, there was but a single one in which I did not give that advice. And in that case the circumstances were of such a character that if I were to mention them before the committee, I am quite sure they would cause irresistible laughter. They were so abominally absurd that they were not worthy even the consideration of reading the papers presented.

Mr. R. L. BORDEN. I have no desire to be understood as criticising in any way the administration of the Minister of Justice in respect of the matter I have mentioned while he was Postmaster General. I understood that it was disposed of by Sir William Mulock when he had that portfolio. He assumed the responsibility for it in this House and it was the subject of debate on two occasions in two different sessions.

Bill reported, read the third time and passed.

CRIMINAL CODE—AMENDMENT.

House in committee on Bill (No. 148) to amend the Criminal Code—Mr. Aylesworth.

Hon. A. B. AYLESWORTH (Minister of Justice). There were two sections of this Bill which were not disposed of when the committee was last in session, and there are two others with regard to which I wish to say a word. So perhaps the two which stood over for further consideration might first be disposed of. Section 508a is the section which deals with the unlawful printing, or being possessed of plates for printing, pirated musical compositions. Some objection was offered by the member for one of the divisions of Montreal, and the section stood over for further consideration in the absence, for the moment, of the Minister of Agriculture (Mr. Fisher) who is charged with the administration of our copyright law. I pointed out, on the previous occasion, that this section is substantially a reprint of the imperial legislation on the subject, and that the circumstances, which have been shown to exist in possibly more than one city in Canada, seem to call for some such legislation as the present proposition.

Mr. DEPUTY SPEAKER. Section 508a I have marked as 'Carried' at the last meeting.

Mr. LENNOX. It was understood, when we were going through the Bill, that we were to be allowed to speak on any matter under the Bill. When this section 508a was under consideration, I called the attention of the Minister of Justice (Mr. Aylesworth) to an amendment which I read. I subsequently sent a copy of the amendment to the minister. I should be glad to know what he thinks with reference to adopting that amendment.

Mr. AYLESWORTH. I have given such consideration as I am able to the amendment proposed by the hon. member for

South Simcoe (Mr. Lennox). I must say that I see no objection to it, and I think it might be of value. At the same time, I have not had the opportunity of discussing it with the Minister of Agriculture, and I am not speaking his views but speaking merely for myself.

Mr. FISHER. I note what the Minister of Justice says. The matter has not been brought before us, but I do not see any objection to a similar amendment being put in. I should not like to undertake to draft it on the spur of the moment, but perhaps the Minister of Justice will do that.

Mr. LENNOX. I submitted a draft, which I might read as it appears at page 6541 of the Unrevised 'Hansard':

Every person who, after the registration of any dramatic work, publicly performs, exhibits or represents, or who in any manner causes or aids or abets the public performance or representation in whole or in part of such dramatic work without the consent of the proprietor (unless he proves that he acted innocently), is guilty of an offence and liable on summary conviction to a fine of not less than $100 and not exceeding $500, or thirty days' imprisonment, or both, in the discretion of the court, and on the second or subsequent conviction to imprisonment with or without hard labour for six months.

I pointed out—the Minister of Agriculculture (Mr. Fisher) probably was not present—that there were dramatic works said to be of great merit and commanding royalties as I am advised, as high as $500 or $600 a night. Irresponsible parties will pirate these productions and produce them before the public. It may be a long time before the authors or owners get a knowledge of the matter, but, even when they do, the parties being financially worthless, there is practically no remedy.

Mr. FISHER. Merely hearing the amendment read, of course I cannot pretend to judge of its form, but I understand from the Minister of Justice that the form is all right.

Mr. LENNOX. It harmonizes with the Act pretty well.

Amendment agreed to.

Section as amended agreed to.

Mr. AYLESWORTH. I might next mention section 739, which was adopted by the committee at the previous sitting. A practical difficulty with regard to the wording of this section has been pointed out by one of the translators. It seems that the present section 739, in the French version, is very unhappily translated, with the result that the words mentioned in the proposed amendment to be stricken out do not appear in the French version, and the translator accordingly would have a good deal of difficulty in applying the proposed amendment to the present French version. To put the matter upon a proper footing, I have redrawn the whole clause, and propose to substitute for the present wording of this amending section in the Bill as printed, the provision that section 739, paragraph (b) be struck out and the following substituted—and the substitution then is a repetition of the old clause in English, of course, omitting the words which the printed amendment propose to strike out, and putting it in a position where it can be, and I trust will be, effectively and properly translated.

Mr. MADDIN. The words are to be found in the paragraphs (a) and (b). Are they being struck out of both or only out of one?

Mr. AYLESWORTH. Only in (b).

Amendment agreed to.

Section as amended agreed to.

On section 750,

Mr. AYLESWORTH. This clause was left over on a previous occasion. It would seem that the only substantial variation in it from the present law is in the latter part of sub-paragraph (a) and in the latter part of sub-paragraph (c). These deal with entirely separate things. The latter clause deals with the procedure on appeals from summary conviction, and the latter half of paragraph (a) makes special provision in regard to the province of Nova Scotia, in respect of which I think all the members will agree that a remedy ought to be provided. In some of the judicial districts of Nova Scotia there are as many as four counties, and the Supreme Court in that province has held that an appeal from a summary conviction of a magistrate in any one of those four counties must be heard in the first court which sits in that district, although that court might not be for the county in which the conviction was made, and the result of course would be practically that parties and witnesses might have to travel a great distance to reach the court at which their appeal would be heard. To remedy that it is proposed to provide that in Nova Scotia an appeal shall be to a sitting of the court in the county where the cause, of information, or complaint arose, and that that appeal shall be had to the then next court, or to the then next but one, according to whether fourteen days have elapsed after conviction before the sitting of the court. To that amendment I understood the hon. member for Cape Breton, who I think was the only member who referred to it on the previous occasion, gave his entire approval.

The other matter is of more general consequence. It is a point in respect to which the hon. member for West Hastings (Mr. Porter) has within the last day or two complained to me, and upon which he entertains decided views. Under the law as

it now stands, and has stood since 1905, an appeal may be had from a summary conviction without the giving of security. That alteration in the practice was made in 1905. Prior to that time the rule had been, in appeals from convictions made by a magistrate, exactly as is, generally speaking, the rule in civil causes where the unsuccessful party desires to take an appeal to a higher court, and where, unless he is prepared to satisfy the judgment which has been rendered against him, he must give security that he will abide by the result of the appeal, or allow execution to proceed notwithstanding his appeal. In 1905 the law in regard to the practice of appeals from summary convictions was changed, and all that is requisite under the existing law is that notice of the intention to appeal shall be filed and served upon the successful party, and then, if the appeal is from a conviction adjudging imprisonment, the appellant must remain in custody until the appeal is heard, or else enter into recognizance to abide by the result of the appeal. It has been pointed out to the Department of Justice by the Attorney General of the province of Saskatchewan, and also by the Attorney General of the province of Alberta, that in practice that condition of the law sometimes works out to the very great disadvantage of the complainant who has succeeded in establishing his complaint before the magistrate. Take for instance, the case of an order for payment of wages which may have been obtained by a servant against his employer. The employer is not content, and lodges an appeal from the summary decision of the magistrate. He must in the meantime, under the existing law, make payment or suffer execution. Presumably he would be in a position to pay. The complainant servant gets the amount ordered, and may never be heard of when the appeal is lodged before the appellate court. There is no provision that an appealing defendant in the case of an order for payment of money may get a stay of proceedings, there is no provision enabling him to give security that he will abide by the result of the appeal, and pay the amount if the appeal fails. There seems no reason for that, and I am proposing accordingly to amend this section by inserting the words 'or order' after the word 'conviction' in the first line of subsection (c). Then I am also proposing to add to the present subsection (c) all the words which appear in the printed Bill after the word 'court' in line 10. I desire that the committee should appreciate the effect of the proposition that I am making. The effect of it is to restore the old law which existed always in Canada from the days of confederation and before confederation, until 1905, and to require the appellant, if he is dissatisfied with the decision of the magistrate and wants a stay of proceedings upon appeal, to give security. It seems to me that is the uniform practice of all our courts in civil causes. I cannot understand why it ought to be different where there is an appeal from a first decision on a conviction before a magistrate. While that certainly is the way the matter strikes me, the hon. member for West Hastings (Mr. Porter) has expressed to me very strongly an opposite view. I think it was he, who, in 1905, before I became a member, introduced a Bill which changed the law in that respect. He feels very strongly that the change which was made in 1905 was in the right direction, and that it would be wrong now to return to the old order of things. It is a question for the consideration of the committee whether an unsuccessful litigant before a magistrate, who wants to appeal before the court of quarter sessions, ought or ought not to be required to give security for the amount involved if he wishes to have proceedings against him stayed.

Mr. MADDIN. I submit that subsection 9 is an absolutely necessary and proper provision and should meet with the approval of the committee. Subsection (c) has the effect only of changing two notices to one. The present law was passed as an amendment in 1905 and provides by section 750 that within ten days after the conviction the applicant shall give a notice of his intention to appeal and five days before the sittings of the court, a notice setting forth the ground of his appeal. I pointed out the other evening in committee that in the maritime provinces, at least in Nova Scotia both the mainland and Cape Breton, a large number of persons lost their appeals and in some cases were obliged to pay costs and in other cases were not on account of the amendment having come into effect shortly before some meetings of the county courts. Why should that be changed? Of course it may be urged that it is better to give one notice than to give two, but four years ago the practice was established of giving two notices. They can be made out and served contemporaneously, but I submit that there is no good reason for making it incumbent upon the appellant to set forth the ground of his appeal within ten days after the conviction because he may have an opportunity of going into the matter a fortnight or three weeks afterwards and discover entirely new ground. He has now from the day of his notice of appeal until within five days of the meeting of the Court of Appeal, within which to give the notice setting forth the ground of appeal. That gives him every opportunity of preparing the ground of his appeal and ample notice to the other party of the grounds of his appeal.

Mr. A. K. MACLEAN. What has he now?

Mr. MADDIN. He gives five days' notice before the Court of Appeal meets, setting forth the ground on which the Court of Appeal meets. He gives notice within ten days after conviction of his intention to appeal. This amendment provides that within ten days after the conviction he shall give notice of his intention to appeal and also setting forth the grounds. It is really making one notice instead of two, but it has the effect of restricting the setting up of the ground of appeal to ten days. That is not so material. The material point is that it is changing the law which has become established. I need hardly point out that copies of these amendments do not reach the practising barristers of Canada or the magistrates whose duty it is to enforce the law or in many cases the county court judges, until a session of the court may have been held with the amendment on the statute book. The result must inevitably be that litigants who are now engaged and anticipate within the next three or four weeks or three or four months taking an appeal, not having knowledge of this amendment, for which there is no good reason, will give their notice of appeal within ten days after the conviction and relying on the practice that five days before the appeal court meets, which in Cape Breton is in December, they will be able to give the usual notice; but after doing that they may be met in the Court in December, by some lawyer who is fortunate enough to be a member of Parliament with this amendment. I submit it is not fair to litigants and to practising members of the bar who are not in touch with proceedings of this kind in parliament. As the law now stands, it must be perfectly satisfactory and some good reason should be shown for changing it. I have no criticism to make on subsection (c) down to the word 'court' in the 10th line, but from that point to the end of the subsection is a proposed addition, in other words a restoration of the original provisions of the code as passed under the late Sir John Thompson in 1892. There was an amendment in 1905 to that section and with regard to the conditions precedent to appeal. The conditions were, as pointed out in the first ten lines of this section (c), that the appellant, if appealing from a conviction which adjudged imprisonment without the payment of a fine, was obliged to remain in custody or cognizance under form 51 of the code. That was the only condition in which he was obliged to give a reconnaisance. Why should he be obliged to give a reconnaisance if there was a fine on him? In 1905, we departed from the old custom of reconnaisance to which it is now proposed to return. We departed from it for good purpose. Although I did not read the discussion which then took place, I presume it was done in order to remove the great hardship that rested on a large number of people who remained subject to convictions under the Summary Convictions Act and who were unable to have their wrongs redressed. I have known of hundreds and hundreds of cases, and I am but a young man, where a fine varying from $5 to $15 has been imposed on a person absolutely innocent and that person, under the old procedure previous to 1905 and under this procedure, if we adopt this amendment, is obliged either to put down the amount of the fine, $1 we will suppose, and $25 to $30 for probable costs or he is obliged to enter into a reconnaisance with two sufficient sureties all because there is a conviction on the records against him by a local justice of the peace.

This, mark you, is the most inferior of our inferior courts with powers to convict, and in nine cases out of ten the man has been brought to court without a warning or a verbal complaint and appears, however innocent, on a summons. If the man can enjoy his liberty and can be brought before a magistrate on a verbal complaint or in obedience to the written summons, why, after the hearing, when a penalty is imposed on him of $1 and he wishes to question the righteousness of that conviction, should he be obliged to go to jail in default of finding a recognizance or posting a sum of $25, plus the amount of fines, conditions, which it is practically impossible for nine people out of ten who go before a justice, to comply with? Only very trifling matters come before a justice of the peace under the Summary Convictions Act, and if a man be fined, say, one cent which is not unusual, or a dollar, which is a very common thing, why should he be required to put up at least $30 or give bonds or go to jail pending an appeal? I submit that subsection (c) should remain as it has remained since 1905. The practice is uniform and established, and I fail to appreciate what complaint there can be from some of the western provinces that it does not work out right. Taking the examples cited, how could a servant sue his master under the Summary Convictions Act of the Criminal Code? To state that would be simply to confuse criminal procedure with civil procedure. So how this thing would work out. Sam Slick says that 'J. P.' means judgment for plaintiff, and in 9 cases out of 10 the magistrate imposes a small penalty, which is oftentimes 50 cents or a dollar with costs which run from $3 to $12. Now, the man fined may be a newcomer in the country who has a family and who may be working for an industrial concern,

and under this amendment he must put up $30 to appeal or he must give bonds or go to jail whereas the likelihood of his leaving the country is practically nil. Then, where there is merely a money penalty inflicted for some trifling offense for which a warrant would not issue and for which a person would not be arrested in the act, he is forced to go to jail or furnish $30 in cash or recognizance if he wants to appeal.

Mr. AYLESWORTH. I do not think my hon. friend and I will differ with regard to subsection (b). Under the existing law the appellant must give notice of his intention to appeal by filing within 10 days in the office of the clerk and serving the respondent with a copy, a notice setting forth the conviction and the court appealed to. Then he shall also at least five days before the hearing of the appeal serve a notice setting forth the grounds of such appeal. I was proposing to dispense with that second notice which I thought was valueless. An appeal from a summary conviction is simply a second trial of the man and, all the hearing has to be gone through anew, so that under the circumstances it does seem useless to require that notice. However, if any one attaches importance to the giving of reasons for the appeal I am not in the least set in my idea that it is not of any value and I should be quite content that it be provided for in the statute. It is only putting another burden upon the appellant though it serves no useful purpose to the successful litigant. If there is any special importance in the requirement that the appellant should state his reasons for appealing let him do so in the original notice. I feel confident that 9 times out of 10 the reasons given would be, because the decision is unjust or against the weight of the evidence, and that there will be precious little information in it. I am proposing to dispense with that second notice given four or five days before the hearing of the appeal.

Mr. MADDIN. If the Minister of Justice will strike out these words in the 42nd line, 'the grounds of such appeal,' I shall be satisfied, even with the amendment. That will leave the law practically as it stands now. It was only to avoid confusion that I objected to the amendment.

Mr. AYLESWORTH. If my hon. friend will pardon me, I have fallen into an error unwittingly. The Bill requires the grounds of appeal to be given, so that the whole effect of the change is that whereas the old or existing law required the notice of appeal to be filed and served within ten days of the decision, and the grounds to be given five days before the hearing, I am now proposing that the grounds should accompany the filing and service of the original notice.

Mr. MADDIN.

Mr. MADDIN. That is just the point I am finding fault with, as leading to confusion. I agree with the statement of the Minister of Justice that there is no reason for stating the grounds of appeal. I submit that the law as it stood previous to the amendment of 1905 was quite satisfactory, and the law as it stands now is quite satisfactory; but if you go on every second or third session changing the procedure, you will only increase the confusion.

Mr. AYLESWORTH. To meet all objections, I am willing to strike out the words, 'and the grounds of such appeal.' Then any one who has complied with the existing law will be rectus in curia under the new law.

Section as emended agreed to.

Mr. SUTHERLAND. I would like to suggest to the committee and to the minister an amendment which would come in as section 247a of the Code. Section 247 reads as follows:

Every one who has in his charge or under his control anything whatever, whether animate or inanimate, or who erects, makes or maintains anything whatever which in the absence of precaution or care, may endanger human life, is under a legal duty to take reasonable precautions against, and use reasonable care to avoid such danger, and is criminally responsible for the consequences of omitting, without lawful excuse, to perform such duty.

Under that section and some other analogous sections in the code, there is a recognition of the obligations on the part of the Dominion parliament to protect life against undue risk arising from the introduction of anything whatever which, in the absence of precaution and care, may cause injury or death. The proposed amendment reads as follows:

Section 247 of the Criminal Code is amended by adding thereto section 247a.

Every person who transmits, or is a party to the transmission of electrical current of a higher voltage than 50,000, otherwise than upon a right-of-way not less than 60 feet wide, securely fenced on both sides, and under the exclusive control of such person, shall be guilty of a criminal offence, and in the case of a corporation shall be subject to a fine of not less than $10,000.

Provided, however, that this section shall not apply to crossings of railways, public highways, waterways and farms and other necessary crossings if reasonable precaution and care are used in making such crossings.

This amendment is intended to give some measure of protection against this increasing danger of people being killed or injured on coming into contact with electric wires. On the 6th of May last, a man was killed near Beamsville as a result of coming into contact with a live wire on one of the transmission lines leading to Toronto, and a few days previously a boy was kill-

ed in Niagara through touching the live wire of a temporary transmission line running across the poles of a company whose works had been disarranged by the ice jam on the Niagara river, and we hear of other accidents from day to day. According to the best electrical experts, no proper device has yet been secured to guard against this great and growing evil. It is a danger which is especially serious during thunder storms, because the lightning is attracted by the strong current along the wires. The only practical safeguard suggested is that where high voltage is used it shall only be transmitted over a private way properly fenced. Then the only element of risk is the imprudence of people who attempt to get upon such a way. It has been suggested to me that some such amendment as I have proposed would be a very proper one in the public interest. I may say that the hon. member for Welland (Mr. German) had intended to introduce this amendment, and I am doing so rather at his suggestion. I would ask the Minister of Justice and the committee to think it over. It seems to me to be one essential in the public interest.

Mr. MADDIN. Section 247 of the code already covers a matter of that kind. It is a general punitive clause that provides punishment when not otherwise provided for.

Mr. AYLESWORTH. The proposition which my hon. friend submits is one, the effect of which ought to have more mature consideration than it would be practicable to give it at present. I do not know how far reaching this amendment might prove to be. One would have to be acquainted with the actual conditions in this respect to a greater extent certainly than I am. The proposition is to make it an offence punishable by a very severe money penalty in the case of corporations, and punishable perhaps otherwise in the case of individuals, who may be a party to the transmission of electric current of a higher voltage than 50,000 otherwise than upon a right of way of a certain width and protected in a certain manner. I do not know whether my hon. friend is in a position to tell us whether or not a voltage higher than 50,000 would affect existing transmission lines. I do not know what the voltage is upon the lines that are fed from Niagara Falls and much less am I able to speak with regard to other portions of Canada. The proposed amendment, in so far as it would provide protection to life and property, is one which certainly should commend itself to this House. We see accounts in the newspapers daily of the most frightful accidents happening from broken wires charged with electric current carried at a high voltage; and I am sure that we all would welcome legislation which might make for the protection of people who are walking around with such dangerous wires overhead; but the extent to which this amendment, if adopted, might interfere with existing conditions in different parts of the country is something which I certainly should like to have the opportunity to inquire into. I would, therefore, suggest to my hon. friend that, having placed this proposition before the country, possibly the object he has in view would be better accomplished if the enactment of that provision were left for consideration until another session.

Mr. CARVELL. I quite agree with my hon. friend in the object he has in view, but the difficulty is that a voltage of 2,300, which is the ordinary voltage in the transmission of electric current in our cities or towns, would kill a man just as quickly as the other. For that reason, I cannot see much benefit to be obtained by penalizing a company which transmits electricity at 50,000 volts and saying nothing concerning one which transmits it a less voltage. There is exactly the same danger to life, and, I think, to property, at 10,000 volts that there is at 50,000 volts. If my hon. friend will direct his attention along the lines of safety of all sorts of electrical transmission lines possibly by double lines or something of that kind, by making it almost physically impossible for these lines to break down, it would probably be a great benefit to the public at large. I think he will come to the conclusion on consideration that the adoption of this proposed amendment would not accomplish the object he has in view.

Mr. SUTHERLAND. I am disposed to fall in with the suggestion of the Minister of Justice. I have not, myself personally, given the amendment a great deal of consideration. I believe it is along right lines, and even to the length of what has been suggested by my hon. friend. I would withdraw the amendment.

Amendment withdrawn.

Mr. LENNOX. The other night, I mentioned an amendment that the hon. member for Grenville (Mr. J. D. Reid) wished to move, and he has asked me to move it. I have submitted it to the minister:

That schedule to Bill (No. 164) to amend the Criminal Code be amended by introducing immediately after section 228a in the said schedule the following:—

Section 297. By striking out the word 'seven' in the second line thereto and substituting the word 'twenty-five.'

Mr. R. L. BORDEN. Increasing the penalty for kidnapping from seven years to twenty-five years.

Mr. LENNOX. Yes. It is a very serious offence, and it is generally thought the penalty should be increased.

Mr. AYLESWORTH. This amendment was suggested by the hon. member for Grenville (Mr. J. D. Reid) when the pres-

ent Bill received its first reading. I have had an opportunity since of considering it, and I am very sure that every member of the committee will agree that no punishment short of capital punishment, and perhaps not even short of that, could be too severe for any one who would wilfully commit the offence in question here. So far as I am concerned, I heartily approve of the proposed amendment.

Amendment agreed to.

Mr. AYLESWORTH. There is one section in the printed Bill, section 887, which was passed when the Bill was considered on Wednesday evening, but since then several members of the House, especially from the province of Quebec, have called my attention to this provision, and have urged that it should be reconsidered. I hope the committee will allow me to move that it be reconsidered. And if that motion is adopted, I will propose to strike this section out of the printed Bill. Let me state the effect of it: Under the existing law, section 887, an accused person in the province of Quebec may apply to the court to change the place of trial in any case to be heard before the Court of King's Bench on the criminal side, where there is not going to be a sitting of the court in that particular county at the regular time. There are instances, I understand, in which, on account of there being very little business to be done, the courts in some of the rural districts are not held for purposes of criminal business in some of the counties except at long intervals, and, in such cases, the accused person has now, under section 887 of the Act, the option of applying for a change of the place of trial to some other county. The Department of the Attorney General of the province of Quebec desires that the Attorney General should have a like option and power, in such cases, to apply to have the place of trial changed, just as the accused person may do. Accordingly, this amendment introduced into section 887 the four words 'the Attorney General or' in lines 29 and 30 and again in lines 35 and 36. Now, a very considerable number—twenty, I suppose, at least,—of members from the province of Quebec feel very great objection to that provision, pointing out that it would make it possible to deprive an accused person altogether of the advantage of being tried among his own neighbours and in a place where his character might stand him in good stead. It was thought, in these circumstances, and on giving it more mature consideration, that the existing law had better remain as it is, and that this amendment proposing to give the Attorney General the option of applying to change the place of trial should be abandoned.

Mr. AYLESWORTH.

With your permission I move that section 887 be struck out of the Bill.

Amendment agreed to.

Mr. A. K. MACLEAN. An amendment of the Criminal Code by Bill (No. 4) was promoted by the hon. member for (Montreal, St. Lawrence) (Mr. Bickerdike), and it was amended in committee. It was an amendment to section 292, and it was to add the following paragraph:

> Assaults and beats his wife or any other female and thereby occasion her actual bodily harm.

That is the form in which it went through committee. I move that these words be inserted in the Bill at the end of line 33, page 2, so that it will be printed along with other amendments.

Mr. LENNOX. So that there may be no confusion, I understand my hon. friend (Mr. A. K. Maclean) to say that he wished the amendment to be inserted immediately after 228a, and that appears to be right according to his number. But my amendment put in a moment ago, before I knew that the hon. member was going to introduce this, was an amendment of section 297, and it reads to come in immediately after this section (228a). The hon. member's amendment, coming in as it does, the two will conflict.

The CHAIRMAN (Mr. Miller). The hon. member's (Mr. Lennox's) amendment to follow?

Mr. LENNOX. Yes.

Mr. R. L. BORDEN. Before the Bill is reported, I desire to bring to the attention of the Minister of Justice a telegram that I received yesterday afternoon. It is unsigned. Possibly he has received one of similar purport. It is to this effect:

> British Columbia Methodist conference urges immediate legislation prohibiting race track betting. Coast cities already being flooded with undesirable persons from the United States.

I do not know whether the minister has had a similar communication, or whether the matter has been brought to the attention of the government

Mr. AYLESWORTH. I do not know whether the hon. gentleman who has just read the telegram has given his own views on the subject matter.

Mr. R. L. BORDEN. I was inquiring more particularly whether the matter had been brought to the attention of the government, and if so, whether they proposed to take any action.

Mr. AYLESWORTH. This is a matter upon which there has been a good deal of discussion, and about which there are divid-

ed opinions. It has been discussed in the newspapers and by resolutions of various bodies, and in that way has been brought to my attention for years back, I may say ever since I have been a member of this House. But just because it is a question about which opinions differ so widely, I thought it would be of advantage if we had the opinion upon it of every member of the committee.

Mr. R. L. BORDEN. It seems to me that if the conditions are such as described in this telegram some action ought to be taken. If there is any doubt on the subject, I think it would be a wise thing, to say the least of it, to have the subject of such legislation referred to a special committee of the House, and possibly it would have been wise to have done that earlier in the session. It is not a subject that has engaged my attention very much, but I have had representations from time to time with regard to it. I thought it right to lay the representation of these gentlemen before the government in order that the matter might receive some consideration from this committee. If the conditions are such as are described in this telegram, it seems to me some action by parliament would be wise, and indeed necessary.

Bill reported, read the third time and passed.

DISTRICT COURT JUDGES.

House went into committee to consider the following proposed Resolution:

Resolved, that in the opinion of this House it is expedient to provide for the payment to one additional county court judge and one additional district court judge in the province of Ontario, and to one additional district court judge in the province of Alberta, each $2,500 per annum during the first three years of service, and after three years of service each $3,000 per annum.

Mr. AYLESWORTH. The purpose of this resolution is to carry into effect legislation which has been passed by the legislature of Ontario during the recent session and action of similar character which has been taken by the Lieutenant Governor in Council of the province of Alberta. The legislature of Ontario provided in the recent session for a fourth judge for the county and division courts in the metropolitan county of York which includes the city of Toronto. There is now one judge of the county court and two junior or assistant judges. Every one who is acquainted with the condition of things in Toronto and the county of York will know that the work is not only heavy, but is continually increasing, especially in the courts for the recovery of small amounts, the division courts of the county and of the city. The Ontario legislature has moreover during the past session largely increased the jurisdiction of the county courts throughout the province, taking from the high courts the trial of a very considerable number of actions where the amount involved is under $1,000 and transferring that jurisdiction to the various county courts. The effect of that legislation will be to increase the already existing congestion of public business in these courts in Toronto and in the county of York and in that view the provincial legislature asks for the appointment of an additional judge for that court. The district judge in the province of Ontario is to provide a second or assistant judge for the district of Thunder Bay and Rainy River. The growing cities of Fort William and Port Arthur, with the very widely scattered and none the less increasing population of that territory in the province, has, in the opinion of the Attorney General of the province and of the provincial legislature, made it requisite, for the due administration of justice, that a second judge should be provided for that district. This resolution affirms the expediency of acceding to that view and providing the necessary salaries.

The province of Alberta is in like case. Under the general statute of the provincial legislature of that province with regard to district courts, the Lieutenant Governor in Council is empowered to establish new judicial districts as necessity for them is made manifest. Such an order in council has been passed establishing a new judicial district in the northern part of the province, the Peace River section and the portion of the province north of Edmonton, and to provide the salary for the judge of that court this resolution is introduced. The figures in the resolution are those of the existing statute as to county and district judges.

Mr. R. L. BORDEN. Before the resolution carries, I might call the minister's attention to the fact mentioned by the hon. member for Terrebonne a day or two ago that two judges of the Superior court in the province of Quebec are under a certain discrimination, if that term may be used, inasmuch as their salaries are $500 less than the salaries of the other 16 judges, of the same court in that province. I have not his remarks under my hand but I recollect that he read to the House a letter from the late Minister of Justice, Sir Charles Fitzpatrick, now Chief Justice of the Supreme Court of Canada, in which Sir Charles Fitzpatrick stated that this discrimination was entirely the result of accident and it appeared from a copy of the resolution produced as originally introduced into this House by the then Minister of Justice, that the salaries of the 18 judges were to have been placed on exactly

the same footing. In some way the resolution and the Bill as eventually passed provided that there should be a certain salary, $5,000 I think, for 16 judges and a salary of only $4,500 for the remaining two judges. It appeared also that the two judges whose salaries have thus been reduced are the judges of the districts of Gaspé and Chicoutimi and that the work of the judges in these districts is very large, a great many cases coming under their consideration.

Mr. AYLESWORTH. This question has been brought very urgently to my attention each year during the past three years, by my hon. colleague the Postmaster General (Mr. Lemieux) whose constituency of Gaspé is affected, and by the member for Chicoutimi and Saugenay (Mr. Girard) and I have been told by each of them that when the increases of judicial salaries were being made four years ago the resolution which was introduced into the House on the subject made provision for putting these two judges in Quebec upon the same footing as to salary as the other rural judges of that province. I am sure I have no idea how it came to pass that if the resolution introduced in the House contained figures putting the salaries of these two judges upon the same footing as those of their brother judges in the rural districts of Quebec, the statute did not follow the resolution. I can only say with reference to the matter, it being one about which I have personally no knowledge in the world, that investigating the history of these judicial salaries I find as far back as I have been able to go, and I think probably ever since there have been judges for either of those districts in the province of Quebec, the salary has been just $500 less than the salaries of the other judges in the rural districts of Quebec. The reason for establishing that difference fifty or more years ago when it was first created I am unable to give. I surmise it was thought that there was less work in those more sparsely-settled portions of the province, either that or it may have been that the cost of living was not so heavy in that portion of the province. That, however, is merely surmise on my part. The present statute does not discriminate against these two judges in any other sense than that it maintains the difference of $500 between their salaries and the salaries of their brother judges. That difference has always existed. It has been very strongly uged upon me by the gentlemen representing these constituencies that that difference ought to be swept away, but I feel a very great, and I think not unnatural reluctance to reopen at any point that very vexed question of judicial salaries which I found when I entered this House, very fortunately for me, had been settled the year before. It is a qustion about which there are perhaps as many opinions as there are members. I have been very strongly urged from different quarters not merely with regard to these two salaries, but with regard to a very considerable number of salaries of judges. But I have thus far been able to present a resolute front to the efforts which have been made to induce me to propose a measurable increase of the salaries of our judges in the country. Speaking as a lawyer I am free to say that I think our judges are underpaid, that they ought to get more, and that if the country wants the best of judicial service the country will have to pay for it exactly as they have to pay for any other commodity that they want to buy. But I am quite aware that these views are not shared by a large number of the members of the House who are not of the legal profession, and I thought that so long as I remained in the position which I now occupy I might hope not to trouble myself or to trouble the House with the question of increasing judicial salaries at all.

Mr. DOHERTY. This resolution provides for the salaries of additional judges the necessity for whom has been declared by the legislature of Ontario and of another province. I understand that the legislature of the province of Quebec has enacted legislation providing for three additional judges in the district of Montreal. I would like to inquire if there is any intention on the part of the government to provide for the salaries of these three judges. The same reason seems to exist for making such a provision in the one case as in the other.

Mr. AYLESWORTH. This resolution does not contain any reference to the province of Quebec. I ought to say, however, since my hon. friend (Mr. Doherty) has brought the question to the notice of the committee, that the subject has not gone without the most anxious consideration on the part of His Excellency's advisers. The situation of judicial work in Montreal and the surrounding district seems, if I may be allowed to say so, unfortunate and peculiar. It is said, and I think it must be said it has been shown, that the judges who are engaged in their work in the city of Montreal, are not only struggling under a very great quantity of work with which they are trying to keep pace, but are not able to overtake the work that is put upon them, and that they need help. But the question is whether or no the proposition to increase the number of judges is the solution of the difficulty which ought to be made. I have been told, I do not know how true it may be, but I have heard on what appears to be good authority, that while the judges of the city and district of Montreal are favoured with abundance and superabundance of litigation and other judicial work, many of their brethren in

in the immediately surrounding parts of the province are in exactly the opposite condition, and that if there were a little rearrangement of judicial strength, and a little better utilization of the judges who are already appointed and under salary in that province whereby the services of a few of the rural judges from the immediate district might be utilized, the whole difficulty could be solved without the necessity for increasing the number of judges at all. In the hope that a conference and discussion with the Attorney General of the province may lead to a solution of the difficulty along these lines rather than upon those which he is proposing by his legislation to increase the number of judges, we have thought it not advisable, at the present session at any rate, to propose the appointment of any new judges in the province of Quebec.

Resolution reported, read the second time, and agreed to.

Mr. AYLESWORTH moved for leave to introduce Bill (No. 193) to amend the Judges Act.

Motion agreed to, and Bill read the first and second times, considered in committee, reported, read the third time and passed.

GOVERNMENT ANNUITIES ACT AMENDMENT.

Hon. W. S. FIELDING (Minister of Finance) moved second reading of Bill (No. 109) to amend the Government Annuities Act, 1908. He said: This is a Bill which has been passed by the Senate designed to amend in some not important particulars the Annuities Act of last session. The Act at present limits the amount of an annuity to $600 and provides that a joint annuity of a husband and wife shall not exceed $600. The general reason for the limitation is that the Act is not designed to provide large annuities, but such moderate annuities as may come within the grasp of the mass of our people. One clause of the present Bill provides that where a husband and wife prior to their marriage acquired annuities, they should not by reason of their marriage be prevented from having the benefit of separate annuities. A suggestion has been offered to me by an hon. member who is not at the moment in his place, that we should allow husband and wife to obtain even after their marriage separate annuities, and when the Bill goes into Committee I will propose an amendment to that effect. It is argued that a brother and a sister would be permitted to have separate annuities and that there is no reason why a husband and wife should not. In our modern legislation the husband and wife are permitted to have separate property interests, and we have come to the conclusion that there is no reason why a husband and wife should not have separate annuities of $600 each. To section 3 I propose to add a subsection to permit a married man to convert a portion of his annuity, not exceeding one-half for the benefit of his wife. Section 12 provides that where the last survivor of a joint annuity dies before the annuity becomes payable, the moneys paid in shall be returned to his heirs with 3 per cent. interest. The amendment now proposed is that if there be an agreement with the minister for other disposal of the moneys, that agreement shall prevail. It has been found by the officers of the department that some cases have arisen, and many such might arise, where there is no person for whom the annuitant wishes to make special provision, or who could receive the moneys in the event of the annuitant dying before the time for the payment of the annuity is reached; and it is proposed that if he wishes to waive his right in that respect and by reason of such proceeding get the benefit of a larger annuity, he may do so. If there be an agreement with the minister, that shall take effect; but if there be no agreement the Act will give the benefit of the money to the man's heirs.

Motion agreed to, Bill read the second time, considered in Committee, reported read the third time and passed.

WATER CARRIAGE OF GOODS.

Mr. MILLER. There is a public Bill on the order paper relating to the water-carriage of goods which has been before the Senate a couple of years and every one understands it. If the House will consent, I would ask that it be proceeded with.

Mr. FIELDING. We cannot proceed without the unanimous consent of the House, and on the understanding that this will not involve our taking up other public Bills, I have no objection.

Mr. MILLER moved second reading of Bill (No. 105) relating to the water-carriage of goods.

Motion agreed to, Bill read the second time and House went into committee thereon.

Mr. R. L. BORDEN. I think we should simply report progress, as there are not many members present, and some hon. members may have something to say about the measure.

Mr. FIELDING. The committee may report progress and the Bill will go on government orders for Monday.

Progress reported.

SUPPLY.

House in Committee of Supply.

House of Commons, $352,395.24.

Mr. SPEAKER. The increases are made up as follows:

Debates staff, formerly paid out of appropriation for debates:—	
Hansard reporters..	$24,100 00
Hansard translators..	24,600 00
Increases to officers and clerks by order of Board of Internal Economy, 14th July, 1908..	1,950 00
New appointments: Saucier, $1,200; Troop, $1,200; St. Louis, $1,700; Lalonde, $800..	4,900 00
Increases under new Civil Service Act..	3,150 00
Statutory increases, 1909-10, including promotion of A. H. O'Brien as law clerk, $300; and J. K. Foran as assistant law clerk, $500.	3,700 00
Office of the clerk of the Crown in Chancery: Difference in amount paid by House of Commons and Privy Council in the salaries of these officials, consequent upon their transfer to this department.	264 76
Messrs. Matthews and Dickson, formerly paid out of appropriation for committees, &c., now to be paid out of appropriation for salaries..	3,300 00
	$65,964 76
Deduct salaries of Messrs McCord, late law clerk (deceased), $3,500; and Tessier, transferred to Department of Public Works, $1,500..	5,000 00
	$60,964 76

Mr. LENNOX. Does Mr. O'Brien occupy the same position as that previously occupied by Mr. McCord?

Mr. SPEAKER. Yes, he succeeded him as chief law clerk.

Mr. LENNOX. Mr. McCord had a salary of $3,500.

Mr. SPEAKER. Mr. O'Brien was appointed under the schedule 1903 by which the incoming law clerk had to be appointed at a salary of $2,800, and the Civil Service Act will bring it up to $4,000.

Mr. LENNOX. He is just getting $2,800 now.

Mr. SPEAKER. He will get the increase of $150.

Mr. LENNOX. Though I do not advocate high expenditures, it seems to me that $2,800 for a man who has to exercise judgment and professional ability to the extent that the law clerk of the House of Commons must do and such as, I believe, Mr. O'Brien is capable of exercising, is, relatively to other salaries which are paid, exceedingly low. I do not profess to have studied out the Civil Service Act to know how it comes about, but I should think that this was not an adequate salary for an efficient law clerk as I understand Mr. O'Brien to be, and that it is not a fair salary having regard to the salaries that are paid in many other branches of the services. There must be some way of accounting for this—as it seems to me—injustice. There is some mistake about the classification or something else, and, in my opinion, it should be remedied.

Some resolutions reported.

Mr. FIELDING moved the adjournment of the House.

Mr. SPROULE. What business will be taken up on Monday?

Mr. FIELDING. The insurance Bill remains in an unfinished condition. We may take that up on Monday morning. In the afternoon, the Civil Service Bill remains to be considered. Then we will take up the remainder of the items in Supply.

Mr. SPROULE. There will be some debate on going into Supply. It may be inconvenient if the motion comes on late.

Mr. FIELDING. I do not think it will be late. The Bills standing on the Order Paper have reached a stage at which they probably will not cause protracted debate. No doubt we shall reach Supply at a moderately early hour.

Motion agreed to, and House adjourned at 11.35 p. m.

HOUSE OF COMMONS.

MONDAY, May 17, 1909.

The SPEAKER took the Chair at Eleven o'clock.

NORTHWEST FISH COMPANY.

Mr. GLEN. CAMPBELL (Dauphin). Before the orders of the day are called there is a matter I would like to bring to the attention of the Minister of Marine and Fisheries. In the territories northwest of Manitoba, leases of the lakes for a term of years have been granted to certain interests. Those leases, in some cases, have been transferred to an American company called the Northwest Fish Company. No fisherman was allowed to fish unless he agreed to sell his catch to that American firm and he had to take from 1 cent to 1¾ cents less than the price he could get elsewhere.

I have here an affidavit from a gentleman who was a fisherman in those waters, and I wish to bring to the attention of

the government this affidavit which shows that he was not paid by this company for the fish he produced:

This is to certify that I, Isaac Bradbury, fished during the winter of 1907-8 in the waters that are covered by Captain E. D. Coffey and F. L. Merritt's leases in the Northwest Territory, and was forced to sell my catch by the government officials to the Northwest Fish Company, which is represented by Captain E. D. Coffey and F. L. Merritt, and that the Northwest Fish Company went into bankruptcy and owe me $810 from my winter's labour. And I make this solemn declaration knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act of 1903.

(Signed) ISAAC BRADBURY.

Declared before me at Winnepegosis, in the province of Manitoba, this 22nd day of April. 1909.

(Signed) George O. Bellamy.

I have taken the time to make this explanation so that the Minister of Marine (Mr. Brodeur) may be seized of the situation. I would like to know if there is any possibility of the government holding up the lease and preventing this company continuing its fishing operations unless it pays the men who produce the fish. This is only one case, but there are many cases of the same nature.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). I suppose my hon. friend (Mr Campbell) will be kind enough to let me have the affidavit he has read, for, I may inform him, a commission has been appointed to inquire into the whole question of fisheries in Manitoba and the Northwest, and I should be very glad to refer this affidavit to the commission for investigation. Some complaints reached the department some time ago that our officers were working in the interest of the fishing companies. I can hardly think that such a charge can be true, but, as the statement was made, I gave the commission instructions to investigate that point. I shall be glad to communicate to the commissioners at once the affidavit that my hon. friend has read.

PRIVILEGE—MR. GLEN CAMPBELL.

Mr. GLEN. CAMPBELL (Dauphin). Mr. Speaker, I rise to a question of privilege. An article was published on May 4 in a newspaper, published in Manitoba, called the 'Free Press.' It is a long article, too long for me to delay the House with reading. It refers to me personally in somewhat melodramatic terms. I feel that, perhaps, the reason this paper ascribes to me the character it does is that last fall, as this paper well knows, I took part in the timber wolf hunt and managed to bring in the scalp. However, there is no reason why they should, at this late day, show a grudge against me on this account. I think it is due to myself to say that, since I have had the honour of a seat in this House, I have had the same motto that has guided me through life in my every day meeting with others, to show the courtesy that one gentleman should show to another; and I certainly have tried to act up to that motto in this House whether in the case of a page or of the Prime Minister. This article gives credit to a physician for having practically brought to an end my political life, at the same time I was under the care of a physician trying to extend my natural life as long as I could. But, not satisfied with that, this paper had to call in a horse doctor or 'vet.' to aid in that work. The charge is made in this paper that I had acknowledged that I was guilty of bribing some one in some department of this government. I want to say that any paper that makes that statement, or any hon. member, or any minister of the Crown, who makes that statement, makes a statement that is absolutely without any foundation. I think the hon. gentleman who is quoted on the subject, the Minister of the Interior (Mr. Oliver), never made the statement attributed to him, or if he did it was under a complete misapprehension. And I stand here to correct any misapprehension of that kind. The only thing concerning me that can be distorted to mean anything of the kind attributed to me by this paper is that when discussing on the public platform the Department of the Interior as it was before my friend (Mr. Oliver), who now manages it, had it in charge, I stated that things had got to such a stage in the management of that department that, even in the matter of a mere homestead, or other right that the law allowed the people, there was a holdup, that intermediaries had to be employed to negotiate for the people the granting of that which was their right under the law. I stated on the platform, and I have stated there, that I knew of a case, the case of the Brown-Bedingfield Company, in which application had been made for years for that which was the absolute right of the company under the law, and that they could not get their right, for some reason or other, until a mutual friend told them that there was a way to approach the government, that of employing intermediaries. And they had to take that way, and it cost them $2,000 to get what was their right under the Canadian law. That is what I have stated, and I state it now. This Brown-Bedingfield Company was composed of none but stockmen, men who had been in the country for over twenty years, whose business life absolutely depended on their getting a lease in a country which was fast being taken up by others who were obtaining leases under the same law under which these men ought to have been able to obtain theirs. Fault is found with

me by my oppnoent that I will not give information with regard to the names of the men employed as intermediaries. That, Sir, is a matter of my own conscience and my loyalty to them,—for this reason that it is not the business of the people of Canada, at all, for no injustice was done to the people, the only injustice done being to the company. A greater reason why I could not mention the names of these intermediaries is the fact that one of them was a very good personal friend of my own, a Liberal member of this House and now dead. And many of the Liberals who now gibe at me on account of this matter know who these men were. They try to force my hand to make me do what I think would be disloyal to the memory of my friend. This paper refers to a so-called challenge made by the Minister of the Interior to me during my campaign. As I have already said, I believe that these statements were made by my friend the Minister of the Interior under a misconception. I do not think he would have said what he is reported to have said had he known the facts of the case. But I want to say this, that this challenge as reported was made to me at a point 1,200 miles away from where I was, and made during the height of a heated campaign, and I never saw it and knew nothing about it until long after. This article in the 'Free Press' of May 4th also goes on to refer to me in terms very severe with regard to what I said about the Hon. Walter Scott, the premier of Saskatchewan. What I said about the Hon. Walter Scott stands, every word of it, because I know it is true, and as a proof of my veracity I will refer you, Mr. Speaker, to the Morning 'News' of Moosejaw, Saskatchewan, of the date October 8, 1908, an article headed 'Scott backs out':

The 'News' received notification yesterday that Premier Scott had withdrawn his suit against it to recover $25,000 for alleged libel. It will be remembered that the actions arose from a news item published in these columns during August, in which it was stated that there had been issued to the premier $10,000 worth of stock in the Saskatchewan Valley and Manitoba Land Company.

Mr. SPEAKER. Is the hon. gentleman not entering on new ground in reading this article? This is not the question that is being debated now.

Mr. CAMPBELL. I am on a question of privilege, speaking to this newspaper article.

Mr. SPEAKER. But it is another newspaper article he is reading. The hon. gentleman complained of a different newspaper article.

Mr. CAMPBELL. No, but because my veracity is questioned I want to establish it before this House by reading this article.

Mr. CAMPBELL.

Mr. SPEAKER. By reading another newspaper article. That would be a new discussion.

Mr. CAMPBELL. It is all on the same subject.

Mr. SPEAKER. The hon. gentleman must limit himself to the article that he complains of.

Mr. CAMPBELL. Well, if I am not permitted to read it—it is much better written than I could describe it. This article goes on to say—and I refer any hon. gentleman to it who wishes to see it—that instead of the newspaper withdrawing the charge, which was practically identical to the charge that I made, it was, the premier, Mr. Scott, himself, who withdrew from the charge by withdrawing his suit for defamation of his character, when he was haled before the courts to give evidence in the matter. He withdrew the charge himself, the newspaper did not, and that is the point I wish to bring to the attention of the House. Another article that would be amusing reading for some of the hon. members, appears in the same paper, the Moosejaw 'News,' on the 4th day of this month. I regret taking up the time of the House at this late date in the session, and I also regret that I did not bring it up earlier but could not owing to physical disabilities.

EXPORTATION OF AMERICAN SILVER.

Mr. J. G. TURRIFF (Assiniboia). Before you leave the Chair, I would like to ask a question of the hon. the Minister of Finance with reference to getting rid of American silver coinage in Canada. Some time ago an effort was made to that end by giving the banks a small bonus, a small percentage to gather up the American coinage and ship it back to the United States. In the United States they gather our silver coinage and send it back to us, they do not allow it to circulate there. I understand that if the American silver was got rid of in Canada, we would make a profit of somewhere about half a million dollars, at the present prices of silver, in coining Canadian silver and putting it into circulation. I would ask the Minister of Finance if any steps are being taken, or proposed to be taken, to get rid of this American silver.

Hon. W. S. FIELDING (Minister of Finance). We have an appropriation for the purpose of repeating the operation of several years ago to which my hon. friend has referred. At this moment I am in negotiation with the banks with a view of making an arrangement, which I trust will be completed in a few days.

Mr. HUGHES. Is the minister going to keep American silver out?

Mr. FIELDING. How would my hon. friend keep it out? If an American comes into Canada with $50 of silver in his pocket, will you keep him out?

VENTILATION AND FIRE ESCAPE IN NEW WING.

Mr. S. HUGHES (Victoria). I desire to direct the attention of the government to the manner in which this new wing has been constructed. I think I am safe in saying that there is not one solitary ventilating aperture in the entire wing. The worst thing is the dining room up stairs. The rooms where the members usually congregate are entirely cut off from egress except by the elevator; in other words, there is no stairway excepting away out at the south end of the wing. In the case of fire out there, and when fires break out it is very often the electrical apparatus that is cut off, there is no means of escape except towards where the fire might be. Whoever conceived it must have been certainly an apprentice. I venture to say that buildings constructed centuries before the Christian era were much more sanitary and much more safe than this wing. All the minister has to do is to look at it—not a solitary provision for ventilation, not a solitary provision for escape in case of fire, every one shut in at one end and like rats in a trap. I trust that during recess something will be done by the government about this, and put it in decent shape. At the present time it is scandalous.

Mr. D. HENDERSON (Halton). I do not think the hon. member has much reason to complain on behalf of members of this side of the House, because, so far as I know, with the exception of the washroom, these new rooms are all occupied by hon. members on the other side of the House. If there is anything wrong with the ventilation or with the fire escape, the hon. gentlemen who sit to the right of the Speaker will suffer from it, and we will escape without a fire escape.

Mr. HUGHES. What about the dining room?

Mr. HENDERSON. We can do without the dining room; and I know the Colonel does not patronize the other.

SECURITY LIFE INSURANCE COMPANY OF CANADA.

House in committee on Bill (No. 188) respecting the Prudential Life Insurance Company of Canada, and to change its name to 'The Security Life Insurance Company of Canada.'—Mr. Proulx.

On section 2, license.

Mr. DOHERTY. Before the clause is carried I would like to represent to the committee a fact which has an important bearing upon the provision fixing the period of time during which the minister may grant the license necessary for the carrying on of the business of this company. The original Bill fixed the time as the 27th April, 1911, but the Private Bills Committee of this House reduced that time so as to give the company only to the 10th April, 1910, that is less than a year from the passage, of this Bill to obtain its license. I think that in connection with this change it is fair to call the attention of the committee to the fact that this particular company has had obstacles put in its way for which it is in no way responsible, by reason of the fact that before the expiry of the period during which it was entitled to obtain its license, by some accident, a charter was issued to another company under the same name, the Prudential Insurance Company, with the result that it has become necessary for this company which by its charter, obtained the right to the name of 'Prudential,' to change its name and take the name which is being given to it by this Bill. The granting of a charter to another company under the name of 'Prudential,' whether by accident or intention, puts this company in the position of a new company when it seeks to place its stock. Under these circumstances I think it would be only equitable that this company should be allowed two years in which to perfect its organization and I fail to see that any interest would be prejudiced by giving it that right. I would therefore move that the section be amended by the substitution of the year 1911 for 1910, in other words that the time be replaced as it was in the Bill when presented to and passed by the Senate.

Mr. FIELDING. The only objection which could be raised to the motion of my hon. friend is the question whether, if we grant this to this company, other companies will not ask for the same thing. Under the general rule a company is allowed two years to complete its organization and take out its license. In this case we have extended the time allowed and we are making it three years for the completion of the organization of the company. I do not complain of anything that my hon. friend has said, but I think it would be an inconvenient precedent to establish.

Mr. DOHERTY. In regard to what might happen with other companies I would only say that the same accident which happened in this case may not happen again. This unfortunate accident placed this company in a peculiar position and it is for that rea-

son that I am asking that an exception be made. I am not saying that it was due to the fault of the department, but the fact remains that while this company had the right to the name 'Prudential,' before the expiry of the two years, the department issued a charter to another company giving it the name of 'Prudential.' When this company came to exercise its rights it found itself under the necessity of changing its name because the other company got the name of this one. The circumstances place this company in a position where it is subjected to a disadvantage, consisting in the fact that whatever work has been done in the direction of impressing people favourably with the idea of taking stock in this company has largely to be done over again because they are now being asked to subscribe to the stock of a company with a different name. Even, if it be desirable not to create a precedent by the granting of further time the fact should not be lost sight of that this company has been placed at a disadvantage by an unfortunate accident for which the company is not responsible, and which I imagine would not have happened in the department if attention had been called to it. If the matter had been looked into I fancy the department would not have given the same name to another company. This seems to put this company in an exceptional position and, therefore, in view of the circumstances of this particular case, it does not seem to me to place us in the position where it might be taken that we have made a precedent for application in all cases.

Mr. FOSTER. It is practically putting this company in the position of a new company.

Mr. DOHERTY. Yes.

Mr. FIELDING. I think my hon. friend (Mr. Doherty) is mistaken when he says that we gave a charter to another company. What happened was that a well established American company of the same name came in to do business in Canada but we did not grant a charter to any company under the name of 'Prudential.' The transaction was that a well established American company under that name came into Canada to do business and when this Bill came before the Senate committee, the committee suggested this change. Therefore, I do not think that the case which my hon. friend has made out is as strong as he puts it.

Mr. DOHERTY. Even were it so, the American company obtained a license since the granting of this charter. I was under the impression that it was a case of granting a charter, but no doubt the minister is correct in that, except that this American company came in to do business and was licensed under this name, since this name had been granted to the company dealt with in this Bill.

Mr. FIELDING. I do not think the point is of sufficient importance to make it necessary for me to differ from my hon. friend in regard to it. I only wish to guard against it being taken as a precedent, but perhaps what I have said will serve as a notice that it shall not be so regarded. I will not object to my hon. friend's motion.

Section as amended agreed to.

Bill reported, read the third time and passed.

QUESTIONS.

PLASTER MINES LIGHTHOUSE.

Mr. MADDIN asked:

1. When was Hector McRae, late keeper of Plaster Mines lighthouse, Victoria county, N.S., dismissed, and what was the cause of his dismissal?
2. Was there any charge against him? If so, who was the complainant and was there any investigation?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries):

1. (a) By order in council dated 6th May, 1909; (b) offensive political partisanship.
2. (a) Yes; (b) Hon. D. D. McKenzie, M.P.; (c) No.

ARMY SERVICE CORPS.

Mr. SPROULE asked:

1. Have any complaints been preferred to the district officer commanding at Ottawa against any officer or officers of the Army Service Corps in respect of their padding the pay lists, thus drawing money from the public exchequer for services not rendered or supplies not delivered?
2. If any such complaints have been made have they been communicated by the district officer commanding to the Militia Department?
3. If so, what action, if any, has that department been providing for the investigation of such complaints?

Hon. Sir FREDERICK BORDEN (Minister of Militia and Defence).

1. Yes.
2. Yes.
3. A court of inquiry has been ordered to investigate the complaints.

BLOOD INDIAN RESERVE, ALBERTA.

Mr. WALLACE asked:

1. Who has the lease for Blood Indian reserve in Alberta?
2. When was this lease obtained and what were the circumstances in this connection?
3. Will the minister give full particulars to date?

Hon. FRANK OLIVER (Minister of the Interior):

1, 2 and 3. Donald McEwen & Co., of Brandon, Manitoba,. An agreement was entered into between the Blood Indians in the presence of the Indian agent and Messrs. Donald McEwen & Co. on the 16th of May, 1903, covering the grazing privileges on the eastern and southern portions of the Blood reserve, upon the following conditions:

1. That the company put on a herd of cattle known as a breeding one, and that only thoroughbred bulls be used on the range:

2. That the company plough fireguards upon the reserve where needed, and construct dams for storing water on portions of the reserve distant from the river:

3. That the company put down at least three artesian wells on the lower part of the reserve, but should they fail to find water at a reasonable distance in the first well sunk, this clause not to be insisted upon:

4. That the company purchase from the Indians annually not less than (700) seven hundred tons of hay at ($4) four dollars per ton, properly stacked at places designed by the manager of the company: the Indians to be under no obligation to supply it:

5. That the company keep in repair the fences along the southern boundary of the reserve, and also keep in good repair the dams, as well as any artesian wells put down; so that when the (10) ten years have expired, these will pass to the Indians as improvements to the reserve:

6. That the company shall put on line riders to hold their stock from mixing with the Indian cattle, should it at any time be found necessary:

7. That the company agree that any rights granted to them on the reserve, whether for grazing or for any other purposes, shall in no way be understood as depriving the Indians of the right to use the reserve for grazing as many of their own stock as they desire, or limiting the number they may so graze:

8. That the company shall use every endeavour to keep off trespassers from the reserve, and the Indian Agent shall lend them every assistance at this work:

9. Rounding up and branding stock shall be done at such times only as shall be arranged by the company's manager and the Indian Agent:

10. That the company shall have the privilege of erecting corrals for hay, and handling stock and any sheds that may be required for the proper handling of their stock and conducting their business; the same to become the property of the Indians at expiry of lease:

11. And the parties of the first part agree that the company shall be allowed to graze (7,000) seven thousand head of cattle, on the Blood Reserve for a period of (10) ten years at an annual rental of ($5,000) five thousand dollars payable half-yearly:

12. That the company shall advance three years' rent at any time after five years from date of ratification of this agreement should the same be required for the use of the Indians; of this the Superintendent General of Indian Affairs is to be the judge:

13. That the Indians (or parties of the first part) agree that no grazing privileges shall be extended to any other person or company, and the party of the second part agree not to sublet their privileges herein set forth, without the authority of the Superintendent General of Indian Affairs:

14. That this agreement shall come into force immediately upon its being ratified by the Superintendent General of Indian Affairs:

15. The Superintendent General of Indian Affairs shall be the final judge as to the fulfilment of the foregoing conditions.

The above agreement was ratified by the Department on the 6th of June, 1903, on the following conditions,—

(1). That the half-yearly rental shall be paid in advance on the 1st of July and January in each and every year.

(2). That this license is not intended to confer any authority to obstruct trails or roads now open to the public, which now or may be hereafter under the control of the government of the North West Territories.

The rental under the above lease has been paid to the 1st of July, 1909.

FISH ISLAND LIGHTHOUSE.

Mr. FRASER asked:

1. Who is the lightkeeper at Fish island, entrance to Malpeque harbour, Prince Edward Island?

2. Is he holding the office permanently, when was he appointed, and what is his salary?

3. Is there any age limit for lightkeepers when they are appointed?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries):

1. Mr. Patrick Gould.

2. (a) Appointed temporarily by order-in-council, December 7, 1906. (b) Appointment confirmed by order-in-council, July 10, 1907. (c) Salary, $250.

3. The age limit is not determined by law nor by order-in-council, but the department as a rule endeavours to obtain keepers between the ages of 19 and 40 years.

ELMIRA BRANCH RAILWAY.

Mr. FRASER asked:

1. Has a contract for the construction of the Elmira Branch Railway, Prince Edward Island, been awarded? If so, to whom, and for what amount?
2. Is it the intention to build the said branch from Harmony station?

Hon. GEO. P. GRAHAM (Minister of Railways and Canals):

1. (a) Yes. (b) Messrs. Whitehead Brothers, at schedule prices.
2. While in supply, it was stated that no final decision would be arrived at until the chief engineer of the department had an opportunity of visiting the place, and going over the route of the proposed branch railway.

MARITIME DREDGING COMPANY.

Mr. DANIEL asked:

1. Was the tender of the Maritime Dredging and Construction Company for dredging in St. John harbour and Courtenay bay, for which tenders were asked last year, accepted, and has a contract been entered into? If so, at what date?
2. Has any work been done under such contract? If so, what work and by what dredge?
3. Is it intended to resume this work? If so, when and with what dredge or dredges?
4. Has the dredge 'Iroquois' done any work under this tender or contract?
5. What is her capacity, and at what depth is she able to dredge effectively?

Hon. WM. PUGSLEY (Minister of Public Works):

1. (a) Yes, for dredging to be done on western side of St. John harbour, at or near Beacon Bar. (b) Yes, contract signed May 10, 1909.
2. (a) Yes. (b) Dredging on western side of St. John harbour, at or near Beacon Bar. (c) Dredge 'Iroquois.'
3. As above stated, company is under contract to do the work mentioned and is the owner of dredges 'Saugus' and 'Iroquois.' The company also state that it has made arrangements to place on this work, without delay, an additional dredging plant of large capacity.
4. Yes.
5. (a) 250 cubic yards per hour. (b) 27 feet.

Mr. DANIEL. I forgot to ask the rate for dredging ordinary material.

Mr. PUGSLEY. 39½ cents per cubic yard. I think it is the cheapest dredging that has ever been done in St. John harbour.

Mr. DANIEL. There was some done at 30 cents.

Mr. PUGSLEY. That was for some special work.

Mr. BRODEUR .

CONSIDERED IN COMMITTEE—THIRD READINGS.

Bill (No. 189) to incorporate the Commerce Insurance Company.—Mr. Geoffrion.

Bill (No. 190) respecting the Fidelity Life Insurance Company of Canada.—Mr. McCraney.

ROYAL CANADIAN ACCIDENT INSURANCE COMPANY..

House proceeded to the consideration of amendments made by the Senate to Bill (No. 63) to incorporate the Royal Canadian Accident Insurance Company.—Mr. Ames.

Mr. LENNOX. What are the amendments?

Mr. FIELDING. The amendments in this case are as respects the name of the company and the title of the Bill. The Bill as introduced was to incorporate the Royal Canadian Accident Insurance Company and the Senate has amended it to read: British Canadian Accident Insurance Company. It would be well that the attention of the House should be called to the fact that although we have in times past permitted several companies to take the name of 'Royal' it is regarded especially in the mother country, as an objectionable proceeding. A company would not be permitted to take that name in England, and it is a well established rule that the use of the word 'Royal' can only be granted by permission of the imperial authorities. Attention has not been drawn in the past to that in Canada and we have incorporated a number of companies with the name 'Royal.' Now that attention is drawn to the matter, in this case by the Senate, it is well promoters of Bills should know they are not permitted to use the name 'Royal.'

Amendments concurred in.

INSURANCE ACT—AMENDMENT.

House again in committee on Bill (No. 97) respecting Insurance.—Mr. Fielding.

Mr. FIELDING. This Bill was disposed of in committee except as to two clauses both of which, however, deal with the same point. Section 70 imposes penalties in certain cases for the doing of what is deemed to be improper business. Section 139 provides that these penalties shall not apply in cases where the tax which has been suggested is imposed and where certain simple returns are made. These are the points which remain for the consideration of the committee.

On section 79,

79. Except as provided in section 139 of this Act, every person who—

(c) inspects any risk or adjusts any loss or carries on any business of insurance on be-

half of any individual underwriter or underwriters or any insurance company, without the license provided for by this Act in that behalf or after such license has been revoked or suspended.

Mr. FIELDING. This is the existing law except that subsection 'c' was inserted as being necessary to make the machinery more effective. It was the insertion of that clause which brought up the question and section 139 is the section which imposes the tax.

Mr. FOSTER. Has the government decided to adopt the principle of taxing insurance, because that really is the new principle which is introduced into this Bill. We have taxed almost everything but this seems to be somewhat a new departure. With reference to the Bill I have received a good many communications. I am bound to say that the strongest and most numerous are with reference to this clause. Some who write and telegraph are very strongly opposed to the new method of taxing insurance. They have been heard by the committee time and time again, but I think I am justified now in voicing their strong protest against this clause.

Mr. FIELDING. Would my hon. friend read one as a specimen; I have got many myself.

Mr. FOSTER. Yes, I suppose the Minister of Finance has a sheaf of them as well as many other members in the House. I will read a paragraph or two from one or two of these letters which show the main point. One says:

> In the first place the very foundation of the success of every life insurance office is in the hands of the medical practitioners through the country.

Mr. FIELDING. That is another question.

Mr. FOSTER. Yes, but I want to get this off first:

> In the first place the very foundation of success of every life insurance office is in the hands of the medical practitioners of the country. It is they who advise on the acceptance and rejection of applicants for insurance, and it is they who must file the papers which justify the payment of claims. The relationship of the medical profession is, therefore, a very close and vital one to all insurance companies.
>
> In the second place the members of the medical profession have a deep interest in the insurance companies of the country, because it is through these that most doctors make provision for their families by carrying policies for their own and their families' protection.
>
> For these reasons most members of the medical profession of this country have been watching, with much interest, the progress of insurance legislation during the past two years, and especially during the present session.
>
> It is with much regret that it has been observed that there is a desire to place on the statute-book of this country an Act that debars the medical referee of a company from holding a seat on the board of directors.
>
> The latest proposed amendment allows the general manager, the president and one vice-president to hold seats on the boards of the various companies, and be in receipt of remuneration for their services. These gentlemen may be financiers, business men, lawyers, capitalists, &c. But when one comes to the case of the medical officer of the company, he cannot be trusted to hold a seat on a board because he receives some remuneration for his special services, which saves so much money for all the companies.

This lays down the reasons against the prohibition of medical men from being on the board of directors. This does seem rather against the freedom which the shareholders of an insurance company ought to have in the selection of their directors. The medical profession is a very wide spreading, respectable, useful and competent profession, and I have no doubt that the experience of a trained medical adviser would be invaluable to a board of directors. It may be argued that that one can be had by appointing a medical referee whom the directors can consult, but I know that many of the medical profession look upon this prohibition as a discrimination against medical men. I was away when this provision passed the House and so could not state my objections to it.

Mr. FIELDING. I did.

Mr. FOSTER. But my hon. friend the Minister of Finance did and was unable to carry his point. I do not suppose therefore there is any use in my striving to have it carried. I am very glad to know that the Finance Minister was in sympathy with the protest of the medical man whose letter I have read. I join with the Minister of Finance very heartily in his opposition to this clause. The medical fraternity have just as good a right to be on a board of directors as lawyers or business men, or any other profession, if the shareholders see fit to elect them. I understand that my hon. friend was not able to have that exclusion removed.

Mr. FIELDING. I merely put the facts before the House.

Mr. FOSTER. On the second point I have two or three letters. Here is one dated Toronto, May 11:

> We have to-day learned that the Insurance Bill has been amended by the sub-committee by inserting provision for a duty to be placed on unlicensed insurance at the rate of 15 per cent, and as soon as we received this information we wired you as follows:—
>
> 'We strongly object to proposed provision for duty on unlicensed insurance. Please

persuade government to grant us hearing before passing Bill; which we now wish to confirm.'

That telegram was received on May 11. Since that time have the insurance people had an opportunity of being heard on this clause?

Mr. FIELDING. No.

Mr. FOSTER. Or is it the intention that they will before it passes the Senate?

Mr. FIELDING. I cannot answer for the Senate. I have no objection if the Senate so desires. That matter was fully considered and discussed in the Committee of Banking and Commerce several weeks ago.

Mr. FOSTER. I understand the rule of the Senate is to give a hearing before any committee to which they refer Bills of that kind.

Mr. FIELDING. There is no desire on the part of the government to press the Bill unduly. We leave the matter in the hands of the Senate.

Mr. FOSTER. The firm of Eckardt and Company, from whose letter I have just quoted, continues as follows:

In opposing this Bill we agree with the Manufacturers' Association in their contentions which they have already advanced aganst this measure, and further wish to add that we are subscribers to the individual underwriters of New York, and if this amendment goes into force, we will be compelled to withdraw from this association, and thereby would lose a considerable amount each year by being forced to give our insurance to the Stock Fire Insurance Company, whose rates are now very much higher than the rate we are paying.

The individual underwriters have for twenty-five years operated reciprocal insurance without feeling or demonstrating in any way the necessity of governmental interference or supervision, and we believe this Bill is a device of the stock insurance agency interests to destroy our usage of inter-insurance, and we, therefore, believe that this measure should either be taken out of the Bill or the sting removed by inserting the following clause in the Act:—

Nothing in this Act shall be construed as applying to the operations and transactions of individuals, co-partnerships and corporations who reciprocally insure the property of each other against loss or damage by fire or lightning under the plan known as inter-insurance, whereby the participants reciprocally and specifically exchange contracts of insurance with each other, either directly or through the intermediary of a duly authorized attorney-in-fact.

H. P. ECKARDT & CO.

Then the Finance Minister has recently received a letter from the Montreal Board of Trade with resolutions which run largely on the same line. Another gentleman, writing me from Toronto, says:

The 15 per cent tax on insurance costs is excessive. Insurance is non-productive and the premium is annual. To unnecessarily increase costs to producers without giving some compensatory equivalent will be an unfair advantage against Canadians in favour of foreigners in our home and other markets. Another feature is, that many firms, for protection and to reduce the cost of insurance, have made heavy outlay in equipping their premises with fire appliances and on which they have paid full duty to the government. This means an annual interest charge and an annual debit for depreciations, all chargeable to insurance. To enforce a higher cost of insurance will tend to check expansion of home industry and to keep out manufacturers intending to establish in Canada.

JAMES P. MURRAY,
The Toronto Carpet Manufacturing Company.

These are samples of the protests which I have received, and I thought it my duty to bring them before the House. I was not able to be present when the Bill was going through the House and had not had the advantage of hearing the discussion which took place, although I paid particular attention to the matter in the special committee. As far as I am personally concerned, the question presents itself on two sides. With regard to individual mutual insurance companies, it seems too bad to cut out these gentlemen. On the other hand, my view is that, so far as possible, our own companies should have the business, if they can overtake it. But I understood in the committee that they are not at present able to over take that kind of insurance and do it as reasonably and thoroughly as it is now done. As to the exact burden, I understand that the fifteen per cent is on the net cost of the insurance. The Finance Minister has probably worked that out.

Mr. FIELDING. Yes.

Mr. FOSTER. It would be useful to know how much it amounts to. Some say it is so heavy as to be prohibitive. Others contend that, when worked out, it is not very heavy.

Mr. FIELDING. My hon. friend, having been absent, could not hear the discussion we had in this House on Saturday last, which, while it did not last very long, was fairly comprehensive. We have not before us at this moment the question of the medical men. My hon. friend has read a letter from a distinguished medical petitioner which says the Bill apparently discriminates against his profession. That is entirely a mistake. It would be just as reasonable for the solicitor, the treasurer, chief accountant, or the actuary or any other official of a company to say that he is discriminated against. There is no

discrimination against an individual. The principle upon which this section was accepted and approved by the committee was, as I said on Saturday—if I may use the words in no offensive sense—the ordinary question of the relation of master and servant. The board is the master, the officials are the servants; it is not desirable that the servant should be master. Some said to us: 'While that is a fair, general principle, if you carry it too far you will prevent the administration of the company. Surely the president ought to be a member of the board, and you cannot expect him to work for nothing; the president must be away at times, and his place must be taken by a vice-president; surely you will not prevent him from being a member of the board; the managing director does the real work of the company; surely you will allow him to be a member of the board.' In each of these cases, an exception to the general rule is made, because it seems necessary to the efficient administration of the company. It has been strongly represented that it is necessary that the medical referee should be a member of the board. It is necessary that there should be a medical referee, it is necessary that there should be a solicitor, it is necessary that there should be an actuary. There is nothing in the Bill to prevent the appointment of these officers, nor to prevent every one of them receiving whatever compensation the company wishes to give him. One gentleman who wrote to me treated this as an attempt to interfere with the emoluments of the medical men. There is nothing to prevent the board allowing whatever fees or compensation they like to the medical referee; there is nothing to prevent them having a medical referee sitting at the table to advise them just as they have their solicitor. They may have the benefit of the experience, knowledge and advice of all these officials. But it does seem to me lacking in symmetry, in harmony with the general purpose of the Bill, that the servant should be at the same time the master —and again I say that I use that word in a proper sense, for we are all servants, each in his own way—that is a principle laid down, and we except the president, the vice-president and the managing director, because to that extent, exceptions seemed necessary to the management of the company.

Now, I pass from the question of compensation to deal with another point. When this Bill was introduced in the House, it did not contain any clause respecting taxation. This clause is the result of the deliberations of the committee. It was adopted in the sub-committee, I think I may say, unanimously. One hon. member has rather intimated since that, personally, that he would rather have preferred not to have it, but if it were right in principle, he did not object to the amount. Subject to that reservation, I can speak of the committee as having been unanimous on this question. And, the committee having reported in that way, the government naturally accept the responsibility of having this provision in the Bill. At the same time, I do not think it a vital part of the Bill. I think there is a fair reason in support of it. I put the proposition on Saturday, but perhaps it will not be out of place if I repeat it now. If it is deemed proper, as a matter of public policy—and it has been deemed proper for many years—that there should be restrictions and obligations imposed upon our Canadian companies, and upon such established foreign companies as open offices in Canada, if it is a proper thing that in such cases we shall demand deposits, the taking out of licenses, the making of returns, with penalties imposed when they are not made in the right way and in the right time—if all this be necessary as a matter of public policy and public interest, it is hardly reasonable that other companies should be allowed to come in, directly or indirectly, and do business without any of these limitations. If it is right and proper that these companies shall be allowed to come in, or to send their policies in across the line, the whole theory and operation of our insurance law is wrong; what we ought to have is free trade in insurance. But it does not seem unreasonable that we should take a Canadian company, with Canadian capital, and impose these restrictions and burdens upon it, or take one of the great English companies that have done business here for half a century and compel it to take out a license, to put up a deposit, and submit to the discipline of the Insurance Act, and then allow a company in Detroit to do ten times the business and snap its fingers at the Canadian insurance law. I say, I do not think that is reasonable. If we continue to impose these limitations and restrictions, as the companies call them, upon the home companies and upon the old-established companies doing business here, if we say that they shall establish offices, pay taxes and share the burdens of citizenship, it does not seem reasonable that we should allow an American company to send in agents who will do the business and do it altogether beyond the limitations of the insurance law. Believing that to be a reasonable presentation of the case, we approached the question to see what reasonable remedy we could apply. My hon. friend (Mr. Foster) read a letter from somebody who said that he entirely agreed with the position taken by the Canadian Manufacturers' Association. The chief opposition to our Bill in its original form, so far as that clause

was concerned, came from the Canadian Manufacturers' Association. But, after the question had been discussed, after it had been threshed out for several hours in the committee, and after the view which I have endeavoured very imperfectly to present here to-day had been presented very forcibly by the insurance men, the delegation of the Canadian Manufacturers' Association came back and said: 'We want to make a further statement; we admit the reasonableness of the statement of the insurance men; at the same time, we point out that your Bill will make this business practically prohibitory; you must impose penalties in such a way that these New England Mutuals and other companies will not be able to do business here at all; do not prohibit them, do not shut them out, do not place upon us that burden, for we cannot always get the amount of insurance that we want or, sometimes, when we can, we have to pay too high a rate; we admit the reasonableness of the case and that the Canadian companies and these licensed companies ought to have some measure of protection; and, if you want to put a moderate tax on this class of business, we think it reasonable and are willing to submit to it.' That is the source of this clause; the suggestion came from the Canadian Manufacturers' Association.

Mr. FOSTER. Was there a practical agreement on this rate?

Mr. FIELDING. No, the rate was not discussed. Some hon. gentlemen think the rate should be higher. As to the rate there is a difference of opinion. Several hon. gentlemen, including some on the other side of the House, have spoken to me personally about the matter and said that while they agree with the principle, the tax proposed is so small that it will be ineffective. I do not wish to give any names, because this Bill has been received with the utmost consideration by the hon. members on both sides, and I have talked freely with hon members on both sides about it. I know there is a strong feeling on the part of hon. members on both sides that the tax ought to be higher. Still, there is the opinion among others that the tax should be lower. I do not regard this as a vital point. It is a fair subject for debate. If the committee vote that the tax should be lower, I will accept their decision, but I think that the rate proposed is not unreasonable. As to the application of the rate, there is a misapprehension on that point. I gave an illustration on Saturday which showed that conclusively. A letter came to me from a gentleman who is the manager of an important manufacturing concern stating that his insurance cost him about $400 a year, and that he understood the proposal was to impose a tax of 15 cents on every $100 of insurance. The effect in his case, he said, would be that where he now paid $400, he would be obliged to pay $900. I had to point out to the writer that he was mistaken, that under the tax imposed by the Bill, 15 per cent on the amount of his net premium, the addition to the cost of his insurance would be not $500 but $60.

Mr. FOSTER. About how much insurance did that $400 carry?

Mr. FIELDING. The rate was about 12½ cents on the $100 on the average—a very low rate. In the case of these low rates, the tax will be a mere trifle. The man who is now paying 12½ cents on the $100 will pay about 14 to 14½ cents. There will be 15 per cent on whatever rate he pays up to a certain point. It may be that I am almost imposing upon the House by repeating what was said on Saturday, but my hon. friend (Mr. Foster) was not present, and perhaps he and the House will pardon me. Our attention was drawn to a class of insurance where the rates are not low, but are as high as four or five per cent—some hon. members on Saturday said the rates sometimes go as high as six and seven per cent. Take the case of lumber mills in situations particularly hazardous; it was represented that these mills often paid four or five per cent, and in cases even higher rates. Take 5 per cent as an illustration. Where a man already pays $5 per $100 for protection, if you add 15 per cent or 75 cents per $100 you are making a rate which is already very burdensome more burdensome still. So it means that $5 in the hundred would become $5.75. In the case of a $4 premium, it would be $4.60. We felt that in such cases the rate imposed on the property owner was already high enough, and we do not wish to impose additional taxes. So we have provided that in no case shall the tax be more than 15 cents on $100 of insurance. If a man pays one per cent, and for ordinary business that is quite a high rate for the manufacturing class—I am not speaking of a lumber risk, which is extra hazardous—but for ordinary manufacturing purposes, one per cent would be a high rate; and if he pays one per cent by the effect of this Bill he will pay $1.15 per $100. If he pays 4 per cent, he will still pay only 15 cents, because this tax will not apply to the premium in excess of one per cent. I think it will be found that the committee gave great consideration to the matter, and endeavoured to make a Bill which was not burdensome. It is an unusual thing; but I think there is force in

the contention of the insurance men, that if they are to be subjected to this discipline and these regulations and restrictions, some effort should be made to protect them against the outsider.

Mr. LALOR. Is the tax to be levied upon the note or upon the net insurance?

Mr. FIELDING. The net insurance at the end of the year. The New England Mutual business, I am advised, is managed this way. There is a nominal premium at the beginning of the transaction, say one cent. At the end of the year, he receives a rebate of whatver part of the premium was found to be unnecessary for the carrying of the risk. One hon. gentleman said playfully: 'This is a pratectionist measure.' There is something in that. But let me give him an illustration. Suppose to-day that we were imposing an excise duty, as we do, a very heavy one, on the manufacturers of spirits in Canada, and that we allowed foreign spirits to come in free; that would not be free trade, that would be a very lop-sided arrangement. You would be imposing a burden on the home industry while allowing the foreigner to come in free. That is about what we would be doing under the Insurance Act; if this clause is not put in we would be imposing an excise duty on the home company and letting the foreign company come in free. That is something we do not want to do. So, I do not think that it is protectionist in that sense, it is only an attempt to allow some compensation for the burdens, and restrictions, and disadvantages to which the home companies are obliged to submit.

Mr. RHODES. It has been the custom on the part of insurance companies doing business in Canada to reinsure a large portion of their risks in unlicensed companies in the United States, and in other countries. As I understand the meaning of section 129, as at present drafted, an individual desirous of going outside to the United States to do business with an unlicensed company will have to pay 15 per cent, or 15 cents on a hundred dollars, as the case may be; but the insurance companies which will have the advantage of protection by this clause will be able to go to the United States and reinsure without paying the duty. The effect will be that you are giving a two-fold protection to the Canadian companies under this clause, as I understand these words:

Notwithstanding anything herein any person may insure.

In looking at the interpretation clause I cannot find 'person' is defined at all.

Mr. FIELDING. The hon. gentleman is correct, the company can reinsure.

Mr. RHODES. That being the case, you are giving to the Canadian company that advantage of 15 per cent protection, and Canadian insurers to that extent will insure in Canadian companies, and these in turn may go to the New England companies and place that very insurance which the individual himself is forbidden to do here.

Mr. FIELDING. That is correct.

Mr. RHODES. To my mind that is an unfair clause. I think there should be an alteration made in the clause to meet such a case. I am a protectionist, I believe in the principle of protection, and for that reason I cannot properly object to the principle of protection as it appears in this Bill. But in the case I have cited I think it works out unfairly as against the individual who wishes to insure in Canada.

Mr. FIELDING. I do not think my hon. friend will be able to suggest a change in that respect that will be acceptable to the House.

Mr. RHODES. If that word 'person' were defined to include companies, I think the case could be met.

Mr. J. A. CURRIE. This question was a very contentious one in the committee and I would strongly urge upon the minister to drop it, because there seems a great deal of uncertainty among business people of this country where this class of legislation is going to end. This is the thin end of the wedge to direct taxation along insurance lines. Take the proposition as it stands. This clause is aimed at a certain specific class of insurance known as mutual companies. Now what constitutes a mutual company. The New England Mutual Companies are a joint adventure in insurance. If a man wishes to join that association he has first to put in a certain sprinkler plant, and in these companies he has to expend anything from $3,000 to $5,000 in order to enable him to qualify as a member of that association. Now there is a very large difference between a company of that kind carrying on a joint adventure and a company carrying on the business of insurance with a capital stock. Behind the risk of the person who is carrying on this business with capital stock there remains nothing but an actual subscribed capital and the cash in the treasury as a guarantee to the insured, and it is the right of the government to demand that a certain portion of that capital shall be placed with the Receiver General, or somebody else, as a guarantee that people who insure in this company will have something to fall back upon in case the com-

pany is wound up. But in a joint adventure of this kind a man has to expend $3,000 to $5,000, before he is permitted to join those New England mutuals, and behind his risk is the joint guarantee of sometimes forty millions or fifty millions worth of property, far more capital behind his risk than any other insurance company has; and if he makes a loss his contract calls on all these corporations with enormous capital to see that his risk is paid. Now it sometimes happens that these people who have gone into that class of insurance have found that after they have expended four or five thousand dollars in a tank system, and their rates of insurance, where they had been paying one cent or two cents, have fallen down to twelve per cent of what they were paying, their insurance is one-eighth of what it had been previously. But bear in mind that they had paid for that in hard cash in order to enable them to come under that class of insurance. Now it is very unjust that these people, manufacturers, wholesale dealers of various kinds, and other people all over the country, should have gone to the trouble and expense of installing their sprinkler systems in order that they may join a mutual insurance company and secure insurance which in many cases they could not receive in this country—because nobody in Canada can take out more than $150,000 in Canadian Mutual Companies—it does seem unjust that they should be singled out for a tax, as it were, by this government, and called on to pay a special tax which is to my mind contrary to the principles on which the government has endeavoured to collect taxation hitherto in this country. It is the thin end of direct taxation. If this thing continues it is only a matter of a few years when there will be a proposition to say that not only outside companies but inside companies shall pay 15 per cent on their premiums to the government. In a few years you will have established this outrageous principle of taxation, which is nothing else than farming out taxation. It is on that principle and for that reason that I strongly urge the minister not to hand out the farming of taxes in this country to the corporations, as he is doing here, but to avoid that principle. I strongly urge that a clause that discriminates against one class which the people as a whole are opposed to should be dropped. The only class of people who are calling for that clause are the insurance companies. Are they calling for it to protect the public? Not a bit of it, but to protect themselves, as a matter of fact the large insurance companies do not care a straw whether we insert that in the Act or not. It is only the small companies, those which are narrow-minded and narrow spirited, and they are sending circulars to agents all over Canada asking them to send wires to members of parliament to see that this clause goes through. I am utterly opposed to this principle of taxation. I must tell the right hon. leader of the government that this is only a system of farming taxation, a system that is adopted in Turkey where the government says to a man: 'You must pay a certain percentage of what you collect in a town over to us.' You are saying here: 'You must pay a certain percentage of this premium over to the government.' It is unfair and I think the best thing the committee can do is to strike out this clause, let the Bill go through and give it a trial.

Mr. MILLER. The hon. gentleman (Mr. J. A. Currie) has pointed out that there is a difference between a stock company and a mutual company and that it is not fair to deal with mutual companies as we do deal with stock companies. I would point out that, I think, two sessions ago, two Canadian Mutual Companies endeavoured to obtain incorporation from our government without putting up the usual deposit or taking out a license. This government and the Banking and Commerce Committee refused to give to these two Canadian Mutual Companies a license to do business unless they complied with the Canadian law, put up their deposits and took out their licenses. So, we are not making any distinction as between stock and mutual companies. The hon. gentleman pointed out that people are now enabled to obtain from the New England Mutual Companies insurance for one-eighth of one per cent and that they have to pay Canadian companies two per cent, but he frankly admitted that in order to obtain this low rate from American companies, these gentlemen have had to spend large amounts of money to improve their risks, to induce these insurance companies to accept them. If they expended that large amount of money in the improvement of their risks the Canadian manufacturers could obtain from the Canadian companies —I will not say two or three years ago—all the insurance they desired to have at a rate little, if any, in excess of that which is charged by the American companies.

Mr. SPROULE. That is denied.

Mr. RHODES. I speak from absolute knowledge when I say that that statement is not true. The hon. gentleman (Mr. Miller) has been misinformed. I have in my mind one corporation in my constituency that placed half a million dollars of insurance, and I am advised that they could not get more than half of that placed with the Canadian line companies, and that the other half is carried by companies mostly in the United States and in some cases in Germany. They were at one

time placing their insurance in Canadian companies, but the rate became so exorbitant that for a time they had to do without insurance or until they were able to place it with outside companies. I know that the claim is made by the insurance companies of Canada that the manufacturers do not have to go outside of Canada. But no satisfactory reply was given to the statement of the manager of the E. B. Eddy Company that they could not get their insurance in Canada.

Mr. MILLER. If the hon. gentleman listened to the evidence given before the committee he will remember that Mr. Laidlaw, one of the leading insurance men of Toronto, stated that the Canadian companies are able and willing to carry all the business that might be offered to them.

Mr. RHODES. Mr. Laidlaw made no answer to the evidence given by Mr. Rowley of the E. B. Eddy Company. He made a general denial but he did not make a specific answer to the statements of that gentleman.

Mr. MILLER. Mr. Morrisey of Montreal did deny that and stated that the Canadian companies were able and willing to carry at reasonable rates all the insurance that the E. B. Eddy Company might desire to place with them. The hon. member for North Toronto (Mr. Foster) has read a letter, the writer of which appeared to think that the suggestion of this tax, if we might call it a tax, had come from the insurance companies. That was not the position taken by the insurance companies before the committee. They said: 'We do not want the tax; we want you to put us on the same level with other companies and, if you are going to permit these American companies to come in without putting up a deposit and without taking out a license, permit us to do the same thing. Throw the doors wide open and we will be satisfied. We will be willing to compete with those people on equal ground.' I think the House generally recognizes, as was pointed out by my hon. friend the Minister of Finance (Mr. Fielding), that the suggestion of the tax came from the maunfacturers who were before the committee. They said: We are willing to be protected and we are willing that others shall be protected. It was on that suggestion that the tax was proposed. It originated not with the insurance men but with the manufacturers. As to the question whether 15 per cent up to $100, this rate being reduced to 10, 5, 4 or 3 per cent, according to the rate of premium——

Mr. J. A. CURRIE. Before the hon. gentleman wanders away from the point I would ask him to point out one single instance of a similar tax being imposed on business.

Mr. MILLER. That is getting away from the point altogether.

Mr. J. A. CURRIE. I think that is very much to the point.

Mr. E. M. MACDONALD. Every item in the customs tariff is the same kind of tax.

Mr. J. A. CURRIE. If the hon. member for Pictou (Mr. Macdonald) cannot distinguish between a tax under the customs tariff and a tax on business I am very sorry for his mental qualities.

Mr. MILLER. If the hon. gentleman desires a parallel let me refer him to the business tax imposed by the Ontario legislature within recent years. As to the amount of the tax let me say that it costs the Canadian companies about 18 per cent of the premiums to conduct their business. I leave out of the calculation the commission paid to agents. Salaries, rents, municipal taxes, and buildings cost the Canadian insurance companies about 18 per cent of their receipts. This is altogether saved to the American companies whom we have permitted to come in here and do business.

Mr. J. A. CURRIE. How much does it cost for insurance commissions?

Mr. MILLER. About 15 per cent.

Mr. J. A. CURRIE. 25 per cent is the average insurance commission.

Mr. NESBITT. You do not know anything about it.

Mr. J. A. CURRIE. I do.

Mr. MILLER. If it costs the Canadian insurance companies 18 per cent to do business, and if this is a cost which is not incurred by the American companies I should think we were not unfair in imposing a tax equal to the cost of conducting their business.

Mr. SPROULE. You must take into account the additional charge which the ordinary insurance companies impose upon the party who takes out a risk over that imposed by the mutual companies. For instance, I pay on an ordinary building 1½ per cent, whereas, if I were insured in a mutual company, I would get my insurance for about 60 mills on the dollar.

Mr. MILLER. The hon. gentleman and every body who places insurance knows that any one can go into a mutual company and sign a premium note thereby making himself a member of the company and liable for all the losses that the company may sustain. He knows very well that in some years, and may be for a number of years, he will get his insurance

cheaper than he would if he goes into a stock company, but he knows too that it may sometimes happen that having made himself a member of the company he will have to pay a great deal more for his insurance than had he remained in the stock company.

Mr. J. A. CURRIE. It is the people who pay the insurance who have to pay this tax and not the company. My hon. friend (Mr. Miller) is treating it as if it came out of the pockets of the insurance companies.

Mr. MILLER. I admit that the 18 per cent which the Canadian companies pay comes out of the pockets of the people who pay insurance and our proposal is to take this 15 per cent from exactly the same source. The hon. member (Mr. Foster) has asked for some illustration to show what might be the burden of the 15 per cent. On Saturday I had a conversation with the hon. member for Kingston (Mr. Harty) who told me that he is carrying with the New England companies a risk of about $1,000,000 and he pays for that a premium of 15 of one per cent and the 15 per cent taxation to him on $1,000,000 insurance will be $225 per year. I am sure that no one will think this an excessive tax upon a business capable of being insured for $1,000,000.

Mr. FIELDING. I might perhaps give some information as to the history of this proposed tax. When I introduced the Insurance Bill the government did not contemplate such a tax, but it was resolved upon by the committee, reported to the House, and on behalf of the government I accepted it. In the report of the proceedings before the committee I find a statement made by Mr. A. T. Russell, one of the representatives of the Canadian Manufacturers' Association who appeared to oppose the Bill. He had opposed it very forcibly and had made a very strong statement from his point of view. He retired and the debate went on, and at a later stage Mr. Russell came back and said:

> Mr. chairman and gentlemen: I have not come to make a second speech on this subject, but am acting on the suggestion thrown out by a member of the House yesterday, that we should try to get together and see if it was not possible to solve this apparent difficulty. The manufacturers particularly have tried to do so, and we have discussed the subject with some of the insurance men. Perhaps I put it too forcibly in saying that the insurance men will not object to what I have to suggest. Some of them, however, have intimated they will not.

He went on to discuss the proposal made by the insurance companies that outside insurance should be permitted when an affidavit was filed that you could not get the insurance in Canada, and he argued that that was not workable, and that it was not a solution. He said:

> If you decide that insurance is one of the industries that should be protected, if you think it right and proper that we should pay to the government of this country a fee or a tax levied upon the money we are paying out of this country for the commodity of insurance we are willing to pay it. I think that is a proper solution of the problem. It prevents the soliciting of business in Canada by companies that are not licensed, and it prevents wild-catting, which should be prevented; and it increases the cost of outside insurance, even of New England insurance, and to that extent it is going to help the gradual turning over of that insurance to the members of the Canadian Fire Underwriters' Association, and it will result in turning it all over to the Canadian companies just about as rapidly as they are conveniently able to handle it. That is our position, and I think it is a sound position from the standpoint of the Canadian people. On behalf of the manufacturers, I have discussed it with Mr. Kemp, with Mr. Candee of the Gutta Percha Company with Mr. Rowley (the Eddy Company), and with Senator Jones (the Massey-Harris Company); we will pay whatever fee the Governor in Council thinks should be levied on any premiums which we pay out of Canada for this insurance that we buy. I think that is a fair position, and I think it is all that the Fire Underwriters' Association, as they are at present organized, are entitled to ask.

The committee accepted that section and introduced this clause.

Mr. RHODES. I would like to ask the Minister of Finance if he would not approve of some amendment to this Bill which would meet the case I indicated to him a short time ago. I think I have already shown that I do not object to the principle of taxation as provided here, but I think I have shown a case where it works unfairly as against the individual. If the minister agrees that the Bill should be amended in that regard I think there is no doubt that we would agree upon wording which would meet the case.

Mr. FIELDING. That would be a clear interference with the present condition; under the present condition the company has the right to reinsure.

Mr. RHODES. Under the present condition the individual is allowed.

Mr. FIELDING. My hon. friend may be right in that, but if he will read the insurance law as it stands to-day, without this amendment, he will come to the conclusion that the doing of outside insurance without some penalty is contrary to the intention of the Act, although the machinery for enforcing penalties seems to be defective. The existing companies have the right to reinsure, and I do not think it would be wise to prevent them. If the busi-

ness passes through the office of a Canadian company, or the established companies—because it is not the Canadian companies only; it is the old established foreign companies we license here—I for one would be willing to give them that privilege. Let there be no misunderstanding: Any company in the wide world can come in and escape this tax by taking out a license in Canada, subject to the provisions of the Insurance Act, and if any company wants to get business in Canada they can escape the tax in that way. It is only in the case of those companies who do not want to come in, which do not want to establish any agencies here, which do not want to pay one cent of contribution towards anything in Canada; it is only that class of business which is going to be affected by this amendment.

Mr. LALOR. I regret that I cannot agree with the hon. member for Cumberland (Mr. Rhodes). I think it is quite proper that the insurance companies should have the right to insure outside of Canada if they desire so long as the insurance passes through the channels of the Canadian companies. If we impose a tax on these companies reinsuring outside of Canada, that tax will only come out of the pockets of the insured in Canada. Much as I regret it I cannot agree with my hon. friend (Mr. Rhodes).

Mr. A. HAGGART. With reference to the rate, I have received a telegram from one of the largest mercantile houses in Winnipeg in relation to this 15 per cent taxation. During the earlier part of the discussion they objected to this principle altogether on the ground that they could not get insurance at any price from the Canadian companies. Since the last meeting of this committee I have received a telegram which says:

Have sometimes had to write $200,000 outside. This makes tax heavy.

That $200,000 is over and above what they give to the local companies. We have to consider also that this is not the only tax, because the responsibility entered into by them on these premium notes is as much a tax as the actual money paid for the premium. The opinion I have expressed here is the opinion of the mercantile community of that western city, where the insurance premiums are high.

Mr. FIELDING. Has my hon. friend any information to enable him to say what rate of premium is paid on that $200,000 insured outside?

Mr. A. HAGGART. No.

Mr. FIELDING. I was trying to find out how much of a burden this would be. Whenever you take a given case and apply the tax you discover, except in the case of a very large sum, that the tax is not excessive.

Mr. RHODES. I do not propose to enter into an academic discussion with my hon. friend from Haldimand as to where the money comes from which buys insurance premiums. I think we can all agree that it comes from the people who insure. What I say is that if you tax an individual for getting insurance in the United States, you must in equity, in fairness, and in justice, tax the company which does the same thing. I think that is a fair principle. I would respectfully suggest to the minister that he should have an amendment made to this Bill which would meet the cases I have pointed out. The Minister of Finance referred to the fact that these outside companies refused to come in and pay the tax. That may be true so far as certain individual companies are concerned, but in the case of these New England Mutuals, for example, you are not dealing with a company but with an association of individuals, and their business has arisen in Canada not because of any action on their part but because individuals in Canada have felt compelled to go abroad to seek for this insurance. There is no desire on their part to do business here, they do not seek for it or canvass for it, but individuals go outside and associate themselves with individuals in the United States and form these mutual companies. I would respectfully suggest to the minister that some amendment be inserted to meet the case I have suggested, because I do not believe there is any defence for the position now taken. I have no doubt that the hon. member for South Grey, who stands sponsor for this Bill and who has argued for it in season and out, can not suggest a reason why the Bill should stand as it is.

Mr. NESBITT. There seems to be a good deal of antagonism with regard to this proposal, and in my opinion the best solution is to force every company doing business in Canada to take out a license. That is what the companies say. They said to the Manufacturers' Association: 'We don't want any protection, all we want is an open field, but if you are going to put protection on and if you are going to make one company take out a license you have no right to select certain companies and license them and not license the others. License them all or license none.' The easiest way to settle this thing is to license them all. If you are going to have regulations, put them all on the same basis and that will stop the discussion.

Mr. SPROULE. You are not taxing the company because the company does not come in; what you are doing is taxing the

Canadian individual who wants insurance which he cannot get at home. It is he who has to pay the tax and not the company, for the company does not canvass for insurance in Canada and does not care whether it gets it or not.

Mr. MACDONALD. Why do they take it?

Mr. SPROULE. The Canadian who cannot get insurance at home, or only at an exorbitant price, desires to get it where he can at a reasonable price. The case stated before the committee was this: 'Our financial obligations, which are very large, require us to have a large amount of money in the banks, and the banks demand certain insurance as collateral in order that we may keep our credit, and that insurance we have to provide in a short time; not one of the Canadian companies will give us that insurance and we are face to face with financial ruin if we do not get it on short notice; failing to get it in Canada we applied to the New England companies, who gave it to us and enable us to maintain our financial standing with the banks.' It is the individual who pays this tax and not the companies, because these companies are not stock companies looking for profit; they are mutual companies whose only need of money is for expenses to cover the clerical work involved, and whatever tax is put on for that purpose is put on the Canadian individual who insures.

At one o'clock committee took recess.

Committee resumed at three o'clock.

On section 139,

Notwithstanding anything herein, any person may insure any commercial or manufacturing property situated within Canada with any foreign unlicensed mutual fire insurance company or reciprocal underwriters, and may cause or procure the inspection of the risk and adjustment of any loss incurred in respect thereof,—

1. If, prior to the inspection of the risk and his effecting such insurance, he gives notice in writing to the superintendent of his intention to effect such insurance, describing briefly the property to be insured, and naming the proposed insurer;

If, for each year in which he holds a policy of any such foreign unlicensed insurer covering property in Canada, he makes a return to the superintendent setting forth the names of all such unlicensed insurers whose policies covering property in Canada he has held during the period covered by the return, the location and description of the property covered, the amounts of such policies respectively, the net cost to him of the insurance represented by the said policies for the policy year or other shorter term of each policy terminated during the calendar year covered by the return, and the amount received by him from the said insurers in respect of losses under the said policies,—such return to be made by delivering or mailing it in a registered letter addressed to the superintendent not later than the first day of March in each year, for the year ending on the preceding thirty-first day of December;

If he pays to the minister a sum equal to fifteen per cent of the total net cost to him of all the insurance mentioned in the return referred to in paragraph (2) hereof, but not to exceed in any case fifteen cents for each one hundred dollars of insurance for one year, or a proportionate sum for any longer or shorter period, and

If each of such unlicensed insurers furnishes to the superintendent, at his request, not later than the day named in paragraph (2) hereof, a statement duly verified in such manner as the superintendent directs, showing as at the end of the last financial year of such insurer the total assets and total liabilities of such insurer, and the total amount at risk and also the liabilities and amount at risk in Canada, the total income, total expenses and total amount paid for losses during its last preceding financial year, distinguishing between Canada and elsewhere.

2. Default in compliance with the requirements of paragraphs (1), (2) and (3) of subsection 1 hereof, or any of them, by the insured shall render this section, as to such insured person and his agents and representatives, inoperative, and as if it had not been enacted.

3. Default in compliance with the requirements of paragraph (4) of subsection 1 hereof by such unlicensed insurer shall render this section, as to such unlicensed insurer and his agents, representatives, inspectors or adjusters, wholly inoperative, and as if it had not been enacted.

4. The minister shall pay and apply towards the expenses of the office of the superintendent such portion of the sum received by him under paragraph (3) of subsection 1 hereof as he deems expedient, and shall apply the balance thereof for the use of Canada.

5. The superintendent shall embody in his annual report to the minister the returns and statements mentioned in this section, or a synopsis thereof.

Mr. J. A. CURRIE. I move that subsection 3 be amended by changing the tax from 15 cents to 5 cents.

Mr. H. H. McLEAN. I second that motion. I think that some hon. members do not understand the nature of these mutual companies and seem to think that they are desirous of doing business in Canada. That is not the case. They are formed of, say, some 20 cotton mill companies combining to insure each other, and the only officers they have are a secretary and an inspector. We have not in Canada sufficient cotton mill companies to form such a circuit, and therefore it is necessary to apply to some of the New England Mutuals to get into the circle with them. Before these mutuals will insure, very strict regulations have to be complied with. Each establishment must have its own water supply and sprinkling system and other

appliances, all of which add to the cost of the property, but on the other hand the cost of insurance is very cheap, one-eighth or one-tenth of one per cent. It has been said that the stock companies in Canada are anxious to get that class of insurance; but I know that in the past, before we could go to the New England Mutuals, our stock companies would not take such risks under one or one and a quarter per cent. Now, these companies are willing to take that insurance cheaper, but not at anything like the rates charged by the New England Mutuals. Then our stock companies have not that system of inspectors and consequently cannot provide the same inspection. Another advantage about the inspection is this. A cotton mill is a hazardous risk unless equipped according to the regulations of these mutual associations, and besides if a mill takes fire, which is not fitted up with this equipment, there is greater danger to the adjacent properties. But the mills which are properly equipped and subject to this inspection are practically very seldom burnt and there is nothing like the same danger to adjoining property. As regards the principle stated by the Minister of Finance, it would seem right and proper that there should be a small tax imposed, starting with say 5 per cent. Then there are the woollen mills, which are a hazardous risk, which the New England Mutuals will insure, and there are also the saw mills. In New Brunswick a saw mill operated by steam would pay up to seven per cent premium, whereas they may be able to get their insurance from the mutuals at four or five per cent. This additional tax of 15 cents on every hundred dollars of the premium would therefore be a large increase. It would amount to $100 or $150 according to the amount of insurance carried. These mutual companies are incorrectly described as companies. They are really associations, or a partnership, so to speak, among say 20 companies, which agree to mutually insure each other, and each association has only, as I have said, two officers. Again take Lloyds, that does a great deal of inland marine insurance, and this Bill does not interfere with Lloyds taking risks of that class. If we establish the principle of imposing a tax, we should begin with a small tax of say five per cent, then see how that works out, and if found necessary to make any change, that could be made later on.

Mr. MILLER. The hon. gentleman says that insurance can be had in the New England companies at one-tenth or one-eighth of one per cent. If that be the case, the insurers in those companies would still have very cheap insurance with this tax of 15 per cent not to exceed 15 cents per hundred dollars on the premiums. He says, that Canadian companies are not willing to carry insurance at anything like the rates charged by the New England companies on those mills which are fitted up with sprinklers. On Saturday I pointed out that a number of Canadian insurers have voluntarily taken their risks from the New England Mutuals and placed them with Canadian companies because they find that they can now place that business with the latter at nearly the same rates. I would point out further, as I did on Saturday last, that a larger volume of business will enable the Canadian companies to charge cheaper rates, because the chief cost of these companies is in the employment of expert inspectors, and the larger the volume of business the less will be the percentage of cost. My hon. friend says that the Canadian companies have not such inspectors as the New England companies. I would reply that they have just as competent inspectors and that the very inspectors employed by the Canadian companies are those they obtained from the New England states and who were previously employed by the mutuals. I was told by the hon. member for Kingston (Mr. Harty) that he carried insurance of a million dollars. Well, this tax of 15 cents per hundred dollars on the premiums would amount in that case to about $225 per year. He is a rather poor Canadian who does business to the amount of a million dollars and is not willing to pay $225 to Canadian companies rather than to American especially when in Canadian companies he gets a better insurance than he can in the American companies. He does in this way and because of this reason —if there is any litigation between the person insured and the foreign concern carrying the insurance, he must go to the foreign country with his litigation and fight out his lawsuit there, but, in the case of Canadian companies, any litigation is carried on in our own Dominion. The hon. member for Sunbury and Queens (H. H. McLean) spoke of a sawmill in New Brunswick carrying $50,000 of insurance. Let me point out to the hon. member that if that risk now pays 7 per cent as he says, the rate with this tax added will be 7·15 per cent. A business that is able to pay 7 per cent is not going to be very much crippled or its profits very much reduced by having to pay 7·15 per cent. We have heard many arguments from hon. members opposite in favour of protecting Canadian industry. I do not see how they can regard themselves as very consistent when they ask to have the very moderate protection of 15 per cent upon insurance reduced to 5 per cent.

Mr. LALOR. The hon. member (Mr. Miller) has several times made the statement that Canadian companies will carry

risks at about as cheap rates as the New England Mutuals. I am sure he does not speak with knowledge of the facts, and I believe he is entirely mistaken. The Canadian companies cannot afford to carry the risks at the same rate as the New England Mutuals, and I do not think they attempt or profess to do it. Where a New England Mutual will carry a risk at one-eighth of one per cent the Canadian company will demand half of one per cent. I know from experience that there is no comparison in the rates. If the Canadian companies would carry the risks at anything like the same rates, there would be no cause of complaint. We would all prefer to insure in Canadian companies. The hon. gentleman says that it is a poor Canadian who would insure in an American company in preference to a Canadian company. But where the difference in the rate is so very great as between the New England Mutuals and the Canadian companies, I think it is greatly in the interest of the Canadian manufacturer to insure in the New England Mutual. I am not objecting very much to the tax imposed by the Finance Minister. I do not think it is a very heavy tax, but still it is a tax upon the Canadian manufacturer, and it is unfortunate that the minister should not see his way clear to reduce that tax somewhat.

Mr. FIELDING. I desire to say just one word. This Bill, I am glad to know, has been considered in the very best spirit and without regard to party lines. I hope the debate will so continue. I think a tax of 15 per cent is reasonable, and for that reason I intend to vote against the amendment of my hon. friend from North Simcoe (Mr. J. A. Currie). But if the judgment of the committee is the other way, I shall be prepared to accept it without the slightest feeling on the subject.

Mr. ROBB. In this debate, the question concerning the mutuals seems to be confined to the New England Mutuals. I do not oppose the tax on New England Mutuals, but I would like to say that a very small percentage of the mutual business in Canada is done in these companies. As I understand it, as a member of the Banking and Commerce Committee, this tax was not placed here by the committee until it had been recommended to them from the Manufacturers' Association. We know that our friends the manufacturers are always in favour of a policy of protection. I want to point out to the committee that outside of the cotton mills, the woollen mills and the sawmills, there is a very large mutual insurance done in Canada by a commerce that cannot afford much of an increase, that is the grain business—the flour mill business. In the western part of our country we have possibly $30,000,000 of insurance on the elevators held by mutual insurance companies of the United States. The National Mutual Insurance Company of Chicago carries a grain business of over $46,000,000, the Ohio Mutual has over $13,000,000, the Michigan Mutual, the Mill Owners' Mutual, the Indiana Mutual, the Western Millers' Mutual and others are all doing business in Canada. The bulk of the Canadian grain is sold at a profit of about one-quarter cent per bushel. On this basis and on the basis of the value of the wheat to-day, the proposed tax would cut out about one-eighth of that profit. I submit to the minister and the committee that we must go very carefully in increasing the expense of handling this business, because it is a business that cannot stand much of an increase. I am disposed to favour the idea submitted by the hon. member for North Simcoe.

Mr. MACDONALD. The hon. member for North Simcoe (Mr. J. A. Currie) who inveighed against the proposition of this alleged tax this morning is now prepared to accept it, but he wants to have the tax reduced a little. I may be permitted to remark that my hon. friend, in his metaphysical way of dealing with subjects, made statements which sounded rather odd, as to this being the first business tax. Holding this view and having such great objection to taxes of that character, the hon. gentleman might desire for instance to reduce the tax on repairs of vessels made in foreign countries. His theories about taxation ought to carry him so far as to absolutely condemn that tax. But it appears to me that, unless you refine your theories to a very great extent indeed, there is no very great difference between the protection afforded to the Canadian insurance companies by this tax and the protection afforded to any producer or manufacturer in Canada by the Customs tariff. If you cross the line and purchase $50,000 of insurance and are met with this tax of 15 cents at the boundary line, it is surely the same as if you went across the line and spent $50,000 in remaking a vessel and had to pay a tax on those repairs when you bring a vessel into Canada, or as if you purchased goods of any kind and were expected to pay the Customs tax at the boundary. But this does not seem to rest on the ground of protecting a Canadian industry as in the case of other taxes. Are we going to have absolute free trade in insurance? We say, there should not be a free trade in insurance. We provide for licenses, deposits and so on in the case of our companies carrying on insurance in Canada. If we say that nobody in Canada should issue an insurance policy without observing all these commands of the law, are we to say also that any company coming in here from the United States should be free to do business without coming under this law? Nobody

will agree to that. And if a concern comes into Canada to do business on a mutual or Lloyds system, and we say that it ought to pay so much by virtue of writing policies instead of the license fee, surely that is a reasonable proposition.

Mr. J. A. CURRIE. Will the hon. member permit me to ask him a question? Would he like to see this 15 per cent tax applied to Lloyds?

Mr. MACDONALD. There is nothing in the Lloyds system to confine it to marine insurance; you could have the Lloyds system applied to fire or life risks.

Mr. J. A. CURRIE. How is Lloyds limited in this Bill?

Mr. MACDONALD. So far as this section is concerned, we are dealing with fire and life insurance and not with marine. It seems to me that even aside from these reasons, there is another very strong reason why this section should be maintained. We are told that certain interests in this country cannot obtain insurance in Canada, and therefore they must go to the United States, and that we should permit them to go there, but by reason of our permitting them to go there we are, by this imposition, increasing the rates which the ordinary man in Canada has to pay upon his small risk to the companies in this country. It is said that these people with large risks are compelled to conform to the restrictions we place upon them by going abroad, they will have to come to our Canadian companies, and if that is the case, I think that the business sagacity of our Canadian companies will soon find a way of giving that insurance. The greater amount of insurance that is carried is for ordinarily small amounts. It seems to me to be a logical result of the argument of the hon. member for North Simcoe that we should find him moving to increase this rate to 25 per cent instead of reducing it to 15 per cent. It is not a policy of Canada for Canadians, it means that we are going to send all the money we can to the United States to buy this insurance which ought to be bought in Canada. I think it is a fair proposal that in the interest of the small insurer in Canada, and in the business interests of this country who have to pay a license fee, there should be a reasonable license fee imposed on foreign corporations who do business in this country.

Mr. J. A. CURRIE. The hon. gentleman (Mr. Macdonald) apparently has not attended the meetings of the Insurance Committee, because his ideas of insurance seem rather vague. Let me tell him that 80 per cent of the insurance in Canada is effected by foreign companies now. The most of those companies are stock companies. The New England Mutual Companies came into this country, they imposed certain restrictions on people who wished to insure in them and they made insurance rates so low that the stock companies have reduced their premiums 10 or 15 per cent all round on manufacturing and wholesale risks which they would not have done but for these mutual companies. The reason I have suggested a reduction in this fee is this: I feel satisfied that if this Bill passes this House there will be so much opposition to this feature of it that it will not go through the other branch of parliament this session; and I feel that if that small sum was accepted and placed there it is sufficient to meet the requirements of this committee, and it would expedite the Bill as a whole. There are many excellent clauses in the Bill which are well worth adopting, and the only contentious clause I can see is this one. Therefore, I would suggest to those genetlemen who are so anxious to place this at 15 per cent, that they seem to me to be desirous of creating a monopoly in this country for Canadian insurance companies. I would be quite willing to give all the insurance in this country to Canadian companies if Canadian companies could take it; but nobody who knows anything about the insurance business is ignorant of the fact that there are not more than 20 per cent of Canadian insurance is effected in purely Canadian companies. They are not large enough, they are not sufficiently strong, and foreign companies, the great English companies that are stock companies, do most of the business. This has been my experience, and I think it is the experience of most of those who insure. Another point I wish to make is this: I do not hold a brief for the insurance companies; in all that I say I speak as an insured person. I am not an insurance agent, and if I were, I would be the last man to open my mouth in this House on behalf of any company of mine who wished to put 15 per cent additional tax on other people. I think it ill becomes any professional man who is a member of this House to argue against the convictions of the people as represented here, and try to force his own views through and create a monopoly of the interests that he represents. I would strongly suggest that this clause be accepted as the five per cent; it is a concession. I do not agree with the remarks made in this House that the Manufacturers' Association and business interests of this country promoted this amendment. They did not. Mr. Russell is a very nice young man; but they were confronted in the committee with a clause drawn up which prevented them from doing any business of this kind, and they found out that they had hundreds of thousands of dollars expended on these tanks and sprinkler systems which would

be virtually useless had the committee accepted the first proposals made to prevent these companies from coming in and doing business in this country. They came here with that argument. This young man was unused to the way of handling matters before the committee, and finally as a compromise, he accepted a tax of 15 per cent rather than have his companies wiped out altogether. That is the position they were in. They were driven to the wall. It is the great mass of the people in this country who are effecting insurance, for instance, the small farmer, the storekeeper, the manufacturer, the wholesale dealer, and only a small section of the people are the insuring section. I think that this House should stand by the people, and see that a monopoly is not made of the insurance business for the sake of two or three companies.

Mr. D. A. GORDON. As a manufacturer I would say that this clause is a fairly reasonable one. Recently I had some occasion to go through risks that were placed with companies on the other side, and they were in no way as favourable as our own. For that reason I think that we would be protecting not only the manufacturers but farmers and others as well, by imposing slight restrictions on companies doing business in Canada whose head offices are in the United States.

Mr. DEPUTY SPEAKER. It is moved that where the word 'fifteen' occurs in the first line of subsection 3, it be changed to the word 'five,' and also in the fourth line.

Amendment negatived.

Mr. FIELDING. I move that subsection 4 be struck out. It reads:

> The minister shall pay and apply towards the expenses of the office of the superintendent such portion of the sum received by him under paragraph 3 of subsection 1 hereof, as he deems expedient, and shall apply the balance thereof for the use of Canada.

Mr. J. A. CURRIE. Why is that?

Mr. FIELDING. We think this is covered by another clause which allows the companies to be taxed to the extent of the cost of the office of the superintendent. We think the general clause covers it. If it were necessary to deal with that separately, we would need to proceed by way of resolution, because it is an appropriation of public money.

Mr. J. A. CURRIE. I understand that all moneys received on this account have to go to the Receiver General, to the Consolidated Fund, and that any expenditure made has to pass this House as a Bill of Supply.

Mr. J. A. CURRIE.

Mr. FIELDING. That is exactly the point. We would have to vote any sum that we desire to pay.

Mr. R. L. BORDEN. What will happen if a person insured in a New England Mutual sees fit to disregard the statute and does not pay the tax?

Mr. FIELDING. If my hon. friend will turn to section 70 he will see that it imposes certain penalties for the doing of business by unlicensed companies, and then section 139 says that parties will not be subject to these penalties if they pay these fees. If the parties do not pay these fees then the penalties of section 70 will apply.

Mr. R. L. BORDEN. It will be practically putting it up to the insurance companies to see that the insurance is paid?

Mr. FIELDING. Quite so, or else they run the risk of prosecution.

Mr. DOHERTY. Before this legislation is finally disposed of I would like to get a little light with regard to one or two points. I do not want to go into a discussion of the principle of the legislation enacted in these two section nor to go back to the taxation feature of it. While the gentlemen appearing for the Manufacturers' Association, no doubt, have acted in perfect good faith and within their right in representing a particular class of persons connected with their association, I have to say that there is a very large number of manufacturers who do not consider that these gentlemen had any authority to speak for them and who, by letter and telegram addressed to myself, as well as to many others have protested against this legislation. But, the minister having declared that the principle having been adopted unanimously by the sub-committee was accepted by the government I do not want to take up any time in a discussion of it which under these circumstances, would be useless. This is the question that I would like to ask: Are we to understand that it is intended to give foreign mutual and reciprocal companies a right that is not to be given to Canadian mutual or reciprocal companies? If I understand these two sections they produce this result, that, if our manufacturers were in a position to organize a mutual on the system of the New England Mutuals or to organize a reciprocal on the basis of a New York reciprocal, for the protection of Canadian merchants and Canadian manufacturers, they would have no right at all under this Act to do business.

Mr. FIELDING. They would have to take out a license.

Mr. DOHERTY. You will then make them take out a license which you do not make the foreigner take out, you put them in the position where they are bound to take out a license. They will not have the

option which the foreigner has of insuring and paying the 15 per cent. Moreover, a Mutual or Reciprocal is non-existant as a company—there is no company to take out a license. And yet this Act says to Canadians in this country: You will have to take out a license before you can do any business at all, whereas, if I want to go into a combination with a number of New York merchants I am permitted to do that on paying the 15 per cent fee. Furthermore, if I understand the taking out of a license it implies also the making of a deposit. If I understand this system of reciprocals not only is there not any company but there is not any capital and there are no funds out of which a deposit could be made; so that, in the nature of things these reciprocals are combinations of individual insurers and there is no company to be licensed, no capital or funds or investments which could form the object of the deposit. In the transaction of this business, if I go to get insured I go also to insure; that is to say, I become the insurer of the other persons who are insured and they undertake to insure me and it is the individuals who sign the policies that are taken out between them. That being so I do not see how this result can be avoided that you are going to preclude our manufacturers, our merchants, any class of our people who may desire to avail themselves of this system of insurance—and I am saying in parenthesis that it seems to be pretty generally admitted that it is a system of insurance which has great advantages—from availing themselves of the providing of insuring by means of the creation of mutuals or reciprocals among Canadians exclusively. If that is true the result of this legislation, which purports to be based upon the principle of affording protection to Canadians and Canadian companies or to foreign companies having agents in Canada, is that outside reciprocals and mutuals can do business, but we preclude the possibility of having any such company as that formed in Canada.

Mr. FIELDING. Not quite that. The statement of my hon. friend would be correct that it puts an unlicensed foreign company of this class in the position of doing business but not an unlicensed home company. I will admit that that is correct.

Mr. DOHERTY. I do not know whether I entirely misunderstand the situation, but I have been at some pains to listen to the explanation of the Bill and also at some pains to study its provisions and I think I am correct in saying that under the reciprocal system there is no company. There can be no Canadian company or foreign company. It is a group of people who agree between themselves to insure each other. If I insure I do not get a policy from any company. I get a document signed by every other man who has gone into it agreeing to insure me, and, at the same time, I sign every other man's policy and I undertake to insure him. There is neither a company nor the means of making a deposit. With an organization of that kind under this Act it is an impossibility to fulfil the conditions under the license and that being true it will only be possible to insure in companies of this character outside of Canada by paying 15 per cent. If it is proposed to organize a company of this kind composed exclusively of Canadians this Act will prevent it from doing business at all.

Mr. FIELDING. In framing the Insurance Bill we endeavoured to adapt it to the particular conditions that were presented to us. It was suggested that these outside companies were necessary in view of the fact that our own companies could only carry a limited volume of the insurance. Naturally we did not want to shut these companies out. We wanted to let them come in and do business. We said, let them come in and take the license. At first blush it would seem that we had a good answer to that argument.

On further consideration gentlemen interested and better informed said: That is no argument after all. These New England Mutuals will not come in and take out a license; they are not looking after the business, the business must follow them, and if you say you give them the means where they may take out a license you are not meeting the difficulty at all; they will not take out the license and our people will be prevented from getting insurance in these companies. We said: If that is the condition we will adapt our legislation to the special state of facts presented to us, and we are therefore allowing these companies, although they are unlicensed, special advantages in that respect. But my hon. friend will find that by section 12 of the Act provision is made for the licensing of mutual companies and of groups of underwriters formed on what is for convenience described as the principle of Lloyds. It is recognized that their methods of doing business differed from those of ordinary companies and we have inserted a clause which provides that the superintendent may grant a license to a group of underwriters formed under such conditions. As a matter of fact we have mutual companies to-day formed in Canada without any capital, without any stock, but nevertheless they comply with our laws and they take out a license. I think it will be found that there is ample machinery in the Act to enable such companies to take out licenses and if they can take out licenses and if we are told that the New England mutuals by their system of business cannot and will not take out licenses, then it seems to me we are adapt-

ing ourselves to all conditions which might be presented.

Mr. DOHERTY. It does not seem to me that section 12, which provides for the case of an association of individuals formed upon the plan known as Lloyds,

Whereby such associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy, may be authorized, &c.,

would cover associations formed upon the system known to us as the New York Reciprocals. There is this very important distinction between the two kinds of associations. In the associations formed on what is known as the Lloyd's principle I think it is quite true that the association is made up of a number of underwriters who join together to underwrite a risk, each one of them undertaking to pay a part of that risk. They are purely and simply insurers. The persons thus associated undertake together to issue a policy. They are the insurers, I am the insured. Those persons associate themselves together and issue me a policy for a monetary consideration which I pay them. The other system differs entirely in its idea and in its practical working. The reciprocal association is composed of a number of people who agree together simply to reciprocally insure each other, but no man pays any other man for the insuring, nobody is carrying on the insurance business in order to make a profit. It is merely a group of persons who get together and say: We will do our own insuring and we will jointly carry all our risks. I have difficulty in seeing how a provision for the issuing of a license to an underwriters' association under a system known as the Lloyds system would apply to the reciprocal insurance company or to the mutual insurance company, if properly understood, that is to say where it is not a question of a company having capital and bonds and shareholders but of a purely mutual company, where there is no company, where the whole bond uniting those individuals is that a number of people have joined together in a number of contracts reciprocally insuring each other. It seems to me that it is in this difference in the nature of the company that there rests a fundamental objection to this taxation, because you are taxing people who do not join together to carry on the insurance business for a profit, but simply band themselves together to insure one another.

Mr. FIELDING. We have no information that any insurance of this class is done in Canada except what is done by organized mutual companies having charters and consequently entitled to obtain licenses. If there be a different class of insurance we have not been informed of it and we have not legislated to meet it. I think my hon. friend will find on inquiry that that class of business is done by companies quite qualified to take out licenses under this Act.

Mr. DOHERTY. The legislation would not cover the case of any one entering into such an arrangement. Suppose a number of manufacturers desired to mutually insure each other, they could not do it under this Act.

Mr. FIELDING. It is done to-day by companies which have taken out mutual charters. They have no capital stock but they comply with the laws, they raise among themselves the necessary $50,000, put up their deposit. and have no difficulty in carrying on business. They are carrying on business in that way to-day.

Mr. R. L. BORDEN. It would seem to me that under the provisions of this Act if such a company were organized in Canada the tax would be payable in respect of insurance affected by it just as in the case of the New England Mutual Companies.

Mr. FIELDING. The section reads 'any foreign unlicensed company.'

Mr. R. L. BORDEN. That introduces another consideration. If a dozen people should start an association in Canada upon precisely the same lines as those which prevail in the New England States in the case of the New England Mutuals, I do not observe any provision for licensing a company of that character.

Mr. FIELDING. Unless under section 12.

Mr. R. L. BORDEN. I would hardly think that for the reasons pointed out by the hon. member for St. Anne (Mr. Doherty).

Mr. FIELDING. This is taken as an indication of the class of business referred to.

Mr. R. L. BORDEN. It would hardly seem to apply to cases of this kind. In a Lloyds association each underwriter becomes liable for the insurance granted under a policy up to a certain amount, and is not responsible for anyone else whose name appears on the policy. We had companies in Halifax such as the Chebucto and the Ocean which carried on business in precisely the same way. The next consideration of course is the possibility that a dozen manufacturers in Canada might form an association of that kind and ally themselves with a dozen firms on the other side of the line. I do not know whether that would be considered a foreign company or

not. It is obvious that difficulties of that kind may arise, and considerations of that kind be brought to the attention of the government which have not arisen hitherto on account of these companies having developed in a slightly different way.

Mr. FIELDING. No doubt, here and there some such cases may arise in the light of experience which have not been fully covered by this resolution. Insurance is a complicated business and a difficult question to wrestle with, but should any difficulties arise we may trust to the judgment of the House to legislate with regard to them at a later date.

Mr. J. A. CURRIE. In the case of companies of this kind which have no capital, how can you expect to get a license fee of $50,000? Lloyds, one of the strongest insurance societies in the world, is an association of underwriters who are joint adventurers in insurance, and they do not care a cent what legislation we pass here, and naturally would not make any protest. The point raised by the hon. member for Montreal (Mr. Doherty) is well taken. If the idea is to make us do our own insuring, then of necessity the Canadian manufactuers must join in a mutual undertaking similar to the New England Mutuals, and then when they seek a license from the department they are met with the statement: You must put up $50,000 before you can carry your own risk or be your own underwriters. It is quite just that some provision should be made for that class of insuring, and while the clause is apparently intended to cover it there does not seem to be any machinery provided elsewhere in the Act for the carrying out of that idea.

Mr. FIELDING. I hope my hon. friend will not imagine that I claim absolute perfection for this Bill, but I do say that every case brought to our notice is I believe covered. My hon. friend (Mr. Currie) says that an association of that character could not put up the $50,000. That view was advanced when gentlemen connected with the Manufacturers' Association came before us for an insurance charter. They pleaded very strongly that they should not be compelled to put up any deposit, but the ground was taken that it was not wise to make any departure from the rule. It was pointed out that as they were all business men in a large way they could without much difficulty deposit the $50,000, which was not even risked, which was merely put in the hands of the department as a guarantee of good faith. That was complied with, and they are to-day doing business precisely under the terms described by my hon. friend. I think it will be found that these difficulties are covered by this Bill.

Mr. R. L. BORDEN. I may say to the minister—not by way of asking any amendment but for consideration afterwards—that this result might be found: that if a Canadian association on precisely the same lines as the New England associations were constituted, it would be perfectly legal under the provisions of section 139 to insure with a New England Mutual, and it would be absolutely against the law to insure with a Canadian Mutual.

Mr. FIELDING. That might be possible.

Mr. R. L. BORDEN. I do not apprehend any immediate difficulties, but it might be matter for consideration by the Insurance Department.

Mr. FIELDING. We had a case almost exactly like that, where a gentleman associated with the Manufacturers' Association said to us: We want to do this business in Canada just as it is done by the New England Mutuals, and we believe we should be exempt from the deposit. However, that was waived in the end and they got a charter, and they are to-day doing business of precisely the same kind as the New England Mutuals.

Mr. CURRIE. Having made the deposit?

Mr. FIELDING. Yes.

Mr. J. A. CURRIE. They are doing business outside of themselves and the department was quite right in compelling them to put up a deposit. They wanted to do a general insurance business.

Mr. FIELDING. I think they represented to us that their desire was to insure themselves, although they may have broadened out since.

Mr. J. A. CURRIE. Their intention was to widen out and carry on a business outside of themselves.

Mr. FIELDING. They did not so represent it to us; I think my hon friend is mistaken.

Bill reported, read the third time and passed.

THIRD READING.

Bill (No. 191) to authorize the raising by way of loan of certain sums of money for the public service.—Mr. Fielding.

CIVIL SERVICE SALARIES.

Hon. SYDNEY FISHER (Minister of Agriculture) moved third reading of Bill (No. 187) to authorize certain increases of salaries to members of the Civil Service, inside service.

Mr. FOSTER. Has the Senate schedule been included?

Mr. FISHER. Yes, the Bill is complete.

Mr. FOSTER. When we were discussing the Civil Service resolutions a few days ago, I pointed out what I thought were certain injustices. They were of three kinds. In the first place, under the Act, as it is now intended to work out, a certain class of civil servants—those belonging to the old inside service—will receive in some cases no benefit from the $150 flat increase. Then there is a large number who while they may receive some benefit do not receive all of that increase, inasmuch as a certain amount may be deducted on account of their not being able to get more than the maximum of the class to which they belong. Therefore, it turns out that a number of the old clerks will receive no benefit at all from the flat increase of $150, some others will receive $50 and some $100. I do not know the exact number in each of these classes because I have not been able to figure it out, nor do I think the minister has done so. That seems to me unjust, taken in connection with the fact that persons from the outside service, a large number of whom were transferred to the inside service on the 1st of September, 1908—and out of which persons so transferred, a considerable number, some 400 more or less, received arbitrary increases, either by order in council or by the will of the minister, running all the way from $50 or $100 to $400, $500, $600, and $700—will be placed in many instances, in the matter of salaries, above their superior officers and above those who have passed a longer time in the service and have consequently been subject to the deprivation acknowledged of what the Act recognizes as fair salaries, considering the scale of living expenses. I have discussed that matter very fully several times, and what I wish to do is to ask the minister whether he is willing to do anything or whether he has been able to find any way by which these anomalies and injustices may be repressed. The minister argues that if a civil servant be at the maximum of his class, you cannot increase his salary by $150 because that would bring him into another class and disturb the symmetry of the new Act. But, as I have said before, I think it is better that we should do justice under the Act even though, to a certain extent, its theoretical symmetry be somewhat disturbed. I would like to see the same rule applied to those who received their increases arbitrarily, before being transferred on the 1st September, 1908, as applies to those who, being close up or at their maximum, and not having received any increase or any considerable increase, are now deprived of the $150 flat increase or of a part of it. It seems an injustice that a clerk who was in the outside service and who received an increase of $400 before the 1st of September, 1908, should receive the $150 additional, while those who were always on the inside service should receive nothing or but a small part of that increase. That is an injustice which ought to be remedied in either one of two ways. Then there is another class who were appointed to the outside service, commencing the 1st of January, 1908. Up to that time they were not members of the Civil Service and had therefore performed no service under the conditions of insufficient pay and increased living expenses, and who come in at what was considered a good wage, taking into account the cost of living and the work they do. These will now receive also the $150. Then there are those who received large increases after the first of January, most of them shortly after the 1st of September, given by the minister or order in council, not being under the regulations of the previous Act. These also will receive in addition the $150. If the minister has come to the conclusion, as I understand he has, that he cannot make any provision in the Act for remedying these differences and injustices, I feel like moving an amendment for asserting the principle for which I have been contending. I do not know that it is any use for me to move an amendment that those who receive the arbitrary increases shall receive none of the $150. It seems to be the determination of the minister that the extra $150 should be given those; but if that is the intention of the government the least they can do is take away the disability from the Civil Service in the regular inside service and give to each other, who has not by classification received more than the $150, the full $150 flat increase. I beg to move:

That the Bill be not now read the third time but be referred back to the Committee of the Whole to provide that no clerk in good standing in the inside Civil Service on the 1st January, 1908, who has not received since that date more than the statutory increase of $50, shall be deprived of the full flat increase of $150.

That makes provision for giving to the civil servant in the regular service, of whom I have been talking, the $150 increase the same as you give it to the others. It does not put him under the disability because of long service and the fact that, owing to no fault of his own, but to long and efficient service, he is now at, or nearly at, the maximum of his class, of not being allowed the full $150 increase, which increase I submit again, was solely granted as compensation for services under conditions of insufficient salary and increased cost of living.

Mr. FISHER. I do not think it worth while to go over the discussion of the points brought out by the hon. member for North Toronto (Mr. Foster). He has argued that the increases, which he says were arbitrarily given to officers and employees who were

formerly in the outside service in Ottawa and are now brought into the inside service on September 1 last, ought to be counted against them and balanced against the increase of $150. He has dropped that, and has not moved any amendment in regard to it. I need not discuss that matter, as he has acquiesced, though under protest, in the action of the government. I would say, however, in regard to those who were brought into the inside service on September 1, that they were brought in on a scale of salaries which had obtained before without any reference at all to the Act of last session or this Act, and that they therefore deserve just the same increase as those who have been longer in the service. I take exception to the argument that is founded on the idea that this increase is a recognition of long service or a recompense for employees who have been in the public service before at a salary which was considered to be not high enough. This increase is an increase for the purpose of raising the general scale of salaries of the inside service as now constituted, to meet the increased cost of living under the conditions of the present day. It should be given whether a man was in the service a few days or weeks or months, or whether he had been there ten years or twenty years, because it is to meet a present-day condition, it is given to people who had old salaries on a scale which was made to fit different conditions, it is a recognition of the fact that the old standard was not high enough to meet the conditions of to-day. A man who may have enjoyed a salary under the old standard for a few months suffers just the same as a man who is enjoying a salary under the old standard for ten years. My hon. friend (Mr. Foster) tried to give as a reason why we did not wish this increase to carry the clerk or employee beyond the maximum of the class in which he is that we did not wish to destroy the symmetry of the Act. I do not think that is a fair expression or interpretation of my argument. The symmetry of the Act, pure and simple, would be of very little moment, and I would not like such a trifle to interfere with justice being given. The Act fixing the maximum of the different classes was based on the fact that these classes were classes for certain kinds of work, and that the people who are doing a given kind of work should never go beyond the maximum of that class. If they were going to do a different class of work, which was properly allotted to a higher division or subdivision, they would go into that division or subdivision, and would be eligible for the increase of the new class. But, while they remain in a given class, they should not go above the maximum fixed for that class. That is not a question of symmetry; it is a question of the classification of the work. I think the principle I have laid down is just and fair, and that any disturbance of it would be unfortunate. Carrying these people beyond the maximum of their class, without giving them promotion —and they should hardly be given promotion when there is no reason for it—would not be a disturbance of the symmetry of the Act, but would be a disturbance of the principle of the Act. Therefore, I cannot concede it, and the government has decided not to accept this amendment. My hon. friend (Mr. Foster) went into detail as to those who will reap the benefit of this whole thing. The whole number affected is 2,599. Of these 1,887 will receive the full $150; three will receive $140; one will receive $138——

Mr. FOSTER. Is the minister referring now to the members of the old inside service or to the members of the reconstituted service?

Mr. FISHER. I am referring to those who were, on the 1st of September last, in the inside service.

Mr. FOSTER. Can the minister distinguish in his figures between those who were already in and those brought in from the outside service?

Mr. FISHER. I have not those figures.

Mr. FOSTER. That is the chief point, of course.

Mr. FISHER. There is 1 civil servant who will receive $125; 11 will receive $120; 1 will receive $112.50; 513 will get $100; 6 $96; 16, $80; 4, $70; 1 $68; 153, $50; 1, $42; 1, $33.50. There will be only two in the whole service to get less than $50. There will be, in round figures, 180 who get less than $100; 513 get $100; and there are 17 between $100 and $150. The total in round figures is about 700 who get less than $150, and 1,887 who get the whole $150.

Mr. FOSTER. If the minister was able to supplement that by telling us how many there are of those who belong to the old inside service, and those who were transferred on the 1st of September we would be able to get closer at the data and see how this thing works. The minister will find that the great majority of these are newly in the inside service.

Mr. FISHER. Nothing of the kind. I think there are only 1,000 or 1,100 who came in from the outside.

Mr. FOSTER. I think there were over 1,500 who came in. But as there were no bars of maximum with reference to those coming in from the outside, except as they might be placed when they were given the increase, does the minister not think that the larger part of that 1,700 are those who

have already received increases from the outside, and they are transferred on the 1st of September?

Mr. FISHER. On the contrary, I should come to the conclusion that the great majority of those who came in from the outside are not amongst those. I do not think my hon. friend understands the situation. The men who were in the outside service came in with the new classification at whatever their salary was on the 31st of August last. I know that with regard to my own department the hon. gentleman is entirely astray. So far as those were concerned who came in on the salary which they had, and that salary might be anything between the minimum and the maximum of the class into which they came, I venture to say there was quite a large number of them who came in close to the maximum of the class which they entered, and if they did, they get so much less of the $150. Some of them I dare say came in at the maximum. I can give an instance of that. I know there were a large number of men in the outside service who had $1,200 a year, and a good many of them came into subdivision A of the third division, the limit of which is $1,200. These men would not get anything at all under this Act. If they were in the outside, they came in wherever their salary happened to place them, and a large number of them no doubt did come in close to the maximum of the class they entered, and if they did come into that, possibly they would not get the whole of the $150. My hon. friend is jumping to conclusions which the facts do not justify, as he has done on one or two occasions before.

We have decided not to accept the amendment, we have decided to put the Bill through in the form in which it came from the committee. We look upon this Bill as a recognition of the fact that the scale of living here in Ottawa has increased beyond the old scale of living, and the old standard of salaries of the inside service, those who work for the government in Ottawa. We think that because of that increased cost of living it is just and fair that the salaries should be increased. We discussed how that could be done. We examined the report and the recommendations of the Civil Service Commission of three years ago, and we tried to meet the spirit of their recommendations. After many attempts to see how that could best be done, we thought it best to adopt the flat scale, or an increase of so much on every salary. By reason of this flat scale those who get the highest salaries do not get as much percentage of that increase as the ones lower down. But it was evident to us that the men who were in the lower part of the service suffered most by reason of the increased cost of living, and therefore we wished to give them better increase than those who were at the larger salaries. Therefore, we adopted the flat increase for everybody. We decided on this $150 after a good deal of discussion with the Civil Service Association. The proposition which is now before the House was accepted by the officers of the Civil Service Association and the deputation which met the government. We feel therefore that we have done what is reasonable and fair, and what is in a general way acceptable to the largest number of the civil servants. We realize fully, nobody more than myself, that if we do not give everything to everybody there will be some who feel that they have not been treated as well as some of their neighbours.

Mr. FOSTER. The same thing may occur if we give too much to somebody.

Mr. FISHER. The same thing will occur under all circumstances. I deny absolutely that it is a fair and proper thing to give to one man because another man is given something. An increase of salary should be given only because the individual deserves it. Whether somebody else deserves more and gets more, does not matter at all, and is no reason for complaint on the part of the man who does not get as much as somebody else. I say emphatically that the increases to the outside service which were given between the 1st of January and the 1st of September last, were given for cause, and that the cause was sufficient to justify them.

Mr. FOSTER. I take issue with my hon. friend.

Mr. FISHER. He can take issue as much as he likes. I have taken issue with him, and I have fought that out with him, and I here take issue with him again. That is the reason why I refuse absolutely to consider the question of what the salaries of individuals were before the 1st of September last. This Act is the supplement of the Act of last session. The Act of last session came into force on the 1st of September last, it was reasonable and just; therefore we took the salaries as they existed after the new Act came into force, and dealt with them accordingly. My hon. friend can cavil, others can cavil. But because one man happens to get a little greater increase in his salary than another man is no reason for grumbling. Each man must be dealt with and given whatever is given on his own merits and in accordance with the needs of the service. Under these circumstances, I must ask that the amendment of the hon. member for North Toronto be rejected, and that the Bill be read a third time.

Mr. R. L. BORDEN. I have a great deal of difficulty in following the argument of the Minister of Agriculture. In the first place, he says that he absolutely refuses to consider what the salary of any person was before September 1, 1908. That is a remarkable statement to be made by an hon. gentleman who is introducing a Bill to provide for increases of salaries. One would naturally suppose that any person proposing an increase of salaries in this House would direct his attention in the very first instance to a consideration of what the salaries are which he proposes to raise. The Minister of Agriculture says not, that that is a subject absolutely unworthy of consideration and one to which he will give no attention at all. I do not suppose that he really meant that. Probably it was a slip of the tongue. But, if he did mean that, I take issue with him most absolutely and direcly upon that point. It is so perfectly obvious that it is really not necessary to argue it, because that position would put to one side every matter which is relevant to the subject under consideration. In another part of his speech he says that he does take these salaries into consideration, because, as he declares, the increased cost of living has proved the inadequacy of these very salaries which he has not taken into consideration. He has stated also that the members of the Civil Service are not to receive any advance in salaries on the ground of length of service but purely upon the consideration of merit and efficiency. This seems to me to be destructive of his further argument that a flat increase should be adopted. If a flat increase is to be adopted and if the civil servants are to have their salaries increased purely upon the basis of efficiency and merit, how are you to reconcile these two absolutely inconsistent propositions of the Minister of Agriculture? The government have adopted the flat increase and they have adopted the flat increase under such conditions that it does not work out as a flat increase at all. It gives to some men $150, to some $135, to some $112.50, to some $100, to some $50 and to some nothing at all. These changes, where there are changes and this lack of change, where there is no change, are justified by the minister on one ground, namely, that the cost of living has increased during the past twelve, or fifteen or twenty years in Ottawa and elsewhere in this country. I do not see very much good business sense in that. If the conditions are such that the cost of living has increased why should you give 500 men $150 200 more $135, 200 or 300 more $100, 300 or 400, $50, and 100 nothing at all? How does that work out on any reasonable basis as to what is right, or what ought to be done in regard to these particulars?

My hon. friend justifies the lack of any increase at all in some cases and he justifies the giving of a very small increase indeed in various other cases upon the ground, as I understand him, that certain men, having come to the limit of their class, cannot receive consideration by the government at this time. Does the fact that a man came to the limit of his class two or three years ago make the cost of living any less; and yet upon what basis has my hon. friend argued save that the cost of living has increased? My hon. friend says that the men of yesterday are entitled to this increase just as much as are the men appointed twelve or thirteen years ago. For what reason? For the reason that the men of yesterday came in upon the old scale and the old basis. I do not pretend to quote his language accurately, but I think that is the idea which he expressed. Is it not true that these men appointed yesterday, or two years ago, or four years ago, have been appointed to classes where there is a certain elasticity of salary, where there is a maximum and a minimum? Does the minister mean to tell me, that, in appointing these men to that class in which the salaries may be so regulated, he has not taken into consideration the increased cost of living? I do not think that my hon. friend meant to place himself in that position and yet he must put himself in that position to make good the argument which he has placed before the House this afternoon. I do not agree with the principle of a flat increase. It may be a convenient way of dealing with it, but I do not think it is the best, the wisest or the fairest way of dealing with a problem of this kind. As I intend to make a few observations upon that question upon the motion for the third reading of the Bill, which will not be very relevant to this particular amendment, I will defer my remarks until the Bill reaches that stage, saying only in the meantime that I do not think my hon. friend has presented any good argument in opposition to the amendment, but rather an argument which cannot very well commend itself to the sober judgment of any hon. member of this House.

Mr. SPROULE. I think the weakness of the minister's argument is simply this: He makes the statement that on account of the increased cost of living they have adopted a flat increase of $150 to each. Then he arranges that they do not all get the $150. Now, if it is due to the increased cost of living it must apply to all because all must live. What becomes of the increased cost of living to the man who only gets $100 of an increase? Must he eat less? His living will be the same as that of the other man who gets the full increase. It was to be a flat increase for the purpose of covering the increased cost of living, and if it was to cover the increased cost of living it must apply to all equally whether they come in last fall, recently, or fifteen years ago, but

because of the system which the minister has adopted it does not apply to all alike and therefore it must be unfair. The basis upon which he spikes the salary—merit and length of service—has nothing to do with the $150. That $150 is for a specific purpose, it is provided for the reason that all require it because of the increased cost of living. If they require it because of the increased cost of living and if it was provided for that purpose then all ought to get the full benefit of the $150 regardless of any other consideration.

Amendment (Mr. Foster) negatived on division.

Mr. R. L. BORDEN. Before the motion is passed I desire to present a few considerations to the House in regard to the Bill. In the first place, the genesis of this proposition seems to be wrapped in a good deal of mystery. During the debate upon the resolution which introduced this proposal the Prime Minister, at page 324 of 'Hansard,' declared that last session the government proposed to bring down this measure and that the resolutions were then in course of preparation. He added that there was then no time to carry it through and that this consideration was the only reason for postponing it. The Minister of Agriculture (Mr. Fisher), at the bottom of page 310 and also on pages 311, 312 and 316, gave us an entirely different view. The Minister of Agriculture said that he believed last year that the advantages of the Civil Service Act then passed would satisfy the Civil Service, and that he did not discover the contrary until the classification was worked out, which was in last December, and after certain promises had been made to the Civil Service during the course of the last election campaign. Again on page 312 the Minister of Agriculture stated:

> We believed that the arrangement of salaries and reorganization of the service would bring such a measure of relief to so large a number of individuals in the service that it would be sufficient to meet that demand. But we have found since we had our classification completed that that expectation was not borne out, and we now propose to remedy that defect.

That statement is practically repeated on page 316 of 'Hansard'; so in effect there are absolutely inconsistent statements by the Prime Minister and the Minister of Agriculture. The Prime Minister says that the measure was intended last year; the Minister of Agriculture says it was not intended last year. The Prime Minister says it was postponed for want of time; the Minister of Agriculture says it was not introduced last session because the government thought it would not be necessary. The Prime Minister says the resolutions were partially prepared last session; the Minister of Agriculture says the government only decided to introduce them in December last. So I say the genesis of this proposal is more or less wrapped in mystery, and this mystery has not been explained.

I do not believe very strongly in the principle of a flat increase. That principle was not recommended by the Civil Service Commission of 1907. There was a recommendation of a percentage increase upon the salaries of those in the lower ranks of the service, and a larger increase to certain officials in the west. Further than that the Civil Service Commission of 1907 had in mind not only the members of the inside service but the members of the outside service as well. I do not believe that it is wise to act upon the principle of a flat increase in salaries, without regard to efficiency or value or length of service; I believe that such a principle is not in the public interest and ought not to be adopted. I believe further that in providing for any necessary increase in salaries the legitimate claims of the outside service should not be overlooked. The considerations which were set forth in the report of the Civil Service Commission of 1907 applied as fully to the outside service as to the inside service. That is perfectly apparent to any one who will refresh his memory by reading that report. Mr. Justice Cassels, in making his report, also dealt to some extent with the question of salaries, and the illustrations which Mr. Justice Cassels brought forward were illustrations not from the inside service but from the outside service. I would have been glad if the government at this session had brought into force the provisions of the Civil Service Amendment Act, 1908, with such further amendments as might be necessary with respect to the outside service. It seems to me that if that is a principle which ought to be applied to the inside service it ought also, with any necessary amendments, to be applied to the outside service, and I regret that there has been delay in that regard. Further than that, I believe that there should be provision for a thorough system of inspection for all public departments with a view to correct the present unnecessary multiplication of officials and in order to encourage and promote faithful and efficient service. I have no doubt whatever from my own experience of the past twelve years in this House, from what I have seen and from what I have heard from members of the Civil Service themselves, that there is a great and unnecessary multiplication of officials, especially in some departments of government, and I believe that that can only be corrected and will only be corrected by some thorough system of inspection applicable to every department of the government. So I do not feel that I am thorough-

ly in accord with the proposals of the government. I am fully of the opinion that there is a considerable body of men in the inside service at Ottawa whose salaries have not been in recent years as large as they ought to be. But I am of the opinion also that there are a goodly number of the officials at Ottawa who perhaps do not perform an amount of work which in the service of any person or corporation in this country would be regarded as adequate to the salaries they now receive, and I say again, inasmuch as this proposal of the government is based entirely upon the increased cost of living, which prevails not in Ottawa alone but throughout Canada, that the legitimate claims of men in the outside service have as ample a right to consideration in a general increase in salaries as the claims of any men in the inside service. Increases of salary in the whole service should be based not upon the principle of a flat rate but upon the principle of efficiency and value and to some extent length of service, and this consideration has been absolutely and entirely wanting in the framing of the proposal which is now submitted to us. However, at this stage of the session, I do not feel inclined to call the action of the government in question by any formal vote, but I shall repeat once more the principles upon which I think the government should act. Briefly summarized my contentions are:

The principle of a flat increase in salaries without regard to efficiency or value or length of service is not in the public interest and ought not to be adopted.

In providing for any necessary increase of salaries the legitimate claims of the outside service should not be overlooked.

The provisions of the Civil Service Amendment Act, 1908, with certain necessary amendments, should be applied to the outside service with the least possible delay.

A thorough system of inspection should be provided for all public departments with a view to correct and prevent unnecessary multiplication of officials and in order to encourage and promote faithful and efficient service.

Motion agreed to, and Bill read the third time (on division), and passed.

SUPPLY—COLD STORAGE.

Mr. FIELDING moved that the House go into Committee of Supply.

Mr. T. S. SPROULE (East Grey). I had intended on this motion to speak on the question of cold storage and agriculture, but owing to the absence of some of the hon. gentlemen who desire to offer remarks on the subject, and the fact that it would interfere with the prorogation of parliament at the time anticipated we have decided not to bring the matter up at the present time.

BRIDGE OVER SISSIBOO RIVER.

Mr. CLARENCE JAMESON (Digby). Before you leave the chair, Mr. Speaker, I wish to bring to the attention of the House a matter of great importance to the town of Weymouth and to a very considerable portion of the surrounding country. Weymouth is a very important commercial centre; it is the centre of a large lumbering and pulp district, and of a very prosperous agricultural district. It is a growing town with great possibilities before it. It is situated on one of the finest waterways in Western Nova Scotia, and in the quantity and value of its export of lumber it ranks fifth among the ports in Nova Scotia. It is open to navigation practically the entire year. The town of Weymouth is situated about one-third of a mile above a bridge which crosses the Weymouth or Sissiboo river and which bridge carries the tracks of the Dominion Atlantic Railway. To explain the matter it is necessary that I should give the history of the construction of this bridge. Thirty years ago the Western Counties Railway Company constructed a line from Digby in the county of Digby to Yarmouth in the county of Yarmouth, crossing the Weymouth river at the point I have mentioned. As this was a navigable river an application was made in the usual way to the Department of Public Works for permission to erect a bridge of a certain draw or span, and the width of the draw or span then required was 40 feet in the clear. Probably through some oversight the span was narrowed in construction and a width of only 35 feet was given. That was a very great disadvantage to the town of Weymouth and to the shipping that went up the Weymouth river. During the past 30 years it has been a serious drawback, and the commercial and shipping interests of the place have suffered considerably, and the development of the town and surrounding district has been impeded. In 1894 the Dominion Atlantic Railway Company acquired the Western Counties Railway Company. About two years ago the Dominion Atlantic Railway Company decided to reconstruct the bridge. Without notifying the people of Weymouth or the commercial or shipping interests interested in the river, they applied to the Railway Board for permission to reconstruct the bridge with the old width of draw, and they entered into a contract with a company to do the work. The people of Weymouth learned of this and they made application to the Department of Public Works that the draw should be ordered to be 55 feet or 60 feet, which they con-

tended was necessary to accommodate the increased and increasing shipping of the port. At the same time the councils of the municipalities of Digby and of Clare which municipalities are connected by this bridge, transmitted to the right hon. the Prime Minister a protest against the reconstruction of this bridge with any draw less than 55 feet or 60 feet wide. The matter was taken into consideration by the Board of Railway Commissioners and by the Department of Public Works, and I will read a memorandum from the assistant Deputy Minister of Public Works to the Chairman of the Board of Railway Commissioners. Under date 13th October, 1908, he writes:

Ottawa, October 13, 1908.

Sir,—

Re Sissiboo river bridges at Weymouth, Nova Scotia.

The Western Counties Railway Company, during the years 1877-79, built a railway bridge over the Sissiboo river at Weymouth, under the authority of an order in council dated September 6, 1876, which provides that a swing span of 40 feet clear opening be built over the channel of the river, the plans approved by the Department of Public Works at that time showing a swing span of 40 feet. For some unknown reason, the span was built with a clear opening of only about 35 feet.

On October 1, 1894, the Dominion Atlantic Railway Company acquired the above-mentioned railway bridge, and in the middle of February, 1907, the company submitted plans to your board for the re-construction of the bridge, it being their intention to renew the iron spans. The plans submitted show the renewal of the swing span with the present opening of 35 feet,and were approved by your commission on the 28th December, 1907, without any application having been made for the approval of said plans to this department.

I may say I am informed that the Board of Railway Commissioners has not the power to grant permission to rebuild this bridge, or any other bridge of a similar character, that authority being in the Department of Public Works:

The shipping interests of Weymouth learning that the company had decided to renew all the iron spans of the bridge, deemed it an opportune time to have the swing span widened so as to provide for present and future requirements, representations being made that a width of 60 feet is required.

Early in June, 1908, the hon. the Minister of Public Works forbade the Dominion Atlantic Railway Company to proceed with the work, with a view of looking into the representations made by the navigation interests.

Copy of Mr. C. E. W. Dodwell's report in this connection, giving a brief history of the case and giving an estimated cost of providing for a swing span of 55 feet in width, is herewith annexed for your information.

It appears that this report stated that the additional expense which would be entailed by the construction of a span 60 feet wide instead of 40 feet, would be $45,980, but I am informed that in a subsequent report, Mr. Dodwell, the engineer, increased the estimate by $2,000, making the total additional expense $47,980. This report goes on to say:

The Chairman,
Board of Railway Commissioners,
Ottawa.

In view of all the facts, as mentioned, we are of opinion that the company should submit a fresh application for your approval.

The department is willing to approve plans for a swing span at that place with a clear opening of 55 feet, which is considered necessary to meet the present and future requirements of navigation.

The question will arise no doubt as to who should pay for the increased cost of the swing span, as given in Mr. Dodwell's report, and, I presume this will be left for the ruling of your board.

The department is anxious to know what will be done in this matter.

Yours obediently,
(Signed) A. ST. LAURENT,
Asst. Deputy Minister.

In order to emphasize what I intend to say later on, it will be necessary for me to read the report of Mr. Valiquette, the assistant commissioner of the Department of Public Works dealing with these matters. It appears that Mr. Valiquette was sent down to Weymouth, Nova Scotia, for the purpose of investigating the whole matter. He met the manager of the Dominion Atlantic Railway Company and representatives of the business interests, and as a result of the interviews he had and all the data he was able to gather he submitted this report:

Department of Public Works, Canada,
Resident Engineer's Office,
Ottawa, May 29 1908.

Sir,—With reference to the complaints contained in resolutions passed by the municipal councils of the municipalities of Digby and Clare, addressed to the honourable the minister, in which it stated that the swing span in the Dominion Atlantic Railway bridge over the Sissiboo river at Weymouth is only 35 feet clear opening instead of 40 feet, as shown on the original plans approved by order in council of the 6th September, 1876, and the representations that this narrow span is an obstruction to navigation and that it should be 60 feet wide, I have visited the locality according to your instructions and have the honour to report as follows:—

Sissiboo River.

The Sissiboo is a tidal river in the county of Digby, N.S.; it takes its source from a chain of lakes, the first of which is about 25 miles east of the town of Weymouth; it discharges its waters three miles west of Weymouth into St. Mary's bay, which is an arm of the Bay of Fundy from which it is separated by a strip of land called Digby Neck; at low tide, the stream is only 100 to 150 feet wide but at high tide the width may reach 600 feet. The river is navigable at high tide

only, when vessels of about 14 feet draft can be brought as far as the low level of highway bridge which crosses it and unites the two parts of the town of Weymouth built on both sides of the river; the highway bridge has no swing span. The Dominion Atlantic Railway bridge is located one-third of a mile below the highway bridge. At low tide, a very small quantity of water flows in the channel which, in places, is only 1½ to 2 feet deep, that is also the depth obtained over the bar across the mouth of the river.

The channel has two sharp bends, one just above the railway bridge where it turns nearly a right angle in a distance of about 150 feet, and the other about one-quarter of a mile below the same bridge. At some places a depth of from 5 to 10 feet at low tide is retained in the river, at the swift span of the railroad bridge it is 5 feet and at the wharf of the Campbell Lumber Company it is 10 feet. The spring tides are felt for a distance of about 12 miles up the Sissiboo river.

At Weymouth, spring tides rise 20 feet, neap tides 16 feet.

The traffic.

The principal articles of export from the port of Weymouth are: sawn lumber and other products of the forest brought here from the surrounding country within a radius of about 10 miles.

The following list gives the quantities, the tonnage and value of exports for the years 1901 to 1907, inclusively, kindly furnished by the collector of customs, Mr. A. H. Brooks, at Weymouth:—

1901—Lumber, 6,340,559 feet B.M.; piling, 217,208 feet.; cordwood, 155 cords; total tonnage, 7,120 tons; value, $79,111.00.

1902—Lumber, 5,501,925 feet B.M.; piling, 122,591 feet; cordwood, 558 cords; potatoes, 1,452 barrels; pulp, 397 tons; total tonnage 6,564 tons; value, $78,202.

1903—Lumber, 9,487,710 feet B.M.; piling, 16,530 feet; cordwood, 498 cords; potatoes, 2,252 barrels; pulp, 789 tons, bean poles, 567 dozen; total tonnage, 9,607 tons; value, $131,078.

1904—Lumber, 9,565,618 feet B.M.; piling, 145,825 feet; cordwood, 446 cords; potatoes, 461 barrels; bean poles, 54 dozens, total tonnage, 9,892 tons; value, $142,660.

1905—Lumber, 11,929,876 feet, B.M.; piling, 35,500 feet; cord wood, 724 cords; potatoes, 354 barrels; bean poles, 10 dozens; total tonnage, 12,948 tons. Value, $175,571.

1906—Lumber, 12,152,630 feet, B.M.; piling, 600 feet; bean poles, 300 dozens; total tonnage, 11,696 tons. Value, $196,179.

1907—Lumber, 15,280,362 feet B.M.; piling, 37,000 feet; strapping, 32,000 feet; laths, 1,519,000; pulp, 2,461 tons; total tonnage, 17,133 tons. Value, $291,714.

The 15,000,000 feet shipped in 1907 represent ¼ the quantity of lumber shipped from the city of Halifax during the same year. Weymouth holding the sixth place on the list of lumber shipping ports in the province of Nova Scotia.

The shipping is done in sailing vessels to different parts of the United States and to South America. Vessels of small tonnage and of such breath of beam as will allow them to pass in the swing span of the railroad bridge, are loaded at the wharfs built on both sides of the river above the bridge; those of larger beams are loaded at some distance down the river or in St. Mary's bay, where the lumber is towed in lighters. Vessels loaded above the railway bridge rest on the bottom of the river at low tide; those which it is not desirable to ground with a full cargo, are loaded partly at the wharf and completed in the bay.

The railway bridge.

The Sissiboo river bridge was built during the year 1877-79 by the Western Counties Railway Company under authority of an order in council dated September 6, 1876, which provides that a swing span of 40 feet clear opening be built over the channel of the river, the plans approved by the Department of Public Works at that time also show a swing span of 40 feet. For some reason or other the span was built with a clear opening of only 34 feet 8 inches. The Dominion Atlantic Company acquired this railway and bridge in 1895.

The total length of the bridge is 1,200 feet and consists of 16 timber bents, 15 feet centre to centre at the ends, 14 timber spans, 35 feet long, queen posts, resting on timber trestle towers, 5 iron spans 72 feet long, 1 iron span of 60 feet and 1 iron girder swing span of 50 feet which is cantilever over the 35 feet opening, all resting on timber trestle towers, all the towers and bents are built on piles driven generally 4 feet centre to centre. The height of the bridge from low water spring tides to base of rail is 54 feet and from high water spring tides 34 feet. The bridge across the Sissiboo river near the town of Weymouth, at a distance of approximately 2½ miles from its discharge into the St. Mary's bay, and ½ of a mile below the highway low level bridge over the same river.

The railway company having decided to renew all the iron spans of this bridge, the parties interested in the shipping from Weymouth have thought that this was an opportune time to have the width of the swing span made at least what it should have been during the construction in 1877, and if possible to have it built 60 feet wide to provide for future requirements, hence their present request.

I was informed by the general manager of the railway, Mr. P. Gifkins, whom I met during my visit, that he became aware of the petition of the inhabitants of the locality long after he had entered into a contract for the renewal of the iron superstructure, and the plans which show the renewal of the swing span with the present opening of 35 feet were submitted to the Government Railway Commission, and approved on March 1, 1907. The correspondence on this subject shows that the railway company was informed of the request on May 10, 1907.

Mr. Gifkins is aware of the obligation for the railway company to build the swing span 40 feet wide, notwithsanding the 30 years existence of the bridge in its present condition, he is willing to comply with the request to that extent, but he objects very strongly to providing an opening of 60 feet which would necessitate the building of a long truss span pivoted on a new pier of different con-

struction from the present ones and entail an expenditure of from $60,000 to $75,000.

In reading the correspondence on this subject the information was gathered that the matter has already been laid before the Railway Commissioners who have expressed the opinion that the company cannot be compelled to build a swing span wider than the 40 feet provided for in the order in council of September 6, 1876. Should this opinion be adhered to, it would rest with the department to decide whether the requirements of navigation on this river would justify the expenditure by the government of the amount above mentioned.

Requirements of the port.

During my visit at Weymouth the principal parties interested in shipping were met, all are unanimous in declaring that the present 35 feet opening of the swing span is too narrow, in which I fully concur; but some difference of opinion exists as to what it should be, although 50 feet is the least width mentioned. The opening must evidently be wider than the width of the vessels and the wider it is the more facility afforded in passing through it. The advocates of the 60 feet opening contend that it should be as wide as that in the Dominion Atlantic railway bridge over the Bear river, built in 1892, by the Dominion government and which is somewhat over 60 feet, whereas the traffic on that river is only one third of that at Weymouth.

In 1904, there were 4 vessels chartered by the Campbell Lumber Company, which could not go through the swing span; in 1905 there were 6; in 1906, there were 5; in 1907, there were 7; and in 1908, there are already 2.

The widest vessel chartered so far for this port is 39 feet wide, of 1,200 tons registered tonnage. In looking over the register of British sailing vessels it is found that the largest are 45 feet wide with a tonnage of 2,800 tons gross.

From the list furnished by the Campbell Lumber Company of large vessels loaded here, it is found that those of over 600 tons that could pass through the swing span, were loaded partly at the wharfs above the bridge and completed in St. Mary's bay, for the reason, it is inferred, of the objection of the masters of such ships to let them ground at low tide with the full cargo, and the broader the ship the greater the objection, so that with a wider swing span, large vessels will require deep berths to be dredged at the wharfs to enable them to complete cargoes without grounding.

In order to reach deep water in St. Mary's bay and pass the bar at the mouth of the river while there is still sufficient water over it, vessels must leave the wharfs somewhat before high tide and must not suffer any delay; the narrow swing span and the sharp bend in the channel just above it has been a serious cause of delay.

A little dredging at that curve with even the small increase of 5 feet in the opening which the railway company is ready to give, would help navigation of the port considerably.

In order to provide for the increasing traffic of the port for many years to come, I would recommend that a swing span of 55 feet clear opening be built, that the curve in the channel just above the bridge be dredged so as to make it longer, and that the bar at the mouth of the river be dredged to a depth of 10 feet at low tide, for the width of 150 feet. The amount and probable cost of dredging has not been ascertained; the cost of the swing span, including the concrete pivot pier on pile foundation, would be approximately $50,000.

I have the honour to be, sir,
Your obedient servant
(Signed) U. VALIQUET,
Assistant engineer.

Eugene D. Lafleur, Esq., C.E.,
Chief Engineer, Public Works Department,
Ottawa

Here is the report of the officer of the department who visited the locality, interviewed the persons and interests concerned and who, having regard, as he said, to the present and future interests of the port, recommends a swing span of not less than 55 feet in width. I am sure that that opinion is universally held at Weymouth and in the county of Digby where the circumstances are known, and where the business, present and prospective is known and appreciated. Anything less in width than 55 feet would be a serious obstruction to the navigation of the river. After parliament convened, I had the pleasure of meeting the Minister of Public Works (Mr. Pugsley) and discussing this matter at some length with him, when he told me that the subject was under consideration. Later, on March 10, I brought the matter to his attention when the House was in Committee of Supply, and he again said the subject was receiving the most careful consideration of the department and of the government. Not hearing anything from the minister in regard to the matter, I addressed a communication to him a few days ago, and received his reply as follows:

Ottawa, May 14, 1909.

C. Jameson, Esq., M.P.,
House of Commons.

Dear Sir,—Replying to your favour of the 11th inst. re Weymouth bridge, I beg to say that, after careful consideration, the government has decided that the public interests do not require that the Dominion Atlantic Railway Company should be compelled to build their bridge with a wider span than that provided by the order in council when the original bridge was constructed.

Yours very truly,
WILLIAM PUGSLEY.

I must say that, coming on the heels of a report of an officer of the department recommending that, having regard to the present and future commercial interests of the community of Weymouth and surrounding country, a width of 55 feet is required, that declaration of the minister was a little

strange to me, all the more so considering that it is in direct opposition to the statement made with regard to the necessity for a wider span in the report of the assistant Deputy Minister of Public Works upon the same subject to the Chairman of the Board of Railway Commissioners at Ottawa, which I have already read. It will be remembered that the assistant deputy minister says that the department is willing to approve plans for a swing span at that place with a clear opening of 55 feet which is considered necessary to meet the present and future requirements of navigation. That is a clear, unequivocal statement on the part of a gentleman who was qualified to speak authoritatively, and who, no doubt, was authorized to make that statement. And his statement, as I have said, is borne out by the opinions of those who reside in the district and are familiar with the circumstances and the situation as well as with the present business requirements and the future possibilities of the town.

Now, the government is expending very large sums of money yearly for the purpose of improving the different ports of Canada, and very properly so. If the country is to develop and prosper, navigation improvements in our water-ways are of the first necessity. I would point out, however, that if this proposed new structure is allowed to be built across this river with a span of 40 feet, it will mean that a permanent obstruction will be placed across one of the principal water-ways of Nova Scotia, that that district will be shut off, as it were, from its proper and legitimate share of that trade of the province, that the pulp and lumber industries, which are great and growing industries there, and the agricultural industry will be seriously crippled and handicapped.

Now, Sir, some time ago, in Supply, there was an item in the estimates which provoked a good deal of discussion; it was a sum of $45,000 for the construction of three ice piers in the Annapolis river. The minister explained at that time that these piers were being built for the purpose of arresting the ice, for the purpose of assisting to create a harbour during the winter season. I have nothing to say against that vote, I think everything should be done to promote the shipping interests of the maritime provinces. But I do say that if, merely for the purpose of making an experiment, the large sum of $45,000 is to be voted by this parliament, with a total estimated expenditure in view, as the minister stated, of $123,500 for the ten piers which he said he intended to place there, if that expenditure is justifiable as an experiment, certainly any expense which the government might be called upon to make to widen the span of the bridge over this river, which is navigable almost the year round, is not only justifiable but is urgently required. I may say that there was a case somewhat similar to this in which the government granted assistance some years ago. In 1906 there was an item of expenditure on harbours and rivers in British Columbia:

> Pitt river—substitution of a 230-foot through truss for original 132-foot truss of draw-span on C.P.R. bridge, inclusive of accessory works, $55,085.

The Hon. Mr. Hyman, then Minister of of Public Works, stated in explanation:

> The Canadian Pacific Railway built a bridge across the river there a number of years ago. They got the permission of the Department of Public Works to build this bridge. The Canadian Pacific Railway are renewing the bridge; they were building a new bridge last year, and it was then found necessary in the interests of navigation to widen the span. We asked them to do so, and they took the ground that having received permission to build according to their original plans, the government should pay for any widening of the spans; the Justice Department gave its decision that under the circumstances the government should be liable. Therefore, we were in the position of having either to accept the old span or to pay our share of the cost. This is the amount found by the engineers to be due to the Canadian Pacific Railway by the government.

Now, according to the report of Mr. Dowdell, engineer, the additional cost of widening this span from 40 feet to 55 feet would be roundly $48,000. I have to say that rather than have this magnificent waterway obstructed for all time, and the prosperity of the town of Weymouth and surrounding districts interfered with, and their commercial interests embarrased, it would be, in my opinion, a fair and reasonable thing for the government to do in this case what they did in the case of the Canadian Pacific Railway Company's bridge across the Pitt river in British Columbia. I think the waterways of Nova Scotia are too important to have obstructions of this character placed across them, and the future prosperity and progress of the people embarrased through such causes. The shipping interests of Weymouth are very much embarrased by this narrow draw; it means that the additional cost of shipping lumber from below the bridge is no less than 50 cents per thousand feet; it means further that in order to get vessels to pass through that narrow draw, they are obliged to charter old and inferior tonnage, because the old vessels were made narrower than the new class of ships, and they have to pay a considerable advance in the way of insurance. Furthermore, as time goes on this expenditure will necessarily increase. Now, Sir, late in October, 1908, the Board of Railway Commissioners wrote to the Do-

minion Atlantic Railway Company saying that the permission to proceed under the board's order was temporarily withheld. To this the railway company replied, stating that they would take no further steps under said order. The Minister of Public Works has completed his estimates and has not made any provision for widening the span in this bridge. I will say that if, for the present year, the government is unable to do anything in this matter—for according to the decision of the Department of Justice, as I am informed, the company cannot be compelled to build a wider span than 40 feet on this bridge—I would urge upon them to withhold consent to the rebuilding of the bridge for the present, and next year make provision for the payment of the increased cost to be occasioned through widening the span. This obstruction should not be allowed to be placed across that river. It would be a monstrous thing if the government, which is expending millions of dollars in improving the waterways of Canada, should close their eyes to the fact that this navigable river is going to be permanently obstructed by the erection of this bridge.

Mr. R. L. BORDEN. I would like to say, with reference to the matter that my hon. friend from Digby (Mr. Jameson) has brought before the House, that I think it is very well worthy of the consideration of the government. The town of Weymouth is an important town and it has large commercial interests, with respect to the industries which have been referred to by my hon. friend who represents the constituency in which this town is situated. So far as I have gathered the facts from my hon. friend's speech and from the report which he has read of the proper officer of this government, it would appear to be desirable that a span of not less than 55 feet should be adopted. It appears, on the other hand, that the railway company received many years ago, in 1878, I think, permission by order in council to erect a bridge there with a span of not more than 40 feet. The conditions of to-day are not the conditions of 1876. Vessels which ordinarily go to that port for the purposes mentioned by my hon. friend, I suppose, are of very much larger tonnage and broader of beam now than then. I would not for a moment suggest that any unfair course should be taken as far as the railway is concerned. If the railway company had its position defined by reason of an order in council granted some thirty or thirty-five years ago, due consideration must be given to that circumstance. We must deal with absolute fairness with the company which is to construct the bridge, but, on the other hand, if navigation would be seriously handicapped or obstructed by the construction of too narrow a span, as seems to be the case according to the report of the proper officer of the government, it would be the part of wisdom that the government should enter into immediate negotiations with the railway company and should undertake to make good, if necessary, any additional cost which may be involved in giving to the town of Weymouth, the country surrounding and the industries which are flourishing now and which will flourish more in the future in that part of the country, ample opportunity to use this navigation for every purpose which may be required, and I am very glad indeed to support the proposition which the hon. member for Digby has brought to the attention of the government and of the House.

Mr. FIELDING. I presume that my hon. friend from Digby (Mr. Jameson) did not give notice to my hon. friend the Minister of Public Works (Mr. Pugsley) of his intention to bring this matter up; otherwise my hon. friend the Minister of Public Works would have been in his place. I have not sufficient knowledge of the details of the matter to speak of it with any degree of authority. I gather most of my information from the statements of the hon. member although I had heard something of it before. It would appear that this bridge, although originally designed to be of a wider span, was subsequently reduced and a span of 35 feet was adopted, and has been there for years. I confess I have never had the matter brought sufficiently to my personal attention to know that there has been a serious embarrassment to traffic in past years owing to the size of the bridge. It is only reasonable that the railway company, having acquired the right to erect a bridge of a given size some years ago, should now object to building it with a larger or greater span. So I suppose that in order to widen the bridge some one will have to provide an additional sum of $48,000. There are a good many cases in which hon. members of this House would be able to suggest the expenditure of $48,000 for purposes which we would regard as very commendable, but in the present state of financial matters I have felt it my duty, not in reference to this particular work but generally, to urge upon my colleagues not to engage in large expenditures at the present time. I am sure there is no member of the House but would have been able to have selected some work in his constituency where an expenditure of $48,000 might be very desirable and where perhaps in many cases we might be able to expend the money to good purpose. I frankly confess that I have not sufficient details of this case to express a decided opinion upon it. I shall bring the matter to the attention of my hon. friend the Minister of Public Works and he may have the benefit of reading what my hon. friend has said with regard to it.

Mr. R. L. BORDEN. There is just one consideration, that seems to distinguish this a little from others. If this work is going on with now we cannot remedy it in the future until the bridge shall again be reconstructed. There are other works which might be postponed for two, three or four years without similar or equally serious consequences.

Mr. FIELDING. My experience is that every member who wishes work constructed in his country regards the case as extremely exceptional.

Mr. DANIEL. I would like to support the request of my hon. friend from Digby (Mr. Jameson). The hon. Minister of Finance (Mr. Fielding) said that there was no evidence that at the present time there had been any embarrassment to navigation.

Mr. FIELDING. I did not quite say that. I said that I was not sufficiently familiar with the details to enable me to determine that. I have not studied it closely.

Mr. DANIEL. My hon. friend from Digby gave a statement of the number of vessels in the last few years that had been unable to enter the port at Weymouth on account of the extreme narrowness of the draw to this bridge.

Mr. FIELDING. I did not understand him to say that they were not able to enter the port at Weymouth.

Mr. DANIEL. Yes, they could not get through the bridge.

Mr. FIELDING. That is another question.

Mr. DANIEL. I understand that you have to go through the bridge to get to the port of Weymouth. The draw is very narrow. It is not even 35 feet. As I understand, the hon. gentleman said that it is only 34 feet 6 inches. He also made the statement that just inside of the bridge there is a very sharp bend in the river, almost at right angles, making it still more necessary that there should be plenty of room going through the bridge. This being a tidal river to a large extent there must necessarily be a considerable current and in order to have safe navigation through this bridge you require plenty of room. It appears to me that my hon. friend has made out a very good case, more especially when you take into consideration the fact that if the bridge is allowed to be put up now, being steel, it will remain for the next forty or fifty years probably. That being the fact it would require far more expense than would be involved now if the company intends to go on with the bridge and put in new spans. It appears to me that this is one of those which, if it is to be done at all, ought to be done now while there is an opportunity of attending to it. Of course, I quite appreciate the remarks of my hon. friend the Minister of Finance with regard to the necessity of curtailing expenses At the same time we have put through some very large items this session and I suppose there are more to come.

Mr. FIELDING. No, I can assure my hon. friend that there are no more estimates.

Mr. DANIEL. Are the estimates all through?

Mr. FIELDING. There are no more to come. The House is in possession of all the estimates.

Mr. DANIEL. But they are not all passed yet?

Mr. FIELDING. No.

Mr. DANIEL. The argument that my hon. friend from Digby has brought forward is certainly one which should receive the favourable consideration of the government and if it is necessary for the government to assist the company in completing the bridge to a proper width, a width which your own officers have said is absolutely necessary—and I do not see how the government can go back on the report of its own qualified officers—I think that the government would only be doing justice in this case by acceding to the request of the members and in seeing that the Dominion Atlantic Railway Company put up such a bridge there as will be no obstruction to the business of the port as the present one is and that the one which they intend to put there will have a draw wider than forty feet.

WATER CARRIAGE OF GOODS.

Mr. PERLEY. I noticed that Bill (No. 105), letter A of the Senate, respecting the water carriage of goods, has been taken over by the government and put on the Order Paper as a government measure. I understand that the Bill was practically an arrangement between the shippers and the owners of ocean steamers. Such legislation has long been required owing to the conditions on bills of lading which shippers have been obliged to sign absolving the owners of vessels from any liability, even for their own negligence. All the other items have been gone on with to-day and I would like to know the government's intention as to this Bill.

Mr. FIELDING. I have some difficulty in answering my hon. friend's question, as on Saturday night it was represented to me that there was not likely to be any opposition to this measure and I agreed that it might be placed on government orders. The gentleman who asked me to take this course, to-day informed me that several hon. gentlemen had spoken to him against the passage of the Bill.

at least during this session, and he doubted whether the Bill could be got through. We put it on the Order Paper on the representation that there was likely to be no objection to it, and if there be objection from any source now the Bill will not go through. My own information is that the Bill is a very meritorious one and I would be glad to see it pass.

Mr. R. L. BORDEN. I stated on Saturday night that as it was then very late we might have the Bill go into the committee stage and postpone final action until there is a larger attendance. I do not want it to be understood that I was interposing any opposition to the Bill.

Mr. FIELDING. No. I am in this position that the very gentleman who asked me to put it on the order paper to-day said that he was sorry to find several gentlemen opposed to the Bill. I shall make further inquiry and reply to my hon. friend later on.

DISMISSAL OF SOURIS POSTMASTER.

Mr. F. L. SCHAFFNER (Souris, Manitoba). Mr. Speaker, I wish briefly to refer to a matter which I endeavoured to bring before the House on a previous occasion. The Postmaster General (Mr. Lemieux) then asked me to postpone this discussion because the hon. member for Brandon (Mr. Sifton) was not in his seat. I delayed bringing up the matter, but I think I will have to be very alert to catch the member for Brandon in his seat because I am absolutely positive that half an hour a week would be more than his average. I wish to refer to the dismissals of postmasters in the constituency of Brandon as it now exists, and the constituency of Souris which I have the honour to represent, which was formerly in the constituency of Brandon. I do not for a moment subscribe to the doctrine that the head of a department is not responsible for all actions in connection with his department, but still I do not hold the present Postmaster General exactly responsible for this, although he is legally and constitutionally responsible; he has allowed himself to be governed by an exceedingly hard-hearted man in connection with these matters. The dismissal of postmasters who have been faithful and efficient for a good many years has been more of an abuse in Brandon and Souris than in any other constituency in Canada. I wish particularly to speak of the case of a postmaster recently dismissed at Souris, in the constituency of Brandon. This is an exceedingly unfair and unjust dismissal; I do not believe that the Postmaster General looked into this matter fully or he would certainly not have dismissed this man. The dismissed postmaster has written me several communications on the subject and I propose to place his letters on 'Hansard.' In one letter he says:

I was appointed in 1882 and had served ever since. Four years ago I sold out my business, a general store, so that I could give the office work my whole time and attention, which I have done. Last March, I think it was, there were some complaints made, one was that the building was too small and another that the wicket was too long closed for assorting mail. The inspector was sent to investigate the matter, and I arranged to rent another building, and to keep the wicket closed as short a time as possible. I rented another building and fitted it up at quite a cost, which was satisfactory to the inspector, and I understood that I was not to be discharged, and never heard anything officially since until I received my notice that I was discharged and my successor appointed without any reason or complaint or the privilege of an investigation. I immediately wrote the Postmaster General for a chance to be heard if there were any charges made. I have had no reply from him yet; the office has been transferred.

It seems to me to be unfair to dismiss a postmaster without some investigation. If the charges can be proved the dismissal may be justified. He says further:

I was of the opinion that postmasters were not dismissed unless for taking active part in elections or for misconduct, and that they were entitled to an investigation. I can state positively that I took no part in politics or elections other than to vote.

He further asks me to take the trouble to find out if this was a usual course for the government to take. I wrote him then for some information and he replied as follows:

I received your letter in answer to mine. I am so grateful to you for taking up this matter for me. I feel that I am imposing upon you. I also noticed in the 'Free Press' your questions and answers by the Postmaster General, and in reply to first question the answer is not correct as to time.

I may explain that this was an error of the 'Free Press,' the time was stated correctly in the other papers. He continues:

I received notice from the inspector, dated Winnipeg, January 19, 1909, and the office transferred on January 28, 1909. (2) That I was removed on account of political partisanship. I wish to state that they had no grounds for it, for I absolutely abstained from taking any part in party politics (except to vote), and defy them to mention or prove one single instance of me doing so. I refrained from saying one word reflecting on the character or actions of Hon. C. Sifton that would influence any one to vote against him, not even my own sons, who for the first time had a vote. I did not ask them to vote either for or against Sifton. They were away from home some months previous to the elections, ont 8 miles west of Reston, working for a farmer. I had not seen him or written him about voting, and did not expect him to

come, but the day of the election he arrived by train and voted before I saw him. The other boy was at college in Winnipeg. The day before the election he phoned his mother asking if he ought to come and vote, she told him that she would rather he would not, so I did not expect him. I expect that they are basing their charge of partisanship on my boys coming home to vote, and if you think it necessary I would make an affidavit to what I have stated and my boys would corroborate by affidavit what I have stated re their voting.

In my first letter, I think, I wrote re an investigation of about one year ago; I will repeat it:

The inspector was sent here to inspect and investigate some complaints against me. The principal one was that the building was too small, and I immediately took steps to procure a larger place while the inspector was present, which was satisfactory to him, and spent considerable in fittings, &c. This was referred to the department by the inspector, and was sanctioned by them and permission granted to remove to the new building.

Another complaint was that the money order wicket kept closed longer than was necessary while the mail was being assorted on which I also satisfied the inspector. He had no fault to find with the work done in the office, and I would refer you to his report, also to a report of the inspector previous to that; I know they must have been very favourable.

When I was not removed then, and having gone to the trouble and expense fixing up a new office. I took it to mean that there would be no likelihood of dismissal.

I do not remember what I stated in my first letter to give you the impression that I was not anxious to be reinstated, for I am very much concerned about it, for it meant a loss to me of over two thousand dollars per year, and what makes it so hard is about four years ago I sold out my business, rented my store, agreeing not to start again for five years, and I am left without employment or a means of making a living for a large family.

Now, Mr. Speaker, I have here a short notice that appeared in a Winnipeg paper in connection with the dismissal of this postmaster and I shall read it:

Souris, Jan. 28.—Mayor John Dolmage has received notice from the Post Office Department of his dismissal as postmaster, and that his successor will be Robert W. Currie, the change to take effect as soon as arrangements can be completed for transferring.

Mr. Dolmage is the only pastmaster Souris ever had, having been appointed to the position when Plum Creek post office was opened over twenty-five years ago. During all these years he has filled the position with credit to himself and satisfaction to the citizens. There have been no charges made against him and no reason given for his dismissal; but as his successor is one of the leading Grit heelers, it is easy to understand why the change is being made.

I am somewhat familiar with the circumstances of this case and I believe that this dismissal was a very unfair and a very unjust one. I absolutely believe that if the Postmaster General had looked into this matter, as perhaps he might have done, he would not have sanctioned the dismissal of this gentleman. Here is a man who has been postmaster of this town for years and the citizens of the town are absolutely satisfied with the manner in which he discharged his duties. Some complaint was made of the space in the post office and he fitted up a building that was satisfactory to the inspector, and having done all that the inspector asked him to do he was established in his office. Then an election comes, and for absolutely nothing but political considerations he was dismissed and another man put in his position. I am not finding fault with the man who was appointed, but I say the dismissal of Mr. Dolmage was unfair and unjust. I would like to refer to another instance in my own constituency that occurred a few years ago. In a town of some importance a gentleman erected a stone building in the very centre of the business part, and he fitted it up with boxes and everything to the satisfaction of the citizens. He was so non-partisan that it was absolutely impossible to get him to vote in a municipal election, a provincial election, or a Dominion election from the time he was appointed postmaster until he was dismissed. Surely that is evidence of non-partisanship. And yet the hon. gentleman from Brandon (Mr. Sifton) who at one time represented the constituency I have the honour to represent, went through that constituency with his sword and absolutely cut the heads off many suspected men. I would like to ask the Postmaster General what he does consider to be partisanship and what he thinks would be a fair reason for dismissal on that ground. Let me tell him that in the next town from mine there is a postmaster who has accepted the nomination as Liberal candidate for the next election, and here is what the Winnipeg 'Free Press' says about him:

George Robinson choice of Liberals.
Will contest Provincial Constituency of Killarney at next election.

Killarney, Man., April 8.—The Liberal convention held here to-day for the purpose of nominating a candidate to contest Killarney constituency for the legislature was well attended and resulted in George Robinson, of Ninga, being chosen as the candidate.

Mr. Robinson in accepting the nomination said that he thought with good hard work and unanimity in the Liberal ranks this constituency could be carried, and that from this day until election day, whenever that might be, he was in the battle to win.

* * *

Here is another:

Mr. George Robinson, who, as mentioned in last week's 'Review,' has been nominated as the Liberal candidate for Killarney constituency in the provincial election, is a resident of Ninga, having been connected with

the interests of that district ever since the location of the town. Mr. Robinson is, we understand, already commencing an aggressive campaign, and expects to visit Cartwright shortly in this connection.

I do not wish to detain the House at this late stage of the session but I think this is a matter which the Postmaster General should consider. I leave it to the Postmaster General to decide whether he should dismiss a postmaster who is merely suspected of being a Conservative, and retain in office a man who has accepted the Liberal nomination and has aggressively entered into a political campaign.

At six o'clock the House took recess.

After Recess.

House resumed at eight o'clock.

Hon. RODOLPHE LEMIEUX (Postmaster General). Mr. Speaker, hon. gentlemen on both sides of the House know full well that I generally act with reluctance in cases of this kind, but in the present instance I could not see my way to adopt any other course than the one I took, as the complaint against the postmaster of Souris, county of Brandon, was made by the member for Brandon (Mr. Sifton) himself. I have no personal acquaintance with the former postmaster at Souris. It is true that on diffierent occasions the department received complaints about the manner in which the postoffice at Souris was kept, but they were of a very trifling nature and not strong enough to justify dismissal. After the last general elections the hon. gentleman who represents the county of Brandon (Mr. Sifton) made a formal charge against the postmaster of Souris and requested, on his own responsibility as the member representing that constituency, that the postmaster at Souris had taken a very active part in the last campaign against him. Under such circumstances, in view of the fact that the complaint or the charge was made by the member himself, on his own personal responsibility, I had no other course to follow but to accept his word and to take action against that postmaster. The policy upon this matter was laid down by my predecessor Sir William Mulock, and by the right hon. the leader of the House, in 1896. During that session a debate occurred in this House in relation to the dismissal of a postmaster in the county of Lincoln, Ontario. The policy was then laid down by Sir William that if a charge was made against an official of the government (in that case it was the postmaster) on the personal responsibility of the member representing the county, he as Postmaster General, and the other ministers would have taken action. Sir William's statement is to be found in 'Hansard' of 1897, at page 1853. It is as follows:

Mr. SCHAFFNER.

The hon. gentleman is misinformed. When the hon. member for Lincoln gave me his assurance, whether in writing or verbally it would make no difference, that a postmaster in the vilage of Beamsville had to his own knowledge committed the offences in question, further inquiry would in my opinion be unnecessary. It would prolong action, and would result in considerable expense, but would accomplish no other purpose. No government will question the absolute accuracy of the statement of my hon. friend. When a member in the position of my hon. friend from Lincoln makes a statement of the kind, there is the best guarantee that his statement is absolutely within the facts. He is bound to make good that statement before his electors and before the country. As a public man, he cannot afford to make a statement to me of something within his own knowledge if that statement is not literally true; and, with evidence of that kind, a minister would be derelict in his duty if he did not accept it as a full statement of the facts. At all events, in the future as in the past, I accept the words of my colleagues on matters within their own knowledge, and I consider that those statements are incapable of disproof, and that further inquiry under the circumstances would be an idle sham.

At page 506 of 'Hansard' 1896 (second session) Sir Wilfrid Laurier made the following statement upon the same subject of dismissals:

Now, when we find an officer in the Civil Service, however good a servant he may have been, however faithfully he may have discharged his duties, but who has been an active politician, who has taken part in the election, offensively and actively, and before the eyes of the whole community, that official has become a scandal in the eyes of the community, and I have no hesitation in saying that he cannot be trusted to render faithful service to this government. Where there is a government officer, he may hold his opinions, I do not care what they are; they may be Liberal or Conservative, I do not care; he may go and vote, and I will not inquire how he voted—but when he is seen on a public platform, when he takes part in party processions and is actively and offensively prominent as regards party candidates, that man has taken his life in his hands, and no one can have a word to say if he is dismissed from the service. But he should not be dismissed summarily. There is a difference in cases, I admit. Take the case stated a few days ago by the Minister of Marine and Fisheries. My hon. friend was addressing a public meeting, and at that meeting, he saw a man who is an official of the service, an active partisan. My hon. friend says to himself: That official is before me. Does the minister need any more evidence than the evidence of his own eyes? Under such circumstances, I say that my hon. friend is perfectly justified in acting as he did. My hon. friend (Mr. Foster) on the other side of the House asked me, a moment ago, how I could reconcile the doctrine enunciated by the hon. Minister of Marine and Fisheries and the doctrine stated by the Controller of Inland Revenue. I see no difference between those two doctrines. They were ex-

pressed differently, but they amounted to the same thing, namely, that no official should be dismissed except for cause, but any man who was an active partisan gave cause for removal; and that is the position in which we stand to day.

This is the statement I have to make regarding the postmaster at Souris. When the statement is made to me by an hon. gentleman, occupying a very prominent position in this House, and who formerly was a member of the cabinet, such as the hon. member for Brandon, that a certain officer had taken a leading part in the contest against him, my duty is to accept his word and take action against that officer.

Mr. SPROULE. Would the hon. gentleman regard that rule, which he has adopted, as applicable if the charge were made by one of the members of the opposition, of equally good standing, that an official had acted against him, in his election campaign, as an offensive partisan?

Mr. LEMIEUX. I speak of the cases as they come to my knowledge.

Mr. SPROULE. But I am not citing any particular case, but asking the hon. minister if he would apply the same rule in all cases?

Mr. LEMIEUX. I can only repeat what was said by the right hon. the leader of the House on a former occasion, when he declared that a government official who openly takes part in an election against the government takes his own official life in his hands. In the present instance, the fact that the present member for Brandon (Mr. Sifton) took upon himself personally the responsibility of a charge against that official, left me no other course to follow than to accept his word.

Mr. SCHAFFNER. Do I understand the hon. gentleman to say that it is the policy of this government to dismiss an official who has held office a long time and proved himself efficient and faithful, without giving him an opportunity of defence or investigation?

Mr. LEMIEUX. I have just said that the policy laid down, as far back as 1896 and 1897, is this, that when an officer takes part in an election against the government, he takes his official life in his hands, and if an hon. member makes the charge of offensive partisanship against him, the statement of that hon. member is accepted by the government.

Mr. SCHAFFNER. But the official in question absolutely denies that he took any part in the election except to vote.

Mr. LEMIEUX. Against that I have the statement of the hon. member for Brandon.

Mr. LENNOX. Suppose a charge of the same kind should be made against an official by a member of the opposition, on his personal knowledge, would the hon. minister consider that sufficient ground for his dismissal?

Mr. LEMIEUX. I do not dismiss postmasters unless there are very grave charges against them. Last year the hon. member for York, New Brunswick (Mr. Crocket) took me to task in the House because some postmasters there were helping their friends, or their supposed friends, in the local election. I said then that I had given orders to all postmasters not to take any offensive part in elections. That is my policy. An officer of the government who takes part in the elections does so at his own risk. To-day he has his friends in power, but another day he may have another party in office.

Mr. SCHAFFNER. Take the Miami case, in which a postmaster has been nominated as a Liberal candidate in the local elections and actively engages in the campaign, what has the minister to say about that?

Mr. LEMIEUX. A Liberal postmaster probably ran as a candidate and was defeated.

Mr. SCHAFFNER. No, but he has been nominated to run in the next election and is now engaged in the campaign.

Mr. LEMIEUX. Would the hon. gentleman allow me to answer in the Irish fashion by putting another question? There is a postmaster in the province of Saskatchewan, who is a Conservative member in the local legislature, an opponent of the present government, yet I have not proceeded against him. Does my hon. friend want me to do so? The one case can offset the other.

Mr. LENNOX. As we cannot get a definite answer from the Postmaster General, I propose to say a few words about this, matter, even though we are in the dying hours of the session. This is not a matter which should be passed over lightly. The hon. minister has taken on himself to adopt a certain doctrine. I understood him to say distinctly that he acted on that doctrine in the case of this postmaster whose dismissal is now under review, and that doctrine is that if a member of this House, who is a supporter of the government, alleges that any official has taken an active part in a political contest against the government, that official will be dismissed on the mere statement of that member, without being given the opportunity of an investigation. He lays down the doctrine that in such a matter the 'ipse dixit' of the hon. member for Brandon (Mr. Sifton) or any other hon. member on the government side, shall be

taken as absolutely conclusive and the mouth of the accused postmaster absolutely closed, even though he be prepared to bring any amount of evidence to the contrary. The word of any supporter of the government, be he back bencher or front, big or little, the member for Brandon or anybody else, will be taken as sufficient evidence on which to dismiss a postmaster, and the Postmaster General, who lays down this doctrine is a lawyer. I think that no more astonishing or dangerous proposition could be made and none more contrary to the spirit of our laws.

The Postmaster General has been asked if an hon. member on this side of the House alleges that one of his postmasters has actively and offensively interfered in a political contest against the opposition candidate, will he take the statement of the hon. member of the opposition, and the Postmaster General refuses to answer. Does the Postmaster General, who wants to pose as an honest man, as a fair man, think that the people of Canada can stand for a position of that kind? I give him an opportunity now of replying. I ask him again, if an honourable and respected member of the opposition comes to you to-morrow, or says in his place here to-night that he knows of his own knowledge—putting it in the Postmaster General's own language—of a case which happened in his own riding where the postmaster offensively interfered in an election contest and opposed him upon the public platform—will the Postmaster General give his word now that he will dismiss that postmaster? What is sauce for the goose ought to be sauce for the gander. The Postmaster General dare not say so. And does the Postmaster General want it to go forth to the people of Canada that there shall be one rule for a postmaster that opposes the government, and another rule for the Postmaster who supports the government? I think every hon. gentleman will agree that it is neither right in the one case nor in the other. Every man has a right to a fair British trial, to a fair British investigation, and it is an absolute denial of justice to say that any one may be dismissed upon the word of a man, high or low, upon the word of a cabinet minister even, without being confronted with the charge and allowed to put in such a defence as he can. I know nothing about the merits of this case but I rose to challenge the position of the Postmaster General.

PILOTAGE BOARD IN VICTORIA, B.C.

Mr. G. H. BARNARD (Victoria, B.C.). Before the motion is put, I would like to call the attention of the Minister of Marine and Fisheries to a case in which I can prove that a cruel injustice has been done to a member of the pilotage board of the city of Victoria. I may say that this is not a case involving political partisanship, but I must say that I do not think the minister has given the matter full consideration, or that he realizes the injustice that has been done to the individual in question. I will briefly state the facts of the case. In the port of Victoria we have what is known as the compulsory pilotage system. There is a local pilotage authority which has control of the pilots of the port. Until the occurrences of which I am about to speak, the number of pilots was 5. An agitation had been started by the people connected with the shipping interests in that port to do away with the system of compulsory pilotage altogether. Whether that system should be abolished, I do not propose to discuss to-night. But I wish to bring to the attention of this House the circumstances which have resulted in a cruel injustice being done. Some time back I moved for a return in connection with this matter, and I propose to deal with the papers which were brought down at that time. The man in question is named Thomas Bebbington. On the 23rd February 1907, he was written to by the secretary of the local pilotage authority as follows:

Thos. Bebbington, Esq.,
Pilot under V. & E. Pilotage Authority.

Dear Sir,—I am directed by the Board of Commissioners of the Authority to inform you that you are suspended from duty for one month from this date noon, pending inquiry into complaints regarding your physical condition.

You are therefore relieved from duty till further notice.

Yours truly,
(Sgd.) ANGUS B. McNEILL.
Secretary-treasurer.

On the 23rd of March, one month later, he was written to again:

Dear Sir,—I am instruced by the Commissioners of the Authority to inform you that your suspension is to be continued till such time as the investigation into your case is completed. You will kindly present yourself at my office on Monday, the 25th inst., at 10 o'clock in the morning for further examination.

Yours truly,
(Sgd.) ANGUS B. McNEILL.
Secretary-treasurer.

On the 28th of March, after he had been medically examined by no less than four doctors, all, I may say, good friends of the government, and men who stand as high in their profession as any medical men in British Columbia, he was written to again by the secretary of the board as follows:

Thos. Bebbington, Esq.,
Pilot, V. & E. Pilotage Authority,
Victoria, B.C.

Dear Sir,—I am instructed by the Board of Commissioners to inform you that in view of the investigation just closed, and in view of the professional and other reports laid before the board, your suspension is cancelled and you have been reinstated in your position as pilot of the above Authority.

I am, yours truly,
(Sgd.) ANGUS B. McNEILL.
Secretary-treasurer.

That was on the 28th of March, and after he had undergone an examination as to his mental and physical capacity by four of the leading men of the city of Victoria. The pilotage local authority however apparently was not satisfied, and matters were allowed to drift on until the 24th of October, 1907, when a letter was written by the same secretary of the board to the Hon. Minister of Marine and Fisheries which reads as follows:

Hon. L. P. Brodeur,
Minister of Marine and Fisheries,
Ottawa.

Sir,—I am instructed by the Commissioners of the Authority to bring before you for your advice and direction, a matter in connection with one of our pilots that gives us great concern.

The pilot in question is Thomas Bebbington who has been in the service for many years. Our Authority thinks he is physically unfit for the performance of his duty as a pilot, as his right side is somewhat palsied. He has had several accidents this year; on account of these accidents and his palsied condition some ships and companies have refused his services, others complain about him but will make no formal charge.

This, mark you, is the statement of the secretary of the pilotage board:

To protect the commissioners and the service, we have had him examined by physicians. They report favourably upon him mentally and physically but do not know what he might do if he were in a tight place.

Then, again, we cannot see under these circumstances that the law permits us to dismiss him, as we have no means of pensioning him. The other pilots some time ago sought to have the surplus fund set aside for such purposes, but Mr. Bebbington was the only one that stood out against it.

Inclosed you will find a copy of letters forwarded to us by the New York agents refusing to allow him to handle their ships.

What we would particularly like to know is, if we have the power to dismiss him under the circumstances, or to reduce the number of pilots and accomplish the same end in that way.

I trust you will not hesitate to give us your advice, as we have adopted this course after having consulted our member and your colleague, Hon. Wm. Templeman, Minister of Inland Revenue.

I have the honour to be, sir,
Yours truly,
(Sgd.) ANGUS B. McNEILL.

On receipt of that letter the Minister of Marine and Fisheries evidently wrote to the Minister of Inland Revenue asking him his opinion as to the matter and what he knew of Mr. Bebbington. The Minister of Inland Revenue wrote back as follows:

It is true, I believe, that he is partially disabled——

I am reading merely an extract from the letter.

—although the doctors would not certify that he was incapable of doing the work of pilot.

Further on comes a paragraph which shows what the actual reason was of this man being subsequently suspended.

As you are aware, there has been for a year or two strong pressure from the board of trade for the abolition of compulsory pilotage, with the view of removing what is claimed to be a heavy charge on shipping. The demand has something to do with the proposed retirement of Bebbington.

It was evidently intended to remove Bebbington, whether it was done agreeably or not. On receipt of that letter the Minister of Marine and Fisheries writes back to the Minister of Inland Revenue, saying that:

I may say that I do not think it would be wise to continue Mr. Bebbington as a pilot if he is not thoroughly capable of discharging the important duties. The fact that the pilotage authority at Victoria thinks he is physically unfit, together with the letter of the general agent or one of the steamship lines refusing to employ Mr. Bebbington, and the fact that four pilots will be sufficient leads me to suppose that the pilot service will not suffer by retiring Mr. Bebbington.

What is the position? The Minister of Marine thinks the fact that the pilotage authority at Victoria says he is disabled, absolutely ignoring the fact that four medical men had already pronounced him physically capable, and the additional fact that four pilots are sufficient to do the business will justify him in retiring Mr. Bebbington. Then the Minister of Marine and Fisheries proceeds to write to the pilotage authority as follows:

In reply to your letter of 24th October, inquiring if you have the power to dismiss Mr. Thomas Bebbington, who is considered physically unfit for the position of a pilot in the Victoria and Esquimalt district, I have to inform you that the by-laws provide that you can fix a number of pilots from time to time. There does not appear to be anything in the by-laws stating that you could have five pilots. The department, after making inquiry, has come to the conclusion that Mr. Bebbington is hardly capable of discharging

all the duties of a pilot, owing to the fact that his right side is somewhat palsied, and that some ships and companies have refused his services.

The inquiry that the minister speaks of is apparently the inquirv which he made from the Minister of Inland Revenue, as a result of which he takes the opinion of the Minister of Inland Revenue and disregards that of the medical men who examined this man. He goes on to say:

It is not possible for the department, as you are aware, to make any allowance, and this can only be done if it is done at all by the pilots.

This I submit shows conclusively that the whole idea in the suspension of this man was to satisfy to some extent the agitation for the abolition of compulsory pilotage. He goes on to say:

The department is of opinion that the number of pilots could be fixed at four, and that a reduction could be made in the tax on shipping. The earnings of the pilot will not be reduced under these circumstances, and the reduction of the tax on shipping will be the result.

As a result of that the board met at Victoria and passed the following resolution:

That owing to the constant complaints that are laid against Pilot Bebbington, and in view of his well-known physicial disability, and also in view of the opinions and conclusions of the Department of Marine and Fisheries, based on inquiry——

Again the same inquiry from the Minister of Marine and Fisheries to the Minister of Inland Revenue and no other inquiry:

—as stated in letter of December 5, 1907, we suspend Pilot Bebbington indefinitely, and request him to surrender his certificate to this authority forthwith, and that this resolution be submitted to the Governor in Council for approval.

As a result of that an order in council was passed on the 24th March, 1908, which reads as follows:

On a memorandum, dated 12th March, 1908, from the Minister of Marine and Fisheries, stating that, owing to the constant complaints that have been made against Thos. Bebbington, one of the pilots of the Victoria and Esquimalt district, on account of his well-known physical disability, and in view of the inquiry made into the same, the Victoria and Esquimalt pilotage authority have suspended Pilot Bebbington indefinitely, and have requested him to surrender his certificate forthwith.

The minister recommends that the action of the pilotage authority be approved in accordance with subsection (j) section 433, chapter 113, of the Act respecting Shipping in Canada and relating to pilotage.

Turning to subsection (j) of section 433 of the Act respecting shipping in Canada, I find that the pilotage authority shall have power to:

Provide for the compulsory retirement of licensed pilots who have now attained the age of sixty-five years, proved on oath before the pilotage authority to be incapacitated by mental or bodily infirmity or by habits of drunkenness.

I have returns here showing that the earnings of this man Bebbington in the month of October, when he was suspended, were higher than those of any man in the service, that he earned in October, 1907, $310, that the next highest were $273 and they vary from that down to $144. I have also a return from him showing that for the five years from 1903 to 1907, inclusive, he earned $13,487, which is higher by over a thousand dollars than the earnings of any other pilot during that period. These fees are all paid into the pilotage authority, ten per cent is deducted for the expenses of the management of the authority and after that is done the fees are repaid to the pilots. Whether or not some one has been interested because this man was earning more than the others in making charges against him I do not know, but I do know that he was earning more and was employed more at the time of his retirement than any other man in the service. In addition to that I have the medical certificates here. One is from Dr. Frank Hall, whom the Minister of Inland Revenue knows personally as a man of very high standing in his profession. It is dated May, 1908, or shortly before this man was retired.

Victoria, B.C., May 29, 1908.

This is to certify that Mr. Captain Thos. Bebbington is in good health and free from all organic diseases; and I consider him as regards health capable of following his usual occupation.

(Sgd.) FRANCIS W. HALL, M.D.

I have another from Dr. Hermann M. Robertson, who is the medical health officer of the city of Victoria, and a physician of high standing, in which, he states that, in his opinion, Bebbington 'is in good health and capable of performing his duty as a pilot'. I have, in addition, certificates, from Mr. Fullerton, the ship's husband for the Canadian Pacific Railway Steamship Line, and from R. P. Rithet & Company from Dowdell & Company and from practically every shipping man of any importance in the city of Victoria, and from the commanders of a great many steamers which call at that port, all of whom say that he is perfectly well able to carry on the duties of his office.

Now, what has the department done?—I am willing to say they have done it unwittingly and without realizing what it means. If this man, who is retired from the Pilotage Board, and whose means of livelihood is taken away, applies for a position as captain of a merchant ship or in

any other capacity, he will be asked why he retired from the Pilotage Board, and he can only point to the order in council declaring that he has been dismissed under subsection (j) of section 433 of the Merchant Shipping Act, which provides that the pilotage authority can dismiss a man who is proven on oath to be incapacitated by reason of mental or bodily infirmity or by habits of drunkenness. As to the proven incapacity, it is absolutely contrary to the admitted facts, and as to the habits of drunkenness, there is not a tittle of evidence in support of such a statement. Under the circumstances, I would ask the Minister of Marine and Fisheries—he has already been asked unofficially by correspondence—to make full inquiry into the capacity of this man and give him a fighting chance for his life, for his whole occupation is taken away, and, so far as I can see from the documents on file in the department, it has been taken away absolutely without any cause.

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). I must thank my hon. friend (Mr. Barnard) for having been kind enough to notify me that he would bring up this question to-night. Unfortunately, I have not been able to have the papers relating to the facts brought from the department, but the facts are shown, I suppose fairly, in the speech of the hon. member.

We have in different parts of the country pilotage authorities appointed sometimes by order in council, sometimes by boards of trade or city councils, which are obliged to make reports to the government of their operations. These pilotage authorities have the management and control of the pilots. Licenses have to be issued to give the pilots the right to exercise their profession, and these are given after examination by the pilotage authorities. In two cases only the Minister of Marine is the pilotage authority—with regard to the pilots on the St. Lawrence below Quebec, and with regard to those above Quebec. So far as the organization of the pilotage authority of Victoria is concerned, I am reminded by my hon. friend the Minister of Inland Revenue (Mr. Templeman) that all the members are appointed by order in council. At all events, it is the policy of the department once these men have been entrusted with the administration of these laws in their city, to hold them absolutely responsible for the action which they take. In this case, it appears, a man was reported to them as unfit to carry on his duties as pilot. I suppose the matter was inquired into by themselves. Judging from the papers read by my hon. friend (Mr. Barnard) they seem to have taken a great deal of trouble in the matter. They made a personal inquiry. They did not dismiss him, but suspended him. Then further inquiry was made, and they found he was not absolutely unfit and removed the suspension. Later on, they suspended him under the authority of the Merchant Shipping Act.

Mr. BARNARD. The minister will pardon me: Why was the order in council necessary? And why was it necessary to state that he was proven incapable, when the medical certificates are to the direct contrary?

Mr. BRODEUR. There is the report of the pilotage authority themselves. I do not say that it is absolutely necessary to have an order in council. Perhaps it was not necessary at all.

Mr. BARNARD. The section of the Act says that they can only suspend a man by by-law which is confirmed by order in council.

Mr. BRODEUR. The by-laws are confirmed by order in council.

Mr. BARNARD. I refer to section 433, which says:

> Subject to the provisions of this part, or of any Act for the time being in force in its pilotage district, every pilotage authority shall, within its district, have power, from time to time, by by-law confirmed by the Governor in Council, to—
>
> (j) provide for the compulsory retirement of licensed pilots who have not attained the age of sixty-five years, proved on oath before the pilotage authority to be incapacitated by mental or bodily infirmity.

There is certainly no proof here of that; the proof is all the other way.

Mr. BRODEUR. I think the hon. member is wrong in his interpretation of the law.

Mr. BARNARD. I have read the statute.

Mr. BRODEUR. I do not think the statute goes so far as to say that in every case this shall be confirmed by the action of the Governor in Council. What the statute, section 433 says, is simply that, when by-laws are made by the pilotage authorities, to give them the force of law, they must be submitted to the Governor in Council. Now, one of the by-laws the pilotage authorities may make concerns the dismissal of pilots, and that is provided for under the section which my hon. friend has just read. It does not mean that when a man is dismissed they must come before the Governor in Council to have their action confirmed. What they must do is to pass by-laws declaring under what conditions men may be dismissed, and in order to give this the authority of the law, it must be approved by the Governor in Council.

Mr. BARNARD. Does not the minister see that the power to make by-laws is expressly given to the pilotage authority by section 433, and that the same section expressly deals with the question of suspension of pilots. Surely, the result of that simply is that they may dismiss them in no other way. The result of that simply is that you cannot dismiss them in any other way. That is not what I complain of so much as that they did not pass a by-law, but that they merely passed a resolution and they did not state in the resolution that this man was proved guilty of drunkenness. They simply stated that they thought he was disabled; they did not say it had been proved that there was disability; they simply said there were complaints. Then, by that order in council which you passed gratuitously on that resolution, you brand this man as either being incapable or being a drunkard, and you cannot get away from that. That is where the injustice comes in. If the man is incapable no one wants him there, but according to your own statute it must be proved and proved properly.

Mr. BRODEUR. I am sorry to have to differ with my hon. friend (Mr. Barnard) on the interpretation of section 433. He claims that in every case where a man is to be dismissed by the pilotage authority, the pilotage authority has to come before council for action. Now, I maintain that under article 433 the pilotage authority have the right to make certain regulations; let us read the section:

> Subject to the provisions of this part, or of any Act for the time being in force in its pilotage district, every pilotage authority shall, within its district, have power, from time to time, by by-law confirmed by the Governor in Council to——

I quote the marginal notes:

> Determine qualification of pilots.
> Regulations as to pilot boats.
> Licenses and certificates.
> Regulations for government of pilots.
> Punishment for breach of regulations.
> Compulsory retirement of aged pilots.
> And of infirm or intemperate pilots.

The meaning of that article is that the pilotage authority has the right to make by-laws under these headings. They have the right to say on what condition a man should be dismissed and they pass a by-law determining for what bodily infirmity a pilot can be dismissed. They are the judge of that, and then these by-laws are confirmed by order in council. The procedure generally adopted with regard to these by-laws is that after they are received by the Marine Department they are submitted to the Department of Justice to determine whether these by-laws are according to law or not, and if the Department of Justice reports that they are according to law they are generally approved by the Governor in Council. We adopt that procedure because the pilotage authorities are supposed to be more familiar with the local conditions than any person in Ottawa, and we want to give them absolute liberty as to the action they should take.

Mr. BARNARD. If this matter is referred to the Department of Justice for an opinion would not the recommendation of the minister for the order in council be placed before the Department of Justice and does not that recommendation state that this man should be dismissed owing to his well known physical disability? If the Minister of Marine and the Department of Justice assume that the man has been proved to be physically incapable then the by-law and the order in council are right, but your statute says it must be proved on oath—and your medical evidence, which is the only evidence you can go on says that the man is capable—so that you are clearly in the wrong in that.

Mr. BRODEUR. I was about to explain how these by-laws come into force and after they come into action may be taken by the pilotage authority.

Mr. DOHERTY. In this particular case, does it appear that that pilotage authority ever passed any general by-law providing, as they were authorized to do, that for the causes mentioned in the section a man could be dismissed. Did they try that man under a by-law of that kind. According to what the hon. member for Victoria (Mr. Barnard) says they passed a resolution on the subject, but they did not pass a by-law. I am not saying they would have to make a special by-law for the case of each man, but the procedure laid down is that they must first pass a general by-law providing that when the man was proved under oath to come within the class of persons mentioned in that section, then he could be dismissed. Having done that they ought to try him under the by-law and find him guilty under that by-law if he were guilty. According to the statement of the hon. member for Victoria no such by-law was passed and no trial was had under that by-law.

Mr. BRODEUR. I have not yet had an opportunity of explaining the facts. I do not know whether any by-law was passed.

Mr. DOHERTY. That is the whole gist of the case.

Mr. BARNARD. It required a special resolution and an order in council approving of that resolution.

Mr. BRODEUR. My hon. friend (Mr. Barnard) has not all the by-laws of the pilotage authority before him. Perhaps there was such a by-law passed and perhaps there was not, and if there was no by-law I suppose they could not proceed under that subsection. But, I may call the attention

of my hon. friend to article 492 which is absolutely different from the section which has been quoted, and which gives the pilotage authority the right to deal with the case. Here is what it says:

If at any time it appears to any pilotage authority that any master or mate to whom a pilotage certificate has been granted by such authority has been guilty of drunkenness or misconduct, or has shown himself incompetent to pilot his ship, the pilotage authority may withdraw his certificate; and such certificate shall thenceforth cease to be of any effect whatever and such master or mate shall forthwith produce and deliver up such certificate to such pilotage authority.

My hon. friend will see that there are two ways in which the pilotage authority can proceed. First, under section 433 which provides for the making of by-laws and then under section 492 which says that a man can be dismissed if he has shown himself incompetent.

Mr. DOHERTY. Does not the order in council say he was dismissed under subsection (j) of article 433. In other words it says: this is a man who has been proved under oath to be incapable of doing his work. Apart from everything else there is a serious injustice done the man when you do not specify which of the things you dismiss him for, because you send him out on the world branded as being dismissed for being physically incapable or for being a drunkard. That is the document he goes out to the world with.

Mr. BRODEUR. All the documents show he was dismissed because he was bodily infirm.

Mr. DOHERTY. The order in council says he was dismissed under subsection (j) of section 433 of the Merchants Shipping Act, and, according to that, he may have been dismissed for physical infirmity or for drunkenness.

Mr. BRODEUR. It seems to me that there is a reference to physical incompetence in the documents produced.

Mr. DOHERTY. He cannot carry all the documents around with him.

Mr. BRODEUR. The pilotage authorities have absolute power to do what they have done. It was not even necessary that his dismissal should have been confirmed by order in council. Under section 492, the pilotage authority have absolute power to dismiss. They have the right to declare that he is incompetent or not fit to conduct his ship and consequently should be dismissed. What was done in this case: A report was made by the pilotage authority stating that this man was absolutely infirm and incapable of doing his work, and they asked our opinion. We replied that we thought they would be justified, under the circumstances, in withdrawing his license. That is what they did. The department did more. They made a recommendation to council approving of the action—I do not know whether that was in my time or not—and they asked the council to confirm this action of the pilotage authority. I go further and say that the department has no discretion in the matter.

Mr. BARNARD. Why did the minister, after hearing from the Minister of Inland Revenue that

There had been for a year or two strong pressure from the board of trade for the abolition of compulsory pilotage, with the view of removing what is claimed to be a heavy charge on shipping—the demand has something to do with the proposed retirement of Bebbington.

and if his department had no responsibility write to the pilotage authorities pointing out that the number can be fixed at four instead of five, and recommending them to pass a by-law to that effect?

Mr. BRODEUR. The hon. gentleman will see that in the meantime we had been notified by ship owners that this man was unfit to do his work and that serious accidents had occurred to vessels under his charge. In view of those circumstances and in view of the fact that the pilotage authorities were of the opinion that he was not competent, does not my hon. friend think it was the duty of the department to give the advice we did? Suppose that this man had not been dismissed and that afterwards serious accidents had occurred to vessels under his charge or some other vessel had been lost, my hon. friend would then probably take us to task for not having removed him. This is one of the most important questions, affecting as it does the safety of vessels and navigation; and when the department is informed that a pilot is incompetent, that he is physically unfit, it is the duty of the department to advise his dismissal and the duty of the pilotage authorities to dismiss him. My hon. friend knows how sensitive are ship owners in that respect and especially the people of Victoria. Some years ago, meeting after meeting was held in Victoria because an accident had occurred on the western coast of the island, when a vessel went ashore during a fog and several lives were lost. My hon. friend must have taken part in some of those meetings, where the government was charged with neglect of duty because it had not provided proper aids to navigation, put up fog alarms and many other [illegible] which, according to the reports made to me, would [illegible] cost hundreds of thousands of dollars. We [illegible] those difficulties in view, we knew how sensitive were the people of Victoria on

take part on either side, that the official who took an offensive part rendered himship owners and the pilotage authorities with incompetency, and a wreck had occurred later, while he was in control of the vessel, the whole city would have risen in arms against the government for not having dismissed him. Who are the pilotage authorities? My hon. friend knows those men and I do not; but I am informed that they are the most reliable men to be found in Victoria, and when I have their report in a case of this kind, I should hesitate very much going against it. If my hon. friend will consult the English Merchants Shipping Act he will see that there the pilotage authorities are absolute masters of the situation, that the only recourse a man has against their decision is in appeal to certain tribunals described in section 610 in the Merchants Act of 1894. In a case such as this the appeal would lie with the Board of Trade, which corresponds with our Department of Marine and Fisheries, and that board never interferes with the decision of the pilotage authorities.

Mr. BARNARD. In reply to the hon. minister I would say——

Mr. SPEAKER. The hon. gentleman has already spoken.

INTERFERENCE OF GOVERNMENT EMPLOYEES AT ELECTIONS.

Mr. R. S. LAKE (Qu'Appelle). Before you leave the Chair, Sir, I wish to make my strongest protest against the outrageous doctrine laid down by the hon. the Postmaster General this evening. That hon. gentleman said that if an official of the government were charged with having taken an active part against the government in an election, he would dismiss him simply on the personal statement to that effect of any member supporting the government. The Postmaster General laid the very strongest emphasis upon the word 'against.' I think we may fairly draw the inference from the way in which he said it, that he intended that any official of the government who took an offensive part in elections on behalf of the government would be immune from any such penalty as would be imposed upon those who took part against the government. That is a doctrine which, I think, should not be allowed to pass in this House, without the most vigorous protest, and I desire to record my most vigorous protest against it. The Prime Minister, only a few years ago, endorsed, and the whole House endorsed, a resolution proposed here to the effect that no official of the government would be allowed to take an offensive part in elections, either Dominion or provincial. The Prime Minister went further; he made the statement that no official should take part on either side, that the official who took an offensive part rendered himself a scandal in the country, placed himself at variance with a large portion of the community who contribute towards the payment of his salary, and minimized his usefulness to that extent. The House adopted the resolutions proposed to the effect that no official should take any part in elections. It is the most extraordinary doctrine I have yet heard in this House, that an official may take part in an election, provided always that he takes part in behalf of the government. That is a doctrine to which, I believe, the country will not subscribe, and I am surprised to hear it from the mouth of the Postmaster General (Mr. Lemieux).

Mr. W. S. MIDDLEBRO (North Grey). I do not apologize to the House for speaking on this question, for I think it is one of the most important that has come before the House, especially in view of the attitude of the Postmaster General (Mr. Lemieux). We on this side are not a little surprised at the principle the hon. minister has adopted. I hope he will not adhere to it. As I understand him, he enunciated as the doctrine of his department that, if the man who has received the confidence of the electorate in a certain riding and who supports the government, makes the charge that a certain official has taken an active part in the election, that is not only prima facie evidence, but irrebuttable evidence of the fact. In other words, there is no opportunity for an official thus accused to defend himself. I can only say that if the minister is to be sustained in this, then it is just as true, and the argument is just as forcible, and he is just as much bound to accept the statement of the man who has received the confidence of the electors and who happens to sit on this side of the House. Therefore, I would have as much right as any other member of this House, to go to the Postmaster General to-morrow and say: I have been elected by the electors of North Riding of Grey, and have their confidence; I inform you that a certain postmaster has been guilty of taking an active part in the election against me, and I have the right to ask you to take my statement as irrebuttable evidence of that fact and to dismiss this official. I hope the Postmaster General will qualify his statement in some way. For there are members on this side of the House—I know this perfectly—who, in the provincial government, where we happen to be in control, have stood up against the claims of our own friends who seek dismissal of our opponents. I know that in many cases Conservative members have stood against the dismissal of men unjustly accused of having taken part in the elections. I do hope the Postmaster General will not adhere to the principle that he is

justified in accepting as conclusive evidence the statement of the member elected for the riding that a certain official has taken an offensive part in the election.

Mr. A. B. CROSBY (Halifax). A matter of such great importance as that under discussion is not a mere question of party politics, but one in which principles should be laid down for the government of both parties. Like my hon. friend from North Grey (Mr. Middlebro) I am surprised at the utterance of the Postmaster General (Mr. Lemieux). That hon. gentleman is the last man on that side of the House whom I should have expected to express such a sentiment. Notwithstanding all the arguments that were put up, the principle announced is wrong and should not be carried out. Take the man referred to by the hon. member (Mr. Schaffner) who brought this question forward. In the case referred to, the postmaster is dismissed, and another is put in his place. What security has the man so appointed in case of a change of government? I am glad to know that the Civil Service in Ottawa have got themselves in such a strong position that they can come and make this government do what they want, and the government cannot do much with them. They hold the balance of power. But, dealing with the outside service, the government is in a different position. I hope that the members of the outside service, from the Atlantic to the Pacific, will get themselves in a position to take care of themselves against the government, as the members of the inside service have done—and I do not blame them for it. If we are to go back to the principle for a long time followed on the other side of the international boundary line, that 'to the victors belong the spoils,' what would be the result on a change of government? We should have the whole Civil Service turned out and new officials appointed. We do not desire that. Mistakes may be made and men dismissed who should not be dismissed, but the dismissal of men for reasons of party politics is not the principle we desire to see established. Certainly, I do not believe that a member of this House ought to be in a position to have an official dismissed on his mere word. Of course, if we are to have it declared that a member on that side can have an official dismissed for opposing his election, the same must apply to members on this side. But I do not say that that is the principle that should apply at all. I say that, when a member tells the Postmaster General or any other minister that a certain official has taken an offensive part in the election, that official should be given an opportunity to show cause why he should be retained in his position. If the charge against him is established, then let him be dismissed. When that is done, the man who takes the place of the one dismissed has some security. But the man appointed in place of another who has been dismissed without trial has no security. I do not look upon it as a question of party politics, but as a great question of principle, upon which I trust we will have some further information, because I cannot help but think that the Postmaster General is making a great mistake. I do not think that anybody on either side of the House will subscribe to such a doctrine as he has laid down.

Mr. J. D. REID. I listened to the speech of the Postmaster General on this matter, and I must say that I was greatly surprised, because, like the hon. gentleman who has just taken his seat (Mr. Crosby), I had the greatest confidence in anything the Postmaster General might do, and I expected that he would try and be honourable in any transaction taking place in his department. An hon. member supporting the government made a charge that a certain postmaster in the county of Brandon had taken an active part in the last political campaign, and the hon. member for Souris states that this postmaster has asked for an investigation, and is able to prove that he never took any other part in the election than to vote. If that is all the postmaster did, I believe the Postmaster General will admit that his official did not take an offensive part in the campaign. Now in this country every man is entitled to British fair play, I do not care what his creed or what his colour may be. Another statement the Postmaster General made was this, that he was willing to dismiss any postmaster provided a charge was made by a supporter of the government that such postmaster opposed the government. Now as an honourable man, as a servant of the people of Canada, can it be possible that the Postmaster General will accept the statement of a member on his side of the House against an official who has taken an active part in an election campaign against a candidate of the government, and that he will not accept a similar statement by a member of the opposition that a postmaster has taken an active part against an opposition candidate in an election. This is an exceedingly grave matter, and the Postmaster General owes it to himself to clear it up. If it is a fact that the Postmaster General will accept the statement of one of his own supporters and will reject the statement of a member of the opposition in a precisely similar case, then it is time that the people of this country should know it. I would be sorry indeed if it should go on record that the Postmaster General would make a mistake of this kind.

Mr. ROBB. It is not to defend the principle laid down by the hon. the Postmaster

General that I crave the indulgence of the House for a moment, but to say that, in advancing that principle, the Postmaster General was not without a precedent. In 1886 or 1890, I am not sure on which occasion, we had a political campaign in this country, when the then leader of the opposition, Mr. Laurier, visited the town of Valleyfield and held a meeting. The same evening the Hon. Mr. Ouimet, a minister of the Crown, was in Valleyfield. And it was claimed that on that occasion the then postmaster, Mr. Dion, had been guilty of political partisanship, and he was dismissed. Mr. Dion demanded an investigation, which was refused him, and the member for the county, Mr. Bergeron, a good friend of mine, had a very bad half hour with the businessmen of Valleyfield, irrespective of political creed, because they believed that Mr. Dion had been treated unjustly. So I wished to say that our good friends of the opposition are now advocating a different policy from the one they followed when in power, and the Postmaster General seems to have a precedent set him by our opponents in the principle he has laid down tonight.

Mr. FOSTER. I did not happen to be in the House when the Postmaster General delivered himself, but I would be surprised if the doctrine which he laid down was as bald and as bold as my friends behind me have understood it to be. As I understand it, the Postmaster General takes the ground that if a member of parliament supporting the government comes to the minister and makes a charge of political partisanship against an official of the government the minister will consider the charge as proven to the extent of immediately dismissing the official without giving him a trial. Now if that is really the length to which the Postmaster General goes, it is easy to understand how much surprised hon. gentlemen are on this side of the House, and I think on that side as well. My hon. friend who has just spoken (Mr. Robb) seems to have understood it that way, and he hastens to say that he does not rise to stand behind such a doctrine as that. I would like to hear from the Postmaster General that he has been misunderstood. I think that he owes it to the House, if he has been misunderstood, to say so. He owes it to himself, if he has not been misunderstood, to say so. He is in a difficulty in two ways. In the first place, his own leader, who presumably has the policy of the party in charge, made a statement in this House since he came into power, and made it repeatedly since, that no official should be dismissed without having an opportunity to defend himself before constituted authority. I have never heard the Prime Minister go back on that statement. An hon. gentleman referred to the resolution which was passed, and in the debate upon that resolution the Postmaster General will remember that it was laid down by the Prime Minister, as well as by all his supporters, that a man in an election contest, even though he was an official, had a perfect right to vote, as every free man has. He can go and vote for the government candidate or against the government candidate, and it is nobody's business, and does not impair his position at all. But if he takes an offensive part in an election contest, according to the Prime Minister's statement, he takes his political life in his hands, he takes his official life in his hands, and he must abide the consequences. The Prime Minister was also careful to say that no man should be dismissed unless he had an opportunity to defend himself. You never can convict a man on one man's testimony. You cannot do it in a court of law. Why should you do it in the case of a partisan, because we are all partisans more or less, who fancies, or says, or believes that an official took an offensive part against him in the course of an election. Why should you not give that official an opportunity of putting in his side of the case? You surely cannot condemn a man on the statement of any one even though he be a member of parliament. I am willing to go this far that it is prima facie against an official if a member of parliament, on either side of the House, in his place and in his capacity as a member of parliament, says that such a man took an offensive part against him in the contest. No matter what side he is on it is prima facie evidence that the case should be immediately inquired into and the Postmaster General, or any other member of the government would, I think, be justified in making an immediate inquisition into the case, but that is not sufficient evidence to convict a man. I would be sorry to know that the Postmaster General had laid down that bold doctrine or that it had been acquiesced in by his colleagues. I am sure the Prime Minister would not acquiesce in it unless he has gone back again on some more of his principles.

Mr. LEMIEUX. Mr. Speaker——

Mr. SPEAKER. The hon. gentleman can only speak with the consent of the House, because I have already applied the rule.

Some hon. MEMBERS. Agreed, agreed.

Mr. SPEAKER. I refused the hon. member for Victoria the right to speak.

Mr. HUGHES. Oh, but he is a minister.

Mr. SPEAKER. It can only be done by the consent of the House.

Mr. FOSTER. There is nobody dissenting.

Mr. LEMIEUX. I am glad of this opportunity being given me to explain once more

the position that I took at eight o'clock when this question came up. The hon. member for Souris (Mr. Schaffner) brought to the notice of the House the fact that a postmaster in Brandon county, represented here by my hon. friend (Mr. Sifton) had been dismissed. He was a postmaster appointed by this government a few years ago. After the last general election the member for Brandon wrote charging this postmaster in the county of Brandon, saying that to his own personal knowledge he had taken an offensive part in the last campaign against himself and demanding that he should be dismissed.

Mr. HUGHES. What point was the postmaster at?

Mr. LEMIEUX. Souris in the county of Brandon. I must say, for my own justification that since I have been Postmaster General I have not, to the best of my remembrance, dismissed one postmaster, because there was no occasion to dismiss any. But, I have often listened to hon. gentlemen opposite complaining that sometimes postmasters in local elections have taken part in politics. I have given general notice to the postmasters outside in the country not to take any part in politics and that if they did so they would be doing it at their own risk.

Mr. FOSTER. No active part, the minister means?

Mr. LEMIEUX. Yes. Last year the hon. member for York, New Brunswick (Mr. Crocket), when the elections were taking place in the province of New Brunswick, complained that some postmasters were taking part in the campaign and he cited instances in his own riding where, it was stated, postmasters were attending meetings and delivering political speeches. I then made inquiry and I satisfied my hon. friend from York that he had been misinformed; at least he accepted my word for it. I wrote to the postmasters and they answered that they were not taking part in the contest. As regards my hon. friend from Brandon, he demanded the dismissal of the postmaster, because, to his own personal knowledge, that postmaster had taken a very active part in the campaign against him. I stated at eight o'clock that I had followed the principle laid down by the right hon. leader of the House in 1896, and by my predecessor the Hon. Sir Wm. Mulock when he was Postmaster General. That was when this question came up oftener than it comes up now, in 1896 and 1897. We were fresh from the general elections, a change of regime had taken place and there was a general hue and cry in the country against some of the most active officials. The Prime Minister stated in 1896 that if a member of the House complained about any postmaster or official having taken an offensive part in the election against the government that official, on the statement of the member, should be dismissed. Some hon. gentlemen remonstrated against that doctrine, and I think the hon. member for North Toronto (Mr. Foster) remonstrated against it. But, as the Prime Minister stated, the member of the House who takes it upon himself to demand the dismissal of an officer who has taken an offensive part against the government in an election places himself before his electors, and if he is guilty of an injustice against that official he will have to pay the penalty of that injustice because he will have to appear himself before his peers and be judged by them. Sir Wm. Mulock laid down the same principle. I remember the question came up on the dismissal, a good many years ago, of the postmaster at Beamsville in Lincoln county. I have followed the same doctrine and I have acted upon the statement given in writing and verbally by the hon. member for Brandon. I do not see how I could refuse to accept a statement so clearly made as that of the hon. member for Brandon.

Mr. FOSTER. Was there any statement made by the dismissed official as to his part of the case or demanding any inquiry and, if so, was any inquiry made?

Mr. LEMIEUX. There was no investigation held. The postmaster, as was stated by the hon. member for Souris, denied having taken an offensive part. He did not deny having taken part, but he denied having taken an offensive part. On that point I accepted the statement of the hon. member for Brandon.

Mr. HUGHES. Did the member for the riding state what the offensive conduct consisted of?

Mr. LEMIEUX. Yes, generally canvassing and taking part in the election. A series of offences were mentioned. Of course I have taken the hon. gentleman's word, and he claimed that the Postmaster General had taken an offensive part in the election.

Mr. MIDDLEBRO. I understood the Postmaster General to say that the member for York (Mr. Crocket) wrote to the postmaster and complained that certain postmasters were taking an active part against him.

Mr. LEMIEUX. Not against him. When the general provincial election took place in New Brunswick the member for York (Mr. Crocket) brought before the House three charges against the gentleman, Mr. [illegible] John but was not then postmaster of St. [illegible] for that office and he [illegible] an applicant [illegible] cases. I then stated that I would at once notify postmasters to remain neutral and not offend the other party. I received ans-

wers, one of which I read in the House. As the others were marked private and contained rather harsh words against a name sake of the hon. gentleman, I passed the letter to the hon. member for York. The hon. gentleman was satisfied, I suppose, that he had been misinformed because he did not again bring the matter up in the House. I have given a general notice to postmasters that they must not take part in politics.

Mr. MIDDLEBRO. Following the principle which he has enunciated to-night, would the minister not have been justified, upon the complaint of the hon. member for York (Mr. Crocket), in immediately dismissing the official without further inquiry?

Mr. LEMIEUX. First of all it was not a federal election. Second I notified postmasters that they must not interfere in party politics, and my hon. friend knows that I am too human to judge any hypothetical case, I will judge every case as it presents itself.

Mr. MIDDLEBRO. Does the hon. gentleman——

Mr. SPEAKER. I cannot allow this discussion to go on much longer.

Mr. BRADBURY. I was rather amused by the remarks of the Postmaster General. The doctrine he enunciated struck me as rather a new one to come from that side of the House. During the last campaign, if I remember, circular letter was sent out by the government——

Mr. LEMIEUX. May I finish my statement?

Mr. SPEAKER. We are drifting away from the rules of the House entirely. It shows the importance of adhering to the rules in every case. The minister has spoken repeatedly and may have to speak again.

Mr. LEMIEUX. I should complete my statement for the information of the hon. member for North Toronto (Mr. Foster) as he did not hear it. I was asked by the hon. gentleman for Souris if I would not dismiss a postmaster who had been a candidate in the last election.

Mr. SCHAFFNER. No, a candidate for the next election, working now and conducting an active campaign.

Mr. LEMIEUX. I answered that by saying that I had been asked to dismiss a postmaster who was a member in the local legislature as an opponent of the Liberal government in Saskatchewan, and who was discussed in the last local election in Saskatchewan were mostly federal and I said I refused to dismiss him.

Mr. LEMIEUX.

Mr. BRADBURY. During the last campaign a circular letter was sent out by the government, as I understand, warning the government officials that they were supposed not to take any active part in the election. The hon. Postmaster General has said here to-night that he warned the officials of his department that any of them who took part against the government were subject to dismissal. How did the Postmaster General know during the election who would compose the government, how could he apply that doctrine? The leader of the opposition might have been administering the government and it is a very weak doctrine indeed that does not apply both ways. In my own county I have two or three specific cases of the interference of government officials, and I think perhaps that every member on this side could quote numbers of them. I have an Indian agent drawing $1,800 a year who locked his office and acted as an organizer for my opponent during the whole campaign. I have another gentleman, clerk of a large public work, drawing public money, who appeared on the platform on two or three different occasions, championing the cause of the government. I have the inspector of fish hatcheries in Selkirk, a member of the Liberal organization, who also took a very active part in the campaign. If I made a complaint from my place in the House with reference to these gentlemen, would they be treated in the same manner as the postmaster in Souris was treated? Surely what is sauce for the goose is sauce for the gander. However, I am not going to ask for the removal of these officials. The policy adopted by the government, viz.: To the victors belong the spoils, is good enough for me.

Mr. HUGHES. I think the best way to manage these things is the way we do in my county. I never complain with reference to all the government officials who are turned loose in my county, we welcome them, but if they are found far from their place of business they are warned that that is the last time they should be out in the way and that they should attend to the work of their offices. The people of the community will not tolerate any meddling by any official, Grit or Tory. It seems to be a growing custom on the part of some postmasters to consider mail matter passing through their offices during election times as their own personal property, to detain it and sometimes open it as occurred in my county many years ago. We got rid of the postmaster who offended in that way. The Postmaster General should have his inspectors impress on the postmasters the fact that they are public servants and not public masters. If he did that the country would be better served than it is to-day.

Mr. PERLEY. The minister said that when the member for York (Mr. Crocket) made a complaint regarding this man in New Brunswick, he investigated the complaint and found that the member for York (Mr. Crocket) had been misinformed. I would ask the Postmaster General whether when the hon. member for Brandon (Mr. Sifton) made a complaint regarding the postmaster at Souris, he made inquiries from that official to ascertain whether the member for Brandon had been misinformed, and if not, why he should have taken the word of the hon. member for Brandon (Mr. Sifton) more readily than the word of the hon. member for York (Mr. Crocket)?

Motion agreed to, and House went into Committee of Supply.

St. Lawrence ship canal, $800,000.

Mr. BRODEUR. This vote is to make provision for the work on the ship channel and for the maintenance of additional plant. The increase of $40,000 is for the construction of a new dredge and the operation of it.

Mr. SPROULE. We have a separate item for the construction of dredges, and this vote is for the ship channel.

Mr. BRODEUR. The hon. gentleman is right. This vote is only for the operation of the dredge.

Mr. PRICE. Are the operating expenses of this new dredge so much greater than those of the dredges used previously that you want $40,000 extra.

Mr. BRODEUR. It will not cost more to operate than the others.

Mr. PRICE. Will there be more dredges working this year than last year?

Mr. BRODEUR. There will be one more.

Mr. FOSTER. How many dredges in operation?

Mr. BRODEUR. Six elevator dredges, one hydraulic dredge, two suction hoppers, two inspection and sweeping tugs, and two stone elevators.

Mr. CROSBY. This work is all being done by the government and none is let by contract

Mr. BRODEUR. The work on the St. Lawrence ship channel is done by us.

Mr. HUGHES. Has the minister ever had any examination made as to the cost per cubic yard to the American government for dredging in different materials, say on the Panama canal, and can he compare the prices we pay with the prices paid by the United States government for similar work?

Mr. BRODEUR. I have never had a comparison made with the cost of the work on the Panama canal. The cost of our dredging is very low.

Mr. HUGHES. I will not admit that. We were able to show that the cost of dredging at Fort William and Port Arthur was very high, and since we agitated that matter the price has been reduced year after year. I do not know about the cost on the St. Lawrence ship canal but I do know that the cost of this work when done by the United States government is small compared with anything in Canada.

Mr. BRODEUR. I will give my hon. friend the work of each dredge grade.

The 'Laval' 19·55 cents.

Mr. SAM HUGHES. What depth?

Mr. BRODEUR. Thirty to thirty-five feet. 'The Laurier' 27 cents, the 'Lady Aberdeen,' 36 cents, 'No. 4,' 13 cents, 'No. 5', 21 cents, 'No. 6,' 8 cents 'No. 7,' 4 cents.

Mr. FOSTER. Is that a suction grade?

Mr. BRODEUR. 'No. 7' is a hydraulic dredge. It is worked in blue clay. 'No 6' is an elevator dredge. It worked in clay, stones and sand.

Mr. SAM HUGHES. Where is the material dumped?

Mr. BRODEUR. In the river.

Mr. SAM HUGHES. So it will have to be dredged out again

Mr. BRODEUR. No, in the St. Lawrence no filling has taken place except last year, in a very short space, near Chambly or Batiscan. There was on the bank of the river some sand which was caused, by the action of the ice in the spring, to flow down into the river, and some of it went into the channel itself, but it took only a few weeks to excavate the sand. Outside of that, the material in the St. Lawrence does not fill up again. Every spring we sweep the channel, and the report is that there is no filling at all. That is due to the fact that we have those upper lakes, which are reservoirs or basins, and the ordinary flow of the river does not cause a filling in, on account of those reservoirs, as in the case of other rivers or as would take place for example, in the Mississippi river.

Mr. FOSTER. How far away is the material dumped?

Mr. BRODEUR. This hydraulic dredge is equipped with tubes which carry it about half a mile.

Mr. J. D. REID. According to the statement of the minister, the highest price was 36 cents per yard. But there was little business done at Quebec when a contract was given to Mr Dussault for 75 cents per yard.

Mr. BRODEUR. Not by my department.

Mr. J. D. REID. That does not come under Public Works. I wish I had known that because I wanted to draw the attention of the minister to it. The facts in that case were that the Public Works Department let a contract for 75 cents a yard to a man who had not a dredge of any kind—and there was no dredge capable of doing the work except a government dredge on account of the great depth—get a contract from the Public Works Department at 75 cents and immediately sublet the contract to the government at 15 cents, so that all he had to do was to collect 60 cents a yard from the government. It was a little difficult to do but Mr. Dussault managed to do it to his entire satisfaction. I hope the minister will see that his own dredges do the work and not let it out to men who have no dredges of their own, and who will then sublet the work to his department at one-fifth the price.

Mr. SPROULE. In what locality is the dredging to be done this year.

Mr. BRODEUR. We are going to continue at Cap à la Roche, and at Lake St. Peter we are going to complete the widening of the channel to 450 feet in the straight part and 800 feet in the curves. We are going also to do some work between Varennes and Verchères, which will not be so extensive. It is for the purpose of reducing the curves. We will have work to do in the Montreal harbour, and the most important part will be at Cape à la Roche in order to complete the channel at 30 feet in extreme low water. Then the two suction dredges are going to work at St. Thomas flats below Quebec, where at the low extreme tide, there is only 22 or 23 feet of water.

Mr. FOSTER. What is the width at Cap à la Roche?

Mr. BRODEUR. It is 450 feet.

Mr. SPROULE. I make the inquiry I have done because of the statement made earlier in the session by the minister himself that he had succeeded in so improving that channel that boats drawing 29 and 30 feet of water could pass along it, night or day, almost as readily as in mid ocean. If the work has been made so complete, the question naturally arises, why do we need $800,000 to continue the work? I thought that below Quebec there might be places requiring improvements, but that between Quebec and Montreal, judging from the statement of the minister, nothing remained to be done. Another question is this: Does the hon. minister consider the harbour of Montreal part of the ship channel of Quebec?

Mr. BRODEUR. Under the law passed recently, the harbour of Montreal covers a certain space—a length of about twelve miles.

Mr. SPROULE. We placed at the disposal of the Harbour Commissioners so much money to improve the harbour. Does that enable them to do dredging and deepening of the harbour as well as building the breakwaters and docks needed? for, if so, no part of the present vote need go to provide for the harbour of Montreal, and so all would go, as it says, for the ship channel, which, I take it, is a different thing altogether from the harbour of Montreal.

Mr. BRODEUR. Yes, and so stated in the law. That part of the river extending from Montreal to the end of Longue Pointe, for a width of three or four hundred feet, which is dredged to the depth of 30 feet, is properly a part of the St. Lawrence ship channel and is part of the work carried on by the department under this vote.

Mr. SPROULE. The Harbour Commissioners have no power to do work there?

Mr. BRODEUR. No. The harbour covers about twelve miles of shore, and outside of that there is the channel through which all boats pass and in which we are doing the work.

Mr. HUGHES. What method of inspection is the minister employing in this dredging to see that the number of cubic yards returned have been actually done? We have shown pretty conclusively, I think, that in Port Arthur and in the Midland region there is no system of inspection, but the barges often go off with so much water only. Another point is this: I think it would pay the minister to send one of his able officials—he has a number of them in his department—to see how the work is done on the Panama canal. I think that they are doing rock work there cheaper than we are doing work in sand or clay. It seems to me that the mode of dredging on the St. Lawrence is extremely expensive.

Mr. BRODEUR. The part we are excavating is rock and is necessarily expensive. I have not here the figures showing the cost in the Panama canal. But I shall be glad to make inquiries as to that point. I think that on the Panama canal they are working in the water.

Mr. HUGHES. Part of the way in water.

Mr. BRODEUR. But I understand that most of the work is on the land, and it is not nearly so difficult excavating on land as in the river.

Mr. FOSTER. What is the minister aiming at in the present work—what width and what depth—from Montreal to Quebec?

Mr. BRODEUR. We have a depth of 30 feet at extreme low water from Montreal to Cap à la Roche, with a width of 450 feet in the straight part of the channel and 600 feet in the curves. Besides that, we have anchorages.

Mr. FOSTER. Does the hon. minister propose to go deeper than 30 feet, or wider than 450 feet and 800 feet in the straight parts and curves respectively?

Mr. BRODEUR. We have not considered yet the advisability of making the channel wider than it is either in straight parts or in the curves. As to deepening, I may inform the committee that when dredge 'No. 8' had almost finished its work on Lake St. Peter, they began to dredge to 35 feet. In view of the vessels that are coming to the St. Lawrence, we should certainly have to go deeper than 30 feet. My idea is that when we are through with work at 30 feet, we should go on and get a depth of 35 feet.

Mr. FOSTER. That is the point I am leading up to. How much more is there necessary to do to get down to 30 feet?

Mr. BRODEUR. At Cap à la Roche, we have 27½ feet at extreme low water, and we are making 30 feet there.

Mr. FOSTER. What length of section is that? It seems to me we have been stuck at Cap à la Roche for a long time.

Mr. BRODEUR. I cannot say exactly how much is left to be done.

Mr. FOSTER. Perhaps the minister can give it approximately?

Mr. BRODEUR. Perhaps five miles. But the work is far advanced, and we expect to finish it next year. When that is done, we should have 30 feet at extreme low water from Montreal to Quebec.

Mr. PRICE. Is there anything in these estimates for dredging St. Thomas flats and below?

Mr. BRODEUR. Yes.

Mr. PRICE. Does the St. Lawrence channel include that?

Mr. BRODEUR. Yes, the St. Lawrence channel includes to the sea. We are working at St. Thomas flats to make a depth at extreme low water of 30 feet.

Mr. PRICE. Will that be finished this year?

Mr. BRODEUR. No, it will take two years, I am informed.

Mr. CROSBY. I desire to say something on the ship-building matter which I mentioned the other night, but which I did not discuss at length, as I did not wish then to detain the House at length. I suppose there will be an item before the committee that will afford an opportunity to deal with that?

Mr. BRODEUR. Yes.

Mr. FOSTER. Has the minister a division of that $800,000 for repairs, wages and coal? For instance, give me the total for repairs.

Mr. BRODEUR. About $100,000, total for repairs of dredges last year.

Mr. PRICE. That seems to me absolutely ridiculous.

Mr. FOSTER. What are the wages, coal and supplies?

Mr. BRODEUR. Coal, $125,000; wages, $136,000; board, $50,000; repairs, $122,000.

Mr. FOSTER. By board you mean food supplies?

Mr. BRODEUR. Yes.

Mr. PRICE. That means $13,500 per dredge. It is absolutely ridiculous. Surely there must be some mistake. I guarantee that no contractor would have to pay that; the government may, but no private individual would pay that, he would look too sharply after his own interests.

Mr. BRODEUR. We do the repairs ourselves, and I think the wages we are paying our men are no higher than the hon. gentleman himself is paying for ordinary repairs.

Mr. FOSTER. That only amounts to $433,000.

Mr. BRODEUR. Stores and materials, $58,000, that is, supplies for the dredges.

Mr. FOSTER. The supplies are comprised in the $50,000 for board, are they not?

Mr. BRODEUR. Everything which pertains to the equipment of the dredge outside of the fuel. The board is simply what is paid for the men. The repairs are a separate item. Then the expenditure for new plant and rebuilding the shipyard is $103,000.

Mr. FOSTER. How much for the new plant?

Mr. BRODEUR. Boiler shop, new tools and machinery, $1,375; machine shop, new tools and machinery, $4,655; sawmill, new tools and machinery, $3,936; pipe and asbestos shop, new tools and machinery, $1,409; carpenter's shop, $73; air and steam plant, $669; telephone installation, $1,020; ship way winch and diving outfit, $5,144; spare floats and scow, $2,301; shipyard, railways, $673; alteration to offices, $2,802; store shed No. 5, $908; wharf No. 4, $22,873; building No. 18, $15,347; building No. 19, patterns, $5,977.

Mr. FOSTER. Where was the new wharf built?

Mr. BRODEUR. At Sorel.

Mr. FOSTER. The old wharf fell down, did it not?

Mr. BRODEUR. Not that wharf. The wharf the hon. gentleman alludes to was on the southern side of the river. This is on the north side.

Mr. FOSTER. The expenditure on the new plant, the wharf building and the store shed amounts to $103,000.

Mr. BRODEUR. Yes. The proportion of general office expenses, $29,700.

Mr. FOSTER. What does that mean?

Mr. BRODEUR. We have an office there which controls the work in our yard, that is the work of our engineers and inspection.

Mr. FOSTER. They are engineers from Ottawa?

Mr. BRODEUR. No, the engineers are on the ship channel.

Mr. FOSTER. You have engineers here and you pay a portion of their expenses out of your ship channel vote. Why do you call that a proportion of office expenses?

Mr. BRODEUR. These officers are in Sorel and are working on the St. Lawrence ship channel.

Mr. FOSTER. Well, then, they have their office expenses there. Why do you call it a proportion of office expenses?

Mr. BRODEUR. There are other expenses in that office which have to be apportioned to other works. We are not simply repairing ships at Sorel for the St. Lawrence ship channel but we are also doing other work.

Mr. FOSTER. What other work?

Mr. BRODEUR. We have built two vessels this year, one for the lower part of the St. Lawrence.

Mr. FOSTER. That would be ship channel work?

Mr. BRODEUR. No, it would not be ship channel work. This ship is for the buoy or lighthouse service, which is not charged to this vote but which is paid for out of some other vote.

Mr. FOSTER. This is the proportion of the office expenses that go to the ship channel?

Mr. BRODEUR. Yes.

Mr. FOSTER. Well that is $29,000.

Mr. BRODEUR. Now, the expenditure of each vessel I have given has been $522,000. Then for stone lifter service there is $5,453.43.

Mr. FOSTER. The minister cannot mean $522,000 for each vessel?

Mr. BRODEUR. For all the vessels.

Mr. FOSTER. Repairs cost $122,000, wages, $136,000, coal, $125,000, supplies, $50,000, that makes $433,000. Then there is, for working stores, $58,000 and plant, wharfs, and buildings $103,000. That brings it up to $594,000. Now the proportion of office expenses is $29,000. We have now got up to $623,000. I want to know where the rest of the $800,000 ought to go.

Mr. BRODEUR. Tug service, inspection, towing and sweeping of the channel, $42,000.

Mr. FOSTER. There is is $135,000 to be accounted for yet.

Mr. BRODEUR. The expenditure for the stone lifter service and tug service was $92,000. Towing and sweeping cost $42,000.

Mr. PRICE. How many tugs?

Mr. BRODEUR. Fourteen.

Mr. FOSTER. Fourteen tugs at a cost of $92,000? That is about $7,000 each.

Mr. PRICE. $92,000 includes the running expenses?

Mr. BRODEUR. Yes.

Mr. PRICE. Are they large or small tugs?

Mr. BRODEUR. They are fairly large.

Mr. PRICE. How many would form the crew of a tug?

Mr. BRODEUR. Sixteen on a small one and 44 on a large one.

Mr. PRICE. Well, they must be huge tugs. I have a large tug and I never put more than 11 men on it. It takes a government tug to require sixteen men.

Mr. BRODEUR. You must not forget that these tugs are working day and night, so that I have a less number of men than my hon. friend, because, while he has 11 working during the daytime only, I have 16 working day and night.

Mr. FOSTER. Does that mean that 8 would form a shift?

Mr. BRODEUR. Yes.

Mr. FOSTER. Well, there is $43,000 more to account for.

Mr. BRODEUR. What amount is my hon. friend trying to make up?

Mr. FOSTER. I am trying to make up the $800,000.

Mr. BRODEUR. I am giving the expenditure of last year and there is an extra dredge which will cost $40,000.

Mr. FOSTER. You judge that the extra dredge is going to cost $40,000?

Mr. BRODEUR. Yes.

Purchase of yard property at Sorel (re-vote), $30,000.

Mr. PRICE. Will the minister explain this?

Mr. BRODEUR. We have at Sorel near our property a piece of property which does not belong to us. It belongs to the estate McCarthy. We have been trying to purchase that part of the property because I am afraid the more we delay the more we will have to pay. My deputy minister has been in negotiation with the estate McCarthy in an effort to settle the matter, but we have not been able to reach a settlement and this sum is to provide for the purchase of this piece of land.

Mr. FOSTER. Who is the chief boss of the ship channel part of the work?

Mr. BRODEUR. Mr. Cowie had charge of the work of the channel proper and Mr. Desbarats of the ship-yard at Sorel. Since Mr. Cowie entered the service of the Montreal Harbour Commission, Mr. Forncret has had charge of the channel proper, and since Mr. Desbarats has been transferred to Ottawa. Mr. Papineau has been in charge at Sorel.

Mr. FOSTER. What experience has Mr. Papineau?

Mr. BRODEUR. He has been in the public service for about 30 years. He was in the Railways and Canals Department and Department of Public Works. With the consent of the Minister of Public Works he has been transferred to that branch of the service of the Marine Department.

Mr. FOSTER. How old is he?

Mr. BRODEUR. A little over 50.

Completion and construction of dredging plant, River St. Lawrence, from Montreal to Father Point, $250,000.

Mr. FOSTER. What is the minister going to do with that?

Mr. BRODEUR. To provide one steel elevator rock dredge which will cost, it is estimated $200,000; an additional spoon dredge for Cap à la Roche to cost $175,000; another dredge of the same character $125,000; and a new stone elevator, $150,000. This amount of $250,000 is to complete the construction of these dredges.

Mr. PRICE. Where are they being built?

Mr. BRODEUR. At Sorel.

Mr. PRICE. Has the government asked for tenders to see what these dredges could be built for outside the government yard?

Mr. BRODEUR. We prefer to make them ourselves under our own control.

Mr. PRICE. I understand that, but I am not sure that the country would if they knew the enormous expenditure that is being made; I doubt very much if they would. This extravagant expenditure must end some time, it cannot go on forever.

Mr. BRODEUR. I think my hon. friend is somewhat astray in stating that this is an extravagant expenditure.

Mr. PRICE. Not in the least.

Mr. BRODEUR. On the contrary, I think that no money has been so well invested as the money invested in the deepening and improving of the St. Lawrence ship channel.

Mr. PRICE. I am not saying that the money spent in improving the St. Lawrence ship channel has not been well invested, but I do say that the cost of dredges is too great, the cost of repairs is too great. and is thoroughly unbusinesslike. I do not hesitate to say that.

Mr. A. K. MACLEAN. Would the hon. member give the committee some reason for saying that? The hon. member from Quebec has repeated several times that the cost of repairs on these 14 tow boats and 9 dredges, amounting to $120,000, is excessive. If he speaks from experience or knowledge, let us have it.

Mr. PRICE. I may say that I know something about running tugs. I do not know much about dredges. I have seen these government dredges on the Saguenay day in and day out doing nothing because repairs were being made to them. I know how these repairs are made. The work is done so badly that they break down the next day.

Mr. CROSBY. Why should all these dredges be built at Sorel? Could they not be built at Halifax?

Mr. BRODEUR. We have not the equipment at Halifax to make these dredges, but at Sorel we have a staff of men who have been doing that work for many years, some of them for 30 or 40 years. The construction of dredges is not a simple matter and they must be made of strong material. This dredge for rock excavation, for instance, must be very strongly made and my hon. friend will realize that if it is made by experienced men with material which we control ourselves we are sure to have better service than we will obtain by calling for tenders. I am satisfied that

in that way we make the dredges much more cheaply, despite the statement of the hon. member for Quebec West (Mr. Price), in which I am not able to agree because I think I have already shown him with regard to the tugs that we employ fewer men than he does.

Mr. PRICE. I do not think you proved that.

Mr. CROSBY. The minister has an appropriation here for the purchase of more property in Sorel. He knows very well that the imperial dockyards in Halifax have been handed over to this government and that they have sufficient property there to build a dozen dredges. Not a third of that property is in use. Why should we acquire more property in Sorel when we have this property lying idle in Halifax? I do not object to building some of the boats and dredges in Sorel but why not build some in Halifax, even if you have to take some men down there from Sorel.

Mr. FOSTER. It is a dangerous place to send them to Halifax.

Mr. BRODEUR. Expensive.

Mr. CROSBY. If my hon. friend is going to talk about the expense I will have to say something, because, while I believe it is in the interest of this country that the St. Lawrence channel should be dredged and kept in good condition, to 40 feet or 50 feet if necessary, at the same time care should be taken as to the manner in which we spend the money used in that work. I have heard enough evidence in the Public Accounts Committee to make me very suspicious as to the manner in which dredging is done in the St. Lawrence. You have every convenience at Halifax for the building of these dredges. If you sent down trained men our workmen in Halifax could soon learn how to carry on this work, and it would be a relief to have more than one place for the construction of these dredges. You should have two strings to your bow.

Mr. FOSTER. What is the lifetime of an elevator dredge?

Mr. BRODEUR. Our oldest dredge was built in 1886.

Mr. FOSTER. When you get this channel done what will you do with all these dredges?

Mr. BRODEUR. When we have deepened to 30 feet, then, as suggested by my hon. friend from Halifax (Mr. Crosby), we may have to go to 35 feet. With the improvement of the St. Lawrence trade I do not know when we will be able to stop.

Amount required for piers in Lake St. Peter and other places in the ship channel, River St. Lawrence, $90,000.

Mr. BRODEUR.

Mr. BRODEUR. A new pier is to be constructed at Pointe du Lac and also we expect that progress will be made with the new pier at the Lower Traverse. These piers are built with concrete. The pier at Lower Traverse has been asked for many years by the shipping federation. This is probably the most dangerous part of the channel and as the current is strong it is almost impossible to locate a light ship there.

Mr. PRICE. What happened to the pier you had there before?

Mr. BRODEUR. It was carried off by the ice. Colonel Anderson advises me that if the new pier is built outside of the former site there will be no danger.

Mr. FOSTER. What is the pier for?

Mr. BRODEUR. A light will be erected on it.

Mr. FOSTER. Did not the former pier go to pieces because the concrete was bad?

Mr. BRODEUR. I cannot say as to that.

Mr. FOSTER. You mean you don't like to say that? I will tell you how it occurs: The minister gets his engineer to draw the plan and after he does that something else comes in, you give a contract for the work and then you appoint an overseer and the overseer's appointment is a matter of patronage and you consequently get an incompetent overseer and bad concrete is put in, and in a year or so the whole thing goes. Does the minister think that is the reason that this work gives way?

Mr. BRODEUR. No. I have two cases in mind where the piers were carried away, and where they were erected by the engineer and supervised by the officers of the department.

Mr. FOSTER. Yes, but under your patronage system the superviser is not appointed by the engineer, but by the member for the county.

Mr. BRODEUR. Not in cases where we do the work ourselves.

Mr. JAMESON. How long was this pier standing before it was carried away, and was an investigation made as to the cause?

Mr. BRODEUR Col. Anderson reported on these two piers that were carried away. In the Sorel case the soil was bad and the huge mass of ice pressing against it caused the accident. The pier was standing for three or four years.

Mr. FOSTER. Was not one of them carried away 18 months after it was built?

Mr. BRODEUR. Yes. I could show my hon. friend photographs which would en-

able him to see the immense mass of ice that presses against these piers.

Salaries and allowances to lightkeepers, $300,000.

Mr. PRICE. Why this increase of $40,000?

Mr. BRODEUR. I have classified all these light houses and this is to give the men a small increase.

Mr. HUGHES. What is the basis of classification?

Mr. BRODEUR. The amount of work to be done, the extent of the machinery to be attended to, and the inacessibility of the light houses. For instance the Bird Rock lighthouses are in a special class.

Mr. FOSTER. Who makes the classification?

Mr. BRODEUR. The chief engineer.

Mr. FOSTER. What do you pay the Bird Rock man?

Mr. BRODEUR. If there is a fog alarm and special machinery we give them as high as $1,400.

Agencies, rents and contingencies—lighthouse and coast service, $33,000.

Mr. PRICE. What is the salary paid Captain Johnson?

Mr. BRODEUR. $1,500.

Mr. PRICE. Has he had an increase lately?

Mr. BRODEUR. No.

Mr. PRICE. Has he paid back the money he got from the 'Hestia?'

Mr. BRODEUR. No, I am advised that he and the crew are entitled to it.

Mr. CROSBY. I would ask the minister to bring down the papers. Did not his department ask the money back?

Mr. BRODEUR. Yes, but when we wanted to take action we were advised by the Department of Justice that we had no right to recover. I will bring down the papers.

Mr. CROSBY. When did you get that advice?

Mr. BRODEUR. Some two months ago.

Mr. PRICE. In his report, Mr. Justice Cassels said that the money should be returned, and it seems rather strange that Mr. Justice Cassels, who is Chief Admiralty Judge, should decide that the money should be returned, and then that the Department of Justice should give a contrary ruling.

Mr. FOSTER. Captain Johnson said he would not give it back.

Mr. BRODEUR. It is a question of law, on which there may be differences of opinion. The law provides that the master and crew of every vessel which saves another vessel are entitled to salvage. Then comes the question whether our vessels should not be under the same rule.

Mr. PRICE. Was not our vessel a cruiser?

Mr. BRODEUR. No.

Mr. CROSBY. If the minister states that any vessel on the high seas, which does any towing, should get that money and that money be divided among the captain and the crew, he is stating what is absurd.

Mr. BRODEUR. I never said that.

Mr. CROSBY. If the minister will bring down the papers we shall have an opportunity of dealing with the matter.

Mr. LENNOX. Do I understand the minister to say that at one time he thought he had the right to get the money back?

Mr. BRODEUR. Yes, so I was advised by the officers of my department. But when we came to take action to recover we were advised by the Department of Justice that the action would not hold.

Mr. LENNOX. But the minister thought he ought to get the money back and took some steps to get it back.

Mr. BRODEUR. Yes, and they refused to give it back.

Mr. LENNOX. As a matter of law, he thinks now he could not get it back, and that is why he did not take action.

Mr. BRODEUR. Yes.

Mr. LENNOX. If the minister thinks that, as a matter of right, he ought to have the money back and was only prevented by a legal technicality, why does he not dismiss that officer who will not do what is right?

Mr. A. K. MACLEAN. Mr. Chairman——

Mr. LENNOX. I insist on having a reply from the minister.

Mr. DEPUTY SPEAKER. If the hon. gentleman has concluded his remarks, it is open to any one to address the Chair.

Mr. LENNOX. Will the minister answer the question?

Mr. A. K. MACLEAN. Before he does, I would like to say a word or two. The hon. gentleman inquires why the department does not take steps to recover the money from Captain Johnson or dismiss him. But there is no money to be got back from Captain Johnson. He never held one cent in connection with the 'Hestia' which the department could get back. The finding of Mr. Justice Cassels was clearly in error.

Mr. PRICE. Who says it was in error?

Mr. A. K. MACLEAN. I do. The steamer 'Hestia' was overtaken by the Dominion government steamer, the 'Lady Laurier,' and towed to Shelburne Roads. That was all the service performed by the government steamer. The 'Hestia's' agents made application for the services of the 'Lady Laurier' to tow her to Halifax, but the Halifax Towboat Association objected to the intervention of a government boat. In the meantime the agent of the Department of Marine and Fisheries at Halifax agreed—at least Mr. Justice Cassels so found and in that respect he was correct—that if the 'Lady Laurier' should go to Shelburne and tow the 'Hestia' to Halifax, the government should receive $400 per day; but the evidence clearly shows that the 'Lady Laurier' never assisted in the towing, never performed the contract, and consequently did not earn one cent. There was no excuse for the findings of Mr. Justice Cassels in that respect, because many witnesses, who were competent to give accurate testimony, showed that, while there had been possibly a contract, that contract was never perperformed and no service rendered. And, you will find in the printed evidence that Mr. Justice Cassels acknowledges that his idea of the facts in this respect were at one stage of the proceedings in error. Consequently, the 'Hestia' or the agents of the 'Hestia' never were indebted to the Dominion government for services rendered under the contract by the steamer 'Lady Laurier' and therefore no money was due by Captain Johnson to the government.

Mr. CROSBY. Why did Captain Johnson make this claim?

Mr. A. K. MACLEAN. It is true that, at a certain stage, Captain Johnson insisted on behalf of himself and crew that a claim for salvage should be made. But the government, I think, objected to Captain Johnson taking any action. Later on; the equivalent of $1,000 was transmitted from some underwriter's association of Liverpool to Cunard & Company, Halifax and by them distributed to the captain and crew, $500 to Captain Johnson, $250 to the officers and $250 to the crew, with direction by the underwriters' association referred to that this presentation should be made publicly, unless Captain Johnson and the officers and crew objected.

Mr. PRICE. Had he a right to claim that?

Mr. A. K. MACLEAN. Yes.

Mr. LENNOX. If the minister (Mr. Brodeur) is desirous of getting his estimates through—and I assume he is—I do not think it is unreasonable, when I ask him a question in a civil way to expect that he should answer it. And I do not think it facilitates the business for the minister to put up some one else to draw the discussion away from the point it has reached. Either the minister is competent to answer the question asked by the committee or he is not. If he is not, it may be all right for the hon. member (Mr. A. K. Maclean) who has just spoken to come to the rescue and wander off into a speech utterly irrelevant.

Mr. A. K. MACLEAN. The question is, was I correct?

Mr. LENNOX. The minister, I suppose, was groping in the dark when he determined to have this money recovered. I assume—and I have a right to assume—that he knew something of the affairs of his department. With his knowledge of the facts, he came to the conclusion that the people had a right to this money. Can he say now that he knows of any facts that teach him that they have not a right to that money? I do not care anything about the arguments of the hon. member for Lunenburg (Mr. A. K. Maclean). The minister came to the conclusion that the people had a right to that money. He has not intimated that he has changed his mind, but says that technically he finds he cannot recover it as a matter of law. If he has a right to it and his officer will not give it back the officer is dishonest and the minister has no right to keep him in the service of the people. What I ask is why the minister, having that power, did not dismiss that officer or insist that he do what is honest by the people? I think that I have a right to press for an answer, and I do not think it is treating the committee fairly for any hon. gentleman, however prominent in the party, however useful—and the hon. member has been very useful at times in blocking inquiry—to be told to 'get up now' as the hon. member for Lunenburg was told in a voice that could be heard on this side, while the minister kept his seat.

Mr. FIELDING. I take exception to the assumption of right on the part of the hon. member (Mr. Lennox) to stand up here and say, 'I insist on the minister answering that question.' It was to that I took exception. The hon. member for Lunenburg (Mr. A. K. Maclean) has the same right to address the House as has the hon. member for South Simcoe. That may seem an extraordinary proposition to advance, but I humbly and respectfully do advance it. And when the hon. member for Lunenburg desired to speak, it was objectionable for the hon. gentleman (Mr. Lennox) to say 'I insist on the minister answering.'

Mr. LENNOX. There are occasions when other people become arbitrary as well as the member for South Simcoe (Mr. Lennox). If there is one hon. member of this House who gave a signal exhibition of arbitrary conduct—and I am sorry I have to remind hon. gentleman of the fact—it was the hon.

Minister of Finance (Mr. Fielding), when, last session, he dealt with the rights of members of this committee and told us that our rights on this side were just what he saw fit to give us—that the minority had no rights except what he, controlling the majority, saw fit to concede. I said, very respectfully, that I desired an answer. I did not say 'I insist.'

Mr. FIELDING. I beg the hon. member's pardon; he did say, 'I insist.'

Mr. LENNOX. Then, I will not contradict the hon. gentleman (Mr. Fielding). I think that every hon. member of this committee has a right to insist. He has to represent the people, and has as good a right to insist, and it as much his duty to insist at the right time as it is for him to attend in his place here at the opening of the sittings of the House. I have nothing to retract, no apologies to offer for the attitude I take. Though the Minister of Finance may say that I acted in a domineering way or something of that kind, I stand in the judgment of members of this committee, whether on the right or on the left of the Chair, as to whether I did anything other than my duty as a member of this House. Therefore, I do not feel as badly as I might be supposed to feel even under the castigation of the Minister of Finance.

Mr. FIELDING. I thought it was very mild.

Mr. LENNOX. The hon. minister is always mild, except when he gets excited; but when he gets excited, I am sorry to say he loses the judgment which usually characterizes him, and he loses the sense of proportion, as he did significantly on the occasion to which I have referred.

Mr. CROSBY. I would like to ask the member for Lunenburg, with your permission, Mr. Chairman, two questions. Where did he get the information that S. Cunard and Company had divided $1,000 between the captain, officers and crew——

Some hon. MEMBERS. Louder.

Mr. CROSBY. I will put it loud enough for you. Where did you get the information——

Some hon. MEMBERS. Order.

Mr. DEPUTY SPEAKER. The hon. member (Mr. Crosby) must not address himself directly to a member of the committee.

Mr. CROSBY. I addressed the Chair when I got up.

Mr. DEPUTY SPEAKER. The hon. member has been repeatedly out of order in saying 'you' to members of the House. The hon. member must always address the Chair, and speak of other members in the third person.

Mr. CROSBY. I want to ask the hon. member for Lunenburg——

Mr. A. K. MACLEAN. Do not be angry about it.

Mr. CROSBY. I think that is the way I spoke when I rose before—I want to ask the hon. member if he will tell me how he got the information that Cunard and Company had distributed $1,000 among the crew of the 'Lady Laurier?'

Mr. A. K. MACLEAN. Do you want an answer now?

Mr. CROSBY. Right now.

Mr. A. K. MACLEAN. I got it from the evidence given before Mr. Justice Cassels and it was given by Mr. W. A. Black, of Pickford & Black, Halifax.

Mr. CROSBY. He said that——

Mr. A. K. MACLEAN. I gave you my answer.

Mr. CROSBY. Then, how much money did the crew of the vessel get—how did they get it?

Mr. A. K. MACLEAN. They got $250 out of the $1,000.

Mr. CROSBY. I am asking the hon. member for Lunenburg how much money Captain Johnson got, because I do not think the evidence shows that anybody else got it.

Mr. A. K. MACLEAN. I told the hon. gentleman once before that Captain Johnson received $500, and the evidence proves that.

Mr. CROSBY. I read the evidence over, and I never saw anything like that. I want to ask the member for Lunenburg now: Did not Mr. Black state that he gave $500 to Captain Johnson?

Mr. A. K. MACLEAN. It is true that a sum of $1,800 was disbursed altogether, but $1,000 of it came from the Underwriters Association in England. A hawser belonging to the 'Lady Laurier' was destroyed while towing the vessel from the ocean into Shelburne roads, where she was beached, and Pickford & Black refunded the cost of it. They paid the crew of the 'Lady Laurier' certain wages for services performed.

Mr. CROSBY. Will the hon. gentleman tell us how much Pickford & Black paid to the Marine and Fisheries Department?

Mr. A. K. MACLEAN. Nothing.

Mr. CROSBY. Will the hon. member tell me how Captain Johnson came to keep

the $400 that he got from Mr. Beazley for taking the 'Aberdeen' from Halifax down to the ' Mount Temple '?

Mr. A. K. MACLEAN. I never heard of Captain Johnson taking the 'Aberdeen' down to the ' Mount Temple,' and I do not believe he did.

Mr. CROSBY. I made a mistake, it was the 'Lady Laurier' that he took down to the ' Mount Temple.'

Mr. A. K. MACLEAN. I never understood that Captain Johnson was paid any money for taking the 'Lady Laurier' down to the ' Mount Temple.' The 'Lady Laurier' went to the rescue of the 'Mount Temple', a Canadian Pacific Railway boat, which went ashore in my own constituency. I remember the occasion when I read the news in a morning paper, on my way to the House of Commons, that one of the first things I did was to go to the Marine and Fisheries Department and request that any of the government boats near that vicinity should be sent to the rescue of that boat and the 700 or 800 people who were on board.

Mr. CROSBY. When Captain Johnson got $400 from Mr. Beazley, did he have a right to retain that money, seeing that it was money paid to Captain Johnson for going down to the ' Mount Temple '?

Mr. A. K. MACLEAN. I understand that Captain Johnson claims that that $400 paid was for another service altogether.

Mr. CROSBY. The hon. gentleman does not seem to know. I say that Pickford & Black paid $1,500 to Captain Johnson.

Mr. A. K. MACLEAN. You have no authority for that.

Mr. CROSBY. If the member for Lunenburg will produce the evidence from the Cassel's report, I will apologize.

Mr. A. K. MACLEAN. I do not carry these five or six volumes of evidence of the Cassel's inquiry in my pocket, but I will make it my business to-morrow morning to show the hon. gentleman the evidence that will show my statement is correct.

Mr. CROSBY. And, while he is at it, will he keep in his mind that $400?

Mr. LENNOX. Now I would ask the minister if he will be good enough to reply?

Mr. BRODEUR. I may say that this matter of the ' Hestia ' is somewhat complicated Some two years ago when the case happened, it was brought to my attention by the officers of the department, who thought we were entitled to claim the amount of money which had been paid to Captain Johnson as a reward for salvage; $500 for him, $250 for the crew, and $250 for the officers. They thought also that we had a claim against the owners of the vessel for the use of the government ship, the 'Lady Laurier,' and I immediately gave instructions to make a claim against the owners of the vessel. They answered us that we had no claim against them; they said that government vessels generally were not in the habit of making any claim of that sort, and that it was contrary to all the rules in England for government vessels to claim any money for salvage. Now with regard to the salvage paid to the officers and crew, I thought at first we might have a right to claim that money back from them. I would ask my hon. friend, who is a lawyer of experience, whether there is not a very serious doubt as to whether we can claim from a master of a government vessel that he should deposit in the treasury a sum of money which he has received as salvage. My hon. friend will realize himself that there is a great deal of doubt about it. Perhaps I gave too hasty an opinion on that question, perhaps the officers upon whose advice I was acting were in error in stating that we had a claim for reimbursement of the money. That money did not belong to the country, that money belonged to somebody else, it belonged to the ship's crew, and it was a question whether the crew were entitled to it. I must inform the committee that since then we have given positive instructions that in future nobody shall make any such claim. In the past the policy of the department has been somewhat indefinite on that question. In some cases the money was claimed by the officers through the department, in some other cases it was claimed directly by officers of the department. Captain Johnson was of the opinion that as master of the vessel he was guided by the ordinary rules of the Merchants' Shipping Act, and was entitled to get that salvage. At all events, the main question is as to the reimbursement of the money, I think it is not free from doubt. I think my hon. friend would admit with me that if we were taking action against him we could not succeed. My hon. friend says, Why don't you dismiss him? Well, is it even a technical offence? Here are men who, in the ordinary discharge of their duties, claim that they are entitled, under the Merchant's Shipping Act, to a sum of money. The only thing that they might have done perhaps, would have been to have transmitted the claim through the department. The owners of the 'Hestia' simply handed over the reward to that man. I do not think we have a claim against him for the reimbursement of that money and I think my hon. friend will agree with me in that respect. There was at least such an element of doubt that it would not have been worth while to have made such a claim. It was a question as to the interpretation of a statute. When an officer is claiming from us a thing which he is entitled to, and

when there is a serious element of doubt in our contention, I am sure my hon. friend will agree with me that it is not sufficient reason for dismissing him.

Mr. DANIEL. Would the minister state that he really thinks that the government vessels belong to the Merchant Marine and that masters of government vessels are under the Merchants' Shipping Act? While I do not profess to know very much about those things from a legal point of view, it is, to my mind, a most outrageous claim. The only claims that I ever heard of government vessels making were for prize-money in case of war where vessels were captured. For captains of government vessels who are sent under the orders of the department to claim prize money or salvage is something that I never heard of. I would like the minister to state whether the government vessels are considered merchant vessels or whether they are not. The whole case, it appears to me, rests exactly on that point.

Mr. BRODEUR. My hon. friend is probably aware that government ships are liable to be registered as any other ship under the Merchants' Shipping Act. I am afraid that perhaps I did not convey to my hon. friend the exact idea that was in my mind. We have no intention to claim salvage for the use of government vessels, but we will follow the course which is followed in England where government vessels never claim salvage when they go to the rescue of another vessel. That is the policy I have adopted. With regard to the question as to the men themselves the policy we are going to follow in future is this: Let the men apprise the department if they think they should be entitled in the ordinary course of business to salvage and that claim will be forwarded through the department. That is the rule that is being followed in England. Not only lighthouse and ordinary vessels under the control of the board of trade but war vessels themselves, when they are used for that special purpose—and one of the purposes they have in view is to protect trade—never claim any thing for the use of the vessels themselves in going to the relief of a merchant ship but they allow their officers and crew to claim salvage. We are going to follow the same rule in this country.

Mr. CROSBY. Do I understand the minister to say that about two months ago the Department of Justice decided that they had no right to collect this money from Captain Johnson?

Mr. BRODEUR. Since the report was brought down.

Mr. CROSBY. I understand the Department of Marine and Fisheries demanded $1,900 previous to that from Captain Johnson?

Mr. BRODEUR. No, of the $1,000 which was received $500 was given to him.

Mr. A. K. MACLEAN. I think it was more than that.

Mr. CROSBY. I am dealing with the $1,900 which the Department of Marine and Fisheries demanded from Captain Johnson. I want to ask the minister if Captain Johnson was not elevated from the position of Captain of the 'Lady Laurier' to be superintendent of lighthouses after they had made that demand upon him?

Mr. BRODEUR. Yes. Captain Johnson is a good officer, a man of wide experience who has given general satisfaction to the department. He had this difference of opinion, which I have just explained, with the department as to whether this money should be given or not. But that is no reason for dismissing him. We do not want to exercise any dictatorial powers.

Mr. HUGHES. You dismissed a postmaster for nothing.

Mr. BRODEUR. We want to give justice to every man. Captain Johnson was a very good officer, he was appointed superintendent of lights and he is discharging his duties in a way that is a credit to him and to the department.

Mr. CROSBY. While the department had demanded the return of the $1,900 and while he had told the department that he would not pay it he was elevated to the position of superintendent of lights.

Mr. BRODEUR. I say that I was right in doing it. I do not think my hon. friend is fair to Captain Johnson. He is a capable and deserving officer and because a man has a difference of opinion with his department, that is no reason why we should dismiss him. We must be guided by the principle of justice and fair play and that is the way I have been discharging my duty in regard to Mr. Johnson.

Mr. MACDONALD. I might add to the statement of the minister the fact the Captain Johnson had a perfect right to receive that money. It has been laid down as a matter of common law for the last five hundred years in England that the masters and officers of the vessels of His Majesty's navy are entitled to recover salvage from the vessels which they gave assistance to. That principle has been recognized in the matter of common law and practice right through the history of England. Some question was raised and the moment it was looked into it was seen that Captain Johnson was perfectly right.

Mr. MADDIN. It may be right that in common law and for 500 years past captains and masters of British vessels of war had the right to claim salvage, but it was

at a time when Captain Drake was on the high seas and when most of the English admirals were nothing more or less than buccaneers. At that time they could hold up vessels and levy toll, they could go beyond their ordinary routes, could bring about salvage and claim salvage, but within the last 50 years I am doubtful if the hon. member for Pictou could cite from the reported cases of the admiralty courts in England a single instance in which a government-owned ship, a ship of war, a battle ship or a cruiser has either laid claim to or has been paid salvage.

Mr. A. K. MACLEAN. The Dominion government steamer 'Neufield' in 1886 received salvage money. By order in council the government paid the captain of the steamer and Mr. Johnston, who was superintendent of lights in Nova Scotia, $500, although Mr. Johnston had performed no service in connection with the salvage.

Mr. MADDIN. That is not such a case as I referred to. The hon. member referred to the practice at common law in the old country and I doubt if there is an instance. The member for Lunenburg (Mr. A. K. Maclean) cites an instance in which by order in council a sum of money was paid. I have no doubt this government would be willing to pass an order in council and reward the officers of the 'Lady Laurier' had they been deserving of anything of the kind, but instead of appreciating that they were entitled to salvage and their claim legitimate a demand was made on Captain Johnson to pay over this money to the government. The Minister of Marine made a demand for this sum of money, and he has since been advised that for some technical reason he could not recover it. After the explanation offered by the hon. member for Lunenburg, who so luminously explained the whole testimony so disclosed in the Cassel's report, I think the captain of the 'Lady Laurier' has been very much sinned against and that an apology is due to him from the Minister of Marine for having asked this sum of money. I can remember an instance where John McKinnon opened the draw at Grand Narrows bridge in Cape Breton and tied up the trains on the Intercolonial Railway. It was not thought advisable to dismiss that man who held the draw open until he got what he wanted, an increase in wages, but it may be that the matter had some political significance. I notice this morning that the Marine and Fisheries Department has been pleased to dismiss one McRae, light keeper at Plaster Cove in the Bras d'Or Lakes, at the instance of the member for Cape Breton (Mr. McKenzie) because of political partisanship. I have no doubt that while it was the damnation of the man at Plaster Cove it was the salvation of Mr. Johnson. If the captains or skippers or officers of government boats and fishery protection vessels are entitled to salvage they have a right to claim it through our courts of law, where they can prove those claims, and I submit if it was necessary in 1886 to pass an order in council to give legal colour and right to the parties to recover, then this government could do the same thing if the captain of the 'Lady Laurier' was deserving of such recognition.

Mr. BRODEUR. Do I understand my hon. friend to state that in England the war vessels of the admiralty never make claims for salvage for the officer and crew?

Mr. MADDIN. I state that the hon. member for Pictou can hardly cite an instance in fifty years.

Mr. E. M. MACDONALD. If I had time to hunt up references in the library I could cite instances within less than twenty-five years.

Mr. CONGDON. The difficulty is not in finding precedents for payment of salvage but in finding any precedent for the Crown endeavouring to recover from the officers and crew receiving such salvage the amount they received, because it is in the interest of public property that officers and crews on public vessels as well as on private vessels should be encouraged to render services of this kind and I think it would be an unfortunate thing if they were deprived of that incentive which is extended to all services throughout the civilized world.

Mr. A. K. MACLEAN. I think it very unfair that hon. gentlemen opposite should take the position they do respecting this matter and respecting this government official, Captain Johnson. I do not say that anybody deliberately wishes to misrepresent Captain Johnson or to do him an injustice. I suppose I can hardly find fault with hon gentlemen opposite for not knowing the facts of this particular matter when the deputy minister of Marine and Fisheries was shockingly stupid about the whole matter, and was making demands on Captain Johnson and other people for a claim for services that were never rendered. Even some officials in the agency of the Marine Department in Halifax were equally stupid. The following telegram which appears in the evidence will render more clear what I said a moment ago. It is from the deputy minister to the agent at Halifax. The 'Lady Laurier' was at Halifax and the 'Hestia' was in Shelburne harbour and they sought the services of a tug boat to raise the sunken vessel. The telegram reads :

With reference to 'Hestia,' if no other steamer available, 'Lady Laurier' is to render all possible assistance in getting her to Halifax. It is to be understood that owners

of 'Hestia' are to pay for work done. You will make an arrangement with them to that effect. Communicate with Pickford & Black.

Mr. Tremaine, on behalf of the department went to Pickford & Black's office and there agreed that if the 'Laurier' towed the 'Hestia' to Halifax she would receive $400 a day. The Halifax Towboat Company protested to the department against government boats engaging in that work, and the Halifax Towboat Company entered into a contract with Pickford & Black, the 'Hestia' agents, to tow the 'Hestia' to Halifax and they did tow her. The 'Lady Laurier' never rendered any service whatever under this contract. The money paid to Captain Johnson was a gratuity; he did not render assistance under the instructions contained in that telegram. Salvage is always divisible into that which goes to the vessel and that which goes to the officers and crew. The government would have no more claim to this $1,000 than to money in my own pocket. When they heard that Captain Johnson had received this money they received the impression that it had been paid on account of that contract which was entered into but never performed, that it was paid for the towage of the 'Hestia' to Halifax whereas, as a matter of fact, there was no towage at all.

Mr. MADDIN. It is as clear as noon day that he was paid $1,000 not to render any service.

Mr. DANIEL. Will the hon. member (Mr. Maclean) state what it was paid for?

Mr. A. K. MACLEAN. The 'Lady Laurier' met the steamer 'Hestia' off the Nova Scotia coast in a sinking condition, and towed her ashore a very short distance from Shelburne harbour. That is the service performed. The money was paid as a gratutity by an underwriters' association to the officers and crew of the 'Laurier.' It was sent to Halifax to their agents with instructions to pay this money to the officers and crew and to make the payment publicly if necessary. Respecting this $1,000, W. A. Black, of Halifax, gave the following evidence :—

Hon. Mr. Cassels—Would you mind reading out the entries, so that the reporter may get them?

Mr. Watson—Yes, my lord, as soon as I find them. I see it is on page 190. This is in the margin 200, representing, I assume £200: Captain of 'Lady Laurier' per salvage, gratuity to captain and officers of that steamer for their services to the 'Hestia' and her cargo, allowed to general average £200.

He was reading from his account books when he made this statement. In another portion of the evidence which I have not with me, but which I can give to my hon. friend to-morrow morning this is made clear.

Maintenance and repairs of lighthouses, $547,000.

Mr. MADDIN. Who buys the coal for the light houses and fog signal stations on the Cape Breton coast?

Mr. BRODEUR. It is purchased through the purchasing agent at Ottawa. Tenders are called for and the contract awarded to the lowest tenderer.

Mr. MADDIN. Would the minister explain why the Cape Breton Mining Company are paid $7.85 per ton for coal delivered at Cape Race, $6 per ton for coal delivered at Low Point, $6 for coal delivered at Cranberry island and $6.50 for coal delivered at Scatterie island, whilst the Dominion Coal Company has been paid only $3 per ton for coal delivered at Louisbourg. Is the same quality of coal used at all these places?

Mr. BRODEUR. It is easy to explain. We stipulate that the tenders shall be for coal delivered at these different places and some are more difficult to reach than others. There is quite a difference between delivering coal at Cape Race and at Louisburg.

Mr. MADDIN. I can appreciate that there may be difficulty at Cape Race and at Scatterie island during certain seasons of the year, but I can see no good reason why the coal should cost any more at Low Point than it does at the city of Sydney. Does the minister know who supplied coal to the Low Point light house during September, October, November and December, 1908?

Mr. BRODEUR. I have not the information here but I can get it. We stipulate that the coal shall come from the old Sydney mine or the Reserve mine or be of equal quality, and that it shall be delivered at the different points of consumption. The contract in all cases has been awarded to the lowest tenderer.

Mr. MADDIN. I am instructed that Thomas O'Neil of Waterford, near Low Point lighthouse and fog alarm, supplied coal to the Low Point lighthouse last fall. I know as a matter of fact that in opening up No. 12 and No. 14 collieries of the Dominion Coal Company, in starting their slopes they took a great deal of coal from near the surface which was not of marketable quality. It was such that the Dominion Coal Company did not attempt to market it at all. They left it in a heap and they sold it to any Tom, Dick or Harry, that came around at $1 per ton. Some of the poorer people in the neighbourhood and some of the farmers who could mix it with hardwood were buying it at that price. In November last, the balance of it, about 100 tons, was bought in one sale by this man Thomas O'Neil and was carted by him and delivered at the Low Point fog alarm and lighthouse. If I am not properly

informed I will be doing the department and perhaps Mr. O'Neil an injustice, but I can hardly question my authority. I have verified the fact that Mr. O'Neil bought the coal. That he carted it and dumped it at the lighthouse. I am assured by a number of people who have made it their business to inquire. If this be so it is an injustice to the department and it is grossly unfair to the man who has to do the firing at Low Point. I am also instructed that the fog alarm and lighthouse at Flint Island is being supplied through two persons, one a Dr. Bissett and the other the municipal councillor for Port Morien. In the earlier sittings of the House I endeavoured to point out that the coal mining industry of Nova Scotia was not in such a flourishing condition as it might be; and I submit that if these gentlemen are supplying coal for these lighthouses, they are not doing it for their health. It is not a legitimate or a fair transaction. I have no objection to the government paying $5 or $6 per ton or $10 per ton, if it is getting good value, but the coal proprietors should get the contracts in order that those who earn their living by mining the coal might be benefited. It is unfair that Mr. O'Neil of Low Point or Mr. Macaulay and Dr. Bisset at Port Morien should be getting, as middlemen, the contracts for supplying coal to the government lighthouses along the coasts of Cape Breton. If my instructions are wrong I shall willingly, when next these estimates are before the House, make the necessary retractions, but I have creditable assurances that what I have stated is founded on facts, and I draw the matter to the attention of the minister in the hope that he will put a stop to the small graft and peculation which is going on in some of the departments. There is one other item I want to speak about. Am I right in presuming, from the minister's remarks, that all supplies are bought through the purchasing agent at Ottawa?

Mr. BRODEUR. Yes, even in the case of the coal contracts you have just mentioned, tenders are called for by public advertisement, and I would be greatly surprised to find that my hon. friend's remarks are well founded.

Mr. MADDIN. If that be the course followed by the department it is one I heartily commend, but I have every assurance that the other method is being followed.

Mr. BRODEUR. Would the hon. gentleman be kind enough to give me the source of his information, because I am going to make some inquiries?

Mr. MADDIN. Certainly. if satisfactory to the minister I will give it privately or give him part of the information now.

Mr. MADDIN.

Mr. BRODEUR. Just as the hon. gentleman prefers.

Mr. MADDIN. Mr. R. V. Hall of ward 5, Sydney, is my authority for Mr. O'Neil getting the contract at Low Point. I could not give my authority for the contract for the Port Morien transaction at present. There is an entry on page O—101 which indicates that Mr. Robert Musgrave of North Sydney was selling barrel beef at $18 per barrel. On the same page, I find that H. W. Wentzell & Company of Halifax sold three barrels of beef at $12 per barrel. I would also draw attention to the fact that Mr. Musgrave supplied flour at $6.25 per barrel while Wentzell and Company were paid $5.20 per barrel. The latter also sold some flour to be delivered at Cape Race, 10 barrels at $5.25 and 4 barrels of beef at $12. There is a difference of 25 per cent on the flour between these two concerns and 50 per cent on the beef. I submit that we should have some explanation of these discrepancies.

Mr. BRODEUR. I will have my officials look into the accounts and report; and if I can get that report to-morrow, I will give it to my hon. friend.

Construction of lighthouses and aids to navigation, including apparatus, submarine signals, and providing suitable boats for carrying on construction work, $800,000.

Mr. SPROULE. Is that in connection with the establishment at Prescott?

Mr. BRODEUR. Prescott is included in this.

Mr. SPROULE. Are you still purchasing from the same firms in which grave abuses occurred?

Mr. BRODEUR. The hon. gentleman is referring to Irwin and Brooks, I suppose?

Mr. SPROULE. Not to them more than to the others that were connected with the change from the old system to the present, and the purchase of gas buoys and other supplies. Take the Willson firm, which has been perpetrating serious frauds on the department for years.

Mr. BRODEUR. I think the words the hon. gentleman uses are hardly well founded with regard to the purchases of gas buoys. The gas buoys we have to-day are a new patent which has given a great deal of satisfaction. Those buoys are now being used in a number of countries where they have been tested. Formerly the government buoys were high pressure and some serious accidents occurred. We had to pay a large sum of money for an accident at Kingston and another at Parry Sound. But now we have a new system of automatic gas buoys which has greatly lessened the danger of accidents. Instead of being high pressure, they are at extreme-

ly low pressure, and instead of putting the gas into the buoy ourselves, we put the carbide into the buoy and the carbide supplies the gas automatically. It is a very extraordinary invention which has surprised the world. The American lighthouse board, after experimenting, came to the conclusion to purchase some, thus following the example set by the Canadian government. The same thing was done by Brazil, the Argentine Republic and Great Britain. Some of those buoys are in use on the Mersey, which shows that this invention is a credit to Canada. And, instead of calling 'fraud,' we should be glad that one of our Canadian citizens has been able to complete an invention which is now being used in most of the countries of the world.

Mr. SPROULE. The hon. minister has talked a good deal and has tried to give information of a certain kind, but has sedulously avoided answering a single question I put to him. I asked whether the government were buying from the same parties who perpetrated such frauds on the country before and buying on the same principle; because, if they are, I think the country will have little confidence in the honesty of the Crown or in the government for a fair return for the money expended.

Mr. BRODEUR. The hon. member (Mr. Sproule) is certainly confusing this question with some others. As to the buoys, I do not remember any suggestion being made that the International Marine Signal Company, or Mr. Willson, have been connected with any fraud. Nor do I recollect any investigation before the Public Accounts or elsewhere that would justify such a suggestion. On the contrary, these gas buoys have been very useful and have been a credit to the country.

Mr. SPROULE. Some years ago I brought this question to the attention of the government and asked who recommended that the lighting system be changed. I was told that it was recommended by one Fraser, who had no authority to make a recommendation or the department to accept it until they divided the department and put him at the head of one branch, when their own engineer refused to recommend him. Will the minister tell me why this same Fraser was dismissed afterwards, if there was nothing wrong, and what the exposure of so many irregularities in the Marine Department meant if there was nothing wrong? Parties close up to the government were members of the company that were applying to the government, and had power to recommend these purchases. I asked the minister if the department were purchasing from the same parties and on the same principle, for, if they did my judgment is that the country will have no confidence in their purchases.

Mr. FIELDING. The question is not whether there was anything wrong, but whether there is any basis of the charge for fraud against Mr. Willson. I have not given close attention to this matter, but it is the first time I have ever heard of a suggestion of fraud made against Mr. Willson, who is a prominent and respected citizen of Ottawa, carrying on a a great enterprise. I remember when matters connected with the Marine Department were being inquired into by the Committee on Public Accounts, Mr. Willson haunted the corridors day after day thinking that he might be called upon to testify. He told me that he had gone to a leading member of the opposition and asked if he would be wanted as a witness, and was told to go home that they did not want him and had no fault to find with him. I cannot but think that the hon. member (Mr. Sproule) has in mind some other case. I certainly should be surprised to hear that any charge of fraud had ever been made against Mr. Willson. It may be that some fault has been found with his lighting system, but this is the first time we have heard of any suggestion of fraud against that gentleman.

Mr. BRODEUR. I am sure the hon. member (Mr. Sproule) is confusing some other case with this. As to lighting, there was a question as to the use of acetylene instead of the Pintsch light or ordinary light in the lighthouses. This was investigated and the chief engineer reported that he was against the use of acetylene. The divergence of opinion, if any existed, was with regard to the lighting of the lighthouses. At last, the two engineers, Mr. Fraser and Col. Anderson, came to the same opinion that we should use the ordinary light or with a change to the use of what is called the vapour light. That must be the question the hon. member has in mind. But Col. Anderson and Mr. Fraser were absolutely at one on the use of acetylene for the gas buoys. The hon. member asked why Mr. Fraser was dismissed. The reason was that he failed to carry out instructions with regard to the purchase of lighting apparatus. I had given him instructions to ask for public tenders; he did not do it, and when I discovered that I suspended him, and later he was dismissed.

Mr. SPROULE. Some years ago, I asked some questions on this subject. The first was, What will it cost to make the change in this system of lighting? The predecessor of the present minister told me that it would cost between $2,000,000 and $3,000,000. The next question was, if the department thought they were justified in making a change involving such a heavy outlay, when the thing

was, at best, only an experiment? And I asked who recommended it. That question was parried for a time, and an effort made to talk—as the minister is doing to a considerable extent to-night—without giving the information that I desired. Finally, the statement was made that the recommendation was made by Mr. Fraser. The question naturally was, had Mr. Fraser the authority to make that recommendation? Yes. Why? Because the dividing of the department had put him at the head of a branch. Now, had Mr. Fraser been left in his subordinate position, his recommendation could not have been acted upon. Why did not the engineer of the department make the recommendation? He had refused to do so. Why? Because he said the system was only an experiment yet and he would not recommend it until he was satisfied that it was a more valuable system than that in use at the time. Then, let us go a little farther. Who was the party who was able to recommend giving the contracts? A member of the government, who, I think, was acting minister for the time, then the hon. member for North Oxford. And who was he? He was the partner of Mr. Willson, who was applying to the government and from whom the purchases were made. The hon. minister (Mr. Brodeur) asks what was wrong in the purchases from Mr. Willson? Does he remember nothing of the extravagant prices given to him, and of the number of gas buoys purchased that could not be used, which facts were brought out in the inquiry by the commission? And does the minister say there was nothing wrong about that? I say the whole thing was a mixed up job with which some members of the government of that time were very closely allied, and I think I am justified in making that statement. I referred to it a few years ago, and I asked then that an inquiry be made, and a good deal of information could have been brought out then that was brought out by the government's own commission last year if it had been made then.

Mr. BRODEUR. The hon. gentleman has no right to say that. The hon. gentleman has no right to charge that any member of the government is interested in that concern.

Mr. SPROULE. I said I had reason to believe that some member of the government was then, I did not say now. I say that I am in order if I wanted to go further. I could go back and unearth the will made by the Hon. James Sutherland, who came into this government a poor man.

Mr. BRODEUR. Order.

Mr. SPROULE. And when that will was probated it showed he was worth $365,000. I am referring to what I drew attention to many years ago, and I am asking to-night if you are dealing with the same men and on the same principle, because if the minister is, I am afraid the country will still think there is something wrong in connection with the way the business is done in that department.

Mr. BRODEUR. So far as acetylene gas and carbide are concerned, we call for public tenders, and every one has a right to tender.

Mr. SPROULE. Who controls all the corporations in the country that furnish the supplies for this purpose?

Mr. BRODEUR. They are controlled by different people.

Mr. SPROULE. One company controls them all so I am told.

Mr. BRODEUR. There is no article purchased by the department in which there is more serious competition than there is in carbide. There is the Shawinigan Company, the Ottawa Company and the St. Catherines Company.

Mr. SPROULE. Are not the same men in the St. Catharines Company and in the Ottawa Company?

Mr. BRODEUR. No, they are different people, and competing in the most strenuous manner. I am informed, and know it positively, because I have been in the department for some years, and I know how it has been done.

Mr. SPROULE. I think the statement was made by the hon. gentleman's predecessor that the same men were stockholders in the two companies. As for the Shawinigan Company, I am not aware that the same men are stockholders in it who are in the other companies, but practically the three companies were managed by a general understanding between them.

Mr. BRODEUR. The hon. gentleman is absolutely wrong. Mr. Willson, or the company in which he is interested, does not control this contract, it is in the hands of the Shawinigan Company to-day.

Mr. SPROULE. In view of all the facts which were brought out and which the government denied, I am justified in inquiring if the business is done with the same men and on the same principle, because if it is, we have a right to expect a change.

Mr. FIELDING. If this system of lighting is a good one we ought to have it; and if anybody is prepared to give it to us for less money we should look them up.

Mr. SPROULE. The question is whether this government is doing the business of the country on business principles and on honest lines and with men that they

believe to be honest. We know there was a great deal of crookedness before.

Mr. FIELDING. If there are only a few people supplying this lighting system, and if the system is a good one, and if we need it, if there is any one prepared to supply it for less money, we should get hold of them.

Mr. JAMESON. Does the minister propose to add to the facilities for taking care of these aids to navigation? Sometimes along the Nova Scotia coast some of these buoys get adrift, and there is considerable delay in replacing them. I am informed that the cause of the delay is that the department has not at its disposal a sufficient number of vessels properly equipped to replace these buoys. I would ask the minister if it is proposed to increase those facilities in order that less loss of time may intervene between the shifting of a buoy and its being replaced?

Mr. BRODEUR. My hon. friend has complained to me that some buoys were not replaced immediately. I made inquiries, and ascertained that it was after a very heavy gale on the western coast of Nova Scotia that some buoys were shifted. We have two boats in that section now, which I think are quite sufficient. As soon as that gale was over these boats went down and replaced all the buoys, with scarcely any delay.

Mr. JAMESON. My information has been that some weeks elapsed between the time when the buoys referred to went adrift, and the date of their being replaced. Lack of facilities was given as a reason for the delay. Does the minister contemplate using any part of this vote for increasing the facilities, and seeing that the aids to navigation are kept in good order?

Mr. BRODEUR. If it is absolutely needed, there is an amount of money for providing additional shipping facilities.

Mr. JAMESON. Some time ago there was an application made to place an automatic gas buoy, a fair-way buoy, off the entrance to Grand Passage. Grand Passage is between Brier Island and Long Island, on Digby Neck. It is a very excellent harbour. A great many vessels are obliged to go there and the need of a fair-way buoy is very great for the protection of vessels passing through the straits and up the harbour. I was informed that one of the main reasons which have prevented the department from acceding to the request was that the department did not possess sufficient facilities for the care of these gas buoys. I think where it is recognized upon all sides that these gas buoys are of very great assistance to mariners there should be ample allowance made for the care of a number of these buoys. That is the reason why I asked this question. I presume, from what the minister said, that it is not contemplated this year to increase the facilities there.

Mr. BRODEUR. The question my hon. friend (Mr. Jameson) has mentioned was referred to the Lighthouse Board and has received careful study but they have not been able to recommend that it be complied with, especially in view of the small vote we have this year with which to make the expenditure.

Further amount required for the completion of a lighthouse and buoy steamer for the great lakes and Georgian bay, $25,000.

Mr. J. D. REID. Who is building that vessel?

Mr. BRODEUR. It is being built in England.

Mr. J. D. REID. What is the total cost?

Mr. BRODEUR. $160,000.

Mr. J. D. REID. What is the length?

Mr. BRODEUR. 180 feet.

Mr. J. D. REID. This is another case that is pretty hard on ship-building firms like the Polson Iron Works and Collingwood Shipbuilding Company. There is also a shipyard on the Niagara river. I cannot understand how it is that all these contracts for steamers should go outside of our own country.

Mr. BRODEUR. We asked for public tenders and we received four as follows: Swan & Hunter, $160,000; Vickers Sons & Maxim, $219,000; Collingwood Shipbuilding, $217,000; and the Polson Iron Works Company, $249,000. One was $57,000 more than the lowest tenderer and the other was nearly $100,000 more.

Mr. J. D. REID. I do not think the minister means that there is $57,000 difference. Do I understand that the steamer was accepted in England?

Mr. BRODEUR. No; delivered here.

Mr. J. D. REID. Any duty paid on it?

Mr. BRODEUR. There is no duty on British ships.

Mr. J. D. REID. Is that the reason you bought over there?

Mr. BRODEUR. No. We gave the contract to the lowest tenderer. If there had been a small difference I would certainly have given it to a Canadian firm, but my hon. friend must realize that we could not give it to a Canadian firm when there was a difference in one case of nearly $100,000 on a vessel costing $160,000.

Mr. J. A. CURRIE. The minister knows that in nearly every case where ships have

been purchased in the old country it has cost anywhere from $50,000 to $100,000 after they were brought over. I asked for a return at the beginning of the session and it showed that repairs had to be made on ships purchased over there to the extent of $50,000 to $100,000. I would like to know if ships that are purchased in the old country are built on the department's plan or on a plan prepared by the contracting firms.

Mr. BRODEUR. On a plan prepared by ourselves.

Mr. J. A. CURRIE. Then how did it come that there were such large amounts spent on the 'Montcalm,' the 'Stanley,' the 'Lady Laurier,' and other ships? After they come over here, in order to fit them for the Canadian trade the ships are overhauled at an expenditure of $60,000 or $70,000. The minister should consider the fact that when ships are built in Canada they are under the supervision of the officers of the department, and they can be built on lines adapted to the Canadian trade, while if they are purchased in the old country they come over here, are accepted and then, after they have been in commission a month or so, it is found necessary to make a great many changes and to expend considerable money which would not be necessary if these steamers were purchased at home. Almost all the vessels built in Canada call for fittings of an expensive character on which duty is paid by the builders and that is not taken into consideration when the government invite tenders for these ships. In addition labour is a good deal higher in Canada than in the old country. It is not a question of the quality of the work, because there has been some work done for the government in Canada and I do not think there has been any difficulty at all as far as the work is concerned. I quite understand how difficult it is for the minister to present a series of tenders to his colleagues when the Canadian tenders may be found to be $30,000 higher than those from Great Britain and how difficult it might be in the House to defend the acceptance of a higher tender. But, after taking everything into consideration, the fact that this country is encouraging shipbuilding and that the money that is paid by the government is paid to our own people and goes into circulation in this country it is a question whether the House would not endorse the action of the minister in view of the benefit which would result from having the work done in Canada. A number of years ago we were one of the leading ship building countries in the world and now we are indulging in a little steel ship building to find our feet in that way and I think that such industries should be encouraged. It is very discouraging when the government calls for tenders for the construction of vessels that these shipbuilding yards in Canada cannot get contracts. I would strongly urge the minister and the members of the government in future to bear in mind that the money they are paying for ships built in Canada is being paid to our own people and that it does not go to a foreign country, and that it is necessary for this country to do its own ship building, to own its own ships and to do everything in that way along proper Canadian lines. That might involve a little more expense but I think the people of this country would justify the government in paying a little more to a Canadian than to a foreign ship builder.

Mr. FIELDING. I should be in favour of paying a little more but I do not agree that $57,000 of the people's money is a little bit ; it is a very large sum. If the amount involved were a little sum I would concur in the view, but I do not think the public would justify us in paying in a transaction of this kind $50,000 more for the pleasure of having the work done in Canada, and I venture to say that if the government had accepted a tender to do this work in Canada for $57,000 more than we could get it for in England, hon. gentlemen opposite would have discovered that there was something in the charges they sometimes make of graft, and they would be ready to say that that was a clear case of graft and waste of the people's money. To a moderate degree I concur in the view that we should pay more for things made at home, but I do not agree in the doctrine that we should have things made at home no matter what they cost.

Mr. SPROULE. In the report of the Civil Service Commission, 1908, the commissioners, speaking of the Lighthouse Board which consists of six members and the irresponsible positions which many of them occupy, say:

> Between June, 1905, and June, 1907, this board approved of and passed applications for new and improved aids to navigation amounting to $1,691,813. With the voting away of this vast amount of money the responsible minister had nothing to do. He was simply asked to initial the minutes of the different meetings of this most powerful but irresponsible board. The effect of this state of things is disastrous. It means practically the removing of all responsibility from those to whom extensive powers of administration and expenditure are granted.
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> When one realizes the enormous pressure being constantly brought to bear on the government of the day in favour of grants and bounties of all kinds, from one end of the country to the other, it would surely seem to be a most unwise thing to create a board with extensive powers, which can be and are used in sympathy with this universal outside pressure, and without being accountable to anybody.
>
> The two outside members of this board simply represent the shipping interest, which is their own. They cannot serve the country

and themselves equally well in the same matter. The other members of the board are government officials, who, whatever their standing may be, personally or officially, are not independent of political influence or departmental pressure. They are in no proper sense qualified to fill such a position of trust as a seat on this Lighthouse Board should mean—where the most absolute sense of justice, with complete independence, is called for; with a keen desire to administer the people's money with the utmost economy and good judgment, and with all personal considerations sunk.

If the board is intended to be a permanent institution it should be organized; and the Minister of Marine and Fisheries should be a member of it, as being chiefly responsible for the finding of its expenditures.

There can be very little question that the Lighthouse Board has been the means of greatly increasing the expenditure of the department, and that much of the increase has been wasted.

Will the government follow the same principle and continue making advances in the same way? The minister did not seem to think it worth while to answer as to whether there was any departure from that policy.

Mr. BRODEUR. The points my hon. friend has mentioned have been fully investigated by Mr. Justice Cassels and he says in his report that all those remarks made by the Civil Service Commission are without foundation.

Mr. SPROULE. I have not read his report. I know some of the men on the first commission and I know Mr. Justice Cassels by reputation. I have nothing to say about any of them because I believe that they are honest and capable business men and would never have made these observations unless they thought they had good grounds for making them.

Mr. BRODEUR. Some purchases have been made in connection with the lighthouse board at too high prices. Mr. Justice Cassels drew the attention of the government to that and we have remedied it.

Mr. SPROULE. It would have been the easiest matter for the minister to say: 'We have changed the system, we believe we were being imposed on in the past and we have changed the principle,' but he does not do that, it would be infra dig, for him to give such a reply to a member. It would be only common courtesy and the duty of the minister to satisfy the House that this system had been changed.

Mr. BRODEUR. It may be the fault of my imperfect English, but I tried to convey that impression before. We have not made any change so far as the Lighthouse Board is concerned. Mr. Justice Cassels said that the strictures put upon the Lighthouse Board by the Civil Service Commissioners were not justified by the facts. We had occasion to investigate the two sides of the case and he says that if he had taken the opportunity to look into the whole question he would have found there was nothing harmful in this Lighthouse Board. With regard to purchases, I have said that we have changed the system.

Mr. SPROULE. The minister has just stated that for the first time now.

Mr. BRODEUR. No, I have stated it time and again.

Mr. SPROULE. Did he state it to-night when I asked him specifically if he had changed the system?

Mr. BRODEUR. More than that, the hon. member will find in Mr. Justice Cassel's report that I am commended for having made the change I made. I am extremely sorry my hon. friend has not read that report. He is entirely mistaken in thinking I am anxious to be discourteous and must have misunderstood me owing to my imperfect English speech.

Mr. SPROULE. If that is the minister's intention, I am sorry to have said what I did, but it seemed to me there could be nothing but design in the way the questions were evaded.

Mr. MADDIN. The Finance Minister, replying to the member for Simcoe (Mr. J. A. Currie) said that the Canadian ship-builders can construct a vessel for a little more than it can be manufactured for in the old country he would be in favour of giving the work to them, but he considered $57,000 a very large sum of the money of the people of Canada. He said that people might properly complain that it savoured of graft or would be treated as grafting operations. Not long ago some grafting operations in connection with the government of this country were exposed to criticism in the province of Nova Scotia and one matter that received a good deal of condemnation was the operations by which the Hon. B. F. Pearson got possession of $27,400 of public money to which he had no right. During the election campaign last fall the Finance Minister visited Nova Scotia and speaking at Glace Bay, not at Sydney, but again at Amherst, in referring to these operations and criticisms of the Conservatives, said there was no doubt that irregularities would creep into the administration of a government department and they might sometimes pay 25 cents too much for a barrel of flour, but such a transaction was a drop in the bucket. The 'Morning Chronicle' reported him as having used the same expression at Amherst. If a transaction representing such a large amount in connection with the roundhouse at Halifax is but a drop in the bucket, surely $57,000 in connection with the purchase of a steamboat would not be such

a dreadful thing in view of the fact that a good deal of the material, if the boat were built in Canada, would pay duty which would be an offset as against the difference in price between the Canadian firm and the English firm.

Breaking ice in Thunder bay and Lake Superior and at other points, $30,000.

Mr. SPROULE. Is this to be done by the same boat as in the past and in the same rate?

Mr. BRODEUR. Yes.

Mr. SPROULE. Was any effort made to get competition?

Mr. BRODEUR. There is only one boat available for that purpose.

Mr. SPROULE. What do you pay?

Mr. BRODEUR. We have asked for public tenders and pay $30,000 a year on a three year contract.

To provide for the purchase of land at St. John, New Brunswick, $37,500.

Mr. FOSTER. What is this for?

Mr. BRODEUR. It has been suggested for many years that we should have a property in St. John.

Mr. FOSTER. What for?

Mr. BRODEUR. For the purposes of our agency and also to make the necessary repairs to our vessels and the storing of our equipment, as in Halifax, Quebec and Montreal.

Mr. FOSTER. Has anything been done towards getting the property?

Mr. BRODEUR. Nothing has been done, but we are negotiating.

Meteorological service, $100,000.

Mr. MADDIN. I draw the attention of the minister to the case of a young man named R. L. Laffin, who is engaged in the meterological department in the city of Sydney. He has spoken to me several times and he has also written to me, and I understand he also spoke to Mr. Johnston, my predecessor, with regard to this matter. He says that at the Sydney observatory they have the latest appliances and that he receives only $400 per year which has not been increased during his three years of service relieving the former officer and 13 years as permanent appointee. Some years ago a storm signal was placed in the park at Sydney and he got additional pay for looking after the signal, but his salary is still utterly inadequate. I can tell the Minister of Marine that this young man is most efficient, most faithful, and very devoted to the service. I have come in contact with him on two or three occasions as an expert witness in giving testimony with regard to temperatures, snowfalls and rainfalls, &c., and in view of the fact that he is required to hoist storm signals late at night and that the distance of the storm signals from his home at the observatory is about half a mile, I submit his case as one which the minister might very well consider with the view of giving him some substantial increase. His time is absolutely taken up at this work, he looks after his aged parents, and in a city like Sydney he cannot very well turn his hand to any other employment than looking after his own department. To other officers, for instance in the city of Halifax, increases have been given from time to time, also in St. John and other meteorological surveys, but he has not had any increase.

Mr. BRODEUR. The salaries of all these men, in charge of these small stations, are on the same footing, and you could not consider one case without at the same time considering all the others, who would require a large expenditure as we have many stations. However, I shall look into the case mentioned.

Mr. MADDIN. There are not many of these observatories. The one at Sydney is the only one, I think, on the island of Cape Breton.

Mr. BRODEUR. Yes, but there are many in the whole country.

Mr. MADDIN. I am informed that increases have been given from time to time to other officers who have really lesser duties to discharge. This man does not complain that he has been unfairly dealt with, but wants his case to come before the minister. He does not write direct to the minister, and I do not know who is in authority over him, but his aggregate salary for looking after the storm signals and the meteorological department aggregates only $600 a year, which is positively not enough, and I submit a man should not be expected to be honest and live on $600 and do what he is obliged to do in a city where it costs so much to live as in Sydney.

Hydrographic surveys, $170,000.

Mr. BRODEUR. These are in the following places: On the great lakes, on the Atlantic and Pacific coasts, at Lake of Two Mountains, on the River St. Lawrence and the Lake St. Francis.

Mr. JAMESON. No provision has been made for the survey of Digby harbour or basin or the Annapolis basin. Some time ago application was made by the various boards of trade for a survey of that basin and channel because the present survey is very old and the chart not at all accurate. I think the minister said he would consider the matter, and that after consideration he decided it was a case in which

a survey ought to be made and held out hope that it would be within a very short time. That was about a year ago, and I hoped that this year the minister would find the means to do the work.

Mr. BRODEUR. We have a party there out of the vote for the Atlantic coast and have made provision for the purpose of sending it to the Bay of Fundy. I will draw the attention of my officers to the remarks of my hon. friend regarding Digby harbour.

Further amount for the construction of a steamer for hydrographic survey of Gulf and River St. Lawrence to replace 'La Canadienne,' $150,000.

Mr. FOSTER. Where is that vessel being built?

Mr. BRODEUR. We have called for public tenders and have not yet decided.

Some resolutions reported.

MONTREAL BRIDGE AND TERMINAL COMPANY.

Mr. FIELDING. I beg to move:

That a message be sent to the Senate requesting their honours to give leave to the clerk to add certain amendments passed by the Commons to Bill (No. 180) letter TT of the Senate, respecting the Montreal Bridge and Terminal Company.

It appears that this House made certain amendments, but through an omission, the Bill was sent to the Senate without it. The effect of this amendment will be that the clerk of this House will carry them to the Senate so that they may be included in the Bill.

Motion agreed to.

RELIEF OF ANNIE BOWDEN.

Mr. SPROULE. I have a Bill here from the Senate, but unless the rule be suspended it cannot be got through at all. It is a Divorce Bill and the applicant has no means. The money required by law was paid to the Senate but afterwards refunded by that body. The Bill was stopped for want of means to provide witnesses, but after the money was got back, the applicant was able to provide the witnesses and the Bill passed the Senate. But it is so late in the session now that it could not be passed unless by suspension of the rules. Therefore I move:

That Bill (No. 194) for the relief of Annie Bowden be read the first time, and that all the rules of the House including rule 88——

That is, the rule providing for an additional charge for the Bill being late.

—be suspended in relation to the said Bill.

Motion agreed to, and Bill read the first time.

Mr. SPROULE. I should explain that it will be impossible to send this Bill to the Private Bills Committee, as there will be no time. Therefore, I intended that the next motion shall be that the Bill be read a second time so that it might go to the Committee of the Whole and be finished to morrow.

Mr. FIELDING. I know nothing of the merits of the Bill, but in a general way this seems rather hasty legislation. However, I am ready to accept the hon. member's motion. We can go into committee on the Bill, and if there is any objection by any hon. member it can be raised to-morrow.

Motion agreed to, and Bill read the second time, and House went into committee thereon.

Progress reported.

BILLS OF LADING.

Mr. SPROULE. Has the leader of the House decided whether he will or will not take up what has been called the Campbell Bill with reference to Bills of Lading? He said he would give us some infor- I am told there is very little opposition to the Bill and that it would probably go through quickly if taken up.

Mr. FIELDING. I would not like to take the responsibility of calling the Bill to-night. Information was given to me that the Bill would be opposed, but the hon. member who gave that intimation is not here now. He might think it hardly fair to call up the Bill in his absence. It might be called to-morrow.

Mr. LENNOX. I understand that one hon. member opposes this Bill, but I have heard from a number of people that the measure is much needed and ought to be put through this session.

Mr. FIELDING. If it were a new Bill there might be a possibility of delay, but, as it has passed the Senate, we can deal with it here at any moment.

Mr. SPROULE. There is the additional fact that the shipping interests have practically agreed to the Bill. I have here the minutes of the Senate which shows that their representatives were before the committee and practically agreed and were satisfied. Therefore, those who, above all others, might be regarded as not desiring to have the Bill pass unless in reasonably satisfactory form have agreed to the Bill. The representatives of all the shipping lines from Montreal were represented, I believe.

Mr. FIELDING. I do not express any opinion in opposition to the Bill. There will be an opportunity to consider it.

Mr. FIELDING moved the adjournment of the House.

Mr. SPROULE. What business will be taken up to-morrow ?

Mr. FIELDING. We will resume Supply.

Motion agreed to, and House adjourned at 1.20 a.m. Tuesday.

HOUSE OF COMMONS.

TUESDAY, May 18, 1909

The SPEAKER took the Chair at Eleven o'clock.

FORESTS, WATERWAYS AND WATER POWERS.

Hon. CLIFFORD SIFTON (Brandon) moved that the third and final report of the Select Standing Committee on Forests, Waterways and Water-Powers presented on the 17th instant be concurred in.

Hon. GEO. E. FOSTER (North Toronto). What is the purport of that report?

Sir WILFRID LAURIER (Prime Minister). It relates chiefly to the enlargement of forest reserves and to precautions against fire.

Motion agreed to.

MINES AND MINERALS.

Mr. F. T. CONGDON (Yukon) moved that the third report of the Select Committeee on Mines and Minerals, presented this day, be concurred in.

Mr. FOSTER. Presented this day?

Mr. SPEAKER. Yes. I think it would be better that the motion should stand over until the next sitting that hon. members may have an opportunity to look at the report.

INQUIRY FOR RETURNS.

Mr. FOSTER. Before the orders of the day are called, I would like to ask the Minister of Railways and Canals (Mr. Graham) if he has been able to get the missing portion of that return from the National Transcontinental Railway Commission.

Hon. GEO. P. GRAHAM (Minister of Railways and Canals). I laid the additional information on the table some days ago.

Mr. FOSTER. I am surprised, and gratified.

MISSION RIVER PIERS.

Mr. R. L. BORDEN (Halifax). I desire to ask the Minister of Public Works (Mr. Pugsley) what is intended by an advertisement for tenders for piers at the mouth of the Mission river, which is said to be the terminus of the Lake Superior section of the Grand Trunk Pacific Railway. To what does this action point and what is the purpose of the works which are to be thus constructed? I make the inquiry by reason of a letter I have received from the Board of Trade at Port Arthur.

Hon. WM. PUGSLEY (Minister of Public Works). These works are upon the Mission river in connection with the terminus of the Grand Trunk Pacific Railway. The tenders which are now asked for are for the building of a revetment wall, extending along the shore of the channel which is being dredged out. I may say that the Grand Trunk Pacific Railway Company, which owns the land, has agreed to execute a deed to the Crown, free of charge, of the frontage upon which this revetment wall will be built. The object is to provide necessary accommodation for the steamers which will frequent the port. In taking the deed of the land from the company and agreeing to build this revetment wall, one very important object which we have in view is that it will enable the government to control the port charges, and, in that way, I think it will be very greatly to the public benefit. I cannot say exactly what is the length of the revetment wall, but I think probably it will be 1,500 feet or perhaps more.

Hon. GEO. E. FOSTER (North Toronto). What will be the cost?

Mr. PUGSLEY. The cost of the work we propose undertaking this year is estimated to be somewhere in the vicinity of $350,000.

SUPPLY — FLORENCE MINING COMPANY'S CASE.

Sir WILFRID LAURIER moved that the House go into Committee of Supply.

Mr. HAUGHTON LENNOX (South Simcoe). Mr. Speaker, before you leave the Chair I desire to call the attention of the House to the judgment of the Court of Appeal in the Florence Mining Company case. The action of the Ontario government in connection with this matter was very severely reflected upon by the hon. member for South Essex (Mr. A. H. Clarke), and even more severely and characteristically commented upon by the Minister of Justice (Mr. Aylesworth). In order that the circumstances of the case may be appreciated both as to the position taken by the hon. members to whom I have referred, and as to the ultimate judgment of the Court of Appeal in reference to the position of the Ontario govern-

ment, I wish, in the first place, to refer to some of the words spoken by the Minister of Justice on 1st March last, which will be found reported in the Unrevised 'Hansard' at page 1754.

Mr. SPEAKER. Will the hon. member, in that case, be referring to a previous debate?

Mr. LENNOX. No, Mr. Speaker, I am——

Mr. SPEAKER. In view of what the hon. member (Mr. Lennox) said, I thought it might be——

Mr. LENNOX. I recognize the rule that we must not discuss anything which has been discussed during the session. But I have the right, I submit, to quote the language of any hon. member for the purpose of illustrating anything that I have otherwise the right to deal with. All I propose to do is to put on record the judgment of the Court of Appeal in the Florence Mining Company case, and I propose to bring to the attention of the House the very strong language used by the Minister of Justice when this matter was incidentally referred to on the occasion when the hon. member for South Essex (Mr. A. H. Clarke) moved for a return of the papers. At that time the hon. member for South Essex launched out and dealt very fully with the attitude of the Ontario government; he assailed the position taken by the Ontario government, and in that he was supported by the Minister of Justice. I wish to place before the House some of the expressions used by the Minister of Justice, which have gone broadcast throughout Canada and beyond the limits of Canada, reflecting upon the honesty, the integrity, and, incidentally, the financial credit of the province of Ontario.

Sir WILFRID LAURIER. Order.

Mr. LENNOX. I am, of course, prepared to take the ruling of the chair.

Sir WILFRID LAURIER. I submit that if the hon. gentleman goes into this matter he is inviting a new discussion on the same subject. I think this comes within the technical rule which prevents reference to a past debate.

Mr. FOSTER. It seems to me that the hon. member for South Simcoe (Mr. Lennox) would not be allowed to take up the question by moving for papers or information with reference to the Florence Mining Company and the negotiations and transactions in connection therewith. That was a motion before the House, which was debated and decided. The member for South Simcoe would not be in order to move another motion to call for those same papers, and to traverse the discussion again in that respect. In course of the discussion of that motion certain expressions were used by the Minister of Justice directed to that resolution. Now, observations used in that way may take a very wide range. What my hon. friend wishes to discuss is not the motion which was discussed and decided, and has passed beyond our competence. What he is going to bring before the House is the position that the province of Ontario and its government were placed in, the position in which its credit was placed by certain remarks which were made incidental to that discussion, but not at all necessary in that discussion. I think it is entirely proper to do that. There is every difference between taking up a question which was decided upon and which has passed beyond our competency this session, and taking up an entirely new matter and quoting remarks which were made by any hon. gentleman whilst that was under discussion. Otherwise we would be entirely restricted in the course of debate. On the budget, for instance, you may have a thousand incidental questions raised, and do you mean to say that no person has a right, after the budget has been declared, to take up any question, any remarks which have been made in this House in that discussion? I think there is a line of distinction between the two.

Mr. SUTHERLAND. Any reply to the views expressed by the Minister of Justice or the member for South Essex in that debate should have been made at the time. This appears to be an attempt now to reply to observations made by those two members at that time, and which will have the effect of reviving the discussion.

Mr. R. L. BORDEN. I always supposed that by way of illustration one had the right to refer to a past debate, although not to answer arguments which would bring on the same debate once more during the same session. I think any hon. member certainly has the right to address the Chair upon the importance of preserving the public credit, not only of Canada but of all the provinces of Canada, and in connection with that he has ample right to refer to any judicial decisions in which the public credit of Canada, which has apparently been attacked outside this House, has been sustained and maintained by the judgment of a court of competent jurisdiction.

Sir WILFRID LAURIER. Nobody disputes that. My hon. friend wants to quote a judicial decision, and in order to do that, which there is no necessity of doing, he wants to bring up a past debate, and what has been done in a past debate. This is the rule laid down by Bourinot, page 479 of the last edition:

No member in speaking can refer to anything said or done in a previous debate during the same session—a rule necessary to economize the time of the House. Neither is

it regular to refer to arguments used in Committee of the Whole; nor to an amendment proposed in the same.

Mr. R. L. BORDEN. I do not think it is necessary, for the purpose my hon. friend has in view, to make any reference to a past debate. If the hon. gentleman desires to do so, I would advise him to take the method adopted by the Minister of Railways and Canals and to say that some one said something somewhere, and then give the purport of the remarks he desires to quote. That has been accepted as within the rules of the House, it has never been called in question by the Speaker or by the Prime Minister, and therefore must be thoroughly in order. For that reason, if my hon. friend desire to bring up a past debate, I would suggest to him to pursue that course.

Sir WILFRID LAURIER. If the hon. member for South Simcoe will walk in the path of the Minister of Railway and Canals he will always be right.

Mr. SPROULE. I think the Prime Minister is giving too wide an interpretation to that rule. The practice of this House does not sustain it, and never has during my time. In the opening of every session we usually have a lengthy debate on the Address, which travels over every conceivable subject that can engage the attention of parliament. When we come to the financial statement or budget speech can we not go back and refer to those things that have been said in a previous debate and to refute them? Of necessity we have to refer to them. We cannot take up those subjects and debate them, but we can and do refer to them every session. Whether the exact words of Bourinot apply in that limited way, or were intended so to apply, I can only say that the practice of parliament has not been in consonance with such a limited interpretation of the rules.

Mr. LENNOX. I will make this matter as brief as I can:

I take it that no one would dispute the power of a provincial legislature to repeal the Habeas Corpus Act or any other charter of liberty which Englishmen possess; and in precisely the same view I take the ground that the rights of property are subject only to the control of provincial legislatures within Canada. Having that view it seemed to me in considering this legislation that I was not as advising His Excellency in Council.

Sir WILFRID LAURIER. Order.

Mr. LENNOX. I understood the Prime Minister had abandoned the position he took.

Sir WILFRID LAURIER. No, I said that if you followed in the path of the Minister of Railways you would be right.

Mr. GRAHAM. The Minister of Railways did not read.

Mr. LENNOX. Then I will abandon that method, and try to conform to the wishes of my hon. friends opposite. The only difference there will be is that I will be a little less exact in referring to the Minister of Justice, and I will admit that probably a modification of the language will result in closer conformity to the actual facts of the case. At all events it will be interesting to the House and the country to know exactly the true facts in reference to the Florence Mining Company investigation. That matter went to the Court of Appeal and I propose to read the judgment of the Court of Appeal. I would be glad to abbreviate that judgment, but I believe that it is fairer to the House and to the people that I should read the judgment in full as delivered by the judge without comment, and then I shall add such references as I may think necessary under the circumstances. The judgment is as follows:

The Florence Mining Company
v.
The Cobalt Lake Mining Company.

Copy of judgment of Court of Appeal, delivered April 5, 1909, by

Moss, C. J. O. The first matter for consideration on this appeal is the constitution and frame of the action and the nature and extent of the relief which, assuming them to be entitled to any, the plaintiffs can be awarded on the present record.

By letters patent under the great seal of the province dated the 15th day of January, 1907, the Crown in consideration of the payment of $1,085,000, granted to the defendants in fee a parcel of land covered with water situate in the township of Coleman, containing 55 acres, more or less, described as being composed of Cobalt Lake Mining Location, being land covered with the water of part of Cobalt lake, together with the mines, minerals and mining rights thereon and thereunder, and being all that part of the land covered with the water of Cobalt lake lying southerly, easterly and southwesterly of the southeasterly limit of the right-of-way and Cobalt station grounds of the Temiskaming and Northern Ontario Railway, excepting that portion of land covered with water of the lake designated as Mining Location J. S. 55, containing 4 acres, more or less, granted by letters patent dated 31st July, 1905, to certain named persons.

The plaintiffs claiming as the assignees of one W. J. Green, allege that on the 7th of March, 1906, the said Green while engaged in exploration under the waters of the lake, made a discovery of valuable ore or mineral in place under part of the lake, and thereupon staked out a mining claim in accordance with the Mining Act, embracing 20 acres or thereabouts of the lands covered

with the waters of the lake, thereby becoming, as they alleged entitled to the said mining claim and the materials thereunder, and afterwards and within due time sought to procure the due filing of all claims in the office of the recorder of mining claims in the proper mining district, but he was unsuccessful owing to the refusal of the recorder to receive and record his claim and the refusal of the Bureau of Mines or the minister of the department to entertain or consider his claim; that notwithstanding the existence of the said claim, the Crown assumed to sell and grant to the defendants the lands described in the letters patent, including therein the portion embraced in the said mining claim; that such sale was without any legislative authority and the letters patent were issued erroneously and by mistake and improvidently, and that notwithstanding the said sale and issue of letters patent, the plaintiffs are entitled to the parcel of land described in the claim of the said W. J. Green. The plaintiffs claim (1) a declaration that the letters patent were issued erroneously by mistake and improvidently, and are utterly void as against the plaintiffs, and that the plaintiffs are entitled to the lands and minerals; (2) a declaration that the defendants' rights, if any, under the letters patent, are subject to the plaintiffs' said rights; (3) an injunction restraining the defendants, their servants, workmen or agents, from extracting or removing ore or minerals from the claim or interfering with the plaintiffs' exclusive right of possession; (4) an account of all ore or minerals that may be extracted or removed from the claim; (5) a judgment setting aside as ultra vires and void the letters patent in favour of the defendants as against the plaintiffs, or in the alternative confining the operation thereof to the lands therein described other than those claimed by the plaintiffs; (6) costs; (7) further and other relief.

The Crown is not a party to the action. True the attorney general was represented at the trial and the argument of appeal, but that was by reason of a notice under the Judicature Act, section 60, because of the plaintiffs having called into question the constitutional validity of certain Acts of the legislature to which further reference will be made.

The presence of the Attorney General or his representative under this provision does not of course enlarge the jurisdiction of the court in respect of any substantial relief sought in this action. In that respect the action must still be regarded as one to which the Crown is not a party. It is obvious, therefore, that the interposition of the court must be confined to such relief as may be awarded in the absence of the Crown as a party to the record.

A long line of decisions has settled that an action to declare void a patent for land on the ground that it was issued through fraud or in error or improvidence, may be maintained and that measure of relief granted, at the suit of an individual aggrieved by the issue of such patent and to such an action the Attorney General as representing the Crown is not a necessary party; Martyn vs. Kennedy (1853), 4 Gr. 61; Steven vs. Cook (1864), 10 Gr. 410. See also Farch vs. Glen Lake Mining Company (1908), 17, O.L.R. I.

But in such cases the relief is limited to declaring the patent void, leaving the parties to stand to one another as if the patent had never issued, their final rights in respect of the land being left to be determined and settled by the Crown, to which the lands are restored by the avoidance of the patent.

The court is not called upon, and in the absence of the Crown as a party to the record cannot be called upon, to exercise the jurisdiction which is vested in it by section 26 (7) of the Judicature Act to decree the issue of letters patent from the Crown to rightful claimants. It is not necessary to enter upon a discussion as to the powers possessed by the court under this provision or to consider whether it applies to letters patent granting Crown lands for in this case the record is not so framed or constituted as to parties as to enable such relief to be granted. Nor, in the absence of the Crown, can the court undertake to make any declaration as to the ultimate title or right of the plantiffs for the reason that no such declaration could have any binding effect upon the Crown's right in the premises. The utmost to which the court should go in this direction is to inquire into the plaintiffs' claim to the extent necessary to ascertain whether they have a reasonable ground for invoking the jurisdiction of the court to declare the patent void in whole or in part as having issued through error or improvidence; Farmer v. Livingstone (1883), 8, S.C.E., 140. Fraud is not alleged or proved in this case.

The court being satisfied that the plaintiffs have shown an interest in the land existing before and at the time of the issue of the letters patent (Mutchmore v. Davis, 1868, 14 Gr. 346 in the court of Error and Appeal) which *prima facie* appears to entitle him to obtain a grant thereof from the Crown and that the defendants' patent issued, either through error or improvidence, may sweep it out of the way and restore the statu quo.

But it cannot be expected that on this record the court will go further and adjudge as to the respective titles of the Crown, the plaintiffs or the defendants.

The next question then is, has it been made to appear that at the date of the issue of the letters patent to the defendants, the plaintiffs were possessed of or entitled to such an interest in the portion of the patented lands claimed by them as entitled them to ask the interposition of the court in their favour? The learned trial judge did not pass upon this question. The defendants dispute the plaintiffs' status and present a number of objections, some of which are formidable if not insurmountable. They point out that the plaintiffs' interest, if any, is that claimed by their assignor, W. J. Green, as a prospector and explorer holding a miner's license by virtue of an alleged discovery of valuable ore or mineral in place under the waters of Cobalt lake, and they say that at the time of the alleged discovery neither Green nor any one working for him held a miner's license, and that Cobalt lake was withdrawn by the Lieutenant Governor in Council from sale, location or exploration, under the provisions of the Mines Act, and that Green and those associated with him were aware of that fact or could have ascertained the fact if they had made proper inquiries, but they

deliberately refrained from doing so; that whatever may have been done in that way of exploration or discovery was done without the authority of a miner's license and was conducted in direct contravention of the prohibition of the Mines Act against exploration on lands of the Crown withdrawn from sale, location or exploration, and any supposed discovery made under such circumstances conferred no right to a mining claim under the Act. The defendants say further that no discovery of valuable ore or mineral in place was actually made, and that the provisions of the Mines Act, the regulations made thereunder with regard to discovery, staking, proof of claim and inspection, were not complied with and the claim was never presented, recorded, or inspected in such manner as to entitle Green to assert under the Act any title to a mining claim situate under the waters of Cobalt lake, or to confer on him any right thereto. The defendants further say that upon presentation of the claim for record in the office of the mining recorder it was justly rejected by the recorder because it purported to be a claim of discovery in Cobalt lake which was not open for exploration, and because he was under instruction not to receive claims in respect of it, that this action was confirmed by the officers of the Bureau of Mines, and that the Minister of Lands, Forests and Mines rejected the claim for the same reasons.

Now in order to obtain recognition by the Crown of a right in respect of a mining claim it was incumbent on the claimant to place himself in the position of one who had fully or substantially fulfilled all the requirements of the Mines Act and the regulations thereunder.

The primary requisites at the date of the alleged discovery were the possesion of a miner's license and discovery made on Crown lands not withdrawn from location or exploration; Mines Act, Revised Statutes of Ontario, chapter 36, section 9, and sections 45, 46, and 47, as amended by the Act 61 Victoria, chapter 11, sections 1 and 2. Section 9 reads that any person may explore for minerals on any Crown lands except such as may have been withdrawn from sale, location or exploration, but a reference to the other sections shows that the person spoken of is a person holding a license. See also the regulations approved by order in council of April 5, 1905 clauses 1, 12, 13, 15 and 16.

It is plain that the explorations leading to the alleged discovery were all made before Green or any one assisting in the work had procured a miner's license, and it was not until they believed themselves to be on the eve of a discovery of valuable mineral that the withdrawal of a core from the diamond drill was suspended until a miner's license was hurriedly obtained. Then when the withdrawal was actually made no inspector was present to verify the core as one bona fide taken from the place, though probably the omission to have an inspector there might have been remedied later on by the withdrawal of another core in the presence of an inspector. But asuming the regularity of these proceedings, they could be of no avail to create rights if the land was withdrawn from location of exploration, section 47. Whether it was or not depends on the true construction of three orders in council of the 14th and 21st of August and the 30th of October, 1905, as reflected in the light of an Act of the legislature 6 Edward VII., chapter 12.

Section 33 of the Mines Act (Revised Statutes of Ontario, chapter 36) provided that where a part of section of the province was shown or reported to be rich in mines or minerals the Lieutenant Governor in Council might withdraw the whole or a portion thereof from sale or lease of the prospecting of veins, lodes or other deposits or ores or minerals therein by the use of a diamond drill or otherwise, under the direction of the Commission of Crown Lands (now the Minister of Lands, Forests and Mines) and might fix or offer the same for sale by public auction.

The order in council of the 14th of August, 1905, directed that together with other specified property of the Crown 'the lakes known as Cobalt and Kerr lakes situated in the township of Coleman, be withdrawn from exploration for mines and minerals and from sale, lease or location.' This treatment of Cobalt lake as well as previous dealings in regard to portions of it seems to import the view that the provisions of the Act and of the regulations with regard to discovery, stating proof or claim recording, &c., where applicable to lands covered by a large body of water, and were not confined to surface lands. Unquestionably such provisions as those relating to the planting and maintenance of discovery and marking posts cannot be satisfactorily complied with so as to insure permanance where deep water covers the land upon which the discovery is said to have been made. Where, as in this instance, the posts were merely planted in the ice, all traces of the point of discovery and of the supposed boundaries of the claim are obliterated with the breaking up of the ice.

The order in council, however, left no doubt as to the intention of the Crown with regard to the lakes mentioned, viz., that they were not to be subject to exploration for mines or minerals. By means of it at all events they were made prohibited territory for explorer and prospectors and were also removed from the list of lands open for location, lease or sale. While that prohibition existed it was not open to any person to make a discovery upon which he could validly maintain a claim under sections 26-33 having regard to sections 9, 33, 46, 47 and 48 of the Mines Act. And this quite apart from the difficulties some of which have already been alluded to, surrounding the marking of the place of discovery, the placing of permanent posts showing the boundaries of the claim and the proof thereof for purposes of recording.

The order in council of the 28th of August, 1905, after setting forth that the townships of Coleman and Burk, Lorrain and Hudson, in the district of Nipissing, were shown to be rich in ores and minerals, directed that such parts of the said townships as had not already been leased or sold be 'withdrawn from sale and lease,' under the Mines Act, and be set apart under section 33, not interfering with the rights of any one who had therefore made applications for mining lands in the said townships. No specific mention is made of Cobalt and Kerr lakes which has been specially dealt with by the order in council of the 14th of August.

There is nothing in the order in council of the 28th of August to indicate an intention to supersede the prior order as regards the withdrawal of these lakes from 'exploration for mines and minerals.' To that extent at all events the first order was left to its operation on these lakes, and while the unsold and unleased parts of the townships were placed under section 33, the lakes still remain withdrawn from exploration and so under the prohibition contained in sections 9 and 47.

The order in council of the 30th of October, 1905, dealt only with the effect of the order in council of the 28th of August. Its purpose was to enable licensed miners to do what was requisite in order to acquire a mining claim upon any of the open lands in the township and to record it subject to the specified conditions and restrictions.

But it did not authorize or assume to authorize the receiving or recording of a mining claim in respect of a part of the township which was withdrawn from exploration and was therefore still under the prohibition of sections 9 and 47. The testimony of Mr. G. T. Smith, the mining inspector and recorder for the district, supports the view that this was the intention. He showed that he received his instructions from the Department of Bureau of Mines that the lakes were withdrawn from exploration accompanied by a copy of the order in council on or about the 18th of August, 1905, and those instructions were never afterwards countermanded, that no claim was thereafter presented to him for record until the 8th of March, 1906, when Green's was presented and he declined to receive or record it because Cobalt lake was withdrawn from exploration.

As to this the learned trial judge says:

'It is plain that the inspector considered that Cobalt lake was not open for prospecting and that the same opinion was shared by the officers of the department including the minister' and this appears to be a fair and proper inference from the facts and circumstances in evidence.

Strengthening this view is the Act of the legislature 6 Edward vii, chapter vii, by section 1, of which it is enacted that the order in council of the 14th of August, 1905, is confirmed and declared to have been and now to be binding and effectual for the purposes therein mentioned. This Act received the assent of the Lieutenant Governor on the 14th of May, 1906, rather more than two months after the refusal to record the claim on which the plaintiff's reply, and it is argued that effect should not be given to it to their prejudice. In view however, of the actual situation before and at the time when Green and those associated with him assumed to make explorations on Cobalt lake their course of conduct is difficult to understand, assuming that it was the intention that Cobalt lake should continue and remain withdrawn from exploration, and inquiry from the Department of the Bureau of Mines or from the inspector and recorder of the district whether that was the case would have elicited an affirmative answer. But according to Green's testimony, he appears to have deliberately refrained from addressing the question to any one. He is described in the statement of claim as a broker, but from his testimony it appears that for some time he practised law and had acquired a good deal of experience in mining law. In January, 1906, he consulted a legal gentleman practising law in Toronto about forming a syndicate to prospect at Cobalt. He was introduced to a Major Gordon and there was a discussion about the chances of finding mineral on Cobalt lake and Gordon said he was certain that he could find a vein of mineral in the lake. Green then went to the Bureau of Mines and inquired for information relating to the Cobalt district. He saw one of the clerks, a young woman, and was given several pamphlets one or two mining reports and the rules and regulations. He told the clerk that he wanted all the information they could give him relating to the Cobalt district.

She handed him the pamphlets and told him that everything was contained there except a map of what claims or sections were open for location, but that he would find the map probably at the recorder's office at Haileybury. He then went to Haileybury to the mining recorder's office and saw a young woman clerk in charge of the office. He asked for a map showing what claims were open for location and was handed a map of claims showing sections marked. On the map appeared sections marked with a capital 'A.' The clerk told him the sections so marked indicated the sections applied for. From the rules and regulations and the map, he says he came to the conclusion that Cobalt lake was open for exploration. He and Major Gordon then set up a diamond drill on Cobalt lake and worked there for some weeks. Neither of them had a miner's license. On cross examination he said that when he went to the Bureau of Mines he didn't see the minister or his deputy. He did not think it was necessary to see anybody who was appointed to give out information. He did not make any inquiry at that time as to whether or not Cobalt lake was open. He made no special inquiry about Cobalt lake; simply asked for the literature and all information. He made no inquiry about orders in council. He made no special inquiries at Haileybury about Cobalt lake. He asked the clerk at Haileybury if the map was up to date, and she replied 'yes.' She said it was made up every two or three days. He merely asked her the question 'Is this up to date'? and she said 'yes.' He did not direct her attention to Cobalt lake nor mention any special place where he was going to prospect. Then without more the diamond drill was placed on the ice, and operations were begun in Cobalt lake. Now if Green was misled he had only himself to blame. A plain direct question either at the Bureau of Mines or Haileybury would have undoubtedly elicited the information that Cobalt lake was not open for prospecting. But evidently to suit his own purposes, he did not desire to put the direct question.

There was nothing misleading in the information he did obtain. The regulations were of course applicable to all mining districts. The first clause directs attention to the fact that no exploring is to be done on lands withdrawn from sale location or 'exploration.' And clause 16 repeats verbatim the proviso of section 47 of the Act against marking or staking a mining claim on Crown lands withdrawn from location or exploration. The map

furnished him showed a condition entirely consistent with the intention and practical working of the order in council of the 14th of August and the 30th of October.

The sections or lots actually applied for out of the parts of the township in respect of which the order in council of the 30th of October authorized the recorder to record claims were marked on the office map from day to day as they came in, and it is not suggested that the map was inaccurate. A frank question would have led to a full explanation, but for some mysterious reason it was not asked. In these circumstances the plaintiffs have nothing to blame the department of Bureau of Mines for. They present no valid ground or reason for saying that effect should not be given to the intention of the Crown with regard to Cobalt lake. It follows that what was assumed to be done by Green and his associates by way of exploration and alleged discovery, marking and staking, did not create a right to a mining claim under the Mines Act. That being so, it is hardly necessary to say that what is shown to have been afterwards done or attempted to be done by them in the way of insisting upon recognition of the claim is immaterial and need not be considered. The Crown never receded from the position which was taken on its behalf the moment Green's claim was presented, that Cobalt lake being withdrawn there was no claim to be considered. And afterwards, acting under the authority of section 33 of the Mines Act a sale was made to the defendants. The result is that the plaintiff's have no status to impeach the sale or the letters patent issued in pursuance thereof.

On these grounds the judgment appealed from should be upheld. But if these grounds should not prevail there still remains the question of the defendants' position as purchasers for value, and the effect of the Act of the legislature 7, Edward vii, chapter 15.

That the defendants became purchasers in good faith and for value the evidence leaves no doubt. Apparently they had no notice of the plaintiffs' claim until after the acceptance of the tender and payment of the deposit, but before the payment of the balance of the purchase money and the issue of the letters patent they were aware that the plaintiffs were claiming the portion of Cobalt lake in respect of which this action is brought.

And assuming that the plaintiffs were able to establish a status entitling them to impeach the sale, the defendants would derive no protection from the plea of purchasers for value without notice.

But they would still be entitled to the benefit of the Act, 7 Edw. VII., cap. 15.

Many objections have been urged with much force and ability against the constitutional validity and the legal effect of this Act.

It is impossible, however, to conclude that it is a private and not a general Act, and that it was not intended to validate and confirm the sale and grant of the lands comprised in the letters patent and of all the mines and minerals being and lying in and under the lands and all mining rights therein, and thereto, and to vest the property therein and thereto in the defendants as and from the date of the sale, absolutely freed from all claims and demands of every nature whatsoever in respect of or arising from any discovery, location or staking. Having regard to what is known to have transpired before and up to the time of the passing of the Act, it is not possible to ignore the significance of the enactment, or to seek to treat it as inapplicable to the plaintiffs' asserted claim to impeach the grant to the defendants.

And unless the enactment was beyond the legislative authority of the legislature, it must be taken as absolutely concluding any claim to the lands to which the plaintiffs assert title in this action.

It was urged that the legislation was ultra vires and incompetent because it was enacted during the pendency of this action and its effect if valid is to usurp the functions of the courts and to declare the rights of individuals in property in derogation of the ordinary law of the province.

But the subject-matter of the enactment falls clearly within the category of property and civil rights. The right claimed by the plaintiffs is, if anything, a right in property within the province. So the right to bring an action is a civil right. And both have by section 92 of the British North America Act been made subject to the legislative authority of the provincial legislature. And where there is jurisdiction over the subject-matter, arguments founded on alleged hardship or injustice can have no weight. As said by Lord Herschell in the Attorney General of Canada v. the Attorney General of the provinces (1898) A. C. 700, when discussing the question of the relative legislative powers and authority of the parliament of Canada and the legislatures of the provinces under the British North America Act (P 713), 'the suggestion that the power might be abused so as to amount to a practical confiscation of property does not warrant the imposition by the courts of any limits upon the absolute power of legislation conferred. The supreme legislative power in relation to any subject-matter is always capable of abuse, but it is not to be assumed that it will be improperly used, if it is the only remedy in an appeal to those by whom the legislature is elected.'

Lord Herschell added, 'If, however, the legislature purports to confer upon others proprietary rights where it possesses none itself, that in their lordships' opinion is not an exercise of the legislative jurisdiction conferred by section 91.'

But this latter remark was made in relation to the respective powers and property rights of the Dominion and the provinces, and has no application to a case like the present where the lands were Crown lands, the property of the province.

Even supposing the opinion of the court to be that the letters patent issued in error and improvidently, the Act must still remain as a legislative declaration of the validity of the sale. And in that respect the Act would form a bar to the plaintiffs' alleged rights.

Another point, not however raised by the pleadings or argued in the courts below, was suggested in argument of the appeal. It was contended that the grant to the defendants did not comprise or carry with it a grant of

the precious or 'royal' metals. The grant is of the land covered with water composed of Cobalt lake mining location together with the mines, minerals and mining rights, thereon and thereunder.

The Mines Act, R.S.C., chapter 36, section 2 (6) defines mining rights as meaning ores, mines, and minerals on or under any land where the same are dealt with separately from the surface of the land; see also the Mines Act, 1906, section 2 (9), (10) and (12). Here the letters patent are issued subject to the provisions of sections 188 to 221, inclusive, of the Mines Act, 1906, and there is a grant both of the land and of the mining rights as well as of the mines and minerals thereon and thereunder; words which, having regard to the nature of the territory and the purpose of the grant, seem broad and comprehensive enough, one might suppose, to justify a construction that would include metals and minerals of every description. Sections 3, 4 and 5 of the Mines Act, R.S.C., chapter 36, and sections 2 (16) and 3 (1) and (5) of the Mines Act, 1906, seem to indicate an intention to withdraw from the Crown any right under its prerogative title to the precious metal. But if this be not so, the plaintiffs' case is not thereby advanced, for their claim, if any, is under the Mines Act, R.S.C., chapter 36, and any grant to them would not be more extensive in terms or effect than the grant made to the defendants. However, the point is not properly open to the plaintiffs on this appeal.

There may be a question whether the plaintiffs are entitled to maintain this action as assignees of Green. Section 47 of the Mines Act, R.S.C., chapter 36, enables a licensee who has discovered a vein or other deposit or ore or mineral to mark or stake out a mining claim, providing that it is on Crown lands, not withdrawn from location or exploration, and 'to transfer his interest therein to another licensee.'

This appears to be the only provision in force when the transfer was made to the plaintiffs enabling a discoverer to transfer his interest to another. He does not appear to be authorized to make a transfer of a mining claim arising in respect of Crown lands withdrawn from exploration. The question whether, assuming that Green did acquire mining rights in or under Cobalt lake, notwithstanding that it was withdrawn from exploration, he could make a valid transfer of such rights so as to enable his transferee to maintain an action in respect of them, was not raised or discussed, and it is not necessary to the disposal of the appeal that it should be considered. The appeal must be dismissed.

This is the unanimous judgment of the Court of Appeal. The judgment, upon every phase of this transaction, is in favour of the action of the administration of the province of Ontario. There is not one claim set up or suggested by the argument that is not covered by the unanimous judgment of the court as delivered by Chief Justice Moss and not one has been alleged in the Liberal press of Canada, founded upon statements made by men whose prominence in Canadian life should have made them reasonably careful as to their statements, which is not absolutely refuted by the judgment of this court. The violent and unjustifiable attacks made by public men upon the Ontario government in reference to this matter and the attempt to draw it into the arena of politics and to discredit the Conservative administration of Ontario have received a well-deserved condemnation by the unanimous judgment of the court. Public men are justified in reasonably criticising, upon any public platform or elsewhere, the acts of governments and of other public men, but I would regret it if it became the duty or the right of any public man, whether a member of the Dominion or of the other government to go out of his way and for political purposes to attack the credit of any one of our provinces. Whether that has been done by men who should be regarded as responsible public men, whether the example has been followed with unfair effect by the Liberal press of Canada, is known to every hon. gentleman in this House. Every charge, every insinuation, has been refuted and the whole transaction, instead of being discreditable to the province of Ontario, is in every respect creditable to the province. It was said by one prominent Liberal that this $1,085,000 was dangled before the people of Ontario in order to bribe them in effect by being able to say: 'We have enriched the province to this exent.' It was said by this same prominent gentleman that this was a sorry spectacle in the public life of Ontario. He said that he hoped the time would never come when these same men who voted upon that question and sustained the Whitney government would find their own lands confiscated by that government. But the hon. gentleman who made those utterances will have to acknowledge, and ought to acknowledge if he is in reach of my voice now, that he unjustifiably attacked the rights of the province of Ontario and the public life of that province as administered by the Whitney government, the best and cleanest government that the province of Ontario has ever had. My hon. friend from Essex does not like that.

Mr. A. H. CLARKE. Oh, it does not bother me.

Mr. LENNOX. He ought not to like it, but he likes it better than the people of Canada will like the statement which he made on a certain occasion with reference to the action of the Ontario government when the Court of Appeal has shown that every act of the administration of the province of Ontario was in the interests of the people of Ontario. The course of that government was contrary to the practice under the previous government, when the public revenues were exploited to enrich favourites. The principle upon which the Whitney

government acts is that the public resources must be administered in the interests of the province and in its interests alone. And no exploiter who comes in and defies the law, knowingly defies the law, should take advantage of it to the detriment of the people of the province. Summed up, the judgment of the Court of Appeal is: that there was no foundation for the claim put forward by the plaintiffs; that they had no reason to complain of any act of the Department of Lands, Forests and Mines, and that the legislation complained of was proper, sound and valid legislation.

Hon. A. B. AYLESWORTH (Minister of Justice). As the subject under discussion is one in which I have taken some part, I want to say a word or two about it. I do not know that I have anything to add to what I said on a previous occasion. I am quite certain that I have nothing to withdraw or to recede from. I have read the reasons for their decision given by the judges of the Ontario Court of Appeal, and certainly there is nothing in what was said by any of these judges on that occasion which should cause me to modify in the least degree anything I have said, either officially as Minister of Justice, or on my feet in this House, with reference to the legislation in question. Neither would there have been if the conclusions reached by the judges of the Court of Appeal had been the opposite and if they had felt compelled to reverse the decision of the court below and, instead of dismissing the appeal that was brought before the court, had allowed it and entered judgment for the opposite party. Nor, if the unsuccessful litigant should carry his case to the Supreme Court of this country or to the judicial committee of the Privy Council, and there succeed in reversing the decisions against him which have been pronounced in the court of first instance and in the Court of Appeal for Ontario, would there be anything in that result which would, to my mind, in the least degree affect the propriety of the course which was taken in this matter by His Excellency's advisers and by myself in reporting on this legislation to my colleagues. The question upon which I had to come to a conclusion, as best I might be able, in making my report upon the legislation, was, as I consider, solely whether or not the legislature of the province of Ontario had constitutional power to pass it. I did not enter into any other inquiry. Thoroughly imbued, as I am, with the feeling that the true working out of our constitution in the best interests of all parties in this country is that the provincial legislatures should be, within the scope of their constitutional authority, supreme and not under control, I reported in regard to this legislation that I considered it to be within the constitutional power of the legislative assembly, because it concerned a question of property or of civil rights. Nothing which has been said in the judgment of the Court of Appeal, or which has been previously said in the judgment of the court of first instance, has in any degree affected that question. I took the view—I still hold the view—that the legislatures of the provinces have constitutional power to do wrong if they see fit, and that neither His Excellency the Governor General in Council nor this parliament of Canada has any business to review the propriety of their legislation so long as it is within their constitutional powers. They are amenable, as the members of this House are amenable, to the people who elected them, and to the electors must be the ultimate appeal. But, while I took that view of this legislation and of its constitutional propriety acting as Minister of Justice and as a member of the government, I have the right to my own individual opinion in regard to the justice of that legislation when it is legislation passed by the representatives of the people of Ontario and when I am one of those people. And, when I had the honour of addressing this House on this subject, a little over two months ago, I took very great care to separate, as completely as words could separate, the expressions of opinion to which I then gave utterance in my capacity of Minister of Justice from what I said speaking as a humble elector of the province of Ontario. If this legislation had not been legislation of the assembly of Ontario, but of one of the other provinces of this Dominion, I should feel that, with regard to the propriety of it, I had nothing to say, unless it might be as a citizen of the Dominion But it was legislation of the province of Ontario; I am a taxpayer and a voter in that province; and, speaking in that capacity, and in that capacity alone, speaking as one of those who send their representatives in the provincial legislature to Toronto and to whom those legislators are directly responsible, I spoke my mind in regard to this legislation in exactly the same terms in which I would speak it if I had it to do over again No one will find, no matter how anxiously he may search, in any expression of judicial opinion which has been given by the judges of the Court of Appeal of Ontario since my remarks were made, the slightest indication of the entertaining on their part of any different views with regard to the propriety of this legislation than those which I expressed on the occasion to which I am referring. The whole question as to the propriety of the legislation, was whether or not it became a parliament or legislature, when it possessed the power to deal with property which was then the subject of litigation between two parties urging

adverse claims to it, by Act of parliament to declare that that property should be taken from one of the claimants, transferred to the other, vested in that other and the claimant from whom it was taken denied the right to present his claim before the courts.

Mr. R. L. BORDEN. May I ask the minister in what respect the condition which he now cites differs from what was involved in the passage of the Canada Life Bill when the right of action was taken away from 30,000 policy-holders?

Mr. AYLESWORTH. If my hon. friend (Mr. R. L. Borden) has done me the honour to read the remarks I made in connection with the Canada Life Bill, he cannot fail to see the very plain distinction between the two. I do not know whether the remarks I then made, if my hon. friend has read them or heard them, influenced his mind at all; but I put the whole case, so far as I was concerned, in connection with the Canada Life Bill, upon the fact that it was claimed—and I assumed had been proven before the committee which inquired into that legislation—that a mistake had been made in the previous legislation which that Bill was designed to correct. In regard to this measure, the whole question in respect of the property was whether or not a piece of property which was claimed by two parties before the courts could properly be taken charge of by the legislature, given to one of these claimants and the opposing claimant denied access to the courts to establish his claim to the property if he could. The result of this litigation, so far as the Court of Appeal is concerned, is to confirm the decision of the judge of first instance, to confirm it in part upon the same grounds as those taken by the judge of first instance, namely, that no matter what the merits of the dispute might be, the legislation in question was a bar to the courts entertaining any question of its merits or deciding that litigation in any manner in which but, for this legislation, they would have decided it. I have likened this legislation on a former occasion to the confiscation of a man's farm. I can see no difference in principle, and that, without regard in the least degree to the merits of this dispute, or to the question of which one of these two claimants in in honesty entitled to the property in litigation. I have at no time expressed any opinion, I have not even formed any, as to the merits of the dispute between these two parties. I do not know the facts. No court has yet been in a position where it could, with free and untrammelled hand, pronounce upon those facts, or decide this litigation upon its merits. I have never assumed even to express an opinion as to which of these two claimants is entitled to the property. That is something that seems to me entirely beside the far larger questions which arose for consideration here, and which involved, in the first place, the propriety of His Excellency in Council interfering with the legislative action of the constituted authorities of the province. And on that point I have expressed my opinion. His Excellency has taken action, and so far as I have heard, not even the hon. gentleman who has just occupied the time of this House takes exception to the course which was taken by His Excellency's advisers in that connection. Upon the larger question I have expressed my opinion as a voter of the province, and that opinion I still adhere to; and I can find no words in the English language too strong to use to denounce the iniquity of legislation of this character.

Mr. R. L. BORDEN (Halifax). I do not rise for the purpose of discussing this subject, but another matter. I may, however, be permitted to say that every word of the denunciation which the Minister of Justice has uttered against this legislation, rebounds with tenfold effect against himself, his colleagues and supporters, in respect to the Canada Life Bill. What was the case there? One of the policy-holders of that company had actually a case in court at the time that legislation was passed by the House, and he had instituted that litigation, not only on his own behalf, but on behalf of the 30,000 or 40,000 policy-holders of that company. No court, to use the language of the Minister of Justice, had been able to pronounce upon that question with free and untrammelled hand. No inquiry by a court had been made into the case; and my hon. friend the Minister of Justice in his somewhat floundering attempt to distinguish the one case from the other, says that he does so because, in the case of the Canada Life legislation, he assumes that there had been a mistake. Well, I suppose if that assumption is open to the Minister of Justice, it was equally open to the legislature of Ontario whom he denounced with respect to the Florence Mining Company. If that is an open road to legislation of the character which was passed in the one case, it is an open road to legislation in the other case. I venture to say that you could take the remarks of the Minister of Justice to-day in his denunciation of this Bill, and apply them absolutely to his own conduct in supporting the Bill of the Canada Life—although there is a more or less unconfirmed rumour around the corridors that if he had spoken his full mind about the Canada Life Bill he would have used very much the same language that he did with regard to this act of the legislature of Ontario. However, I did not rise for the purpose of discussing that matter, and

if any other hon. gentleman desires to discuss it, I will take my seat, with the privilege of speaking upon another matter later on.

Mr. A. H. CLARKE (South Essex). I desire to speak upon it.

Mr. R. L. BORDEN. Very well, I will yield the floor.

Mr. A. H. CLARKE. It is only in reference to what has been said by the leader of the opposition that I wish to say a few words as to the difference between the position of the Florence Mining Company and that of the Canada Life Bill. To my mind the difference is quite plain. In the case of the Florence Mining Act, the court was the only tribunal which could give relief. It was suggested with regard to that matter that it was one which it was never necessary for either party to come to the legislature to obtain relief. But the position of the Canada Life is entirely different, because in that case the courts could not give relief; the error, if it was an error, being one made by the parliament of Canada, and therefore it was to the parliament of Canada alone that the parties could come to correct that mistake.

Mr. R. L. BORDEN. How was any error of the parliament of Canada established?

Mr. A. H. CLARKE. It was established by evidence which was given before the committee.

Mr. R. L. BORDEN. In what way?

Mr. A. H. CLARKE. By the evidence of parties who were present in the parliament of 1879.

Mr. SPROULE. Can the hon. member say who gave that evidence before the committee, because we had absolutely no evidence?

Mr. A. H. CLARKE. Evidence before that committee was given by Mr. McCarthy; he had there the declaration of Mr. Ramsay who was the president of the company, as to the way he understood it, and as to what the practice had been ever since.

Mr. R. L. BORDEN. Was Mr. Ramsay a member of the parliament of Canada at the time, and if so, could he speak for every other member?

Mr. A. H. CLARKE. He had promoted the Bill.

Mr. R. L. BORDEN. It is an error of the parliament of Canada, according to my hon. friend's contention.

Mr. A. H. CLARKE. I am not here to discuss whether the evidence was strong or weak. But I have to say that the evidence was sufficient to satisfy the committee that that error had been made, and they passed upon it accordingly, and reported to this House that the Bill ought to pass.

Mr. R. L. BORDEN. There was not a scintilla of evidence pointing to any such conclusion.

Mr. A. H. CLARKE. It is strange then that my hon. friend did not come here and vote against it when it was going through. Those on this side of the House were satisfied that a case had been made out, that the mistake had been made, and it was necessary to come here to correct the error, and that was the only justification for passing the Bill. If hon. gentlemen believed that no mistake had been made, they were certainly remiss in their duty when they did not come and record their votes against the Bill. But let me point out another difference between the two cases. In the Cobalt Lake case my opinion was that it was not proper legislation. My hon. friends opposite say the principle in the Canada Life is just the same as in the Cobalt Lake case. Well, if it was just the same, they approved the Cobalt Lake case and they approved the objection to that legislation by objecting to this legislation here. They say it is the same thing. They objected to the Canada Life Bill, and by their very act they condemned the Ontario legislature in passing the Cobalt Lake Bill. If one is wrong, if they are both the same, and they say they are, therefore, they condemned Mr. Whitney more strongly than anything I can say.

Mr. SPROULE. Mr. Whitney was representing the Crown. The property was the property of the Crown. The right to legislate belonged to that body and even the Minister of Justice does not deny, when we call attention to it, their right in legislating as they have done. It was their duty to look after the interests of the Crown, but it is entirely different where the other case exists between private individuals. The right of contract gives the right to each party to claim to establish what was the contract and in no way could that be determined except in the courts. But, by the action of the federal government the men who were either to benefit or to lose by the fulfilment of the contract or the non-fulfilment of it were not allowed to prosecute their claims in the courts so that they might determine whether they were good or bad. They were legislated out of court entirely.

With reference to some observations of the Minister of Justice I have only to say that he seems to draw a distinction between what he says as Minister of Justice and what he says as a private

citizen and ratepayer of Ontario. But he almost in the same breath mixes up the two and therefore whatever observations he made as a citizen and a ratepayer of Ontario were made in connection with the discussion of a subject where he is giving the dicta of the Minister of Justice representing Canada. Therefore, very few will distinguish the difference, if there is any difference, between the two. We will be obliged to attach much more importance to his words than if they were the words of any private citizen or than we would to the same observations from the same man if he were on a political platform as a ratepayer of Ontario discussing a question of politics relative to the conduct of the Ontario government. I thought at the time that it was very wrong, and why?—because he said that it was absolute confiscation and if it was confiscation what did it mean? It meant that he attacked not only the honesty of the government of Ontario but the industrial credit of Ontario, because, if the government were prepared, to step in and, take property away from a party who had invested his money in the development of that property, then those men who might be induced to bring money into Canada to invest it in these lines would be very cautious in the future, if the observations of the Minister of Justice were correct. These observations carried with them all the authority and power of the Minister of Justice of Canada. They were not the same as the utterances of a private citizen. If a private citizen had said the same thing his observations would not have been taken in the same sense. The Minister of Justice said: 'I am not concerned about whether the province of Ontario had or had not the right to pass that legislation; I am not concerned as to the reasoning out of the case at all.' Well, I heard the Hon. Edward Blake make an observation in this House upon one occasion that I thought there was a great deal of force in, and it was to the effect that no member occupying the position of Minister of Justice should ever be content to make a statement of that kind without giving reasoned judgment or the reason why he reached the conclusion which he was placing before the House. I think that was where the minister's logic was entirely at fault because he did not give a reasoned judgment why he reached that conclusion. If he had done so his conclusion might have been much more valuable. But, the hon. gentleman, after saying that he is not concerned at all as to the reasoning by which he reached that conclusion makes the bald statement that they were within their rights when they did it and then follows that up as a private citizen of Ontario at the same time in the same breath by saying that their conduct was absolute confiscation and that it was unjustifiable, unreasonable and improper.

IMPERIAL DEFENCE.

Mr. R. L. BORDEN. Mr. Speaker, before you leave the Chair, I would like to make an inquiry of the government as to what action they propose to take in view of the resolution which passed on the 29th March with respect to the participation of Canada in some scheme of naval defence. I will not read the whole of the resolution, but my right hon. friend the Prime Minister (Sir Wilfrid Laurier) will remember that one portion of it was framed in these words:

> The House will cordially approve of any necessary expenditure designed to promote the speedy organization of a Canadian naval service in co-operation with and in close relation to the imperial navy.

We perhaps may be entitled to some declaration from the Prime Minister as to what is to be done in that regard. I think there has been some rumour in the press—perhaps there has been some statement in the House, but I am not sure of it—as to a visit to Great Britain at the conclusion of this session by two members of the government for the purpose of a conference with the imperial authorities and more especially, I suppose, with the naval authorities. We have also had some rumours in the press of action by the imperial government itself. It has been said that an imperial naval conference has been called, and that invitations have been sent to Australia, Canada, New Zealand and other great self-governing dominions of the empire. Perhaps the Prime Minister would be good enough to intimate whether or not any invitation has been sent to Canada in that regard, and if so, whether it is to be accepted, and generally if he would be good enough to give to the House and to the country a statement of what the policy of the government is with respect to its method of carrying out this resolution and what is to be done in the immediate future. I think it would be of advantage to the House and the country to have that information. It is for that purpose I ask this question.

Sir WILFRID LAURIER. Since the resolution of the 29th March was adopted in this House there has been some correspondence between the imperial authorities and the government on this very subject. It is not very voluminous; I think I can have it ready for to-mororw morning and that will indicate the course we intend to take.

MANITOBA FISHERIES.

Mr. G. H. BRADBURY (Selkirk). Mr. Speaker, before the House goes into Supply, I wish to call the attention of the hon. Minister of Marine and Fisheries (Mr. Brodeur) to an editorial in one of the Win-

nipeg papers on the statement he made in the House in reply to some remarks I had the honour to make in this House on the 13th of the month. I stated at that time that Lake Winnipeg was being depleted. The minister, in reply, said that the reports showed that Lake Winnipeg was not being depleted. I am going to quote just a few sentences from the Winnipeg 'Tribune' of the 14th instant. This is a paper that has been in touch with this question during the last fifteen or sixteen years and is thoroughly competent to speak upon the subject:

DEPLETION OF FISHERIES.

Hon. Mr. Brodeur said the reports showed that there was no depletion of the fisheries of Manitoba.

At the moment when he spoke those foolish words, witnesses were giving evidence before his own fisheries commission at Gimle, the headquarters for many of the fishermen on the lake. The report says:—

The majority were in favour of the lake being closed for whitefish in the southern portion until the fish increased sufficiently in numbers to make it profitable and that the closed season for domestic fishing licenses should commence on August 15 for summer fishing.

A few years ago in the southern portion of the lake, the waters fairly teemed with whitefish; fishery stations were in operation, and remained in operation until the devastation was almost complete. Then they were closed. And yet the Minister of Fisheries stands up in parliament and says:

The reports showed that there was no depletion of the fisheries of Manitoba.

Take further testimony given before the fishery commission yesterday:

Rev. J. P. Solmundson, secretary of the fisherman's union, was the last speaker. He claimed that United States capital was the direct cause of the depletion of the whitefish in Lake Winnipeg. and while he was in favour of fishermen being allowed longer nets and Canadian-financed firms doing business in the uorthern part of the lake where whitefish were still quite plentiful, he objected strongly to American capital under Canadian names securing the product for the American market.

The fact is that the American capitalists have in the majority of instances, been in league with friends of the government. The old, rotten system of placing the country's resources at the disposal of friends, is at the bottom of the depletion of Lake Winnipeg and other western inland waters. Friends, as they are called of the government have had a tremendous rake-off in this business, and the protests of the whole people have been ignored.

This is from the 'Tribune' of May 14, the morning after I had the honour of addressing this House. Now, for the purpose of convincing, if posible, the hon. minister that Lake Winnipeg is in a depleted condition, I wish to read from another important report, made by a man who is entirely impartial, taken from the report of the Royal Northwest Mounted Police for 1907. This is an extract from the report of Inspector E. A. Pelletier, of a patrol from Regina to Churchill and return, in the winter of 1906-7. It is as follows:

Regina, March 11, 1907.

With regard to fishing companies:—

I take the liberty of suggesting that by what I heard and what I believe some restrictions should be made in the extent of their operations.

The fish caught, I hear, is mostly all exported to the United States market, and it is foreseen that soon there will be hardly fish enough left to feed the natives and their dogs. If some law could be passed to forbid the exportation of fish caught in the Keewatin district, outside of Canada, it would benefit the country a great deal, for at this rate the fish will soon become extinct or practically so. Something like it is in Lake Superior, Lake of Woods, and is getting in regard to Lake Winnipeg, which is getting fished out.

Fishing companies are operating as far as Lake Tipiwesh. The new railway coming in from the Pass will come through a country of good fishing lakes.

Fishing companies find it even profitable to haul fish some 100 or 150 miles from railway transportation with horses. One can easily imagine if a railway ever comes through to Fort Churchill to what extent the country will be exploited by these fishing companies, and as these lakes are of comparatively small size it will take very few years indeed to drain them of all their fish, and then the natives will be left starving if a poor year of fish comes. As it is now, they can always fall back on fish after everything else fails.

Even then this country is growing now at such a rate that if no restrictions on the export of fish are made at an early date there will be no fish left for our own consumption.

Evidence of this kind, coming from a man who is entirely impartial, who has no other interest to serve than the public interest, ought to impress the minister that there is something wrong. The hon. gentleman seemed to take exception to the statement I made regarding the laxity of the officials of his department.

Mr. SPEAKER. The hon. gentleman cannot refer to a previous debate.

Mr. BRADBURY. I am very sorry I cannot. However, there seems to be some difference between the hon. minister and myself regarding the position these gentlemen occupy. Either the officials of the department have been derelict in their duties regarding the fisheries of Lake Winnipeg or the minister of the department has counteracted their recommendations. If the officials have been honest, and have notified the government from time to time of the facts, then the government must take the full responsibility for the destruction of these great fisheries. There is no question that Lake Winnipeg is in a depleted condition to-day.

The hon. minister quoted from the report of one of his officials, who, as I pointed out, has from time to time made reports which were contradictory and therefore not reliable. However, I am going to read for the minister's information an extract from the report of 1906 of the inspector at Selkirk, the gentleman whom the hon. minister quoted the other night.

Some hon. MEMBERS. Order.

Mr. BRADBURY. I do not like to irritate the hon. gentleman, but I wish to place this report on record, in the hope that it may open the eyes of the hon. minister to the fact that reports made by the inspector at Selkirk are not altogether reliable. In this report for 1906, the inspector states:

I would just say in conclusion, that the year 1904 has been, on the whole, a very successful one, considering that the weather throughout the year. was very unfavourable, for the carrying on of fishing operations. In some cases nets were set from four days to a week without being lifted and fish taken therefrom. This of course had a very bad effect on the fishing as a good many of the fish deteriorated before the nets could be lifted and in consequence were unfit for the market. It is a hard proposition to overcome this loss as long as gill nets are used for the capturing of fish in our waters.

Fish of all kinds are very plentiful except sturgeon and whitefish, both these valuable fish seem to be getting scarcer every year. The setting apart as a breeding ground the waters of the Winnipeg river was a move in the right direction, and will be a benefit to the fisheries of our province as long as it is kept closed to commercial fishing. The waters of the Winnipeg river are teeming with young sturgeon.

The common whitefish in our waters seem to be getting scarcer every year at any rate they are harder to locate during the fishing season than they were a few years ago.

I wish to draw the attention of the minister and employee to the fact that his own inspector as late as 1906 pointed out that Lake Winnipeg was in a depleted condition and that the fish were getting scarcer every year. I do not intend to take up the time of the House further than to say that I hope the minister will be guided by the reports which I have tried to lay before him, honestly and fairly, without any political bias, and will see that they are looked into by the Fish Commission. I fear very much that that commission is not going to accomplish the work for which it was appointed, because I have noticed in the reports of the papers that one of the managers of the fish companies against which I have been protesting, is following that commission up from place to place giving his evidence at different places and no doubt influencing the men who come before the commission. There is no doubt that the evidence given before that commission is being secured to a very large extent by this man. All I ask is that the people have a fair chance to put their case before that commission. As I pointed out to the minister this morning in private conversation, unless the witnesses are subpœnaed by the commission, the evidence will not be properly secured from the standpoint of the people. The companies will take good care to have their evidence placed before the commission, but there is no one looking after the interests of the people, and consequently I am afraid that if the commission do not subpœna witnesses and cross-examine them direct, the inquiry will not be a fair one, and will not accomplish the result which it was designed to accomplish.

At one o'clock the House took recess.

House resumed at three o'clock.

Motion agreed to, and House went into Committee of Supply.

Marine hospitals, $70,000.

Mr. WRIGHT. What is the reason for this increase?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries). Different hospitals have represented that the per diem allowance which we make for patents is not sufficient. We have been paying them about $1.30 per day and they are asking $1.50 or $1.75 a day.

Mr. JAMESON. Is it intended to construct any new marine hospitals this year?

Mr. BRODEUR. No.

Fish breeding establishments, $322,300.

Mr. JAMESON. Will there be any additional buildings this year?

Mr. BRODEUR. Yes, it is expected that with this sum of money we may provide some new hatcheries.

Mr. JAMESON. What is the cost of maintaining those at present in use?

Mr. BRODEUR. The estimated cost of the hatcheries for the different provinces will be: Ontario, $67,300; Quebec, $25,500; New Brunswick, $27,000; Nova Scotia, $41,500; Prince Edward Island, $11,000; Manitoba, $22,000; British Columbia, $115,000.

Mr. JAMESON. What sum does that leave for new work?

Mr. BRODEUR. That will include the new work. There will be two new hatcheries in Ontario, one in Quebec, four in Nova Scotia. The locations have not yet been decided on.

Mr. JAMESON. What information is the minister getting with regard to the best places to put them?

Mr. BRODEUR. The hatcheries are located on a report by Mr. Cunningham, the fish breeding inspector.

Mr. JAMESON. Has he made his inspections yet for that purpose?

Mr. BRODEUR. In some places he has made investigations.

To provide for the construction of a fisheries protection cruiser for the Pacific coast, $220,500

Mr. WRIGHT. What is the total cost of this boat to be?

Mr. BRODEUR. The tenders have not yet been decided upon. Tenders were called for, but at the request of Canadian builders the plans have been somewhat modified. With the consent of the committee I would add after the word 'construction' the words 'or purchase.'

Amendment agreed to.

Mr. JAMESON. What is the proposed speed of this cruiser? I understand there has been some difficulty in the protection of the fisheries simply because the cruisers employed have not sufficient speed.

Mr. BRODEUR. That is unfortunately true. Formerly all the fishing vessels were sailing vessels, but with the introduction of steam fishing vessels greater speed is required in the cruisers. It is provided that this vessel shall have a speed of from 17½ to 18 knots.

Mr. WRIGHT. If the minister purchases a boat will he buy it in Canada if possible?

Mr. BRODEUR. If it is possible to get it in Canada that is our intention.

Mr. J. A. CURRIE. In examining the tenders will the minister consider the duties and the additional wages that will have to be paid in the case of a vessel built in Canada? I think the House would justify him in paying more for a Canadian built boat because every one knows that wages are higher and that the duty has to be paid on the material which is imported. I would ask him to bear that in mind when the tenders are being passed upon.

Mr. CROSBY. We had some discussion the other night in regard to the construction of ships in Canada and I understand from the Minister of Marine and Fisheries that he had made an effort in connection with the construction of this boat, which is now being built in Scotland, to have the work done in Canada. I had talked with the manager of the Dry Docks Company in Halifax, Mr. Brookfield with regard to the construction of steamers and I understood from him that he had made every effort to get an opportunity to construct a boat for the government and had failed. I was informed the other night that the department had made every effort to have a ship built in Canada. I sent a telegram to Mr. Brookfield and have a telegram under my hand in which he states that he had communicated with the Marine Department and had endeavoured in every way to get an opportunity to build a boat for the Marine Department. He states that they are now in a position to construct a boat any time 300 feet long and up to 45 feet wide. I think that the boat required is about 276 feet long and 30 feet wide, and it will be well to endeavour, even though it should cost a little more to build such a boat in Canada rather than on the other side, so as to give some encouragement to our own people. In his telegram Mr. Brookfield said that he had been trying hard to get a little encouragement but without success. It is, I know, difficult to buy steamers to suit the work. I could take some of those that have been bought by the department and criticise them severely. I may, however, be told that it is difficult to buy anything better, that may be true. I realize the difficulty of buying a boat to suit the purposes of the department, and therefore it may be necessary to build; but even if we should have to import some men to build, that would be a trifling matter. I am not speaking particularly for Halifax. but I say that in eastern Canada we have a lot of men who have been ship builders for years who can turn out ships that cannot be excelled.

Mr. BRODEUR. I am just as anxious as the hon. gentleman to have these boats constructed in this country and we have advertised for tenders. We have not notified any British company as to our intention to call for tenders, but we have had advertisements in the Halifax papers, and have not received any tenders.

Mr. CROSBY. I have a telegram here from Mr. Brookfield who apparently has not seen it.

Mr. BRODEUR. That advertisement was published in the Halifax 'Reporter' and 'Chronicle.'

Mr. CROSBY. You neglected the 'Herald' whose circulation in one issue is larger than that of the other two in a week. Is that advertisement published now?

Mr. BRODEUR. It is, and we did not get any tender from Mr. Brookfield.

Mr. J. A. CURRIE. I may say that the experience of the Collingwood Ship Building Company is that when they tender for government works the tenders invariably go to the old country firms who seem to tender away down low for that class of work. Of private work, this company gets its share. It tendered for the Northern

Navigation Company and built for that company a very large ship, 365 feet long, 50 feet wide, 75 feet deep 7,000 horse-power, with a speed of 20 knots an hour, and succeeded in getting that contract in competition with Swan & Hunter, a very large English concern. The ship went into commission last week, and on her trial trip she exceeded 20 knots an hour with four-fifths of her boiler capacity. Everything in connection with the vessel, with the exception of some fittings, was built in Canada. I am strongly of the opinion that the ship builders in the old country tender very low for government work, and then skimp their work expecting to make up on extras. But the fact remains that Canada can produce just as good steel as any other country in the world, and we find that every country of any importance is building its own ships. The Japanese, the Germans and even Italy and Spain are now building their own war vessels. It would be advisable that in a country which provides such an enormous amount of freight as Canada, the government should do everything possible to encourage Canadian ship building.

Oyster culture, $7,000.

Mr. JAMESON. Will the minister please tell us what is being done in connection with the expenditure of that money? A similar amount was voted last year, but, so far as we are able to find out from the person who came before the committee, there was not a great deal of new work done.

Mr. BRODEUR. This amount includes the salary of the oyster expert, and the expenditure in connection with the vote is at his disposal to go around the islands.

Mr. JAMESON. Will the hon. minister give particulars of that? I want to know how much went to the good of the oyster culture and how much to the good of the officer.

Mr. BRODEUR. The report shows that part of the season of 1908 was spent at Shediac Bay marking off areas for quahaug fishermen. He then went to Caraquet and spent the season there clearing the beds, coming down to Shediac in October for the oversight of the oyster fishing there.

Mr. JAMESON. Where is it proposed to have the work in the coming year? The evidence given by the oyster expert before the committee on fisheries, the minister may remember, showed that some years ago he had planted oysters in Annapolis Basin, and had left them in charge of an official there, but no reports have been received, and he did not know the condition of those beds. I should think if expenditure is to be made on oyster culture, the work should be looked after and proper reports made, so that we may be able to judge, after the experiments, whether it is possible to cultivate oysters in those waters.

Mr. BRODEUR. Next summer, it is proposed to send the oyster expert to Guysborough county, to ascertain if there are areas there which can be used for oyster culture. I will see to it that a report is made with regard to the Annapolis Basin beds.

To assist in the establishment, maintenance and inspection of cold storage for bait and the conservation and development of the deep sea fisheries, $40,000.

Mr. FRASER. Has this anything to do with the herring drifter, No. 33? A large sum of money has been devoted to that for many years and I do not think that any very adequate results have been shown.

Mr. BRODEUR. This money is to carry out the policy of bait freezers established some years ago. We contribute toward the establishment of small bait freezers put up by private parties, when these are constructed according to the plans and specifications approved by the department. We also have two large bait freezers, one at Canso and one at Halifax toward which for five years—I think this year is the last—certain contributions are made according to the quantity of bait they store.

Mr. FRASER. It has nothing to do with the sum of money paid to Mr. J. J. Cowie, for the steam herring drifter?

Mr. BRODEUR. Nothing at all.

To provide for the maintenance of experimental works for the reduction of dog-fish, $53,000.

Mr. WRIGHT. We spent in this work last year, I think, $75,000. Are the dog-fish being got rid of?

Mr. BRODEUR. The results have been somewhat satisfactory. I do not say that it is due to the two dog-fish reduction plants that we operated last year, but the number of dog-fish infesting the coast is certainly reduced. We pay the fishermen a certain sum for each dog-fish brought to the reduction works, which is an encouragement to the fishermen to kill as many dog-fish as possible.

Mr. GEO. TAYLOR. What are the proceeds of the sale?

Mr. BRODEUR. At first, we disposed of the fertilizer reduced to the farmers at $25 a ton. When the demand was supplied, we called for tenders and have realized the following sums:—1906-7, $1,675; 1907-8, $15,970.28; 1908-9, $346. We have not yet disposed of the fertilizer for this year.

Mr. JAMESON. Is that the output of more than one plant?

Mr. BRODEUR. Of two plants. We should have an additional plant this year at Clark's harbour.

Mr. JAMESON. Have these works passed the experimental stage? Is it the intention of the minister to continue them? Will they be increased in number?

Mr. BRODEUR. They have not passed the experimental stage. We expect that the works at Clark's harbour will give better results than the other. We have not been absolutely successful with the machinery we have in removing from the fertilizer all the oil necessary to make it first-class. We expect that the improvements made at Clark's harbour will enable us to meet the situation.

Mr. JAMESON. I was pleased when I heard the minister say that these plants were doing good work, and that they were a benefit to the fishermen by leading them to destroy the dog-fish. But when he says, in the face of that, that it is not the intention to extend them, he is discriminating against the fishermen in those districts where they have not been established. I believe that the idea of reduction plants of this character was first promoted at a fishing port on the Bay of Fundy, and that representations were first made from there to the department on the subject. I had hoped that the first plant established would be established there. However, as that had not been done, I hoped that the minister, after three or four years experience, would have been able to say that it was the policy of the department to go on and complete a chain of plants around the coast. Now the department was commercialized and has gone into the field, entering into competition with commercial interests which would have been willing to erect these plants. The department having done that, and having prevented private capital from being invested, it is only fair that it should go further than it has gone, and afford that degree of relief to the fishermen generally, which plants of that character, according to the minister himself, have shown themselves capable of giving. I think the minister should in all fairness to the fishermen of the Bay of Fundy have a plant erected somewhere on that bay where it would be available for the fishermen. If he does not do that, he is certainly discriminating against the large number of fishermen there. These works, which he says himself have not proved a commercial success, but have done some good, are being paid for by the country at large, and the cost of operating them is being taxed on the people generally. That being the case, there is no reason why the principle should not be extended, and why the fishermen throughout the entire maritime provinces should not have the relief which these works give, if, as the minister believes, they are beneficial and if their operation at all is warranted.

Mr. BRODEUR. As to extending the system, I would be glad to encourage any private company that is willing to go into that business. In fact it is the aim of the department to encourage private concerns to undertake these reduction works. I do not think that should be adopted as a general policy of the department, and I do not understand that the hon. gentleman has suggested that we should ourselves establish such reduction works on the Atlantic and Pacific coasts. But we are undertaking this expenditure to show the people that dog-fish can be reduced, and in what condition it can be sold. After we have shown the results of these experiments, we expect that private concerns will take up the business, and I shall be glad to aid them. I have not given much consideration yet as to the policy which should be adopted, whether we should grant a subsidy or not to these companies. But at present I am willing to encourage any who will go into that business.

Mr. JAMESON. The minister has given us sound information as to the incomes of these plants. Would he tell us what the cost has been in order that the commercial interests may see it for themselves?

Mr. BRODEUR. The cost of construction has been as follows:

Canso, $32,320; Shippigan, $25,298; Clark's Harbour, $36,062.

Cost of maintenance each year:

Year.	Canso.	Shippigan.	Clark's Harbour.
1905-6..	$17,887	$3,737	
1906-7..	14,985	9,941	
1907-8..	10,863	6,482	
1908-9..	16,566	9,357	$681

Amount realized for soap and oil: 1905-6, $30; 1906-7, $1,675; 1907-8, $15,976; 1908-9, $346.

Mr. JAMESON. What price is paid for dog-fish?

Mr. BRODEUR. $4 per ton.

To provide for the maintenance and expenses of a government educational fish-curing establishment, the proceeds of sale to revert to the appropriation, $12,000.

Mr. BRODEUR. The result of this experiment has been very satisfactory, and we are contemplating leasing the establishment to some private individual. We have now conducted it beyond the experimental stage, and expect that some one else will take it up.

Mr. FRASER. Did I understand the minister to say that it was the intention of his department to lease that this year?

Mr. BRODEUR. Yes.

Mr. FRASER. The department intends to hand it over to a private lessee?

Mr. BRODEUR. It is not yet decided, but it will be decided in a few lays. Tenders have been called for, and are now engaging the consideration of the department.

Mr. FRASER. The intention of the government may have been good in establishing this business, but I can assure the minister that as an educational fish curing establishment it has been a failure. This was started some years ago, and every year since there has been quite a large deficit. During the three years that it has been operated it has cost the government over $24,000.

Mr. BRODEUR. According to the figures I have this year, the expenditure has been for 1907-8, $8,572, and the receipts, $8,826 leaving a small surplus.

Mr. FRASER. According to the Auditor General's Report, O—224, the last issued, the expenditure was $1,954, and the receipts for the sale of fish amounted to $11,000, leaving a deficit of $8,572 in one year.

Mr. BRODEUR. The figures I have just given were for the last fiscal year. The figures which my hon. friend has quoted were for the previous year.

Mr. FRASER. That institution has been so managed that it has been an absolute failure as an educational institution and it has been a loss to the government. During the time it existed it was only doing what any private firm would do—buying fish, even cured fish, and selling it in competition with those who had been in the trade for years. If it is the intention of the government to let it out on lease I think it would be better for the department. May I ask the minister how many tenders have been received?

Mr. BRODEUR. Two.

Mr. FRASER. Who were the tenderers?

Mr. BRODEUR. They are still under consideration.

To provide for the construction and maintenance of marine biological stations and investigations, $15,000.

Mr. FOSTER. Are these new?

Mr. BRODEUR. No, this is the same vote as last year. This is for the purpose of looking after the construction and maintenance of these stations. We have one on the Atlantic, one on Georgian bay and one in British Columbia.

Mr. FOSTER. What are you doing at these biological stations?

Mr. BRODEUR. Studies are being carried on by university professors.

Mr. FOSTER. What do we get as a result of it?

Mr. BRODEUR. We get reports of the results of their studies.

Mr. FOSTER. What use do we make of these?

Mr. BRODEUR. The officers of the department make their recommendations based upon the reports that we get from these persons.

Mr. FOSTER. Will the minister give us an instance or two of what good has come out of it and how it has been carried out practically?

Mr. BRODEUR. For instance, they make a study of the cod, its food and habits and they make reports to us giving the results of their observations.

Mr. FOSTER. Then, do we gather up the food and feed the cod?

Mr. BRODEUR. No.

Mr. FOSTER. Then what do we do?

Mr. BRODEUR. We get the scientific reports from which the officers of the department obtain information upon which to base the recommendations that they make to the department.

Mr. FOSTER. If the minister has any instances will he give the committee information as to what benefit we have got in the matter of the cod study? The professors study and they give the results of their study of the different kinds of food that the cod eat. What do we do with that information?

Mr. BRODEUR. The question of fisheries is a complicated one and the best way to deal with it is to find out the habits of the fish, what they do, how they dispose of their spawn and how they feed. How can we get that information? We can get that information by scientific observation. These gentlemen are professors in the different universities and they take a deep interest in that branch of natural history. They are willing to lend their services to the department in order to study the habits of the fish.

Mr. GEO. TAYLOR. Do they lend their services or do they get paid?

Mr. BRODEUR. They do not get any pay. They lend their services gratuitously to the department and we have been establishing these stations for the purpose of facilitating their studies. When they gain information as to the habits and food of the fish they make reports to us on which the officers of the department later on base their recommendations.

Mr. FOSTER. What I want to get at is what recommendations the department has carried out in the particular instance that the minister cites as to the cod and its food.

Mr. BRODEUR. Let us take, for example, the question of clams.

Mr. FOSTER. We are not talking clams; we are talking cod. I want the minister to stick to his text. Let him tell us what recommendations his officers have given him and which have been put into practice as the result of the reports of these gentlemen.

Mr. BRODEUR. I did not speak specially as to cod.

Mr. FOSTER. Then the minister gives it up.

Mr. BRODEUR. No, but I was only giving my hon. friend an illustration of the work which they carry out as to cod.

Mr. FOSTER. Now, take clams, and see if the minister can do any better.

Mr. BRODEUR. My hon. friend may laugh. This is a very laughable subject.

Mr. FOSTER. No, the laugh is not on me.

Mr. BRODEUR. That is all right; I do not mind it.

Mr. FOSTER. Has the minister received any recommendations from his officers as a result of these reports?

Mr. BRODEUR. Yes, I may say that they made recommendations as to the clams and quahaugs.

Mr. FOSTER. What?

Mr. BRODEUR. Quahaugs.

Mr. FOSTER. Are we talking about codfish or 'wogs'?

Mr. BRODEUR. Quahaugs.

Mr. FOSTER. Well, I will take it all back. What has the minister done with reference to quahaugs and clams? Let us have the practical result.

Mr. BRODEUR. We established a close season which was based on the scientific information reported to us by these people. The close season for quahaugs is May, June and September.

Mr. FOSTER. Where do these people live?

Mr. BRODEUR. On the coast of New Brunswick and the maritime provinces.

Mr. FOSTER. Are they fish, or what?

Mr. BRODEUR. They are little neck clams.

Mr. FOSTER. So that it has resulted in a close season for clams?

Mr. BRODEUR. Yes.

Towards the encouragement of better transportation and conservation of fresh fish, $25,000.

Mr. FOSTER. Does that take the form of subsidies to the railways?

Mr. BRODEUR. Yes. In order to encourage the transportation of fresh fish from the maritime provinces to the western provinces, we have adopted the system of paying a certain part of the cost of transportation from the centre of production to the centre of consumption. For instance, on the Maritime Express from Halifax to Montreal the regular express rate was $1.50 per cwt., and we have made an agreement with the railways for the rate of $1 per cwt. The result has been satisfactory so far. The consumption of fish in the centres of consumption has been increased, as people know they can rely upon a certain quantity of fresh fish coming up on certain days every week.

Mr. FOSTER. This is divided between the Intercolonial and the Canadian Pacific Railway?

Mr. BRODEUR. Yes.

Mr. FOSTER. What were the sums paid last year?

Mr. BRODEUR. In the year 1907-8 the Intercolonial was the only line that received any money. It was paid $224.41, but the system was then in existence only a short time. To the 10th of May, 1909, the total amount paid was $4,232.

Mr. GEORGE TAYLOR. Do you extend the service further west than Montreal?

Mr. BRODEUR. Yes, to any point in Ontario; and in the west we are establishing a similar service from Vancouver to points in Alberta and Saskatchewan.

Mr. FOSTER. How does the system work out in practice?

Mr. BRODEUR. In the case of freight rates we undertake to pay two-thirds of the car rate. If a car is full or two-thirds full, we have nothing to pay; but if it is less than two-thirds full, we pay the difference.

Mr. JAMESON. After the car is loaded at the shipping point, does it take on no more freight until it reaches its destination; or does it go on collecting at each point where there is freight? And is the rate a flat rate—for instance, the same from Halifax and St. John?

Mr. BRODEUR. If the car is not full, it may collect freight on its way, and the rate charged to the shipper will be the rate charged from the place where the fish is put on the car until it reaches its destination.

Mr. CROSBY. There are special cars provided for carrying fish?

Mr. BRODEUR. Yes.

Mr. CROSBY. I would like the minister to notify the committee in charge of the parliamentary restaurant that there is such a car, as they evidently do not know anything about this way of obtaining fish.

To provide for the expenses of fishery commissions, $15,000.

Mr. FOSTER. What do you propose to do with that?

Mr. BRODEUR. This is for the purpose of meeting the expenses of a committee of inquiry. We have just had a shad commission, but its work is finished, and now we have a commission on the fisheries of Manitoba and the Northwest. Then there is going to be a commission on the lobster.

Mr. JAMESON. Who were the members of the Shad commission?

Mr. BRODEUR. Prof. Prince, Mr. Morrison from Nova Scotia, and Mr. Melanson from New Brunswick

Mr. WRIGHT. What is the difference between this item for fishery commissions and the item for the International Fishery Commission?

Mr. BRODEUR. The $15,000 is for the commission which are appointed in this country to study Canadian fish. The $10,000 is to provide for the expenditure of the International Fishery Commission, constituted under the treaty of 1908.

Mr. JAMESON. Has the report of the Shad Commission been printed and distributed?

Mr. BRODEUR. No, it is in the printer's hands.

Mr. JAMESON. Is it the intention of the minister to have it printed and circulated?

Mr. BRODEUR. Yes, to bring it before the House.

Mr. JAMESON. There is a great interest in this subject and the people are at a loss to know why the said fishery has declined so seriously. It would be well to have the report circulated as soon as possible, so that they might understand the situation and do what they can to improve it.

Mr. BRODEUR. It will be laid before parliament at the opening of the next session.

Mr. FOSTER. There is no occasion to wait until then; if it is a valuable report, it should be circulated sooner.

Mr. BRODEUR. There is no objection to that. Generally we bring down these reports at the opening of the session, but if it is the wish of the House I will see that it is submitted to members.

Mr. CROSBY. Referring to the discussion of last night, I wish to say that I will move for the papers in connection with the Johnston matter at the next session, as it is too late to do it now. The hon. member for Lunenburg (Mr. A. K. Maclean) will have an opportunity before that time of posting himself so that when we discuss this again he will be equipped with all the information which he now lacks.

Mr. A. K. MACLEAN. I furnished some information to my hon. friend.

To cover the expenses of inquiries respecting the relative rights of the Federal and provincial governments in regard to the fisheries, under the Privy Council decision of 1896, $10,000.

Mr. FOSTER. Who has charge of that now?

Mr. BRODEUR. No one at present, but it is intended to have some one. It is intended to refer this matter to the courts. We had a conference some time ago with representatives of British Columbia and it was agreed that questions should be prepared for reference to the Supreme Court and thence to the Privy Council. The questions are now being prepared.

To pay customs officers for services in connection with the issuing of licenses to United States fishing vessels during 1909, $700.

Mr. JAMESON. This, I presume, is for licenses issued under the modus vivendi.

Mr. BRODEUR. Yes.

Mr. JAMESON. Is there any likelihood of that treaty being abrogated or the conditions under it improved? It has been discussed here more than once. The hon. member for Lunenburg (Mr. A. K. Maclean) delivered an illuminating speech on it some time ago, and I would ask if the minister has done anything in consequence of that speech?

Mr. BRODEUR. This is not a question of treaty. A treaty was made between the British and American authorities, but the treaty was not approved by the United States Senate. At the same time a modus vivendi was provided in that treaty and action was then taken by the government of that day in order to put the modus vivendi in force. There has been a continuation of this modus vivendi, but we might at any time repeal the law and the provisions of that statute would be at an end. This is not a matter entirely in the hands of the government, any member might move in the matter.

Mr. JAMESON. Does the minister say that the position which has grown up is satisfactory and justifies the renewal of the modus vivendi from year to year?

Mr. BRODEUR. It appears to me that most of the interests in the maritime provinces are in favour of the continuation of this modus vivendi. That is the impression I gather although it is not my own personal view.

Mr. JAMESON. It was not the view expressed by the commercial fishing interests at Halifax when the Tariff Commission was there. I think the minister is under a misapprehension if the view which he has taken is that advocated by the 'Coast Guard.' The 'Coast Guard' is a very ably conducted journal and takes the view that the modus vivendi is beneficial, but I do not know that it speaks for any considerable portion of the people. I think there is a large majority of people in Nova Scotia who would favour at least a very careful inquiry into the conditions which have developed under the modus vivendi in order to determine whether it should or should not be terminated.

Mr. CROSBY. This is a very important matter and I agree with the very able speech of the hon. member for Lunenburg (Mr. A. K. Maclean). I do not think the hon. member has followed that speech up and pressed the matter on the government as thoroughly as he might——

Mr. BRODEUR. I do not think that is fair. My hon. friend is not stating exactly the case. The hon. member for Lunenburg (Mr. A. K. Maclean) has constantly pressed this same idea upon the government and the department.

Mr. CROSBY. I may be mistaken. I am mistaken in the man if he starts to press a thing and does not get it through. I have no hesitation in saying that I believe it is an injury to the maritime provinces, and I believe that is the sentiment of the great majority of the people of the maritime provinces.

Mr. BRODEUR. I think it very unfortunate that most of the fisheries in maritime province waters are carried on by Americans. I am extremely sorry to find that is the case, but my hon. friend knows that a large number of the Americans are carrying on the fish business there. We know also that a large quantity of our fish, instead of going to the Canadian market goes to the United States. By the vote just passed it is my intention to divert that trade as far as possible to Canadian channels. I thought that by encouraging the transportation of fish from the maritime provinces to the centres of consumption we would increase the consumption of our fish by Canadians and increase the business to be done by Canadians in the maritime provinces. That is the object I had in view. Unfortunately there is a great deal of difference of opinion on the matter, and I have not been able to come to the conclusion that we should revoke this modus vivendi.

Mr. A. K. MACLEAN. I agree heartily with the hon. member for Digby (Mr. Jameson) and the junior member for Halifax (Mr. Crosby). I think that to permit any statute or order in council to remain in force, which assists the United States in prosecuting the fishery business, is very prejudicial to Canadians. Further than that I feel that our national dignity suffers by the continuance of the modus vivendi. I never could understand why it was inaugurated and why it has been permitted to continue on so long. Of course I have no desire to provoke any discussion this afternoon, but I feel it my duty to say that the Minister of Marine and the government should at an early date take this matter into consideration. If they do they will find a great many people in the maritime provinces very strongly opposed to the continuance of the modus vivendi.

To provide for the expenses of the International Fishery Commission under treaty for joint fishery regulations to waters contiguous to boundary line, $10,000.

Mr. FOSTER. How is that to be expended?

Mr. BRODEUR. We have to provide for the salary of officials who will be called on to discharge duties in connection with the execution of the regulations. These regulations are being prepared, and we shall have to come before parliament for the necessary power to put them in force.

Mr. FOSTER. Is it going to cost $10,000 to get the regulations made?

Mr. BRODEUR. No.

Mr. FOSTER. And when they are made what will happen?

Mr. BRODEUR. We shall have to come before parliament to get the necessary power to carry them out.

Mr. FOSTER. Then you do not want any money for that now?

Mr. BRODEUR. We must have money to appoint the officers to carry out those regulations.

Mr. FOSTER. Have you the authority?

Mr. BRODEUR. Not yet, but we shall require it at the next session of parliament.

Mr. FOSTER. How are you going to spend $10,000 in the meantime?

Mr. BRODEUR. In providing for the salary of Prof. Prince and also for the expenses connected with the preparation of those regulations.

Mr. FOSTER. What is Prof. Prince's salary?

Mr. BRODEUR. $4,000. Then there are his travelling expenses and those of an officer or two of the Department of Justice whom he takes to prepare those regulations.

Mr. JAMESON. I would ask whether Dr. Jordan, the American commissioner, has signed the regulations which were framed by this international fishery commission?

Mr. BRODEUR. The regulations are still under preparation. Dr Jordan and Prof. Prince are going to have another conference with regard to the drafting of them.

Mr. JAMESON. Within what time must the commissioner come to an agreement under the terms of the treaty?

Mr. BRODEUR. Within six months, which expire the 1st of June next.

Mr. JAMESON. That is very soon now. No draft of these regulations have been laid on the table or given to the people, with the authority of the minister?

Mr. BRODEUR. Except that I had conferences with some of the provincial ministers and gave them a synopsis of our own draft. But the regulations have never been given to anybody else.

Mr. JAMESON. Has Dr. Jordan signed a set of regulations?

Mr. BRODEUR. I do not know. I heard that there was a document signed by Dr. Jordan which was marked 'confidential,' yet which was published. I do not know whether it was published with the consent of Dr. Jordan or not, but the document we had in the department was marked 'confidential,' and that same document has been published, under the imprint of the King's Printer of Ontario, as being the regulations adopted by the International Fisheries Commission.

Mr. JAMESON. As I understand it, there was a preliminary or a tentative set of regulations prepared by Dr. Jordan or under his direction, but there has been since that a set of regulations drafted as the result of a conference between Dr. Jordan and Professor Prince, and I ask the minister if these latter have been signed by either Dr. Jordan or Professor Prince, or is the matter still under consideration?

Mr. BRODEUR. It is still under consideration.

Mr. JAMESON. This matter was brought to the attention of the minister earlier in the session. It was brought to his notice first during a meeting of the Committee on Fisheries, and he was then asked whether or not the proposed regulations would be printed and distributed for the information of those concerned. It was contended that it would be most unfair to allow them to become law without giving the interests most vitally affected an opportunity to know something about them. It was also pointed out that a tentative set of regulations, three sets in fact, had been drafted by the American authorities and circulated broadcast throughout the United States. That American fishermen and others interested had therefore the most ample opportunity of examining into them and offering suggestions. Why, under these circumstances, was not the same privilege given the fishermen of this country? The minister declined to have the regulations proposed by the Canadian Commission published. The American regulations were no doubt circulated in the United States for two reasons at least. First, to let the fishermen know what was going on, and secondly to get the advice of fishermen and others concerned. Why were not the Canadian fishermen given the same treatment by the minister? Is it because they are supposed to be inferior to the fishermen of the United States? Is it because they are not supposed to be able to furnish information which would be of value? I take it, that is a great mistake. The fishermen of this country are equal in intelligence to those of the United States. The other interests connected with the fisheries in Canada are intellectually the equal of those in similar business on the other side of the line and quite as capable of giving advice. There is an impression in this country that American diplomacy has been superior to that of the Canadian authorities. I do not think that such is the case because the Americans are brighter, shrewder or smarter men than Canadians. If there is anything in it, it is because the Americans, before they go into negotiations, have always taken the precaution to be thoroughly informed, to be armed to all points, to leave nothing to chance. Amongst business men, when a proposition is made and declined, the other party should be able to promptly make a counter proposition. That can be done by one who has the information. That is the advantage that the Canadian commissioner, Professor Prince, would have had, if he had received from all parts of the country information and suggestions which would have been offered had the draft regulations been distributed throughout the country as they should have been. Now that these regulations are in course of being agreed to, I suppose that it is too late to do what should have been done at an earlier date. Once made they will be the law for at least a term of five years under the treaty. If they prove unsatisfactory and unworkable, it will mean that there must be a cancellation of

the regulations. That would tend to injure us in the eyes of our American neighbours, with whom we desire, as far as we can, consistently and while retaining our own self respect, and keeping what belongs to us to live in peace and harmony. But it is most unfortunate that the fishing interests of this country, have not had the same privilege extended to them that was extended to the American fishery interest. It is too late now, I suppose, for the minister to retreat from any position he has taken. But I feel that a protest should be entered against the policy pursued in this instance. There may be a future occasion when similar regulations must be made. When that time comes, I hope the then minister will extend to the people of Canada, and to the fishing interests and fishermen of Canada, the same courtesy that was this year extended to the fishing interests and fishermen of the United States.

Mr. BRODEUR. My hon. friend began by asking whether certain regulations had been made by Professor Jordan and signed by him, and whether they have been placed before the public. I speak with some reluctance on this question, because it is still the subject of negotiations between the two countries, and I would not like to say anything which would hamper those negotiations. I may, however, be permitted to inform the House to this effect: We received in the department some time ago the first draft of the regulations coming from Professor Jordan. It seems that this draft was also sent to different parts of the United States. I learn from a statement made in the press the other day by the Minister of Public Works of Ontario that three of these draft copies found their way into his department. That draft is marked 'confidential; not to be made public,' and also bore a heading showing that the documents had been prepared for the purposes of the Fishery Commission which was then preparing regulations. This document has been published under the imprint of the Ontario government as being the regulations adopted under the treaty of 1908. This seems to have created the impression throughout the country that this document is different from what it really is. I may, therefore, be permitted to state that this document has not been accepted, nor will it necessarily be accepted by the commission.

Mr. FOSTER. It had not been signed by Professor Prince?

Mr. BRODEUR. No.

Mr. JAMESON. It had been signed by Professor Jordan?

Mr. BRODEUR. Nor was it signed by Professor Jordan. But I understand that it was prepared by him and was sent to the department here as his draft proposal of the regulations. I do not want to say anything more on the subject, though I exceedingly regret that the Ontario government thought fit to publish that document as the regulations adopted by the International Fisheries Commission. Now, my hon. friend (Mr. Jameson) says that Professor Jordan consulted the fishermen in the United States, but that we have not seen fit to consult the fishermen here. I may say that before proceeding with this commission, I invited the representatives of the provincial government interested in this treaty to come and confer with Professor Prince and myself as to the best regulations to be adopted in the interests of our fisheries. The provinces have some proprietary rights in the fisheries, as determined by the judgment of the Privy Council. They have no absolute right, but I thought they ought to be consulted as to the draft of these regulations. These regulations, as hon. members know, are wholly within federal control. But I thought that as the provinces had some proprietary right, they would receive with gratitude the invitation to come and confer as to the regulations drafted. Besides that, I have, time and again, asked members of this House interested in these boundary treaty fisheries, to give their views as to how these regulations should be made.

Mr. JAMESON. Did the minister ever extend such invitation to myself as a member from the maritime provinces?

Mr. BRODEUR. The hon. member is not interested in the boundary waters. He must be aware that the boundary waters, so far as the maritime provinces are concerned are Passamaquoddy bay and the St. John river, in neither of which is he interested. I did not extend any invitation to anybody else, but I asked the members of this House who took an interest in the question of fisheries to give their views to Professor Prince. Now, my hon. friend seeks to make some political capital against the government by saying that we have not consulted the fishermen, that we considered them too unimportant. My hon. friend is mistaken in that respect. We did consult the fishermen, they came here by delegation, and gave their views and representations. We considered their representations, more than that, I gave instructions to Professor Prince that when he was in the west he should particularly consult the fishermen on the Fraser river and on the Strait of Georgia. This government are the friends of the fishermen. My hon. friend cannot prove that the fishermen have been badly treated by the Department of Marine and Fisheries. We have given them every possible consideration.

Mr. FOSTER. An invitation was given to the provincial ministers or representatives of the provinces to come up and dis-

cuss the regulations. Was a copy of the regulations signed or drafted by Dr. Jordan before these gentlemen so that they had an opportunity of seeing what they were discussing?

Mr. BRODEUR. Yes.

Mr. FOSTER. Is it a fact that the draft by Dr. Jordan was circulated for the benefit of the fishermen on the United States side in order to get their views upon the matter?

Mr. BRODEUR. I do not know about that. The only document which I saw, and which came into our hands, was a document marked 'confidential.' Whether this document found its way to some of the companies, or fishermen, I do not know. Perhaps it was communicated to the state governments, as I think that in the United States the regulations concerning fisheries are under control of the state governments, and it may be that Prof. Jordan did send a copy of the regulations to the different state governments; but as to that I am not sure. I suppose it would be only a matter of courtesy for him to do so. Now, my hon. friend says that we should have brought those regulations down before the House, or that we should have apprised the House of the nature of the regulations. My hon. friend knows very well that when negotiations are going on between two governments it is not permissible to publish them; they must be kept confidential as long as the negotiations are going on, otherwise it would be utterly impossible to arrive at any arrangement. To do so would have been contrary to all the rules of diplomacy.

Mr. JAMESON. I think the minister misunderstood me. What I said was that a set of the regulations should have been laid before the people who were interested, or before their representatives in parliament. Again, these regulations are not, as I understand it, in themselves a treaty; they are to be framed under a treaty, and consequently there would have been no departure from international courtesy in making them public.

Mr. BRODEUR. Certainly not. But if my hon. friend thinks we should have produced before parliament a draft of the regulations which we intended to submit to the American authorities, I have only to say that such a proposal could not be entertained for a moment. If the negotiations were made public it would be absolutely impossible to agree upon a treaty.

Mr. JAMESON. The United States did not find it so.

Mr. BRODEUR. They might have consulted some interests privately, but they did not publish the negotiations broadcast.

Mr. FOSTER. The only allusion to the regulations in the treaty was, I suppose, a clause or clauses under which the regulations were to be framed by a certain tribunal, or certain officers. But the regulations themselves were no part of the negotiations. The treaty negotiations proceeded, and as a result, authority was given to have the regulations for the fisheries prepared by commissioners who were to be appointed afterwards. There is no secret, there is no law of diplomacy, there is no rule of negotiation of treaties that would have been broken by the minister giving to the House, or to the fishery officers, or to the fishermen, a copy of the proposed draft and regulations in order to obtain the best knowledge he could, so that when Prof. Prince went he could be armed at all points with sufficient knowledge to make his agreement with the other commissioners. My hon. friend (Mr. Jameson) is absolutely right when he says that the regulations themselves had nothing at all to do with the treaty negotiations, or with the secrecy and courtesy which should surround treaty negotiations.

Mr. BRODEUR. I do not agree with my hon. friend. The treaty which was made between the United States and Canada was twofold. At first, a treaty was made providing for the framing of regulations by a commission; that was a treaty by itself. Now, the second treaty was the regulations themselves.

Mr. FOSTER. Is that a treaty?

Mr. BRODEUR. Yes, that is a treaty by itself, because it required negotiations to be carried on between the two commissioners as to the way those regulations were to be framed. Those two commissioners were carrying on negotiations between them as to the best regulations to be adopted.

Mr. FOSTER. The negotiations were not going on between the two governments, but between the two commissioners.

Mr. BRODEUR. They were between representatives of the two governments. Those gentlemen had to frame regulations which, after they were agreed upon, would be considered as a treaty between those two commissioners and between representatives of the two governments. My hon. friend will see that if, on the American side as well as on the Canadian side, the negotiations were published broadcast which were being carried out, we would never have been able to reach an agreement as to the regulations. I say it would have been absolutely impossible to have come to an agreement. What should have been done, in view of the fact that the agreement or the understanding was not absolutely a treaty? Did we not require at least that these negotiations should be

carried on secretly, negotiations which were going to bring as their result these regulations? I would certainly say yes. If we were to have proper regulations it was necessary that the negotiations should be carried on privately and secretly. When I approached the provincial authorities to discuss the regulations I put in their hands a draft which was private, with the formal understanding that this document should be kept absolutely secret. If we had proceeded in any other way we never would have been able to have reached any agreement. The most serious difficulties have sprung up as a result of some indiscretion which has been committed. I expect we will be able to reach a conclusion, because this treaty is of the greatest interest to Canada, and is in the interest of the fisheries, not only of Canada, but of the United States. I think it is in the interest of the two countries that these fisheries should be regulated. They were not regulated before, and I think it is of the utmost importance that we should have uniform regulations. The only way to reach a conclusion was to have the commission sitting secretly upon the preparation of these regulations.

Mr. J. D. TAYLOR. At this late stage of the session I did not intend to again refer to this fishery matter, although perhaps the riding of New Westminster is more interested in it than any other riding in Canada. But, since the discussion has come up again, I wish to dissent most emphatically from the theory laid down by the Minister of Marine and Fisheries that it is a proper proceeding to dispose of the control of our fisheries for a period of five years certainly, and probably for nine years, without a word of reference to parliament or without giving parliament a chance to pronounce upon the proposed regulations. I do not think it adds to the value of this discussion to constantly import into it the statement that the governmen of Ontario had committed a breach of some sort of etiquette in making public information placed in their hands. For my part I do not think it becomes us to discuss the conduct of the government of Ontario and I think we might very well abide by the doctrine laid down here this morning that in their House they are supreme, as we are in our House, and that we should therefore let them conduct their business in their own way.

Mr. BRODEUR. Will my hon. friend say that they were justified in publishing a confidential document first and afterwards giving that document as being the regulations when the regulations had never been agreed upon?

Mr. J. D. TAYLOR. I do not think I am called upon to answer a hypothetical question as to whether or not they were justified in publishing a confidential document, but I will say this that the Ontario government were more than justified in giving this information to the public. When they found that the proposition of the American commissioner had been placed in the hands of fishermen from one end of the United States to the other, so that the commissioner might have the benefit of the advice of the fishery experts of the United States, it became the bounden duty of the government of Ontario, having become possessed of information which had been spread broadcast through the United States to have it printed so that the fishermen on the Canadian side of the boundary might be made aware of what was going on.

Mr. BRODEUR. Will my hon. friend state that they were justified in giving that document as being the regulations themselves?

Mr. GEO. TAYLOR. Does the minister know that they ever had the document? They might have taken it from the newspapers. It was published in all the papers.

Mr. BRODEUR. The hon. member for New Westminster brought before the House the other day a document purporting to contain the regulations adopted under the treaty of 1908 which was published under the authority of the Ontario government, and it appears that this document was a confidential document which had been prepared by Mr. Jordan as his first proposal.

Mr. GEO. TAYLOR. How does the minister know that the Ontario government ever saw the document that the hon. member for New Westminster had?

Mr. BRODEUR. It bears the imprint of the Ontario government.

Mr. FOSTER. There is a statement from Dr. Reaume himself, and now that the matter is up, perhaps it would be well to have it read. It is as follows:

> The Hon. Louis P. Brodeur Minister of Marine and Fisheries, is reported in yesterday's papers as making certain comments regarding myself. The minister's purpose is obvious. By doing this he hopes to turn attention from the real issue.
>
> Well, let him explain how it occurred that every commercial fishing company in the province of Ontario had in its possession a copy of the draft of the treaty months before one came to the Department of Fisheries of Ontario. The first copy to reach here from Ottawa came on January 29, after repeated written and verbal requests had been made.
>
> Certain Amercian newspapers and one Toronto paper had published the text of the treaty some days before this.
>
> When the copy of the treaty from Ottawa did reach here there were no less than three copies that had come here through various persons.

Mr. Brodeur will recall that I directed his attention to this while in Ottawa a fortnight later at the conference.

The province of Ontario would have no apologies to offer had it given out this information. It was Ontario property which was being sacrificed by the treaty-makers.

The depleted fishing grounds of Lake Michigan had been accepted in exchange for the world's richest fresh water fishing grounds in the Georgian bay.

Americans were given the privilege of taking fish and spawn from our spawning grounds at Pelee and Long Point for the restocking of inland streams in the United States.

Another of those give and take—we give and the Americans take—clauses permitted Americans to fish in treaty waters on a permit issued by the United States Commission, and from which the people of Canada derive no financial benefit.

Lastly, the federal government's action involved the control by the federal authorities of Ontario's great lakes fisheries, a property, the ownership of which has been pronounced to rest in the province of Ontario by the Judicial Committee of the Privy Council of England.

The draft sent by the Ottawa department—which has since undergone certain qualifications—has never been given out.

That is the statement made by Dr. Reaume.

Mr. BRODEUR. Dr. Reaume is speaking of the treaty?

Mr. FOSTER. Yes.

Mr BRODEUR. The treaty was made in 1908. He certainly makes a mistake when he speaks of the treaty. What he is speaking of are the regulations.

Mr. FOSTER. You called it the treaty. You faced me down on that.

Mr. BRODEUR. Yes, but I want it made absolutely clear before the committee in order that there will not be any misunderstanding. When he speaks of the treaty I suppose he means the regulations?

Mr. R. L. BORDEN. I would think so.

Mr. BRODEUR. I have just received the following telegram from Dr. Rheaume:

I regret that it seems necessary for me to repeat that no document, or statement or paper of any description received from you, or from any department of the Dominion government, referring to the proposed waterways treaty or any other subject, was published by me or by my directions, or by or through any member of the Ontario government or any official thereof, and I ask you to read the denial in the House of Commons.

He says that he has not published any document or statement coming from me. What I stated was that he had published a document issued by Dr. Jordan which was marked 'confidential', not a document which had come from me and that he had published that document as being the regulation adopted by the International Fisheries Commission. My hon. friend from New Westminster (Mr. J. D. Taylor) has the book in his possession and he knows that the document bears the imprint of the Ontario government. Dr. Rheaume says that he has not published any statement or paper of any description received from me or any department of this government. That is true. He has not published a document coming from me, but what I said was that he had published a document coming from Dr. Jordan which was marked 'confidential' and at the same time he had published that document as being a document containing the regulations adopted by the commission.

Mr. FOSTER. How does the minister know that?

Mr. BRODEUR. By the document which has been read by the hon. member for New Westminster. The document is in the hands of that hon. gentleman, bearing the imprint of the Ontario government and of the King's Printer and bearing the arms of the province of Ontario. I do not know how he got it.

Mr. FOSTER. What is the document?

Mr. BRODEUR. It is the confidential first draft proposal made by Dr. Jordan to the government here.

Mr. GEO. TAYLOR. And that was published in the papers of the United States and Dr. Rheaume says he copied it.

Mr. BRODEUR. Admitting that it was published in the United States, does that justify the publication of a confidential document by Dr. Rhéaume, and, secondly, was he justified in publishing that document as the regulations adopted by the Fisheries Commission? That is what I complain of, because it places the government before the country as having adopted regulations which I for my part would not concur in.

Mr. R. L. BORDEN. Does the minister say that Dr. Jordan sent to Dr. Rhéaume a document under the seal of confidence, and that Dr. Rhéaume violated that confidence by publishing it?

Mr. BRODEUR. No, he says it came from a different source. But the document was marked confidential.

Mr. FOSTER. How does the minister know?

Mr. BRODEUR. Because the document we have ourselves is marked confidential. He does not deny that in his telegram. What he does deny is that he ever published any document coming from me or my department. That is true; but what I complain of is that he published that draft proposal which was marked confidential, and

that he gave out that document as being the regulations adopted by the two commissioners when such a document had never been adopted by them.

Mr. R. L. BORDEN. Does the minister mean that if Dr. Jordan prepared a document and caused it to be published in all the newspapers of the United States, it cannot be published in the press of this country or by the Ontario government simply because it is marked confidential?

Mr. BRODEUR. Perhaps the Ontario govenment thought they were justified in publishing it because they had seen it in the public press of the United States; but they had no right to put forth that document as being the regulations adopted by the commission.

Mr. R. L. BORDEN. Then it seems we have got rid of everything except the minister's statement that the Ontario government published the document as purporting to be something which it did not turn out to be. In what way did they do that?

Mr. BRODEUR. The document which was published under the authority of the government of Ontario, and had the imprint of the King's Printer of Ontario, contained regulations which were given out as being the regulations adopted by the commission.

Mr. R. L. BORDEN. It may have been published with the imprint of the King's Printer and still contained no such representations as the minister declares. The very fact that it had the imprint of the King's printer amounts to nothing. We seem to have got rid of the question of breach of confidence. The only point is, was there any untrue representation in this document? I ask, in what terms was that untrue representation contained?

Mr. BRODEUR. The terms in which there was an untrue representation were that this document was sent to the country as being the regulations made pursuant to the convention between the United States and Canada on the 11th of April, 1908.

Mr. FOSTER. That is all right.

Mr. BRODEUR. No, that is not all right. The Ontario government has published this document as being the regulation.

Mr. FOSTER. What did they say that made it appear to be the regulation?

Mr. BRODEUR. Let my hon. friend see the document for himself. I invite the hon. member for Westminster to hand it over to the hon. member for North Toronto, and I am sure that he will be satisfied that this document, which was simply the draft proposal of Dr. Jordan, the American commissioner, was given out to the public as the regulations adopted by the two commissioners.

Mr. R. L. BORDEN. Did the Ontario government, in publishing that document, make any change in the document which was published in the press of the United States?

Mr. BRODEUR. I do not know whether they made any changes or not, but I know that they represented that these were the regulations of the commission when the commissioners had never decided that.

Mr. J. D. TAYLOR. It seems to me that we are getting into the debating society habit of discussing the crossing of the 't's' and the dotting of the 'i' and the grammar of the official documents put before us, instead of paying attention to what is much more important, the principles involved in the documents. The minister has had a copy of the regulations issued by Dr. Starr Jordan, and marked confidential. He has not told us whether or not they were identical with those which I had the pleasure of showing him the other day, or whether the only difference between that document and the other was that the word confidential was omitted. It occurs to me that that might very well be the case, and that when the Ontario government reprinted that, they might have adopted the heading at which the minister takes offence as well as the body of the matter, which so far as I can learn is identical in all respects with what was issued by Dr. Jordan. It appears to me that the heading could not deceive any person, because nobody would bother with the pamphlet who did not know that the regulations were still in course of negotiation, and that therefore the document which was issued for their consideration and advice could not possibly be the completed regulations. The moment they were the completed regulations, no person on earth could have any object in putting them out for the sake of getting advice, because, as I have pointed out over and over again, whenever they are finally agreed upon by the commissioners, it is entirely beyond our power to do anything with them no matter how fatal they may be to any Canadian interest.

I would recall to the minister how this matter first became public, because it was a subject of communication with his department as far back as last December, when I learned from the press of the United States of the nature of the regulations proposed by Professor Starr Jordan and submitted by him to the Canadian Commissioner. The press of Canada had at that time no information as to the attitude of the then Canadian Commissioner, Mr. Bastedo. We in British Columbia had no reason to have confidence in Mr. Bastedo's judgment because we knew nothing about him; he might be an excellent man but he had

no local knowledge of our questions. When we saw in British Columbia that these regulations had been drafted and had been given to the authorities on the American side, I wrote to the Minister of Marine and asked him if it would not be the part of wisdom to take the advice of some person cognizant of the fisheries of British Columbia before the regulations were made finally. I was particularly anxious on this point because I knew that in the past the department had made grevious error because of the lack of information as to local conditions. I received a reply that the department had all the information they wanted and did not propose to consult any one else in British Columbia.

Mr. BRODEUR. The hon. gentleman is absolutely mistaken in that respect.

Mr. J. D. TAYLOR. If the hon. minister will permit me, I think I can anticipate what he would like to say. I have that letter in my possession. About two weeks after receiving that letter, I received from the department another communication of very different tenor, to the effect that they then intended to consult the fishery interests in British Columbia, that Professor Prince would be out there to take the advice of persons in our vicinity who were interested, and the department were good enough then to send me a confidential draft of the proposed regulations. The reason I say that parliament should discuss a matter of this kind is because it is part of my duty as a member of parliament to do the best I can for the fishermen on the Fraser. It is a local grievance in the constituency of New Westminster that our fisheries have been mismanaged for many years past and it is very largely because I have been prominent in urging certain reforms in connection with the fisheries that, I am happy to say, I received so generous a support as I did from the fishermen on the Fraser river. I came here with the honest desire to serve them by securing the best conditions I could for the fishermen. I did not want to make political capital as was shown by my letter to the minister in which I suggested a course which they might take to avoid mistakes. But when I come to the House of Commons to see what I can do by explaining local conditions I am confronted by the fact made known for the first time that this treaty adopted last year and never discussed or explained in this House, by its terms absolutely ties up our fisheries the moment those two commissioners set their seal on any set of regulations, placing it beyond our power for the whole term of this parliament to make any alteration in the regulations governing the fisheries in the international waters and as proposed by these regulations also in the waters of the Fraser river. I submit that is not a proper position in which to place any member from a fishery riding. I come here and find that one of the most important matters which it is my duty to discuss in this House has been taken out of the hands of parliament, and handed over to whom? To an American so astute as Professor David Starr Jordan of whose record we are so well aware in connection with the seal industry on the Pacific coast, resulting so disastrously to the Canadian seal industry on that coast. When we see such a condition it is sufficient to cause us to take every step possible to ascertain what is being done and to ensure that there should be the fullest discussion, and that if we are to pay the penalty for allowing these regulations to be drawn up by an astute American with the advice of every fishery expert in the United States we shall make it so clear, by our protests in this House, that this is contrary to the spirit of the Canadian people, and so that we will not be confronted with a similar injustice in the future.

Three provisions of these draft regulations are absolutely fatal to the fishery interests on the Fraser. The first of these propositions is that for all time the close season on the Fraser shall be 24 hours longer than at the gulf, a provision which would absolutely shut out the white fishermen of the Fraser river from the benefit of the sockeye industry there.

Mr. BRODEUR. Where does my hon. friend find that there is a longer close season there than elsewhere?

Mr. J. D. TAYLOR. It certainly is in the regulations, as I read to the House the other night, where it is set out there is a 24 hour extension of the close season from the New Westminster bridge to Mission.

Mr. BRODEUR. Which document is that?

Mr. J. D. TAYLOR. The proposition to which I take exception, the proposed American regulations.

Mr. BRODEUR. The regulations proposed by the Americans. Why does he say it is the regulations?

Mr. J. D. TAYLOR. If the minister will permit me, I am not now making an exposition of the most expert use of the English language, but I do not think any one in the House can possibly misunderstand my meaning. I am referring to only one set of regulations, and I say there is no point in the minister's objection, because it has been the policy of his department to adopt the same principle in his regulations. That

was enforced last year and this year there is a discrimination, not of 24 hours, but I believe of 6 hours, although those who are experts on the subject say there is no reason for any discrimination. The minister fails to grasp the essential fact that there are two directly conflicting interests there, the interest of the trap-owners, that is the moneyed interests, the European and American capital invested in British Columbia fisheries, which employs Japanese and Chinese labour almost exclusively. On the other hand there is the interest which I say should be paramount in this direction, the interest of the resident white fishermen of the Fraser, who fish in the stretch of the Fraser from New Westminister to Mission. Unfortunately, for many years past the whole trend of the regulations issued by the department at Ottawa has been in favour of the moneyed interest, the Japanese and Chinese, the Japanese more particularly, as against the white fishermen. That is a matter of protest with us, that is an injustice, which these regulations as drafted by the Americans and drafted on the lines of the departmental policy of years past would have continued for five years or perhaps nine or perhaps for ever, because by that time you would have extinguished the race of white fishermen on the Fraser.

There is another point vital to us to which the minister has made no reference in any of his addresses, that is the matter of trap fishing as to which it is not yet too late for him to take some action. I know that for many years it was contrary to the policy of this government to permit the use of traps and that they were allowed finally with the greatest reluctance and on the statement that only by the use of traps could we protect ourselves against the ravages of the Americans, who, without regard to the damage these traps cause, established them in the waters of Puget Sound to take the sockeyes on their way to the Fraser river. When two governments enter into a treaty for the conservation of international fisheries and when one government, the American government, has a special clause inserted in the treaty itself binding the government of Great Britain to take special steps to conserve the food fishes of the Fraser river, I say that it becomes our duty to have a counterbalancing clause in the treaty; and if not in the treaty, from which it was omitted, I presume, because of the ignorance of the parties making it of local conditions, then in the regulations. Our commissioner should be induced to say to the Americans, that since they are bent on the conservation of the fisheries of the Fraser, and this is the main idea of including this stream in their regulations, then they must agree to abandon the disastrous method of catching these fish which they have adopted, and which from the first has been a subject of protest on our part.

I would recall to the minister that he had ample precedent in connection with the sealing industry, where the Americans made our seal hunters abandon a most profitable livelihood on the pretense that their methods were destructive to the life of the seal. We listened to their counsel and were virtually forced by the British government to yield to their demand. If our government had gone before the British authorities with a statement of the facts respecting the sealing industry and asked them to apply the doctrine laid down by the Americans in that connection to the sock-eye salmon industry, we could have forced the Americans to consent to our view and abandon the use of their traps. That is a point which might well receive the consideration of the minister and is much more worthy the consideration of this House than the question as to whether or not the Ontario government were guilty of some breach of etiquette. I would again urge upon the minister, as I did the other night, that it is not yet too late to instruct our commissioner to insist that no treaty respecting salmon on the Pacific coast shall be made, or no regulations, unless the Americans agree to abandon the methods they now pursue.

Mr. BRODEUR. This treaty should certainly be of great benefit to the fishermen on the Fraser river because the fish, after spawning in the Fraser river, go into the sea and come back through the straits of San Juan de Fuca, Puget Sound and Washington Inlet, to the Fraser river. The Americans were using traps on their side and took a very large quantity of fish which otherwise would have gone up the Fraser, and we tried to get the State authorities of Washington Territory to pass regulations in order to stop that practice, but unfortunately were not successful. The best thing we could do was to try and get a treaty with the United States by which regulations would be made on both sides that would prevent the destruction of the fish. We made a treaty by which those waters were put under the control of the commission, and that commission was to prepare uniform regulations for both sides. My hon. friend finds fault with that. I say that the government ought to be commended for having succeeded in getting a treaty which is going to be of great benefit to the fishermen on the Fraser, as otherwise the Fraser river fisheries would have been destroyed by the Americans who had practically no regulations. We have had criticisms based on what? On that famous document which has been spread over the

whole country as being the regulations adopted by the commission. Let us wait until the regulations are brought before parliament. Then will be the time to criticise, and I am sure there will then not be many to find fault.

Mr. HENDERSON. The minister asks us to wait until the regulations come before parliament, but will not that be too late? We will be told that we have no right to alter but only to approve or reject.

Mr. BRODEUR. The government will have to take the responsibility of these regulations.

Mr. HENDERSON. But the unfortunate thing is that the minister, though he may know his duties well in ordinary matters, cannot be familiar with this. So technical is this question that I am told by a fisherman in my county, of 38 years' experience, with regard to sisco fish, that if the mesh be increased by one-eighth of an inch that would mean starvation to the fishermen. It is important that the government should be thoroughly informed, and that is the reason why these regulations should be made public as the negotiations go on. I do not believe in all this secrecy about a matter that means life and death to my constituents. I want to be able to point out where their interests are interfered with, but how can I do that if kept in the dark until the thing is done. I care nothing of what may have been the custom in vogue years ago, we have to make new precedents in dealing with new matters, and it would be far better if the proposed regulations were made known in Canada, as well as in the United States, and keep our people informed of what is being done, so that they may find fault with the regulations if there is any fault to be found, and approve of them if they think they are right.

Mr. BRODEUR. They have not been submitted to any legislature in the United States.

Mr. HENDERSON. No, but I believe from what we have heard of the matter here that they have been practically submitted to the people. These regulations, no doubt, have gone broadcast over the United States. They have been published in the newspapers, and the people generally have become aware of what the propositions are. This document may have been marked 'confidential,' but I think it was a wise thing to have these proposed regulations made known to the people as a whole. I think it was a mistake that regulations proposed on our side were not given to the people before being crystallized into legislation. I have great confidence in Prof. Prince, and I know that on certain points he has excellent information, but, on the whole, I think that nothing would be lost and a great deal gained by making the regulations public before they are adopted.

Mr. GEO. TAYLOR. I desire to ask the minister if, in this treaty which is about to be made, if not made, any attention has been paid to the treaty or arrangement that was come to between the two governments some years ago. I do not know that it ever was reduced to writing, but it certainly has been put in practice. Some years ago, when the Conservatives were in power, representatives from the state of New York and from the general government of the United States came to Ottawa and waited on the Minister of Marine and Fisheries of that day, and proposed setting apart the Thousand Islands district from Kingston to Prescott on the Canadian side, and from Cape Vincent to Ogdensburg on the American side for the creation of an international park, with free fishing for the people of the United States in Canadian waters and for Canadians in American waters. The state of New York and the Dominion were to set aside large sums of money to purchase islands, build docks and erect pavilions at suitable places on either side of the line. These things have been done, the islands have been set apart and the docks and pavilions provided. Another point was that the American government were to suspend the enforcement of the alien labour law against Canadians rowing tourists in American waters. The state government had no power to control the alien labour law, but the federal government gave instructions to their officers not to enforce the law. And it has never been enforced in that section since that time. Some years ago, when the complete control of fisheries was taken from the Dominion government and in part handed over to the provinces an attempt was made by the government of Ontario, then led by Hon. Mr. Ross, to withdraw these privileges. But when it was shown that a bargain had been made between the Dominion government and the state of New York and the general government of the United States, Mr. Ross withdrew the orders he had given to enforce the fishery regulations in these waters. Since then, free fishing has been allowed uninterruptedly. But now regulations have been put out by the Ontario government as follows:

Toronto, Canada, April 23, 1909.

Regulations as to guides and non-residents licenses.

Canadian and American guides must take out a license. Fee two dollars ($2.00).

Non-residents must take out a rod license. Fee two dollars ($2.00).

American guides fishing from yachts or their own skiffs are considered as non-residents and must take out a rod license; fee two dollars ($2.00) over and above the guide license fee of $2.00.

Non-residents fishing from yachts, or boats brought over by yachts, must pay a rod license of five dollars ($5.00) whether they employ American guides or not. If they employ American guides the license fee is the same, viz., five dollars ($5.00).

Non-residents using Canadian boats with or without Canadian guides pay a rod license of two dollars ($2.00).

(Sgd.) E. TINSLEY,
Superintendent.

This is certainly a violation of the pact entered into; though it was never reduced to writing, though the terms of it are on record in the Marine and Fisheries Department, and they have been carried out in good faith since it was made.

Mr. BRODEUR. The regulations are not issued by us.

Mr. GEO. TAYLOR. No, but by the Ontario government. But they affect these waters. I certainly think that the international commission should take cognizance of this and have this idea of an international park carried on as it has been. The government of the state of New York has spent large amounts of money on the strength of the arrangement that was made. I think the attention of the international commission should be drawn to the matter and the bargain thus made should be lived up to to the letter.

Mr. BRODEUR. This matter has already received the consideration of Professor Prince. I shall be glad to bring to his attention the suggestions that have just been made. However, it is a very big question, as my hon. friend (Mr. Geo. Taylor) will see. The Ontario government have proprietary rights in the fisheries, and if they do not wish to carry out the arrangement I do not see how we can force them to do it. I would urge my hon. friend to see the authorities in Ontario and try to cause them to recede from the position they have taken. I certainly should hesitate, considering the feeling in favour of provincial rights, about suggesting to the commission that they should wipe out the regulations of the Ontario government.

Mr. GEO. TAYLOR. The Dominion government ought to carry out its arrangement even if it has to pay the Ontario government the small amount that it would gain from these licenses.

Mr. BRODEUR. I know the hon. member is friendly to the Ontario government and would have more chance than I would have to impress upon them the advisability of carrying out this arrangement made before the judgment of the Privy Council. I quite agree with my hon. friend that it should be carried out. But, unfortunately, by the judgment of the Privy Council the province of Ontario received rights in the fisheries and, judging by what they have said, they do not seem willing to carry out this international agreement.

Mr. GEO. TAYLOR. It was the Dominion government that made the bargain when they thought they had control. Now that they find that this other government has a proprietary right, they should settle with the Ontario government for the amount of these license fees and so be free to carry out the agreement. We must keep faith with the Americans. They have not enforced the alien labour law against our people. At first, they undertook to introduce a law withdrawing the alien labour law so far as this section is concerned, but they did not want to raise again the labour trouble all over the United States, and so they simply agreed not to enforce it. Consequently, our oarsmen are engaged constantly in rowing visitors at their summer resorts. But if this regulation is put in effect by the Ontario government, I am satisfied the Americans will enforce the alien labour law. I sincerely trust that this government will say to the Ontario government: We made this bargain, we are responsible for it, and if you are going to suffer the loss of a few dollars, we will make it right.

Mr. BRODEUR. I will draw the attention of the Ontario government to that fact, as I have on a previous occasion when my hon. friend called my attention to it.

Contingencies, $14,950.

Mr. EDWARDS. I desire to draw the attention of the minister to a subject which perhaps has escaped his attention. In the eastern part of the province of Ontario we have a great many fresh water lakes. In recent years a great many people have been coming across to these lakes in summer to fish, and as they spend money freely this means quite a source of profit to the people in the vicinity. I think that many of those lakes should be re-stocked with fish. I dare say that the minister has received, and will receive, applications for fry for several of those lakes, and I would impress upon him the need of giving due attention to such requests. If these lakes are re-stocked it means a source of revenue to the people. The lakes are for the most part in regions which are rough and where the wood has been taken off, and the people have come to look upon the lakes as their most valuable asset. Many of my constituents in the northern part of the county of Frontenac are greatly interested in the re-stocking of these lakes. I think it would be a proper move to increase the number of fish hatcheries in the province of Ontario.

Mr. BRODEUR. Will the hon. gentleman give me the names of the lakes, and the kind of fish that frequent them?

Mr. EDWARDS. I will be glad to do so. I think it would be a move in the right direction to establish another fish hatchery in eastern Ontario, and I would suggest the village of Sydenham, near the centre of the county of Frontenac, as it has good railway communication.

Lighthouse and coast service—salaries and allowances to lightkeepers, $233,433.

Mr. EDWARDS. In connection with lighthouses, I would like to call the attention of the minister to the fact that there is a shoal in the neighbourhood of Howe island which ought to be protected. One of the lake captains himself for the past two or three years has placed a buoy on that shoal. It is on the Bay of Quinte near Howe island.

Mr. BRODEUR. In the main channel or on a side channel?

Mr. EDWARDS. I will get the information.

Mr. A. K. MACLEAN. On this item I have a request to make of the Minister of Marine and Fisheries. It appears that the Newfoundland government makes a charge for light dues on Canadian vessels frequenting their ports of so much per ton, while Canada makes no charge for Newfoundland vessels coming to Canadian ports. Besides that, Canada spends a considerable sum of money in erecting and maintaining lights on the Newfoundland coast; last year I believe there was expended for that purpose $35,000 or $40,000. I think the government of Newfoundland should abolish the exaction of light dues as against Canadian vessels, and I would like the minister to take this matter up with the Newfoundland government.

Mr. BRODEUR. I will do so.

West coast trail on Vancouver island, $25,000.

Mr. BRODEUR. This west coast trail was begun some two years ago after the accident to the 'Valentia'. We were requested by the people of Victoria to erect that trail on the west coast, it is an unsettled part of the country, and there is no way of communicating with the interior. The people at public meetings and the provincial authorities have requested us to build that trail.

For the settlement of the claim made by Mrs. A. G. Clarke for the death of her son, who was killed in 1906, $2,000.

Mr. BRODEUR. The reason of the delay is that action was taken against us and some difficulties arose between the heirs and some of the legatees. I understand those difficulties have been settled and we wish this sum of money to be put at our disposal to settle the claim if possible. I do not know whether they will accept it.

Meteorological service—amount required to remunerate L. F. Gorman for his services as meteorological observer at Ottawa, $300.

Mr. BRODEUR. This service used to be performed by Mr. Bond. It is being carried on by a person going out there at night, and early in the morning, and on Sundays, and taking observations. It has been suggested that Mr. Gorman should carry out this work.

Amount required to pay W. S. Young for services in collecting whitefish eggs in Lake Winnipeg during the fall of 1908, $100.

Mr. FOSTER. How does that come?

Mr. BRODEUR. He is our inspector in the west. I am sorry to say that the man in the hatchery did not have sufficient experience to collect these eggs and Mr. Young was instructed to collect them. He had to be away from his place.

Civil government—department of agriculture—to provide for one additional appointment in subdivision 'B' of the first division, $2,100.

Mr. FOSTER. What is this for?

Hon. SYDNEY FISHER (Minister of Agriculture). This is for a new officer at the experimental farm. Dr. Fletcher died not very long ago. He was the entomologist and botanist. Dr. Saunders recommended that there should be two officers instead of one. The main estimates provided for Dr. Fletcher's salary and now I am asking for a second vote.

Mr. FOSTER. Are you going to have two bug men?

Mr. FISHER. One entomologist and one botanist.

To provide for one additional appointment in subdivision 'B' of the second division, $800.

Mr. SPROULE. What is that for?

Mr. FISHER. That is an additional assistant. I think he is to do work under Dr. Charles Saunders, whose work has been enlarging very much lately.

Mr. SPROULE. In what line?

Mr. FISHER. Dr. Saunders is the cerealist and is carrying on experiments in the hybridizing of plants.

Mr. BLAIN. Does the minister propose to improve the appearance of the experimental farm during the coming summer? There is rather a general complaint that

the appearance of the farm is hardly equal to what it should be and that it does not compare favourably with experimental farms in some of the provinces, for example, the experimental farm at Guelph. I know my hon. friend is disposed to be economical but I rather think that the people of Canada would be willing that an expenditure should be made that would make the farm look more inviting. This is a matter that should receive some personal attention from the minister.

Mr. FISHER. I shall be very glad to look into the matter and see if anything can be done to make the farm more attractive.

Mr. SPROULE. Is there any permanent arrangement between the government and the Ottawa Street Railway Company to have the street cars running to the farm soon ?

Mr. FISHER. They have been running for six months.

Arts, agriculture and statistics—to provide for experiments in cold storage for fruit, $7,000.

Mr. FOSTER. Is this a new thing?

Mr. FISHER. Yes, somewhat. We have been very strongly urged to try some experiments in packing fruit in cold storage for transportation. I hope to be able to make arrangements by which the officers of my department will supervise the handling of fruit in the same way that they supervise the handling of cheese in cool curing stations. There has been a very general demand for this work and I have in process an arrangement between the commissioner who is in charge of the work and some of the fruit growing associations in Ontario to provide for experiments in putting fruit into cold storage.

Mr. SPROULE. The cold storage that we have been using seems to be extremely defective and the amount of perishable products carried in cold storage has been very small. If cold storage is of any value at all it should be able to keep the fruit in good condition during the process of transportation and yet it does not do that. Evidently those who handle fruit have no confidence in it because there is very little fruit sent in cold storage to-day. We seem to be quite unsuccessful in our efforts in giving to the people of this country food protected by cold storage, or cooled air, or whatever system of refrigeration is employed by other countries.

Mr. FISHER. It is to try to show the value of cold storage that these experiments are to be undertaken.

Mr. SPROULE. You have been doing that for thirteen or fourteen years but without result.

Mr. FISHER. The people have not taken advantage of cold storage facilities in Ontario to the extent that they might have. We want to be able to prove their value by a series of experiments.

Mr. SPROULE. But every time an effort is made to show what can be done with this process the people get discouraged and abandon it.

Mr. CROSBY. Is the minister also in correspondence with fruit growers associations in Nova Scotia with reference to these experiments?

Mr. FISHER. The associations I spoke of are fruit growers co-operative organizations; which are not the same as fruit growers' associations, which discuss matters relating to fruit growing, but organizations which handle the trade themselves. There does not happen to be any of these organizations in Nova Scotia at the present time, but I hope there will be some formed soon.

Arts, agriculture and statistics—to provide for expense of commission to investigate the swine industry of the United Kingdom of Great Britain and Ireland, and Denmark, and the cost of publication of their report, $10,000.

Mr. BLAIN. How many will comprise this deputation and how will they be selected?

Mr. FISHER. I think that I shall have to send five. I would like to be content with three but I think that Ontario will supply two, Quebec one, the maritime provinces one, and the west one. Then, I will have to send a secretary, or an officer of the department, to make up the report, keep the notes and attend to everything of that kind. If I can manage to do with three I will be glad to do so.

Mr. BLAIN. What will be their duties?

Mr. FISHER. To investigate everything in connection with the pork production and marketing in these countries.

Mr. SPROULE. Will they go outside the country?

Mr. FISHER. They will visit Ireland and Denmark for the purpose of investigating the business in those countries, to see if they can get any hints for the improvement of our industry.

Mr. SPROULE. I would suggest that they extend their inquiry to Chicago and the west where the industry appears to be quite up to date, in fact very much ahead of ours in handling animal products. They might get information there which they could not get anywhere else.

Mr. BLAIN. Will this be the total cost of the commission?

Mr. FISHER. I hope so, I expect so.

Mr. HENDERSON. To my mind the most important thing the minister can do in connection with the hog industry is to find out where we can sell more products. I think the people of this country know pretty well how to slaughter hogs and how to pack them. I do not know that we can learn much on these matters from Ireland or Denmark. What we want is a greater market.

Mr. FISHER. We do not supply the British market to anything like the extent we might.

Mr. HENDERSON. Well, the minister might do something about getting it.

At six o'clock, House took recess.

After Recess.

House resumed at eight o'clock.

PRIVATE BILLS.

CONSIDERED IN COMMITTE—THIRD READING.

Bill (No. 194) for the relief of Annie Bowden.—Mr. Wallace.

SUPPLY.

House in Committee of Supply.

Working expenses—Intercolonial Railway, $9,400,000.

Mr. GRAHAM. This is an apparent increase of $400,000. As a matter of fact the expenditure last year was nearly $9,200,000. I move to reduce this item by $150,000.

Motion agreed to.

National Transcontinental Railway—surveys and constructions, $20,000,000.

Mr. GRAHAM. We discussed this at great length on the Grand Trunk Pacific loan resolution. I placed on the table earlier in the session, an interim report for the nine months ending January 1, giving the details and progress of the work to December 31. Since that date two contracts have been given after public tenders were invited, and in each case to the lowest tenderer; one for stations, buildings, section and tool houses along the line from Superior Junction to Winnipeg. This was given to J. J. Vopni & Co., of Winnipeg, for $118,743.63. There were four tenderers.

Mr. BRADBURY. Were any changes made in the contract after it was let?

Mr. GRAHAM. No. The other was for building of shops at Winnipeg, let to Heney, Roberts & Quinlan for $869,000. There were nine tenderers. The estimate of the chief engineer was $857,349.

Mr. SPROULE. When are the contracts to be finished?

Mr. GRAHAM. September 1, 1910. The stations are to be completed this fall for the traffic.

Mr. BLAIN. I asked the hon. the Finance Minister who are the directors of the Grand Trunk Pacific Construction Company, and he sent me a memo stating that the names of the directors are Charles M. Hays, F. W. Morse, W. J. Biggar and D'Arcy Tait. I understand that there is a construction company, which may have another name, whose directors are the same as these mentioned.

Mr. GRAHAM. I think there is no Grand Trunk Pacific Construction Company.

Mr. BLAIN. I asked who are the directors of the Grand Trunk Pacific Construction Company, and the answer was that there is no such company under that name. But is there not a company for some portion of the eastern branch?

Mr. GRAHAM. I am under the impression that it is the Grand Trunk Pacific itself which is constructing that.

Mr. LENNOX. With reference to the arbitration proceedings between the Grand Trunk Pacific and the government, it was expected that considerable progress would be made by April 1, and it was thought at one time that they would be able to report as to the differences arising on the question of classification. In what position is the matter now?

Mr. GRAHAM. Mr. Schreiber starts tomorrow to enter on that work.

Mr. FOSTER I would like to ask a question with reference to one of the preceding items. I do not think the minister has given any information yet, in any extended way, as to what this new commission, which has been placed in charge of the Intercolonial Railway, has to do. Will he give us an idea of what its powers are?

Mr. GRAHAM. I may say that it is largely an experiment, and I hope it will be successful. I did lay on the table a few days ago a copy of the order in council, but will place it on 'Hansard' now. The essential provisions of the order in council are these:

A board to be constituted under the name of 'The Government Managing Board.' The said board to consist of four persons, namely:—

Mr. M. J. Butler, deputy minister and chief engineer of the Department of Railways and Canals, who shall be chairman of the board; Mr. David Pottinger, I.S.O.; Mr. E. Tiffin, the present traffic manager, he retaining that position; Mr. F. T. Brady, of Montreal.

The said board to supervise and direct all departments of the railway owned or operated by the government of Canada.

The duties and powers of the said board to be as hereunder defined, namely:—

They shall have the powers usually vested in the executive of railway corporations.

They shall prepare, subject to the Government Railway Act and the Provident Fund Act, and, with the approval thereto of the Governor in Council first obtained, carry out rules and regulations, as follows:—

(a) For the organization of the staff and officials of the railway.

(b) For the conditions of employment in the railway service.

(c) For the purchasing of supplies and the sale of materials.

(d) For the ascertaining and collection of the railway tolls, dues and revenues.

(e) Those to be observed by the conductors, engine-drivers, other officers and servants, and by all companies and persons using such railways.

(f) Those relating to the rolling stock to be used in the trains on such railway.

They shall meet for the transaction of business at least once a month and shall keep regular minutes of each meeting.

They shall report to the Minister of Railways and Canals monthly, and shall also make a special and comprehensive report at the end of the fiscal year on the expenditures and receipts of the government roads.

And on all occurrences and transactions of importance, and shall further furnish such reports as may be from time to time required of them by the Department of Railways and Canals.

The salaries to be paid are $6,000 each, with the exception of the chairman who gets no extra remuneration. These salaries are the same as those received by Mr. Pottinger and Mr. Tiffin. The only new appointee is Mr. Brady, who gets the same salary as the others. Regulations, as provided for in one of these clauses, have been drafted providing in a large and comprehensive way for the management of the road by the board. They cover matters of detail, they are along the lines suggested by the board themselves, and I may say that I have not found occasion to change a single item in them from beginning to end. They have been approved by order in council.

Mr. FOSTER. These are, practically speaking, the working rules of the road.

Mr. GRAHAM. Yes, and the organization of the staff.

Mr. FOSTER. They have the power of the executive of a railway corporation?

Mr. GRAHAM. That is one of the rules, as I read them.

Mr. FOSTER. Then, as I understand it, you abolish the present general managership and substitute these four gentlemen, the deputy minister being chairman. I suppose that means that meetings will take place in Ottawa?

Mr. GRAHAM. Montreal, I think, would be more convenient.

Mr. FOSTER. Has the Intercolonial offices there, with clerks, records and so on?

Mr. GRAHAM. Yes, we have offices in the Board of Trade Building.

Mr. FOSTER. The duties of the present deputy will be practically the same as they are now. He will be nominal chairman of the board, I suppose; the minister quite thinks as regards the real operating of the road, he will have no more to do with it than he has now, except that he will consult with and help the other members of the board. Then comes the question of their powers, and that is the main question. You have selected four, three of whom are road-runners and the other an engineer and deputy minister. To this board you are giving the powers of 'the executive of a railway corporation.' Now, the executive of a railway corporation are elected by the shareholders, who then go home and have no more to do with it until they receive a report a year afterward from the executive, the executive, meanwhile, having absolute power to control and carry on the work. If you have really given these men the powers of the executive of a railway corporation, you have given them power to run the road, subject, of course, to the laws of the land. But if that be so, why do you put them under the supervision and control of the Minister of Railways and Canals as though the shareholders of the corporation having elected their executive (if it were possible) united themselves as one big man and virtually said: Though you have these powers, do not dare to do anything without first getting my approval. It seems to me there is a clash there. If the minister had said: I have given these men powers of an executive of a railway corporation, and they are responsible; they need not come to me for milk every time they get faint-hearted, they have to make their own course; and at the end of the year, we will have an accounting, and if the service has been good, while we cannot say: 'Go up higher,' we will say: 'You have done well; make a stunt at it for another year.' But is that really the position? Is it true that, let us say, the hon. member for Bonaventure (Mr. Marcil), the hon. member for L'Islet (Mr. Paquet), the hon. member for Kamouraska (Mr. Lapointe), the hon. member for Cumberland (Mr. Rhodes)—no, he would have nothing to say about it—the hon. member for Pictou (Mr. E. M. Macdonald) and all the others and sundry have had the door banged shut against patronage-mongering, against interference with officials, against telling an official to put on Tom Jones to shovel gravel at a given rate per day—is all that passed away? Do we see the dawn of a new day on the Intercolonial? Have this executive really been given executive power? Will they be put upon their mettle to do the work as well as they can

and stand or fall by their record? I should like a general answer.

Mr. GRAHAM. I can hardly make it clearer than I have endeavoured to express it in the order in council which I have read. If the hon. gentleman (Mr. Foster) will ask any of the members particularly interested in the Intercolonial, either on one side or on the other of this House, I think he will be told that I received gladly all suggestions.

Mr. FOSTER. From this side they would write as without hope.

Mr. GRAHAM. I think if you ask them you will find that I have tried to meet their wishes since the formation of the board. I have invariably answered a request, whether coming from a member or anybody else, by saying: The management of the Intercolonial is now in the hands of a board, and I shall have great pleasure in submitting to them what is your request.

Mr. SPROULE. Do you accompany that with a recommendation?

Mr. GRAHAM. The records will show. If I thought the suggestion a good one for the road, I would not hesitate to recommend it to the careful consideration of the board—I think that would be only my duty. As I said, this is largely an experiment. It is a wrench from the existing conditions. I hope it will be successful. My own idea is that this board should be responsible in the full sense for the running of this road. The difference between a commission spoken of and this board, I think is in this—I think a minister of the Crown ought to be in a position to be absolutely responsible to parliament for the success or failure of this or any other project. It is because I felt this that I insisted that this board should report every thirty days; not that I would dictate, but because I want to keep in constant touch with the road, so that I may judge of the progress they are making and see whether this is a better form of management than the other and whether it is a success. I think that while we all have our weaknesses, my aim is to have the Intercolonial Railway conducted absolutely by this board to give them a free hand so far as I can as responsible minister, and to make a success of this new departure.

Mr. SPROULE. What power have they with regard to rates?

Mr. GRAHAM. Full power except in this regard, that if they made a change of rates, the change has to be submitted to the Governor in Council instead of to the Railway Board.

Mr. FOSTER. I can say to the minister that if I understand him right—and he has been quite frank in telling us where he stands—if he has well chosen his men, he proposes to say to these gentlemen: Now, what you are to do is to manage that road in a businesslike way, as business men; he gives up the power of patronage, this board does not have anything to do in the way of forwarding the merely patronage aims or the aspirations of any member of parliament or candidate; that the condition of the road, its necessities, its best interests, are the first and only consideration; that he does not want the road over-manned or under-manned, if it is over-manned these gentlemen are held responsible for reducing it to its proper limits; if it is under-manned, they are responsible for adding to it such men as will be suitable for the work, and will get their pay for it, and know that they are not serving a political master, but are serving the interests of the country; that when these gentlemen want supplies they will be allowed to get supplies as a business man or a corporation gets them, they will not be given a list and told: You must deal only with those and not with others; they will recognize that there are other newspapers in the world except Grit newspapers, or, as we would say, government newspapers, and that if they want to appeal to the public for supplies or anything else, they will appeal to public journals generally, and recognize that there is quite a number of people in this country who read Conservative newspapers and get information from those newspapers. Now if all that takes place, I will watch the operation with great interest, and with unbounded hope that the Intercolonial will pay every one of its bills, that it will pay interest on the investment, and might lay up money, and not put any undue burden on the traffic, or the people of the country through which it passes. I am not anxious that it shall make money, but I think it ought to have a chance to prove that it can pay its way and keep itself in good condition, catering to its patrons as perhaps no other road in Canada can, in the way of facilities and cheapness, and at the same time, keep out of the slough of deficits and increased debt. It will be a happy time if that comes during the first two or three years of the work of those gentleman, and it will be a very big and well painted feather in the cap of the Minister of Railways if he will allow all that to be done under his regime. I am entirely with him in this respect, that he would not be fit for his position unless he wanted to see every day what these gentlemen were doing, and just how the work was going on. I will look with a great deal of interest to see if these gentlemen make good.

Mr SPROULE. What line does Mr. Brady represent?

Mr. GRAHAM. He is a man of large experience. He has risen from the station of operator to be superintendent of the division between Winnipeg and the east of the Canadian Pacific Railway. I have followed his record very closely. Since he started out he has never had what you may call a set back, with advancement at every stage.

Mr. FOSTER. Is he a very healthy man?

Mr. GRAHAM. He looks to be.

Mr. FOSTER. Moderately good muscle?

Mr. GRAHAM. He looks like a commissioner.

To provide for expenses connected with the park reservation, including revote of $80,000, $120,000.

Hon. FRANK OLIVER (Minister of the Interior). Owing to the late date of this vote being brought forward, it will be necessary to make a change in it, and say that instead of the revote being $80,000, it will be only $30,000, as $50,000 has recently been paid out or set apart for the purpose of purchasing the remainder of the herd of buffalo for which we have been negotiating for some time, and which we expect to use within the next month.

Mr. FOSTER. Tell us about the buffalo.

Mr. OLIVER. The hon. gentleman is aware that some two years ago we entered into negotiations for the purchase of a large herd of buffalo from Montana. The price was $200 per head for every head delivered, and an allowance of $45 per head for transportation. Under the agreement there have been delivered 403 head.

Mr. FOSTER. Was there any limit to the number?

Mr. OLIVER. We wished to buy the whole herd, and as the herd were running in the mountains there was very great difficulty in counting them. We estimated that there were 350 or 400, but when we came to round them up, we found that there were more than that. We have had delivered over 400 head and there are said to be 200 more. We cannot tell how many there are nor how many we will be able to get until it is put to the proof. We made an effort last summer to get the balance of the herd.

Mr. FOSTER. There might be a thousand.

Mr. OLIVER. No, there is no probability of that. It was not possible to have an accurate count of the herd and we felt that it would add considerably to the commercial value of the purchase if we were the proprietors of the whole herd.

Mr. FOSTER. Does that mean that there and no other buffalos south of the line?

Mr. SPROULE.

Mr. OLIVER. There is no other considerable herd. This is the only considerable herd that there is anywhere. We arranged with the owner that we would take them all except that he was to keep eight. We have to pay for them at the rate of $245 a head.

Mr. SPROULE. That amounts to $98,735.

Mr. FOSTER. What proportion are cows?

Mr. OLIVER. I could not answer that off-hand, but I think there is about an equal proportion. There is a fair proportion of cows, but the proportion is not as it would be in a domestic herd, because the males have not been disposed of separately.

Mr. FOSTER. What does the minister propose to do with them?

Mr. OLIVER. The proposal is to retain them and have them increase the same as in the case of any ordinary herd of cattle. We believe that, in the first place, they are of value as a natural curiosity and, in the next place, the experiment of undertaking to secure practically an unlimited increase of the herd is well worthy of the consideration of the country, because of the actual economic value of the animal and particularly of its hide.

Mr. FOSTER. What extent of country is to be set apart as sufficient for them?

Mr. OLIVER. For those we have already secured we have an inclosure four miles square which is called Elk Park, about 15 miles from Fort Saskatchewan. This park was not fenced originally with the expectation of inclosing a herd of buffalo. The fence was erected with the expectation of inclosing a herd of elk and of securing the increase of the herd in the natural course. But about the time the fence was completed we were successful in our negotiation for the buffalo and we utilized that inclosure as the temporary home of the buffalo. But, we recognized that an area of four miles square was not sufficient for the large number of buffalo that we hoped to secure, nor was it in that part of the country that was most suited for the grazing of buffalo. We therefore selected an area equal to four townships in extent and which lay immediately by settlers and which lay immediately east of the Battle river at a point where the Battle river runs almost due north. The general course of the Battle river is east and west, but at one part of its course it runs almost due north and it is on that part that the Buffalo park lies. It lies between the Grand Trunk Pacific and the Wetaskawin branch of the Canadian Pacific Railway, immediately east of the Battle river, the area being approximately that of four townships. It is substantially fenced and is now ready to have the buffalo turned in. The remainder of the herd that we

are now attempting to secure will be brought directly to this park and inclosed there, and nearly all the buffalo that are now in the Elk park will be brought to the Buffalo park. This area of four townships is particularly well adapted to buffalo grazing and there will be ample room for the buffalo to propagate and live in their natural condition. We hope that they will increase satisfactorily and that the experiment will be a success.

Mr. FOSTER. Do the buffalo feed themselves all the year round?

Mr. OLIVER. Not in the park where they are now.

Mr. FOSTER. Will they in the other?

Mr. OLIVER. We expect that under ordinary circumstances they will, but we will always keep a supply of hay on hand in case of an extremely unfavourable season. It is in a part of the country, where, under ordinary conditions, the buffalo would graze satisfactorily without feed.

Mr. FOSTER. What will be the yearly cost of feeding them?

Mr. OLIVER. I might mention that in that park there is certain low ground that produces hay. We do not expect that we will have to import or buy hay. We will be able to cut hay in the park itself.

Mr. FOSTER. Is it an iron fence?

Mr. OLIVER. A wire fence.

Mr. FOSTER. Will that keep them?

Mr. OLIVER. Yes, wire webbed double width and with tamarack posts. Except in the case of having to cut hay the cost will be merely the cost of two caretakers. There will be two entrances to the park, one from the Grand Trunk Pacific and one from the Canadian Pacific Railway, and there will be a caretaker at each entrance.

Mr. FOSTER. Is it supposed that any revenue will later be derived from it.

Mr. OLIVER. It would be rather premature to discuss that matter at the present time. There has been no plan arrived at pending the securing of the whole herd. Once we have secured the whole herd, or all we can get of it we will lay our plans as to the disposition that is to be made of it as a source of profit. The hide alone at the present value is worth what the animals have cost us. So that I do not think we stand to lose on the transaction. Of course, if we slaughtered the whole or a large portion of the herd and put their hides on the market at once, it might break the price somewhat; but so far from the herd being a source of expense, I think there is no doubt it can be made a considerable source of revenue.

Mr. SPROULE. Does the hon. gentleman pretend to say that buffalo hides are now worth $240 apiece?

Mr. OLIVER. Yes, the hide and the head. A good bull head is worth almost anything if it is properly mounted.

Mr. LAKE. I presume the minister has had an application from the province of Saskatchewan asking that an area of land be set aside for a park and game preservation. If he has, I hope he will take it into his best consideration. The suggestion is made that a portion of this herd of buffalo might be placed in that park; and as Saskatchewan, like Alberta, was the original home of the buffalo, and as we have in Saskatchewan no land at present reserved for park purposes as in the other provinces of the Dominion, I hope the minister will take the matter into his early consideration.

Mr. OLIVER. There are two park reservations in the province of Saskatchewan which would be quite suitable as locations for parks for buffalo herds. Until we get the whole herd in our hands, we do not wish to make any disposition of it. Once we get the whole herd, we shall be prepared to consider the question of their disposition. A good many requests have come to us for some share of the herd, and it will be a mere matter of providing accommodation and the expense of caretaking. That is a matter we shall probably be able to consider at the next session of parliament.

Immigration—Salaries of agents and employees in Canada, Great Britain and foreign countries, $200,000.

Mr. URIAH WILSON. Every session I have been disappointed at the estimates for immigration being brought down in such large sums and with no details given. This vote covers the agents in Great Britain, on the continent, in the United States and in Canada. At this late date in the session it is impossible to go into the general question of immigration at all; but I want to call attention to a particular matter. We have in Ontario about 150 local agents. One of these is in the county of Lennox, and I wish to call the attention of the minister and the committee to his actions. Every agent when appointed is furnished with instructions as to his duties. Clause 5 of those instructions is as follows:

The commission allowed agents for placing immigrants is $2 per capita on persons (men women and children) placed at farm work, and the same amount on women placed in domestic service; no commission will be allowed on immigrants placed in any other occupation than farm help or domestic service.

Clause 7 distinctly forbids the agents to assist in locating immigrants for any other employment than farm work and domestic

service. A man by the name of N. B. Miller was appointed by this government to locate immigrants in the county of Lennox. I have known Mr. Miller for a great many years. He seems to have gone very much astray. I will just read his first report, and will make some explanations which I think will show the minister that he has entirely forgotten that he is responsible to the government for his actions and that he might be called on at some time to give an account for the reports he has been making to the government:

Claim for Commission.

May 29, 1907.

This is to certify that I have this day placed Wm. Spinks, wife and children Aleck, Walter, George, Arthur, Albert, Mabel, Nellie, who landed at the port of Quebec, on the 25th day of May, 1908, ex-ss. 'Canada,' as a farm labourer (farm labourer or domestic) with Mr. C. Dennison, of Napanee P.O., province of Ontario to work on his farm.

The following are the terms of engagement: $25 per month for five months.

Commission claimed $18.

(Sgd.) NATHAN B. MILLER,
Superintendent of Immigration.

Napanee P.O.

I call the minister's attention to the fact that Mr. Miller states that he located this man as a farm labourer, because he knew he could not get the commission if he did not, which shows that he was familiar with the instructions. Mr. Scott, the Commissioner of Immigration, sent a circular letter to all the men who was reported to him as having received immigrants to work on their farms. I believe Mr. Scott did this for the reason he gave in the committee, that he was anxious to find out how the immigrants were getting along with the farmers with whom they were placed. This is the letter :

Immigration branch,
Department of the Interior,
Ottawa, February 26, 1908.

Sir,—It has been reported to me that Alfred Sandell, wife and four children, an immigrant who arrived in Canada some time ago, engaged with you as a farm labourer. I would be pleased if you would let me know if such is the case, stating if he is still with you, what kind of satisfaction he is giving and what wages he is receiving. I desire this information in order to form a fair opinion as to the satisfaction immigrants are giving to Ontario farmers. Please reply on space underneath and use inclosed envelope (upon which no postage is required) in mailing your answer to me.

Your obedient servant,
W. D. SCOTT,
Superintendent of Immigration.

I want the minister to take particular notice to what Mr. Denison says. He is the man with whom Mr. Miller states he located Mr. Spinks, and with whom he states that he made a bargain that Spinks was to get $25 per month for five months as a farm labourer on Mr. Denison's farm. This is Mr. Denison's letter, written nearly a year after Mr. Miller reported that he had located this man as a farm labourer:

Napanee, February 29, 1908.

Dear Sir,—I received this note from you today. I am in the grocery business and not a farmer. In regard to Wm. Spinks and family I just happened to meet him at station the day he arrived here with his family and helped him to find a house to move in, he is a carpenter by trade, he is a clever fellow and is doing well. The older boys are at work learning trades and the smaller ones are going to school. He and family like it here very much and from what I have heard him say he has no desire to go back to England. In my opinion such families as Mr. Spinks are welcome here.

Yours truly,
(Sgd.) S. CASEY DENISON,
Box 167, Napanee, Ontario

I know Mr. Denison well, he is a very respectable man belonging to one of the old Liberal families of that riding, who never gave a Conservative vote. Mr. Denison told me precisely the same thing as he states in this letter before I used the letter in my last campaign, for I used it and said stronger things in my riding than I am saying here to-night.

Mr. Miller did not appear on any platform to combat my statements. It looks to me as if Mr. Miller thought to himself that he was a government agent, here was a newcomer to the town, an Englishman settling in our midst with his wife and children and that he might just as well report these people to the department and get $18 without any person being the wiser. He drew the money and it was not discovered for a year because it was a year from the time he reported that he had located this man before this circular was sent to Mr. Denison.

I have here another case. The report being:

This is to certify that I have this day placed Arthur Wood and wife, who landed at the port of Halifax on the 28th day of April, 1907, by steamship 'Ottawa,' as a farm labourer and domestic with Mr. G. Deshane, of Napanee post office, province of Ontario, to work on his farm. The following are the terms of engagement: Seven months at $25 per month; commission claimed, $4.

I shall not read Mr. Scott's circular as it is in the same words as the other one. Mr. Deschane is section boss on the Grand Trunk Railway in the town of Napanee. I have known him for years as a hard-working honest man. He answers Mr. Scott's letter on February 14 as follows:

Dear Sir,—The person who reported to you that Mr. and Mrs. Arthur Wood came out

here from England as immigrants notified you wrongly; they came here last May but came out on their own hook, that is paid their own way independent of everybody. When they landed here at the depot the night operator, Mr. Geroux, informed him that I (foreman of the Grand Trunk Railway) was in need of a man, so he came to me and I hired him and he has been in my service ever since with the exception of a few months, and I find him to be an honest, upright, and industrious man, and he is not working for a farmer nor hasn't been.

(Sgd.) JOSEPH DESHANE.

I had a talk with Mr. Deshane about this man. Mr. Deshane says that Mr. Miller had nothing to do with him and you can see by his letter that Mr. Wood met Mr. Geroux the night operator of the Grand Trunk and Mr. Geroux told him that Mr. Deshane, the section boss on the railway wanted a man and he went to Mr. Deshane himself and made the arrangement, Mr. Miller having nothing to do with him. But Mr. Miller reported to the department that he had located this man on a farm and went so far as to give the terms of his engagement. Would any man suppose that was a mistake, that he did not know what he was doing? Do you think he did not know the difference between a section boss on a railway and a farmer? Do you not think that he knew whether Deshane wanted the man to work on the farm or the railway? In fact Mr. Miller had nothing whatever to do with this man, but apparently, as in the other case, he felt he could make that report to the department and as he was an official of the government and probably would not be questioned he could make $4 more and make it easily. I have another case. Here is a report dated July 1, 1907:

This is to certify that I have this day placed Alfred Sandell and wife and children, Emily, Annie, Flora and Alfred who landed at the port of Quebec on the 29th day of June, 1907, by the steamship 'Canada,' as a farm labourer and domestic with Mr. M. Jones. Napanee post office, to work on his farm. The following are the terms of engagement, $20 per month; commission claimed, $12.

We will now see what Mr. Jones says. Mr. Jones has been a member of the township council of Richmond for many years. He is a very respectable man, not very decided in his politics. He rather votes for the man who suits him than for the party. His reply to Mr. Scott's letter is:

You have been misinformed, I know nothing of the above named persons.

I know very well that Mr. Miller has been dismissed, and also that he has had to refund the money that he wrongfully obtained, but what I would like to know from the minister is whether he thinks that is adequate punishment for a man who will deliberately misrepresent to the department his actions and in that way obtain money? I would ask why the minister will not act in this case as he did with Mr. Waugh, of Chatham. I understand that Mr. Waugh who was a defaulter in a similar way was arrested and tried in the criminal courts. What reason is there why Mr. Miller should be allowed to go scot free while Mr. Waugh had to stand his trial before a criminal court? I think this is a case which cannot be disputed.

I would go into this question at greater length were it not that we are approaching the end of the session. It is true that I am not to blame for these estimates coming on at this late stage, and I felt that the proper time to discuss the subject was upon the immigration estimates although I could have brought it up on a motion to go into Supply. I do not ask that this man should be prosecuted, all I ask is that he should be dealt with fairly and should be called on to give an account of his actions. If he cannot give such reasons as would satisfy a court then he should be punished.

I have another report dated August 5, 1907:

This is to certify that I have this day placed Thomas Sewedani, who landed at the port of Montreal on the 2nd day of August, 1907, as a farm labourer with D. A. Roblin, Adolphustown post office, Ontario, to work on his farm. The following are the terms of the engagement: $12 per month.

Again he was particular to give the terms of the arrangement. He got $2 for settling that immigrant. I have good reason to know Mr. Roblin because I have not a stronger opponent in the township of Adolphustown than he, but I have not the slightest feeling against him or fault to find with him. Mr. Roblin says:

Thos. Sewedani has not been working for me. He stayed with my hired man, B. Zanoli. He was a baker by trade and was offered a situation at $10 per week but would not take less than $25, so could get no employment about here at this figure. The fact of the matter was he would not work. He returned to England last autumn.

That is another clear case where Mr. Miller drew the commission for placing a man he did not place at all. He said he had made an arrangement for him to work at $12, but Mr. Roblin says he refused $25 per week. Here is another certificate:

July 1, 1907.

This is to certify that I have this day placed Benjamin Hodge and wife and children, Violet, Harold, Joy, who landed at the port of Quebec on the 29th of June, 1907, ex. ss. 'Canada,' as a farm labourer and domestic with Mr. A. Briscoe, of Hawley, Ontario, to work on his farm, at $12 per month.

And the commission was $10. Mr. Briscoe wrote to the department, in reply to its circular:

Said man never reached us. Altogether likely some person had hired him before he reached us.

I could give many more such cases, but it would take too much time. It does look to me as though Mr. Miller had made up his mind that he was the government agent, that he had sole control, and could report such cases as he liked to the government, and no questions would be asked and he would get the commission. Here is another case:

April 20, 1907.

This is to certify that I have this day placed Fred. Stockwell and wife and children, Elizabeth, Catherine, Edward, William and Beatrice, who landed at the port of Portland on the 14th of April, 1907, ex. ss. 'Kensington,' as a farm labourer and domestic with Mr. George Clement, of Deseronto, Ontario, to work on his farm at $20 per month.

The commission claimed was $14. Mr. Clement, in reply to the circular, wrote:

Deseronto, February 9, 1908.

Re Fred. Stockwell, he worked for me about three months after his arrival here, but not at farming. I am in the contracting and building. Stockwell gave me excellent satisfaction and is a sober, honest and industrious man. I paid him $9 per week as helper; he has worked the balance of the season for Wm. H. Harvey, a cement contractor of this town, and received from $1.75 to $2 per day.

The only parties on whom the department pays commission are farm labourers and domestics, but here is a case in which Mr. Miller reported having placed a man on a farm and did not do so. Still he reported to the government that he had, and drew the commission. Mr. Miller, as a matter of course, wrote a letter during the campaign, but when that came to the knowledge of Mr. Scott, he wrote Mr. Miller. I forget exactly what Mr. Scott said, but I presume he wanted Mr. Miller to explain why he reported this man as being located on a farm. Thereupon, one would suppose that Mr. Miller replied, but I cannot find any answer to that letter until the 24th of October, 1908, just two days before the polling, when he denied that he owed the government a cent and said that the government always held back enough to cover any mistakes or indebtedness of the agent. I will be able to show that that is not true. Here is the letter he wrote just two days before the polling:

Napanee, October 24, 1908.

In my reply to your statement of March 25, 1908, I withdrew claims No. 1970 and 8328 as they had been sent through mistake. If these claims are not deducted, kindly deduct amount from my next cheque.

When I came here I spoke to the minister about this matter. All I wanted was that this man should be dealt with as one honest man should deal with another. I wanted Mr. Miller to account for his acts. It would be a great mistake on the part of the minister to allow this to be added to all the other troubles we have had with reference to these frauds and dishonest acts of government officials. I asked for a return showing how matters stood, and this is the return furnished me by Mr. Scott, dated 22nd January, 1909. Mr. Scott claims that Miller owes him $72, the refund asked for on 36 persons who did not come within the regulations. What is the minister going to do about it? I have evidence given by Mr. Scott himself, which I shall not read at present, but I can prove what I have said from Mr. Scott and other witnesses.

Mr. OLIVER. The matter brought up is one of serious importance and very well worthy the attention given it. There are circumstances connected with this transaction that I think should be in the possession of the House before we reach a conclusion. Everybody is aware that, during the past several years, there was a very serious shortage of farm help in the province of Ontario, and it seemed only reasonable that when we were securing immigrants, we should make some effort to turn the stream of immigration to Ontario to meet this demand for farm labour. In order that this might be done, several plans were attempted, the last of them being the appointment of agents in different counties in Ontario who were to be paid a commission as my hon. friend has read, for the location of immigrants with farmers as farm labourers. The earnings of one of these men for a season might be nothing at all; it might be $2 or $10 or $100. That being the case, we could not reasonably expect the same attention to business, the same skill and energy or the same absolute responsibility that we should expect of men working on a fixed salary. But the circumstances did not permit, as we understood it, the employment of men at fixed salaries. It seemed that the only possible expedient to meet the case was the employment of these men on commission. In the case my hon. friend has brought up, I have nothing to say to excuse the gentleman whose name has been mentioned. No person in the House or out of it is quite so much interested in securing correct returns from these agents as the minister himself. I do not wish to shield any man in wrong-doing in his connection with the Interior Department, being well aware that his wrong-doing must reflect upon the department and upon the government as a whole. But, when the hon. member suggests that we prosecute this man; in my own defence for not having prosecuted him, I may put this condition of affairs before the House: In the first place, my hon. friend has said that we did prosecute a man who had committed practically the same offence the

year before. In that case, we took proceedings against the man because he would not make a refund of what we demanded of him.

Mr. URIAH WILSON. That is awfully weak.

Mr. OLIVER. Weak or strong, it is the fact. The man had billed us improperly for placing immigrants, and we had paid him money which he declined to refund. We took proceedings to compel him to refund and he did. In the case referred to by my hon. friend, the man refunded on demand. It is quite possible that proceedings against him might be taken; I have not gone into the question; it did not seem to me that, under present circumstances, it would be the best policy to do so. We have difficulty in getting anybody to take the position of commission agent in locating immigrants.

Mr. URIAH WILSON. Why did the minister cut down the appropriation? Under the old system he paid for every man, woman and child; now he only pays on such as are located.

Mr. OLIVER. In beginning of this system we paid upon man, woman and child, making that an inducement to special effort on the part of the commission agent to locate large families. We found by experience, that, while it had a certain effect, it worked out in some ways as an abuse, and we decided to confine the payment to those for persons actually located. The cutting down of the immigration estimate compelled us to consider reductions wherever possible. We are not absolutely our own masters in the amount of money we can afford to pay As the situation now is, we think it is desirable in the public interest that men should be appointed to do this work if they do it honestly. In this case, as particularly glaring evils have been shown, as the public interest actually suffered a loss, as it was likely to do from the case of the gentleman at Chatham, we have thought it better—

Mr. URIAH WILSON. Did this man pursue the same practice?

Mr. OLIVER. Yes. We have thought it better, as a matter of public policy to accept the assertion that there has been an error or misunderstanding rather than to regard the action as criminal and to engage in a prosecution.

Mr. LANCASTER. Does not that fact cause dishonest men to apply?

Mr. OLIVER. No, I think the fact that they make no profit and that they have been seriously exposed before the public will have a deterrent effect. However, if this does not have its effect, prosecutions will be in order. But I think that, instead of prosecutions it would be necessary for us to adopt some other system. If we cannot find enough honest men scattered through Ontario to prosecute this business honestly, I think that rather than bring to bear the criminal law, it is better to give up the attempt or change the system of doing it. That is the reason this government has not taken proceedings beyond what we have done. The country has suffered no loss.

Mr. URIAH WILSON. So far as you know.

Mr. OLIVER. So far as we know. We do not feel that we would be acting in the best interests of supplying labour to Ontario farmers if we took drastic or criminal proceedings against one of these agents, when there may be some ground for the claim that there was a mistake. We are willing to give them the benefit of the doubt.

Mr. GEO. TAYLOR. How did it come that, at the point of landing, these men registered as farmers, when one was a carpenter, another a brickmaker and another a baker?

Mr. OLIVER. I understand that they registered as men who intended to engage in farming.

Mr. URIAH WILSON. Is it any wonder, after the speech we have listened to tonight, that Mr. Miller is telling many of his friends that he is going to be reappointed ? I have read from the reports furnished me from his own office, showing that this man deliberately misrepresented facts. If he were an ignorant man, I could understand there might be room for doubt, but a man who is intelligent enough to be the clerk of a municipality in an old part of the country must have known what he was doing. He was dishonest and deliberately dishonest, taking these commissions when he knew he was not entitled to them. I used as strong language as this on the platform, and I have not been served with any writ, and if I were I would not wait for the minister to make an excuse for the gentleman. I would bring him before the courts. The superintendent of immigration says: Mr. Wilson, if you will write a letter to me I will lay it before the minister. Well, judging from the speech the minister has made to-night, it would be of little use. He wants to make excuses for a man who, deliberately, with malice aforethought, has defrauded the public revenue, and because he refunds the money the minister lets him go. Is that not condoning a felony? Is that straight business? Is that the policy of a man who prides himself on being

honest? Now, the Minister of the Interior has a good reputation, people generally think he is honest, and I have no reason to think anything else of him, except the speech he has made to-night. I think he has done himself a great injustice when he comes forward as the defender of a man who has deliberately defrauded his own department, and he has evidence of it.

Mr. OLIVER. I beg the hon. gentleman's pardon, I am not defending Miller at all. I was explaining the reason why the department has not prosecuted him. I was defending myself, not Miller.

Mr. LANCASTER. The hon. gentleman said he thought the man should be given the benefit of the doubt. I would like to know what doubt there is of this man's criminality. Will the hon. gentleman explain what the doubt consists of? It is a pure case of theft under the code, it is without possible defence, that I can see. Now, what doubt is there of his guilt that the hon. gentleman is giving him the benefit of?

Mr. OLIVER. My hon. friend knows that until a man has been given a fair trial and has been convicted, there is always a doubt. No man is ever considered guilty until he is proven guilty. That is the doubt I am giving him the benefit of.

Mr. LANCASTER. If the Crown does not prosecute men, of course no one will ever be prosecuted. The Crown which is defrauded is creating the doubt for the benefit of the criminal. If every thief in this country is to be told: You must not rob an individual, but you can rob the government at Ottawa, if you will give back the money stolen as soon as you are found out—then we will have a most terrible state of criminality going on every day. I think the minister ought to consult the Minister of Justice and make an example of this man.

An hon. MEMBER. He is a Liberal.

Mr. LANCASTER. I do not think the minister is necessarily letting this man go because he votes Liberal. I hope not, I think the hon. gentleman is bigger than that. But I do protest against a minister of the Crown saying that because a man gives back the money, he does not think it wise to prosecute because he might not be able to get other people to work in the same line this man did. Perhaps he would not get any honest man to do it, but he could get all the scoundrels he wants to work in his department if they understand that they can defraud the government with impunity.

Mr. MONK. There is a ray of hope certainly in what the minister said this evening in answer to my hon. friend from Lennox (Mr. Wilson), and that is that it is probable the system of placing men will be abolished. It was evident to those who attended the examination before the committee of the Superintendent of Immigration, that that system has been most unsuccessful, and I have no doubt in my mind that it has led to a great deal of fraud which does not happen to have been brought out. If the minister undertook to prosecute all the cases that present analogies to the case of the man particularly referred to this evening, I think he would perhaps be giving employment to a great many lawyers in the province of Ontario. There is no more delicate task than the placing of immigrants in this country, and to entrust that task to new men who have never been busy about anything else but party politics, and give it over to them as a reward for their work in elections, is the worst possible employment you can make of this immigration money.

Now, we are called upon to-night, on the eve of prorogation to vote a sum which ultimately will amount to considerably more than a million dollars for immigration purposes, and that sum is divided up in the estimates contrary to the protests which I and other members of the House have made year after year, against the manner of subdividing these credit votes. I leave it to my hon. friend himself to say whether it would be fair or just to the House, at this stage, with few opportunities, and when we are hurrying through the last items of the estimates, to enter upon such a criticism as a vote of this amount calls for. It has been an invariable rule since I have been a member of this House for the government to introduce important measures too late to allow of their being criticised. The thing is not done through neglect, it has been done by this government systematically, as part of a scheme. Take the minister's Bill on immigration, which was announced, I think, in the speech from the Throne. We have had numberless opportunities of discussing it. I think the minister himself regrets that we have not passed this Bill. It is a Bill to improve the conditions which, up to two or three years ago, were absolutely intolerable. The minister himself, I think, desired to see that Bill passed, we all did, with certain amendments. He has had to give it up, and we are called upon here, a few hours before prorogation, to make a criticism of the whole of this expenditure.

My hon. friend from Lennox (Mr. Wilson) has referred to that phase of the expenditure. We are going to receive this year from the United States, according to what everybody expects, over 75,000 immigrants. Why should we expend for that branch of the immigration service a sum

which, as the minister doubtless knows, will not be less than $60,000 or $70,000 ? Why have we immigration agents, most of them doing nothing, relatives of ministers, friends, brothers-in-law, ex-candidates placed all over the United States to bring in immigration when it is a serious question to any thinking man whether it is not too large a number to rush into our own Northwest from the United States. Why should we make that expenditure this year? The immigration from the western states into the Northwest has developed in a wonderful degree. Why should we pursue the course of keeping a large number of agents who are doing very little and whom we are supporting merely because of their influence and who are spending large amounts in advertising? This is a question that has some reference to the one raised by my hon. friend from Lennox. There are some other questions in connection with these estimates that I would like to raise, because I intended to submit to the House this session that the precautions we take with incoming immigrants from Europe are not sufficient, and from the testimony of the minister's own Superintendent of Immigration there is nothing to prevent us taking further precautions and obliging those immigrants to bring us testimonials from the old country whereby we would be saved the expenditure of deportation. We must admit a very undesirable class of immigrants with a great number of goods ones who are received every year. It is impossible to discuss that reform at this time of the session. I believe that we are spending in advertising in Europe quite an exaggerated sum. My hon. friend, I know, has made great progress. There was a time when his predecessor was in office when the whole system was tainted with the vices which have been indicated by my hon. friend from Lennox this evening. There have been reform and progress, but the way of reform is a difficult one, and in that connection I want to urge upon my hon. friend a complete reformation in the system of immigration agents in France. Everybody knows that the present organization of the immigration system in France is absolutely faulty. The few agents we have there are all quarrelling. It is impossible to obtain any collective or united action. My hon. friend must have received the echo of all that has been said in that regard. We all know it in the province of Quebec. The system is absolutely faulty in Belgium too. Our agent there, Mr. DeCoeli, is a very respectable man, but it is evident that he is not up to the requirements of the situation at the present moment. Everybody says so and my hon. friend surely must have heard it. I think it is unfair to members of this House to bring in these important items at this stage because it obliges us to allow them to pass without special comment or inquiry. My hon. friend must know that this year we are going to receive into this country, I believe, on a moderate estimate, about 200,000 people. The year began with the appearance of a smaller number, but last month, I think, 10,000 arrived. I do not think my hon. friend can doubt that during this season we are going to receive 200,000 people. Under these circumstances, being called upon to vote an amount, which, with the supplementaries, covers more than $1,000,000, I think it is very late indeed for us to enter into a detailed examination of these votes. With these few observations I will not delay any longer the advance of the estimates, because we know it would delay completely the arrangements made by the government, with our consent, for prorogation.

Mr. TURRIFF. The hon. member said that we would possibly be getting in 75,000 people from the United States and that we were getting in too many. That is what I understood my hon. friend to say.

Mr. MONK. I said the question was whether that was not rather too great a number. It is a question that I do not attempt to solve. It is a very large number and I do not think that we should have to advertise or keep agents there doing nothing.

Mr. TURRIFF. It seems to me that it carried possibly to the minds of some a reflection upon the class of immigrants who are coming in from the United States.

Mr. MONK. By no means.

Mr. TURRIFF. Well, I am very glad to hear that statement from the hon. gentleman.

Mr. MONK. I think they are very good immigrants.

Mr. TURRIFF. As far as the immigrants we are getting from the United States are concerned I do not think we could go to any country in the world and get a finer class of people than those who have come in the past from the United States. I have in my constituency several thousands of people from there—Norwegians, Swedes and Germans—who now speak English and you could not find a finer class of settlers from any country in the world. They are just as much at home with us in Canada as they were in the United States. When they come over they fall in with our laws, establish schools and become good citizens. The moment they can get their naturalization papers out they take an active part in the conduct of affairs, educational, municipal and governmental. We could not get a better class of people and I only hope that in any retrenchment which may be made the government will not curtail

the expenditures made in the United States in bringing people of that class into the country.

Mr. MONK. I would like to say at once that if my hon. friend (Mr. Turriff) understood that I was making any reflection on that class of immigrants he is mistaken. They are excellent immigrants in every respect. But, we are a very small people. I do not believe that the population of this country is more than 6,000,000, whatever may be said to the contrary.

Mr. FIELDING. 6,000,000?

Mr. MONK. I know that my hon. friend the Minister of Finance, in a moment of enthusiasm, said that he thought it would exceed 7,000,000.

Mr. HUGHES. He said that some one said so.

Mr. MONK. I differ from my hon. friend very respectfully, and I know that at the period when the census was taken the population did not amount to more than 6,300,000. But even that was exaggerated. If we take the census in a sensible way we will know how many we have. But, we are a small people. The sense in which I spoke was that if the natural influx from the United States brings us 200,000 American settlers to the Northwest well and good. It will be a very large proportion. I consider that we are a young people. Fifty, sixty or seventy years in the life of a people is not very much, and if we got in 3,000,000 or 4,000,000 aliens this year, even if they were the very best immigrants in the world, I don't think it would be the best thing possible for Canada. I think we must keep the strong dominating influence in our own country in the hands of native Canadians. That is a matter for discussion but that is my opinion anyway. What I do say is that we are receiving this influx from the United States through the natural action of the people themselves. They are a sensible people, they are not brought in by representations of those whom we have there as agents. They come in because land in the United States has become valuable and exhausted agriculturally, and they know that they can get here land ten times as rich, virgin soil, extremely fertile, at almost nothing. They sell what they have in the United States, come in here, and establish themselves. I have heard—and I will be glad to hear my hon. friend who lives in the locality contradict it—that having obtained these lands, settled them, opened them up and improved them, many of them return to the United States. I would be very glad to hear that that was not the case. Probably my hon. friend knows. But what I lay down as a principle is this. 75,000 a year is a large enough increment to our population. If that current is started which may bring us next year 150,000, I do not see the necessity of keeping the brother-in-law, the unfortunate candidates, the sons, nephews, and other hangers-on of the government established as agents in the United States, spending each one in his office from $4,000 to $7,000 a year, besides a large amount in advertising. My hon. friend knows that I do not believe in advertising Canada except indirectly. The idea of our going about Europe and the United States advertising our country just as a merchant would advertise his wares does not commend itself to my mind. So I say that if that current is started and is increasing every year, we should suppress that useless expenditure.

Mr. OLIVER. We are all of course very anxious to get these estimates through; but my hon. friend was hardly entitled to take advantage of the situation to make the statements he has made to-night. He has given the House to understand that these estimates have been delayed by the government for the purpose of avoiding criticism. I want to say that these estimates have been ready to come before the House ever since the first very few weeks of the session, and if they have not been brought forward, it has not been the fault of the government, but it has been because other discussions were put forward by my hon. friend and his friends that were not, I humbly submit, of as much use or necessity to the government of the country. The hon. gentleman took occasion to say that the Immigration Bill had been delayed, or had been dropped by the government because of delay. I would like to remind my hon. friend that the Immigration Bill was placed upon the order paper and was ready for discussion very shortly after the session opened.

Mr. MONK. That is what is done every year.

Mr. OLIVER. And when it was brought forward for a second reading at a moderately early stage in the session, my hon. friend opposed the Bill in a speech.

Mr. MONK. I asked that the second reading be postponed until we had heard in committee, Mr. Scott, the Superintendent of Immigration.

Mr. OLIVER. Precisely. I say my hon. friend opposed the Bill in a speech. The Bill then went over, and when it came up the next time, my hon. friend asked that its consideration be postponed. It went over again, and the third time when it came up my hon. friend asked that it be postponed.

Mr. MONK. My hon. friend is mistaken I must deny what he says.

Mr. OLIVER. The records of the House will show that what I have stated is absolutely correct. And when the Bill came up the fourth time, it was criticised obstructively by my hon. friend and his friends, so much so that they kept the Bill from passing. The House might as well be made aware of these facts. I think my hon. friend is entitled to special consideration for his daring to place before the House such a statement as he has done in regard to the Immigration Bill. He is also to be congratulated on his courage in his view of the question of immigration generally. He objects to immigration from the United States in large volume, and objects to immigration effort in the United States as being useless, because we have a large volume of immigration from that country. May I ask him by what process of reasoning he arrives at the conclusion that because immigration effort has been well directed and successful, therefore it is discredited. If we have a large immigration movement from the United States, it is because of the efforts that have been made by the Immigration Department of this government in times past; and if my hon. friend is afraid of injurious consequences from that immigration, there are many other people in this country who are not afraid. Let me say further that the welfare and the prosperity of this country, right here in eastern Canada, absolutely depends on the continuance of immigration into the Northwest, and on the continuance of the increase of production in that Northwest resulting from the flow of immigration. The enterprises of transportation have been mortgaged to the future development of that country. Canada cannot afford to let the development of the west stand still. We have built and planned and prepared for more immigration, for a greater development in that country, and unless that development takes place, we shall find that we have notes to meet and bills to pay and nothing to pay them with. If we have a satisfactory immigration from the United States, it is because of the successful and well-directed efforts of the Immigration Department of this government; and if we have immigration from the British Islands it is unquestionably the direct result of the efforts made by the Immigration Department of this government. My hon. friend scorns the idea of advertising Canada as a merchant would advertise his wares. Well, my hon. friend's scorn is not shared, I fancy, by the large majority of the people of this country. We are glad to see our country progress, and any honourable means that will promote that progress is good enough for the majority of the people of this country.

Mr. FOSTER. Now, does not the minister think he had better let some estimates go through?

Mr. OLIVER. We want these estimates to go through, but we do not propose to allow statements such as those made by my hon. friend to go uncontradicted, even at the risk of the estimates not going through.

Mr. MONK. I want to set my hon. friend right on one point, even if it does cost the House a little time, that is, in regard to his immigration Bill. He is absolutely at fault in that respect, because I favoured that Bill, as I think we generally did on this side of the House. It is a complete change from the old system under which we attempted to fill up the country, never mind how and never mind with whom; and if that is the theory of my hon. friend, he does not agree with many on this subject. That was the system that prevailed from 1867 until my hon. friend came to office, or, to put it better, until the moment when the American authorities called the attention of this government to the kind of immigration we were getting. At the time the Immigration Bill came for a second reading, I began to speak and six o'clock was called, and so the Bill went over. When it came up the second time I asked that it be postponed until we heard Mr. Scott, because I wanted to ask him if it was possible to secure more immigrants of a certain class from the other side of the Atlantic, which would save us the cost and I may add the horrors of deportation such as we had last year. Apart from that, I have never been in any way obstructive of that Bill, and I repeat that what my hon. friend says in regard to that Bill applies to most government measures that are important and that require to be discussed at length. I shall maintain that attitude until another system of proceeding is adopted in this House. Bills are introduced and then other matters are taken up. I do not know who is to blame for it, but for a large portion of the session these Bills remain dormant, these important estimates are not touched and at the end of the session we are in the position in which I find myself to-night. As to immigrants from the United States, if I believed as my hon. friend has stated to-night, that the 75,000 immigrants we are receiving this year from the United States have been moved to come here by any effort of these immigration agents, I would be prepared to admit that they are of some use. I deny that and I set up as proof to my hon. friend that over 1,200,000 immigrants come in every year to the United States when every law in the United States forbids advertising absolutely, even to navigation companies. How then do they get five times as many

immigrants as we get? How is it that with the advertising we have done and the agents we have employed, wo do not account for the immigrants we are getting, for the flow that will come in now? I say that from this time forward we are going to have a large inflow of immigrants whether we advertise and employ agents or not. The country and its immense resources are known, nor do I object to their being made known in a general way, but I say that to spend this immense amount in advertising and paying agents now has only one effect, that is to bring to us the large number of bad immigrants to whom we object. My hon. friend says that these estimates have been ready since the beginning of the session; why were they not brought up before?

Mr. OLIVER. Because you and your friends would not allow them to be taken up.

Mr. MONK. Oh, no. I know that my hon. friend (Mr. Oliver) has made some reforms in his department. They were badly needed not only in respect to immigration but in many other respects. I am surprised to hear him say that because my hon. friend has been in the House as long as I have, and it has been the invariable system every year. What prevailed before 1896 I do not know but every year we find ourselves in this position at the end of the session and it is not possible to give sufficient attention to these matters that interest us vitally. Surely an addition of 250,000 new people to our own nation numbering, scarcely 6,000,000, is a matter of importance. Surely the methods by which we obtain these men, the scrutiny to which we subject them before admitting them to the national family, is an important matter and here we are, a few hours before prorogation, voting this amount when we feel that every word we say is taking up the time of the few members who are in the House, to their very natural dissatisfaction.

Mr. SPROULE. What foundation is there for the statement of the Minister of Finance that there were 70,000 immigrants coming from the United States who brought in $70,000,000? Looking up the returns I find that last year $12,000,000 was the sum total of settlers' effects brought in. I do not know if that includes cash or not. I cannot find anything that justifies such a statement nor do I think it correct.

Mr. OLIVER. I think the estimate to which my hon. friend alludes was an estimate in prospect and not in fact; that is to say he estimated that there probably would come this year 70,000 people and that they would bring so much in effects.

Mr. SPROULE. I understood differently.

Mr. OLIVER. Last year there were some fifty odd thousand and I think they brought about $6,000,000 of effects. Our agent at Winnipeg, reviewing the situation early this spring, estimated that 70,000 people would come in with a larger amount of effects and money.

Mr. SPROULE. If 60,000 people brought only $6,000,000 would 70,000 bring $70,000,000?

Mr. FIELDING. The statement I made was quoted from an officer of the Immigration Department in Winnipeg, who estimated from his observation and knowledge of the movement that we would have 70,000 immigrants, that they would average $1,000 each, not merely in effects but in the means they brought into the country. It was an estimate of the probabilities of the year.

Mr. SPROULE. It is an estimate which it seems to me was neither founded on good judgment nor on the figures, and I may say frankly, after looking into the matter that I regard it as wholly absurd.

Mr. URIAH WILSON. Would the minister say where he got the figures showing the population of Canada to be about 7,000,000?

Mr. FIELDING. I gave the information from statistics prepared by the Census office of the Department of Agriculture. We only take the census once in ten years but we make estimates on a scientific basis which enable us to obtain a reasonably accurate knowledge of the population from year to year. We have the ordinary statistics as to the increase of population and then we have the statistics of immigration. Taking these two sources of increase and making a computation in accordance with the methods of the past, the census office furnished me with the estimate. They figured that the population of Canada at the date I made the budget speech was something over 7,000,000.

Mr. URIAH WILSON. Dr. Bryce, the chief medical inspector in his report says that the population in 1900 was 5,371,315, and the increase between 1900 and 1908 was estimated at 1,666,684, making a total of 6,437,998 persons. Estimates of increase of population based on immigration are very deceptive. The immigration into the United States for 1908 was 924,695 persons but the number of persons who left the United States was 714,828, leaving a net increase of 209,867. If the same influences operate in Canada, then our population is hardly yet 6,000,000.

Mr. SPROULE. When the census is taken the number of immigrants reported to have been settled in the Northwest cannot be found there. Your own census shows conclusively that the statement of immigration is not reliable.

Mr. FOSTER. What is Mr. Copp doing in the Immigration Department? He is one

of the numerous ones who have been taken care of.

Mr. OLIVER. Mr. Copp is employed in Boston. There are many people from the maritime provinces settled in the New England States, centred at Boston, and we have had an agency there for some time under the supervision of Mr. Hetherington who was a resident of New Brunswick. We have also placed an agent from Nova Scotia in the person of Mr. Copp so as to further assist in inducing the immigration of maritime provinces people resident in the United States to the Northwest.

Mr. FOSTER. How much does he get?

Mr. OLIVER. $1,200 and travelling expenses.

Mr. FOSTER. What does he do?

Mr. OLIVER. When Mr. Hetherington and Mr. Copp are both employed, one will be at the office to supervise the correspondence and attend to people calling. We have secured an office in Boston very well situated. There are many from the maritime provinces located in Boston and vicinity, and the duty of our agents is to visit these people and put the advantages of the Northwest before them, and both these agents are maritime province men, well acquainted with a large portion of these people.

Mr. FOSTER. What have you got from it?

Mr. OLIVER. We can judge by the certificates issued by our agents for reduced rates of transportation. Last year Mr. Hetherington issued over 600 of these special tickets.

Mr. FOSTER. Does my hon. friend believe that Mr. Hetherington was the cause of these 600 getting these tickets?

Mr. OLIVER. He was very largely the cause. In view of the general sentiment in the state against immigration to our Northwest, as compared with the southwestern and western states, it is necessary there should be some one there to direct the attention of their people to the Northwest.

Mr. MONK. On the agent issuing a certificate, do the American railways give reduced transportation?

Mr. OLIVER. No, but the Canadian railways give transportation at a reduced rate for parties carrying a certificate issued by our agent in the United States. The passenger will pay the ordinary rate to the Canadian boundary, and then the Canadian railways will carry him at a cent a mile throughout the Northwest, if he has a certificate from our agent.

Mr. FOSTER. I am afraid that my hon. friend did not give the chief reason why Mr. Copp was sent there? Mr. Copp had to be provided for as a defeated candidate.

Mr. HUGHES. What are his qualifications?

Mr. FOSTER. He is a defeated candidate

Mr. MONK. Has he sent in any report?

Mr. OLIVER. Weekly reports, but he has only recently been appointed.

Mr. BLAIN. I want to call attention to an article from the London (England) 'Weekly Times,' of April the 18th:

Recompense for Deportation.

George Pierce, who went to Canada two years ago on the recommendation of the Woolwich Distress Committee, after a stay of only a few months at Chatham, Ontario, was deported by the government authorities as an alleged undesirable. As Pierce had been in employment during the whole time he was in Canada, and had previously worked for twenty-one years in Woolwich arsenal, friends in England, convinced there had been a mistake, took up the matter, with the result that Pierce has been awarded $700 recompense.

Is that statement correct:

Mr. OLIVER. I am advised it is a mistake to say that this government has given any recompense.

Mr. BLAIN. Does the minister know anything about the case?

Mr. OLIVER. Nothing, except that he was deported because he would not work and became a public charge.

Mr. HUGHES. It is generally understood that American settlers buy horses and other live stock much cheaper in the United States than Canada and are in the habit of bringing in much more than the usual quantity. In many cases they can supply their neighbours at fair prices. What is the rule regarding the importation of such stock?

Mr. OLIVER. This is a matter for the Customs Department. Any one who brings in settlers effects must settle with that department. Settlers are allowed to bring in 16 head of cattle for each 160 acres. A man who takes up a homestead is allowed to bring in that number, but he has to take an oath that they were in his possession six months before he crossed the boundary; and if he disposes of such stock within six months after he has been in the country, he is liable to penalty.

Contingencies in Canadian, British and foreign agencies and general immigration expenses, $700,000.

Mr. FOSTER. What are the details?

Mr. OLIVER. The details are as follows: Advertising and pamphlets, $175,000; King's Printer, $5,000; bonuses, $45,000; continental bonuses, $8,000; commissions on settlers from the United States, $5,000; commissions on farm and domestic servants, $10,000; British bonuses, $45.000; continental bonuses, $8,000 ; bonus on children, $4,000; commissions on settlers from the United States, $5,000; commissions for locating farm help and domestic servants, $10,000; seaport expenses—St. John, Sydney, Halifax, Quebec and Montreal, $12,000; contingencies and general expenses of United States, $65,000; contingencies and general expenses in Canada, $10,000; contingencies and general expenses of officials re inspection and deportation of undesirable immigrants, $10,000; contingencies and general expenses of agencies in Great Britain and Ireland, including the London office, $75,000; contingencies and general expenses of agencies on the continent, $20,000; grant to hospitals in the west, not including Winnipeg and St. Boniface, $5,000; immigration hospital, Winnipeg, $3,000; medical services and supplies, $2,000; detention hospitals,—St. John, Halifax, Quebec, Montreal, Victoria and Vancouver, $20,000; Quebec and Lake St. John Railway, $8,000; Quebec Repatriation and Colonization Society, $4,000; Ottawa Valley Immigration society, $2,500; Union Nationale Française, $1,000; Women's Welcome Hostel, Toronto, $1,000; Canada West Publicity office, $5,000; Women's National Immigration Society of Montreal, $1,500; Calgary Women's Hostel, $500; Salvation Army, $11,516.67; uniforms for officials and employees in Canada, $5,000; locating settlers in the west, $80,000; collection of exhibits, $16,000; telegrams, freight and express charges at head office, $6,000; duty on literature, $1,000; postage on literature, head office, $6,000; farm delegates, $25,000; boundary inspection, $30,000; transportation of deports, $12,000; salaries of extra clerks at head office, $2,500; miscellaneous and unforeseen expenditures, $5,983.33. These make up the total of $700,000.

Mr. FOSTER. I call the attention of the minister to the fact that this is a most outrageous way of bringing down estimates. Here you have a lump sum of $700,000, and we are dependent upon what we may pick up from the minister—and at this period of the session we can pick up little—for our knowledge of the details. The whole is put in a lump sum so it is possible that $690,000 may go to one of these objects, being taken from all the others. It depends entirely on the whim of the minister. I give the minister fair warning; I ask him to make a detailed statement of these lump sums for next session, and if he does not—this is not given in the way of a threat—he will find it difficult to get his estimates through. He knows as well as I do that this is not a fair way to treat the committee, that it is not publicity, but that it is covering up the acts of the department in a way in which that they ought not to be covered up. It means that this sum of money can be spent as the minister chooses; parliament has no chance to arrange it or limit it. These sums should be voted by parliament, so that they cannot to be juggled with, they cannot be changed in the department. As it is, this is the blindest kind of a way of making estimates. I do not know how much sympathy I shall receive, but my conscience is severely tried at the way in which we do not perform our duties to the country as members of parliament in the way we put through these estimates. It is not fair to ourselves or to the government, and it is absolutely unfair to the country. We are called upon, in the last few hours of the session, to put through these votes. We talk sometimes about the beauties of closure; this is a kind of closure—it is absolutely forced upon parliament. You expect Black Rod to come and make his taps some time about twelve o'clock tomorrow. And to-night we are asked for $18,000,000 for the Transcontinental, other millions for the Intercolonial; the whole estimates of the Minister of Marine and Fisheries practically are kept back from the very beginning of the session to the last few hours before they are even broached to the House in the way of investigation; and besides, there are these estimates that we are going through. If I can find sufficient help next year, this sort of thing should not be continued. We will insist that these estimates should be brought down and put before the House in time to give us a fair chance to go through with them and criticise them, or, when it comes to the last, there will be a sufficient number here who will take exactly the same deliberation and more, and the same time and more, to them, and we will sacrifice ourselves, if necessary, in order that these things may be fairly criticised and fairly explained to the House. There is not a man sitting here who does not know that that is what ought to be. If there is to be anything like an attempt at deliberation on the question how the moneys of the country should be expended, we ought to have fair opportunity to criticise the estimates. We all know that our present method is wrong, that it is child's play and worse, and yet we have it every year. Now, the government is charged with the direction of legislation. It can put its measures on in good time if it wants to; it can put its estimates in good time if it wants to. It is folly for the minister to get up and say: He wanted to, but you would not let us. That is an old gag; we have had it often, and I suppose

we should have it often again. But the government ought to govern, and it can arrange its legislation; it can, if it wishes, give us the larger Bills and give us also these more important estimates at an earlier period of the session than during the last twenty-four hours. Of course, the estimates now before us must go through. But do you mean to say that we are making any criticism of them? My hon. friend from Lennox (Mr. Wilson) simply touched the fringe of what might have been dealt with by gentlemen like himself and the hon. member for Jacques Cartier (Mr. Monk) who made a study of this question of immigration. But even in this slight review he brought out a very ill-smelling thing—that officers of the minister designedly robbed the government by fraud, and, when they were found out, the minister was pleasant enough to say to the guilty party: 'Well, give up the money and no more will be said about it.' I cannot see the point of view of the Minister of Interior in allowing officials to deliberately defraud the government of the people's money and then let them off in this way.

Now, is that the system which the government is going to adopt? Does the Minister of Finance think that is the way that public officials ought to be dealt with? What would become of the country if its laws were allowed to be administered in that way? Thieves would be in a very paradise if, when they were found out in their thievery, the authorities just said: Give it back to us, and we will say no more about it. The officials of the government ought to be made to tread up to the line, and ought to be punished for thievery. It is not only in the Department of the Minister of the Interior that the same laxness exists. It is in the inside service, as well as in the outside service that we see that laxness, that condonation of offences, that readiness to step forward and make excuses, which is doing great harm to the public life of this country, and breaking down more effectively the honour and honesty of the country than we can well imagine. You will see in a police court a poor devil given a fair chance, and perhaps let go; but when you bring the case into the white light of parliament and see the public affairs at Ottawa conducted in this manner—36 instances, was it not, in this case—men deliberately stealing the money of the government, lying about it, and yet not a single thing done in the way of reprimand; the deputy minister and the minister simply say: Oh, well, if he gives up the money it is all right. Now, if that mere fringe was touched by my hon. friend from Lennox of the way this is going on, there must be huge abuses, crying abuses that we have no chance to bring up, and we are met by this appeal. We have to go home to-morrow, and these things must be put through. Now, I have read my lecture to the government, I have freed my heart of this matter. But the Finance Minister knows that I am right. He knows that if he was on this side of the House and we were on that side, and we were going on as they are going on, he would raise Ned about it. That is what we are doing now, and we will do it more strenuously another year unless the ministry do better.

Mr. FIELDING. There is one part of my hon. friend's remarks to which I must take exception, and that is where he implies that there has been any delay on the part of the government, either in presenting its estimates or in bringing them forward for consideration. I cannot think that there has been any ground whatever to justify that portion of his remarks. The estimates were brought down, as they usually have been in late years, at a very early stage, immediately after the opening of parliament. If, as my hon. friend says, some have been brought forward and others have not, it is because other business which was deemed important interposed. He may think that some business was not important, and I may think that much time was wasted by hon. gentlemen opposite in bringing up trivial matters, but it was their right to bring them up. I may think much time was wasted in foolish amendments in going into Supply. The hon. gentlemen are rightly their own best judges of that. But they have no right to occupy time with these things, and then come in late in the session and complain that there has been delay in the business of the House. So far as the consideration of the estimates is concerned, there has been every effort on the part of the government to press them. Again and again when the government desired to press the estimates late at night, the hon. member from North Toronto has been one of the first to rise and say: Well, we have had a pretty long day, we are getting tired, and we had better adjourn—and he would be quite right, I would not say he was wrong. But if, as a result of the discussion from time to time of these unimportant matters, if from the discussion of other matters which hon. gentlemen deemed to be important, some of the estimates are delayed until the last day of the session, surely it is not fair for hon. gentlemen to complain of the action of the government in that respect. There is no justification for it. It is true that some important estimates are left to the last moment. But the government have no undue desire to close the session. Hon. gentlemen on both sides have agreed that it was desirable to close the session, and by common consent a date was fixed. But we are no more responsible for that than hon. gentlemen opposite. If they

thought there was not sufficient time to discuss the remaining public business, then they should have protested against the proposed prorogation. They have not done so; I do not complain of their action in that respect. We are not alone responsible for the understanding that was come to that business should be hastened and that prorogation should take place to-morrow. But surely when we are both responsible for that, it is not fair for our hon. friends opposite to rise now and try to make it appear that this condition of affairs is due to any neglect of the government.

Mr. MONK. This state of affairs has existed since 1896 when the Finance Minister and myself came into this House. I do not pretend to say who is to blame for it. I remember many years ago when Mr. Charlton made a motion to revise the rules of the House, he pointed out what my hon. friend from North Toronto has pointed out, a condition of affairs which he sought to remedy by his motion. That condition was admitted by the Prime Minister, who said that it had existed for all time in this House. But the impression of the Prime Minister at that time was that the evil would cure itself. It has not cured itself. I believe myself there is only one cure for that evil, and that is a change in our rules.

In connection with this item, I wish to move that item 52 of the main estimates be reduced by $175,000, the item being for advertising. A part of that large sum of $700,000, which is going to be devoted to advertising, I think is unnecessary. We take nothing off the other items. My hon. friend has an item of $12,000 for the cost of deportation, which can be avoided, I think, by careful examination of immigrants. The other items I have not touched by this motion. I do not think so large a sum is necessary for advertising. We have the certainty this year of an immigration which I think can be moderately fixed at 200,000 people. There are many reasons which it is needless to dilate upon, why this item should be cut down. We have a great many unoccupied people in this country, and in view of the incoming tide of immigration, we do not require to spend this large sum.

Mr. OLIVER. I do not want the House to vote on this motion until I say something against it. I take it that the meaning of his motion is that he is opposed to immigration effort. I take no other meaning out of it and I assume that the committee will vote for or against his proposition as it is for or against immigration effort. I think that the members on this side of the House are for reasonable and legitimate immigration effort. We are for reasonable means of bringing the advantages and resources of Canada before the people of the British Islands, the United States, France and Belgium, which are the only countries in which we advertise. If we do not want progress, or if we do not want rapid progress then we do not need immigration, and we do not need advertising. But I take it that this country has had quite a sufficient experience of lack of progress and is now very well content with the condition of active progress. The fact that our progress is active, that our progress is satisfactory, is surely a reason for our maintaining the action which brought about that condition rather than ceasing that action. My hon. friend compares the condition of the United States with that of Canada. What is there in the condition of the two countries that makes a fair or adequate comparison? What is the comparison between a country with 80,000,000 and a country—my hon. friend would not allow us to say—of 8,000,000? There is the attraction of the larger as against the smaller. If we were not situated immediately alongside of the United States there would be less reason for putting forth the immigration effort that we find necessary, but with that stupendous nation right alongside of us, with its natural attraction, with its population of 80,000,000 and its still stupendous undeveloped area and resources, increased effort is necessary on our part.

Mr. HUGHES. Where are the efforts being made this coming year in Great Britain and the United States?

Mr. OLIVER. Yes.

Mr. HUGHES. Or are they for the ordinary crowd having obtained nothing at all from this North Atlantic Trading Company gang?

Mr. OLIVER. I have said that the only expenditures that are being made are in Great Britain, France and Belgium. We are making no expenditure anywhere else on agencies or advertising. It is true that we are paying bonuses in other countries—in the countries along the North Sea on farmers, labourers and domestics.

Mr. HUGHES. What does that include?

Mr. OLIVER. France, Holland, Belgium, Germany, Denmark, Norway and Sweden.

Mr. HUGHES. There is no immigration from Germany.

Mr. OLIVER. Unfortunately there is not. We would be glad to get immigration from Germany but their laws are so restrictive that we do not get it.

Mr. HUGHES. No, that is not the reason. Germany has adopted a protective policy for a number of years and her work-

shops are so busy that she is importing men. She is in the immigration business herself.

Mr. OLIVER. We are only asking for the payment of bonuses on continental immigration, $8,000.

Mr. HUGHES. The rest is all from the United States?

Mr. OLIVER. Yes. I do not think there can be any question that our effort is in the right direction, in the direction that is going to produce the best results. I have no hesitation in taking direct issue with my hon. friend on his motion.

Amendment (Mr. Monk) negatived.

Mr. URIAH WILSON. I would like to ask the minister how he arrived at the sum of $12,000 for the deportation of immigrants. For the ten months from March 31, 1908 to January 31, 1909, according to an answer given by the minister it cost $27,284.36. I do not know why the minister is cutting that down to $12,000 unless he is going to be much more careful in the inspection. I think there is great need of it and I would be delighted to know if that is the reason it is cut down. I hope there will not be any time during the coming year when there will be 7,000 immigrants turned in to be examined at one station in one day, because I think it is utterly impossible to make a careful examination of that number in one day. At Ellis Island they will only receive in one day 5,000 and I think they are better qualified to make these examinations that we can be.

Mr. OLIVER. The reason is that in the year 1907, when we had our largest rush of immigration there was a great demand for labour. Every industry was crying out for labour and we were perhaps not as stringent in our examination of passengers as we should have been or as we are to-day. Charitable associations in Great Britain had been the means of sending out a large proportion of the less desirable class of immigration for which we were not responsible in any degree. The large number of deportations of the past year have been particularly the result of that year's condition. We have made a clean-up and under the conditions of last year's immigration and in consideration of the more careful supervision we do not expect that the expenses of deportation will run nearly as high as they did in the past year.

Mr. WRIGHT. In last year's estimates I find that $2,000 appears for deporting undesirable immigrants. Was that the amount that was set apart for that particular purpose last year?

Mr. OLIVER. We are asking for $12,000 this year.

Mr. FOSTER. But it does not appear in the estimates.

Mr. OLIVER. No, it is part of this $700,000.

Mr. WRIGHT. Was there something set apart last year in your vote of $760,000 for deportation or did this $2,000 provide for your whole work last year?

Mr. OLIVER. The $2,000 that was asked for was expended, but the remainder that was required was taken out of the bulk vote. The total amount was about $27,000. This shows the necessity of the bulk vote as against the individual item, because, having the bulk vote, we were able to take the measures which were necessary, and which we would not have been able to take had we been restricted to the $2,000 actually voted.

Mr. SCHAFFNER. It shows what we have been saying on this side of the House for some time, that the inspection of immigrants is to a great extent a farce; and the best proof of that is the statement of the minister that it required $27,000 last year to deport them to the countries from which they came.

Mr. MONK. Are there going to be any special agents sent over this year? There were twenty-eight or thirty last year.

Mr. OLIVER. We think of sending some.

Mr. HUGHES. Why are these immigrants deported? Is it because they are criminals, or simply because they are poverty-stricken?

Mr. OLIVER. There are many causes, which are set out in the Immigration Act, such as being found physically unfit or the subjects of disease.

Mr. HUGHES. Both of these could be ascertained before they come here.

Mr. OLIVER. Not in all cases. It is not always possible to diagnose a disease before it is developed. Besides, what caused the deportations in such large numbers last year was the fact that there were sent out by the charitable associations in England in 1907 a number of people who, though physically fit, turned out to be unsuitable to our country and to the employment available, and became public charges.

Mr. URIAH WILSON. I see that in 1907-8 there were twenty-eight special agents sent to the old country at a cost of $100 each and expenses. These gentlemen cost for salaries $10,900, and for other expenses $11,778, making a total of $22,678. Two years ago I moved for a return to show what these gentlemen had done for their money. I have a copy of one of these reports, from which I find that a gentleman was handed over to a Mr. Murray, in England, and visited about eighteen places and delivered lectures, and he gave Mr. Murray a list of between 300 and 400 names and

their addresses, and Mr. Murray said that he would send them literature. He was away four months, and he got $400 for salary and $488 for expenses, a total of $888, and I fail to see what the result is. I have a list of these gentlemen, and among them all I do not find a single report written by the gentlemen sent. The reports were written by Mr. Walker, Assistant Superintendent of Immigration in London. We paid for bonuses $140,657, for salaries in Great Britain $32,600, for salaries in the continent $8,700, and for salaries in the United States $35,420. If we include the special agents, who cost $22,678, we find that salaries and bonuses for immigration in 1907-8 amounted to a total of $230,256.19. That seems to me a very large amount of money to spend in that particular line. In my opinion, the bonuses ought to be curtailed. We remember how, as a result of the government's mistake, a great many immigrants were in the city of Toronto and other parts of the country who had to be fed on charity.

Mr. HUGHES. Has the minister ever considered the advisability of taking some of the money now wasted on the North Atlantic Trading Company and on bonuses and spending it to break up twenty or thirty acres on a number of homesteads in the Northwest, erecting a comfortable little shack on each, furnishing each settler with a cow, a yoke of oxen and a wagon, taking a lien on the land for them, and bringing out a lot of respectable British families to put on these homesteads? If the minister would do that, I am satisfied that in ten or twenty years from to-day the country would be infinitely better off than it is now. I do not believe that the money spent on advertising has ever brought out a single immigrant. People who are brought out as labourers get work on farms for two or three months in the summer, and they have to beg, borrow, steal or get money from the old country, to keep themselves from starvation during the winter. I am satisfied that if he adopted that plan, if these people were placed on a little land where they could plant enough vegetables to keep them over the winter and where they would have a house over their heads, then in two or three years' time, the country would be better off than it is with this large expenditure. I repeat that all this bonusing business does not bring a solitary immigrant to the shores of Canada, and the minister and the Commissioner of Immigration know it or ought to know it. It is a deal purely and simply, put up by the steamship agents in the old country and the money is absolutely wasted.

Mr. OLIVER. The plan suggested of providing farms in the west and taking liens was tried a number of years ago and was a failure.

Mr. U. WILSON.

Mr. HUGHES. Where?

Mr. OLIVER. In the Crofter settlements near Saltcoats, in Southern Manitoba and in other places, but it did not work satisfactorily and I do not think it would again.

Mr. HUGHES. A great many of these crofters turned out to be fine settlers.

Mr. OLIVER. But it was not a satisfactory experiment. It did not redound to the credit of the country or give satisfaction to the Crofters. The only people who were satisfied were the loan companies who advanced money to these people, and on their failure acquired the land at trifling figures. The policy of this government in regard to immigration from the beginning until now, and I hope in time to come, is entirely opposed to pauper immigration, to the idea of helping people to emigrate. What we do is to spend money to attract the attention of people who are able to emigrate. These are the people we want and that is the policy of the government. It is not the policy of the government to help people either to come here or to help them after they have come.

Mr. MONK. It is done on a very extensive scale.

Mr. OLIVER. My hon. friend has suggested that the bonus system was in some way responsible for the large immigration of undesirables of two or three years ago.

Mr. HUGHES. I did not say that.

Mr. OLIVER. I so understood my hon. friend.

Mr. HUGHES. I do not think the bonus system ever brought an immigrant here.

Mr. OLIVER. It certainly did not bring, so far as we know, an undesirable immigrant, but we do believe that it has been the means of inducing a very large number of desirable immigrants to come here. My hon. friend suggests that the steamship companies put up a job together to distribute immigrants as they please.

Mr. HUGHES. To all lands.

Mr. OLIVER. What we do is to put up a job with the booking agent. We say: Send the immigrants to Canada and you will get twice as much commission as if you did not send them to Canada.

Mr. HUGHES. The consequence is that they dump those here who will not go elsewhere.

Mr. OLIVER. If the immigrant does not pass our requirements the agent does not get the bonus. Therefore, as a business proposition, if he sees a desirable

prospective immigrant then it is worth the amount of the bonus to send him here instead of to some other place. That is the principle of the bonus; it is a useful and valuable system, and has worked out advantageously when administered as it is to-day for the purpose of assisting in the selection of immigrants and not simply as a means of inducing a large number of immigrants.

Mr. HENDERSON. How much of this is intended to pay bonuses on immigrants coming to this country?

Mr. OLIVER. $45,000 is estimated for British Bonuses, $8,000 for Continental bonuses, $4,000 on children and $5,000 on settlers from the United States.

Mr. HENDERSON. I feel that I voice the sentiments of my own constituents and of many people in the country when I say that the minister is appropriating just $62,000 too much for this purpose. This country is big enough and rich enough to attract a good class of settlers without paying booking agents to induce them to come here or steamship companies to bring them. If we do not get immigration as rapidly without bonuses as by giving bonuses I shall not lament over it. I think we are getting immigration quite fast enough, in fact, we are getting it just a little faster than we can take care of it. Immigrants have to be taken care of when they come to this country. Look at the burden you are imposing on the people of Canada apart from government agencies. Look at the burdens imposed on the churches, in connection with the care of those people. Go to Winnipeg and see the large expense involved in the care of delicate, sickly children. It is really lamentable that we should bring to this country that class of people in such large numbers. When Sir Richard Cartwright was in opposition he moved to reduce by $50,000 an item of $120,000 which the Conservative government asked in a very modest way to promote immigration, showing the difficulties the government of that day encountered in getting a little money for that purpose. I repeat that there is plenty of time in which to settle this country. If we are more careful in the selection of our immigrants now I am sure that those who follow us will be thankful. I am so strongly opposed to the bonus system that I am compelled at this stage to submit a motion to the committee and test the feeling of the House on this question. It was a live question during my contest and I know that I was strongly supported in any declaration I made against the bounsing system. Without waiting further, and in order to give expression to my opinion, I beg to move;

That all sums in item 62 for bonuses to booking agents be struck out and the item reduced accordingly.

If the minister accepts that motion, he will receive the approval of the people. We are spending money very rapidly, and this is a direction in which we can well afford to economize. This country offers sufficient inducements to settlers without spending the hard earned money of the taxpayers to bring in people to compete with Canadian labour.

Mr. MONK. My hon. friend the Minister of the Interior must not forget that the Labour Congress of Canada has asked for this since many years, and the labouring classes in Montreal are entirely opposed to bonuses. Under the order in council granting bonuses to agents on navvies, there is practically no restriction, and our agents can get bonuses on any one they bring out. Let us save this money and do something to satisfy the working classes. I do not believe that bonuses ever got us an immigrant.

Mr. MARSHALL. I think that if the minister would encourage young women to come to this country that would be a move in the right direction. The business I am connected with is very much handicapped for lack of that class of labour. We cannot go to the other side for help of that kind, because that is against the law. There is a good deal said about immigration, but the trouble is we are bringing in people that are no use to the country, but here is a special class which it is very desirable to bring in, and if the minister would do something to encourage that immigration, he would help the canning industry. Any good girl in a factory can earn $1 to $1.60 per day. And we could increase our business if we were sure of getting women help. There is no trouble in getting men to help, but it is women help we want.

Mr. BARR. I hope the Minister of the Interior will be more careful than he has been in the past with regard to the class of immigration we are getting. We are getting a large number of undesirables. Our immigration agent, Mr. Scott, had to admit in the Agricultural Committee that the medical examination was not sufficiently effective and consequently there are people coming to this country who are an injury to its morals and health. If we look through the records of our jails, we will find that during the last three years a large amount of the criminals are immigrants. The Toronto 'Star', an organ supporting the government, said in an editorial the other day, that a large number of immigrants were thrown upon the city of Toronto and had to be maintained by the charitable institutions. It is in the interest

of the country that the Northwest should not be filled up with foreigners who do not make good citizens, and we would be pursuing a much better course if we would keep our prairie fields for the sons of Canada or the United States and Britain. We all know that, as far as the Americans are concerned, a large number who come in are good citizens. Canadians can settle along side of them and they become good neighbours. But I think that these undesirables who are brought into the country are most injurious. I believe a more thorough system of inspection should be adopted, and that none should be allowed to settle in this country who are not desirable. It has been said that the bonus will induce the booking agents to send us immigrants. But these men have only one object and that is to get the money, and if they can load more people on Canadian soil they accomplish their object. But we know that, so far as the United States are concerned, they are very careful, for it is almost impossible for an undesirable immigrant to land in that country. The result is that the undesirables are sent to Canada, very much to the injury of this country.

Mr. MICHAEL CLARK. I intervene in this debate with great reluctance, particularly at this advanced period of the session. And that reluctance may not be wholly irrespective of the consideration that, as a recent immigrant, I may be looked upon as an undesirable and possible contaminator of the morals of the hon. member (Mr. Barr) who has just resumed his seat. I intervene in the debate, however, for one definite purpose, that of expressing the hope that the minister will turn a very deaf ear indeed to the expressions of opinion to which I have listened for the last three-quarters of an hour. If he does not, whatever may be the opinion held of him in eastern Canada, I am perfectly sure that western Canada will readily form the opinion that a remarkably sane brain has, for the moment, been turned by opinion as opposed to argument, fact and experience. It is said that an ounce of fact is worth a pound of theory. Yes, and an ounce of experience is worth a ton of opinion. I may say that I went, two years ago, as an immigrant agent to the old country under appointment from my hon. friend the Minister of Interior (Mr. Oliver). I suppose my expenses for the three months' trip amounted to $800 or $900. It is an invidious and distasteful thing to me to mention any results of my own work, but when one hears statements made in this House composed only of opinion, unbacked by one single actual fact, I feel bound, in the defence of the minister and his policy, to say that, as the result of my own efforts people have come and settled in my own neighbourhood who were worth thousands not of dollars but of pounds. Will any hon. member say, when a delegate goes from western Canada to Great Britain, and as a result of his efforts he has the felicity of bringing in such families, as clean morally and physically, and every one as clear intellectually and perhaps a shade clearer than some of those whom we have listened to in this House, will any one say that the $800 or $900 spent in the expense of that delegate is something to be begrudged?

Mr. MONK. Would the hon. member (Mr. Clark) have any objection to giving the name of the family to which he refers? Because, in spite of all our attempts, we have never been able to get any names.

Mr. MICHAEL CLARK. I am rather surprised to have a question like that addressed to me by the hon. member for Jacques-Cartier (Mr. Monk). I said that to give names and facts would be invidious and distasteful. I meant that it would be invidious and distasteful, not to myself but to the people to whom I felt it necessary to refer. But I will meet my hon. friend, whom, in private and in public, I have found always a most courteous gentleman, by saying that I shall be glad to give him privately immediately after this debate, or before the evening closes, the name and address of the particular immigrant whom I had in mind when I spoke of thousands of pounds. I will give him facts to the hilt to justify my statement; I have never made a statement in this House which I am not prepared to back up so far as my knowledge carries me. I hope I have said sufficient to indicate that, whatever may be the view, backed by opinion and opinion only, in eastern Canada, we hold very different views in western Canada, backed by facts as opposed to opinion, backed by experience, backed by knowledge of the conditions of that western country. I do not want to go any further. But it would be extremely easy to compare the results of immigration twelve years ago with the results of immigration to-day. I do not wonder that Sir Richard Cartwright, in those days wanted to withdraw any sums spent on immigration, because when the immigrants, so far from increasing, are decreasing, when the policy adopted does not settle the land, and does not bring people, but is reducing the country to stagnation, the sooner the expending of money in that way is cut off the better for the country. But no one can contend that that is the condition to-day. Stop immigration! Yes. And stop your railway building. Stop the cultivation of the soil; stop your factories. It is the west that takes the product of these factories. I wonder gentlemen in the east do not see how mistaken is the thinking that divides this

country into east and west. The interests of the east and west are one. I say for this government that, so far as their immigration policy is concerned, so far as their land policy is concerned, the east and west are one and that this policy, so far as my experience goes, has been a great success.

Mr. HENDERSON. I would like to put one question to the hon. member for Red Deer (Mr. Michael Clark) to find out whether his address has any bearing on the amendment I have moved. I have wondered if the gentleman he has referred to as coming to this country and bringing so much money was brought out by means of a bonus. If not, then the hon. member's speech has nothing to do with the question. I would like to ask him whether this gentleman was a bonus immigrant or not.

Mr. MICHAEL CLARK. I could not say that the immigrant was the direct result of a bonus, though I did say, I hope with becoming modesty, that he had come here as the result of my own efforts. I hope the hon. member (Mr. Henderson) will not think he can catch me in such a hole, even at this advanced hour of the night and of the session. I wish I had time to discuss this question. This, I suppose, is the night before prorogation. But I wish I had time to take members on the Conservative side and tell them the simple facts of what I did. I know, as a matter of fact, that the bonus system has led to many good immigrants coming to Canada, if that will satisfy my hon. friend. In the remarks I have just addressed to the House I was dealing with a number of speeches which had been made and not alone with the motion technically before the committee. I say that I know as a matter of fact that bonuses have brought numbers of people to this country. The shipping agents work for this bonus. They talk these immigration matters over with the farm delegates who are sent to the old country. A wise farm delegate tells many more people not to come out to Canada than he tells to come. He addresses, it may be, fifty or sixty people at one time, and at others he interviews single individuals, and I can assure the committee that again and again I advised them by no means to come near Canada. They were better fitted for where they were. A wise choice is made by the shipping agent in co-operation with the farm delegate. With regard to the bonus system, I feel perfectly certain that it is part of the machinery which has worked well as compared with the immigration results as they were before this government came into power.

Mr. DOHERTY. I should be sorry indeed to contribute anything in addition to what has been said by the hon. member for Halton (Mr. Henderson) and those of the hon. member for Jacques Cartier (Mr. Monk), which the hon. member for Red Deer might apprehend as producing the sad effect of deafening the ears of the Minister of the Interior or the far more disastrous result of turning his powerful brain.

I should be very sorry indeed to take any part in those terrible operations. But I would like to add my word in support of this motion, which constitutes an objection and a condemnation of a particular form of encouragement to immigration, and not by any means an attack upon any system of encouragement. It seems to me that this bonusing system, this paying of something to the man who sends an immigrant, is a system which exposes us to have sent to this country undesirable people. What means does the minister indicate that he has at his disposal to control the class of immigrants that come here? He says they have to pass our examination; and we had some figures given this evening to show us what it costs to get rid of people who pass our examination. But more than that. I understand these bonuses are paid to persons who are supposed to follow particular avocations, and to devote themselves to particular occupations. Now, I am curious to know what means the minister has to control the truth of the statements that persons coming here do engage in those occupations. Can he show to us that the persons who come here as being immigrants of those different classes for which bonuses are paid, turn out, when they get into this country, to be persons who are actually engaged in those occupations? I think if the minister would go into the centres of population, among the working men of Montreal, he would find there a considerable number of recently arrived immigrants in full competition with the men who are engaged in other occupations than those which the minister says he has in view in paying these bonuses. He will find there is a very prevalent belief among those working men who associate with these immigrants, that the bonus has a considerable effect in bringing into this country people who are not of the classes who are mentioned in the law, but people who compete with the working men in our cities, when work is none too plentiful, and who compete with them often in such a manner as to reduce the value of their wage and earning power. It does seem to me that the Trade and Labour Council organizations who have objected to this bonusing system make out a strong case against it, and that they are well within their rights in complaining that the public moneys of this country, to which they contribute as well as others, are used in a way which makes it possible to bring into the cities among our workingmen persons who compete with them in a field that is already more than

full. I desire to say that I give my hearty support to the motion of my hon. friend from Jacques Cartier (Mr. Monk). I would be glad to flatter myself that any word of mine might induce the minister to reconsider his policy in this regard. I fancy that even in the western country there could be no objections to doing away with a system which to a great extent creates for the working men of this country a strong reason for believing that the system works prejudicially to their interests.

Mr. OLIVER. I have no doubt that the working men do believe what my hon. friend has said, because he and his friends take every means to make them believe it. But it is not true.

Mr. DOHERTY. I have learned it from them, I never tried to teach it to them.

Mr. OLIVER. I want to say that we give bonuses and we employ agents for the purposes set out in the documents which are before the House, and the evidence that we are successful is found in the records of the takings of land in the west. We are endeavouring to get settlers on the land, and we are getting settlers on the land as they were never got before. During the past year 40,000 homesteads were taken in the three prairie provinces.

Mr. DOHERTY. Were those homesteaders bonused?

Mr. OLIVER. Some of them no doubt were. I have not got the record, but it is the class of people who take homesteads who are entitled to the bonus, or the shipping agents who send them here are entitled to the bonus, and they are not entitled to a bnous on people who come into competition with the hon. gentleman's constituents.

Mr. URIAH WILSON. How many of these were from the older provinces?

Mr. OLIVER. I cannot tell. It matters not how many were from the older provinces. The point is that a great many of them were people who were attracted to Canada by the efforts of the Immigration Department, and that it is because of those efforts that we find so many homesteads being taken up. The result to the constituents of my hon. friend is not to bring men into competition with them, but it gives them employment for their labour, and if there are to-day 100,000 people more in Montreal than there were 10 years ago, and if these people are getting better wages than they did 10 or 12 years ago, and my hon. friend from St. Anne knows they do, it is because the Immigration Department has brought in and settled such great numbers of people on the land.

Mr. DOHERTY. Is the hon. gentleman justified in connecting as cause and effect his bonuses and people taking up these lands, any more than the working man is justified in connecting as cause and effect the bonuses and people who come and settle in cities?

Mr. OLIVER. Undoubtedly. The government is paying bonuses on people who ostensibly go on the land, and it is refusing bonuses to people who ostensibly are going into competition with his constituents. On a fair basis it is reasonable to suppose that the government, to some reasonable extent, has attained the purpose that it has in view. It is unquestionably not paying a bonus on those who are ostensibly coming into competition with his constituents, and it is not paying bonus on any man, whom it may have found out has gone or is going into competition with his constituents.

Mr. DOHERTY. Why does the minister not find out before he pays the bonus?

Mr. OLIVER. The minister does find out on many occasions.

Mr. HUGHES. On what class is the bonus paid?

Mr. OLIVER. On farmers, farm labourers, domestic servants and railway navvies.

Mr. SEXSMITH. I would like to ask the minister if the government bonuses any of the young men of the older provinces. We have thousands of young men in this country and I think it is only fair to compensate them for settling the west.

Mr. FIELDING. As a representative of one of the older provinces I do not want the Dominion government to offer inducements to take people away from that province.

Mr. CROSBY. If I understand the amendment right it does not propose to take away any assistance from immigration at all. It only takes away the bonus from the agent. If there has ever been a year when we could afford to do away with bonusing it is this year. When the bonuses amount to about $62,000. I would suggest to the Minister of Finance, as a member from one of the older provinces, taking that $62,000 and passing it over to the Minister of Marine and Fisheries in order to help us to build a ship in Nova Scotia for the Department of Marine and Fisheries. It would help us down there. The Minister of the Interior said a moment ago that the people had plenty of work. As a member from one of the older provinces I may say that there is not a factory in the maritime provinces that is employing over half its complement of men or doing half the amount of work that it was doing a few years ago. Whether the same condition prevails all over Canada I am not prepared to say, but I am prepared to speak with reference to the factories in the maritime provinces. If that

be the case why should we be sending agents out and bonusing men to come to this country. What would you think of a manufacturer who was selling all the goods he could possibly manufacture sending out a horde of agents to get orders for him? If he was selling all the goods he could manufacture what reason would he have for employing agents to get orders? Yet, that is the very thing that we are doing. We have not work for the people that we now have in Canada. It is well understood that the miners in the eastern provinces are not going to be able to get nearly the amount of work they had last year or the year before. The mines have not made sales up to the present time equal to those of the past year and there is a strong indication that there are going to be less opportunities of employment for the men in the mines. That is the case in connection with every industry in the east. I am not speaking against anybody coming to this country who desires to come. We are still giving assistance to immigration and people who have a thousand dollars or a thousand pounds will be able to come in just as well as they ever have been able to come in. But I think we should do away with the bonuses. If we are going to spend this $62,000 let it be spent in such a way as will give work to men in the east. Instead of paying bonuses on immigrants let us use it to help to build a ship for the Minister of Marine and Fisheries in order to protect our coast and it will be better spent than if it is given for the bonusing of agents on the other side.

Amendment (Mr. Henderson) negatived.

Mr. MONK. I regret to see that the minister has not accepted the amendment suggested by my hon. friend from Halton (Mr. Henderson). I would propose that the bonusing of immigrants as provided for in item 62 be restricted to farmers, farm hands and female help. I think that when the workmen have suffered in this country from the undue competition of foreign labourers it is due to them that we should return to the old conditions. My hon. friend knows that there was a time when we paid bonuses on farmers, farm hands and female help. That order in council was altered, but I think we should make that restriction for this year at any rate. The present motion comprises gentlemen, like my hon. friend from Red Deer (Mr. Clark) who, I believe, has boasted in this House that he was a farmer. Certainly we cannot have too many immigrants of the type of the hon. member for Red Deer in this country. Nevertheless, we must not forget that he is in the category of those who were employed temporarily to act as immigration agents. His case is peculiar in my experience because generally such employment is given to gentlemen who have been defeated. But I can tell my hon. friend that although we are very glad to see in this country gentlemen like himself coming from the British Islands we, who have for generations, lived in Canada, whose forefathers have discovered it, have settled it, have defended it, we who regard it as our native country look at it in a somewhat different light from my hon. friend. We consider that we should settle this country but we are going to take our time about it. It is not necessary to crowd it, to fill it up absolutely at any cost and any price. We are a young people, we can take our time to choose suitable people and we believe that the older provinces should reserve a part of the rich territory, which we paid for with our own money, which we settled with our own people, and that we should not fill it up at any price as my hon. friend from Red Deer thinks we should do.

Mr. OLIVER. I might point out that at the present time we are paying bonus only on farmers, farm labourers and domestic servants. We did pay a bonus on navvies and people in any ordinary outdoor employment up to a year ago this last spring. With the falling off of railway work it was found necessary to cut off the navvies and since then we have only been paying on farmers, farm labourers and domestic servants.

Mr. URIAH WILSON. Would the minister tell us the date at which this was done?

Mr. OLIVER. I could not off-hand give the date, but I think that the circular which was sent out a year ago in April made the difference.

Mr. URIAH WILSON. Would the minister lay it on the table?

An hon. MEMBER. Was it an order in council?

Mr. OLIVER. It was a departmental order.

Mr. MONK. The order in council mentioned navvies, gardeners, stable men and some others. It permitted every body to come in.

Mr. OLIVER. That was not an order in council; it was a departmental order.

Amendment negatived.

Mr. CROSBY. Why vote it down?

Mr. OLIVER. Because the government does not want to be prevented from employing it if occasion should arise.

Winnipeg and St. Boniface hospital, $15,000.

Mr. HUGHES. I thought these came under provincial jurisdiction.

Mr. OLIVER. This is a special vote which has been given by parliament for a number of years in connection with immigration. Winnipeg is the point to which all over-seas immigrants come, and from which they are distributed over the prairies; and arriving after their ocean voyage, there are often among them cases of sickness, which have to be attended to in the local hospitals, and the government pays on each patient the difference between the amount of the provincial grant and $1 per day.

Mr. WRIGHT. The minister is practically doubling the grant this year. If he has adopted measures to restrict the immigration of undesirable immigrants, one would naturally expect that this grant would be reduced. But the fact that it is nearly doubled would seem to indicate that we are going to have more epileptic and other people of the classes for whom hospitals are required than we have had in the past.

Mr. OLIVER. The classes of diseases treated in the hospitals are not those for which undesirable immigrants are excluded.

Mr. HUGHES. Does the province of Manitoba pay so much per head for every immigrant sent to the hospital in Winnipeg or St. Boniface?

Mr. OLIVER. Yes. The provincial government pays 27 cents for every patient treated, and the government supplements that in the case of immigrants by paying the difference between 27 cents and $1.

Mr. HUGHES. Has the minister any check to satisfy him that this money has been paid out for patients who were actually immigrants?

Mr. OLIVER. When a patient who claims to be an immigrant is taken into a hospital, the hospital is required to notify our agent, and the officer goes and verifies the statement. We pay for any immigrant who goes to a hospital within a year after landing.

Mr. HUGHES. How many hospitals are on the list?

Mr. OLIVER. There are only two which get the special vote; but in many parts of the Northwest we assist the charitable efforts of the local people in their public hospitals.

Mr. BARR. According to this statement, there must have been treated in the hospitals during the year 19,000 patients.

British Columbia Penitentiary, $56,500.

Mr. J. D. TAYLOR. I wish to say a few words with respect to the condition of affairs at the British Columbia penitentiary. This is a matter which I brought up some time ago but we were then forced to suspend the discussion because we had not the return moved for giving information as to the incidents connected with the escape of one Bill Miner. Since that time the return has come down, and it seems to me to abundantly justify the suggestion I then made that we should have a thorough inquiry into the circumstances surrounding the escape of that noted desperado. Shortly after the return was brought down, I notified the government that I intended to offer a resolution on this matter on the motion to go into Supply, but on account of the fact that the opportunity was not offered so soon as I expected and that on one or two occasions when I had intended to bring it up, I was asked by the hon. the Solicitor General (Mr. Bureau) not to do so at that particular moment, I deferred the matter until now, when it is out of the question to offer a resolution or take up time at such length as its importance would justify. Therefore without any attempt to offer a resolution or divide the committee, I wish to call attention to some facts brought out by that return. I mention this delay because an hon. gentleman opposite saw fit, a couple of weeks ago, to charge me with having been delinquent in my duty because I had not carried out the promise he said I made it at an early stage of the session, to make certain charges against the government but as to which he said I had backed down. That assertion was entirely unwarranted, and I am sure it was made by that hon. gentleman in ignorance of the facts. As a matter of fact, ever since the return was laid on the table, I was willing, not to make charges—because at no time did I threaten or promise to make any—but to enter upon a discussion of the subject. My remarks are not directed against the Department of Justice or the Minister of Justice or the Solicitor General or the service generally. I wish to be very specific, as I think I was before; and to avoid any misunderstanding, I wish to say that the point I propose to make is that whereas we are paying money for an inspection service in connection with the Department of Justice, we are not getting any adequate inspection for the money, especially in connection with the inspection of the penitentiary in New Westminster. In order to establish that, I wish to call attention to some of the facts brought out by this return. But before taking up the return generally, I would like to advert to the explanation made by the Minister of Justice when the matter was first before the House. His explanation was that the delay in the institution of this inquiry was caused by the extraordinary action of the deputy warden in addressing his telegram to Inspector Dawson personally instead of to "The Inspectors," thereby causing a long delay. The House will remember what great emphasis was laid on this fact, and how the unfortunate deputy warden was held up as hav-

ing been derelict in his duty in giving an incorrect address to his despatch. That is a trifling incident in itself, but the very fact that the minister was prompted to make so misleading a statement to the House is evidence to me of a disposition on the part of some one—whom it is not my duty to name but who was the prompter of the minister on that occasion—to give the House an impression not warranted by the fact and which would not have been in the mind of the minister had he himself perused the return which now I have before me. From this return I find that, so far from that telegram having been incorrectly addressed, it was correctly addressed. I find that it was addressed to the inspectors at Ottawa, but telephoned from the telegraph office here to the residence of Inspector Dawson. And that, from his residence in Ottawa, the telegraph office got instructions to forward the message to Kingston, when for the first time, the address was changed to Mr. Dawson at Kingston. I find also that the circumstance explained in detail to the Department of Justice by the local manager of the Canadian Pacific Railway Telegraph Company about ten days after the occurrence and is the subject of two or three letters included in this return, showing that the department was aware of the fact that the telegram was correctly addressed at the beginning and fully seized of the circumstance under which the address was changed when it was forwarded to Kingston.

Now, at the outset, we were told by the Minister of Justice (Mr. Aylesworth) that because of the state of disorganization at New Westminster penitentiary as indicated by the numerous escapes and other disquieting circumstances there, he received with great misgiving the announcement on August 8, that four prisoners had escaped. One would think that the inspector of penitentiaries, whose duty it was to visit the institution and keep tab on what was going on there, would share the misgivings of the minister himself. But instead of his lying awake at night, or even going to the expense of sending a telegram, to learn the extent of the disaster, we find from the record that, on the morning of the 9th, the inspector left Ottawa and went to Kingston. He did not go by express train on which he could have been reached at any station along the line; he did not go by any ordinary mode of travel such as any of us would use if we wished to go from Ottawa to Kingston, but, according to his own statement, he went by boat on the morning of the 9th and arrived in Kingston at six o'clock on the 10th. And it was not until 10 p.m. on the 11th, or three days after the disquieting news from New Westminster had reached Ottawa that he got to his brother-in-law's residence, where, it is presumed, he had ordered his mail delivered, and got this telegram which was despatched to him on the 9th. I say this shows that, from the very outset, this matter at New Westminster was treated in so casual a fashion as to indicate that the inspector who had charge had no proper appreciation of the gravity of his duty, and was not a fit man to be engaged in an emergency of that kind. With this preface I take up the story from New Westminster. I find that the first reason afforded by the papers that something serious was going on was contained in this official report of Deputy Warden Bourke:

> The hole under the fence gives clear evidence of the outside part having been dug from the outside. As no one would go there during the day, this part of the work must have been done at night. This and other circumstances lead me to believe that Miner has had outside assistance in getting away. I shall forward you another report when we abandon the search.

There is the direct statement of the deputy warden that there had been a plot, for, of course, outside assistance involves a plot. Upon receipt of this the department, of course, rose to the occasion. Inspector Dawson had not come back from Kingston because of the condition of affairs at New Westminster—a condition which the minister says he recognized and which it is to be presumed the inspector should have recognized—but taking no notice of it, proceeded leisurely from Kingston, where he seems to have arrived by canal boat, to Dorchester at the other extreme of the country. And there he was written to by Inspector Stewart:

> Ottawa, August 21, 1907.
>
> Dear Mr. Dawson,—The minister has had under consideration the reports which have been received in connection with the recent escape at British Columbia, and is of opinion that a thorough investigation should be made on the spot. He suggests that you should, if possible, shorten your visit of inspection at Dorchester and that probably you may be able to return without visiting St. Vincent de Paul this trip. I think that it is his intention to ask you to conduct this investigation, which in his opinion should not be delayed in view of the comments and criticism which the incident has evoked, especially in the west. Perhaps you will be good enough to telegraph me as to the date on which you may be able to reach Ottawa.

In due course, Mr. Dawson reached New Westminster and commenced the investigation. The record of that investigation takes up about 150 pages of this return. I shall read only that part which goes to show that there was a plot engineered from the outside to get this man out of the penitentiary otherwise than by the ordinary method of a pardon from the Governor General. This evidence is contained in the sworn statement of Instructor George McKenzie. As I have personal knowledge of Mr. McKenzie, I desire to say that this

old gentleman is a man of the most reliable character. I do not think there is a more exemplary servant in the employ of the Dominion of Canada than Instructor George McKenzie, of New Westminster. He is a man whose word I would take upon any subject, and I am sure he would not say upon oath anything misleading and that we have no reason whatever to discount in any way the statement he makes. With this preface I will read the essential parts of his evidence:

1. I am shoemaker instructor here.

2. Convict Edwards (Bill Miner) was working in my shop.

3. Eight or nine months ago one day Miner was sent for to come to the warden's office. He was absent about one hour. When he returned he came to me and said he wished to speak to me. He appeared to be excited.

4. He told me detective Bullick, who is in the service of the Canadian Pacific Railway Company, and his lawyer from up country had come to see him. (Bullick fixes date February 9, 1907.)

5. He said Mr. Bullick told him he had been empowered by the Canadian Pacific Railway Company to say that the company had the promise of the government that Miner would be pardoned if he would surrender to the company certain Australian bonds valued at £50,000 sterling, which the company believed Miner had taken from the express car when he had robbed the train near Mission, two or three years ago, or prove to the satisfaction of the company that the bonds had been destroyed.

6. Miner quite frankly admitted that he was the leader of the gang who held up and robbed the Canadian Pacific Railway train near Mission.

7. I asked him if he had kept the bonds, and he said he had, but he did not know their value or whether they were negotiable.

8. He said they emptied the contents of the express safe into sacks, and did not look to see what they had secured until they camped for the night.

They did not light a fire. The only light they had was that given by matches which they burned. By the light of the matches they examined the contents of the sacks of plunder, and found the bonds. At first they thought they were American bonds, and if so, they believed they could negotiate them. When they found that they were Australian bonds with King Edward's name on them Miner concluded that it would be too dangerous to attempt to realize on them. He proposed to send them back, but his confederates would not agree. They feared it might get them into trouble.

9. Finally they decided to bury them, and they did so, under a log, within 4 miles of Linden. Their rifles they buried near the bonds.

10. Miner asked me to go and examine the bonds, and see if they were the bonds the detective wanted. He said I could ask for leave of absence for four days to go shooting. He would give me a map which would enable me to find the bonds. He had not had time to examine them himself. I was to return and tell him exactly what the bonds were, and he would then know just how to negotiate with the detective.

11. At this point I told Miner to stop. I said to him I was too old in the service to be caught in a trap like that. I would be as guilty as he is if I failed to give up the bonds to the rightful owners when I found them.

I advised him to go at once to the warden and tell him all about it. If the warden sent me I would go. I told him he would be safer to trust to the warden to do what is right than to make any bargain with detectives.

I then went to the warden and told him what Miner had said about the detectives offering to secure his pardon if he would tell them where the bonds were. The warden said he knew about it, so I said no more.

Now, I ask the committee to consider what possible object Miner could have in making such a statement as this to Instructor McKenzie. This House was informed on a previous occasion, that there was no foundation for the bond story, that it was merely a shadowy figment worked up by another desperado in order to secure attention to Miner. These men were both old men, they had been working together on the shoemaker's bench for nearly a year. Miner was not an ordinary desperado. Apart from his weakness in robbing the rich to benefit the poor, as he says, he was a man that an instructor would likely hold in some regard. We must remember the fact that Miner was not so depraved that he could not win the confidence of the instructor, who was in a position to know whether any credence was to be placed on his words. Now, we find him making a statement to this man and asking him to take up a map and go to a place only 28 miles from the prison gates, and see whether there were hid there three rifles, and nearby a sack containing bonds. If the instructor had taken his suggestion and found nothing, Miner would have been thoroughly discredited, and he would have had nothing to gain whatever. The story seems to have a certain element of credibility on its face, it seems to have been accepted by the inspector who investigated the occurrence as having a certain amount of reliability. At all events, we find no attempt made throughout this investigation to discount Miner's story by any other inquiry on the part of the inspector. We find it is not followed up at all, except that we have the deputy warden called and asked about Miner's statement that he had this interview with three persons unknown in the warden's office. Here is an essential paragraph which I overlooked:

Miner said he was alone with the lawyer and detective. He said nobody was present but the lawyer and detective. He said they were to be back in a week.

The only other reference we have to that interview is in the evidence of the deputy

warden Bourke, on page 100 of the return, where he says:

There is no record of the visit of McIntyre, Bullock and another man.

I would like to say here a few words about Mr. McIntyre. That gentleman has lately repudiated any connection with this interview, and has instituted and prosecuted successfully a suit for criminal libel against Deputy Warden Bourke for having stated in a place where he was not privileged, that Mr. McIntyre was present at that interview Mr. McIntyre has written to the hon. member for Yale-Cariboo (Mr. Burrell) asking that he be set right before the House in this connection, and since his name is so often mentioned in this connection I wish to make it plain, before reading these references, that Mr. McIntyre has established that the use of his name was unwarranted. I will proceed to read Bourke's statement:

There is no record of the visit of A. McIntyre, Detective Bullick and another man. One day last fall or late summer, the guard in the hall told me three men had come to see Miner, that they were in the warden's office, and that Miner was with them. The warden was then in the accountant's office. I did not see the men. I know nothing about them except what the guard told me. I cannot recollect who was on duty in the hall that day.

Inspector Dawson, in his report to the department, makes this reference to that incident, page 46 of the evidence:

I think, without doubt, the convicts were aided by confederates outside. I think the hole was dug from the outside. I cannot account for the total disappearance of all four convicts if they were not skillfully aided when they got out. (See convict Campbell's statement, page 57.) Warden Whyte is very ill. I am forbidden to speak to him respecting any matter that might agitate him. I cannot examine him respecting the visit of McIntyre, Bullick and another man, with whom Miner is said to have been closeted unaccompanied by an officer (pages 49 and 51).

The impression that was made upon the department when they received this report from Inspector Dawson, is shown by this extract I will read from a letter addressed by Inspector Stewart to Inspector Dawson, on the 11th of October, page 127:

Miner was visited by men that had no authority to enter the prison, and there is evidence that some of these visits were not recorded. His solicitor had authority to interview him, but only in the presence of the warden, or other officer named by the warden, and there is evidence to show that even this precaution was not enforced. There was no authority whatever for admitting the other visitors named, and the fact that they were admitted and permitted to interview convicts was assuming a responsibility that no officer of the penitentiary possessed. There is ground for the suspicion that the escape was facilitated by these irregularities. Further information regarding the visit and visitors referred to by Instructor McKenzie should be obtained, if it be possible to do so.

At page 131 Mr. Stewart returns to the subject, and thus addresses Mr. Dawson:

The minister is anxious to have more information with reference to the mysterious visit of McIntyre, Bullick and the unknown, who were allowed, apparently, to interview the convict without supervision eight or nine months ago. It is not likely that McIntyre will give any information, but, perhaps, if you can obtain the address of Bullock it will be possible to have on file his statement of what their business was, and also whether they were allowed to interview the convict without official supervision. The matter was quite fully referred to in Instructor McKenzie's evidence. If you desire the file, I will forward it.

We see from that letter that not only Inspector Dawson but also Inspector Stewart and the minister himself attach the greatest importance to Instructor McKenzie's evidence. On one point they were desirous of being informed and that was as to what passed at this private interview between a man supposed to be Mr. McIntyre, Detective Bullick, the outlaw Terry and Miner. It struck me as singular that if so thorough an investigation were made by the inspector, if he were investigating this matter up to the hilt so that there should not be a shred of a doubt as to whether any responsibility could be fixed or could not be fixed, that he should, when he came to a lead like that, abandon it and have to take up the trail two or three weeks after upon the receipt of a letter from the inspector or the minister at Ottawa. It would seem to me that the inspector, if he were capable of making an investigation into a charge like that, being sent to New Westminster to find out whether it was true as stated in the report of the deputy warden upon which this investigation was started, that Miner's escape was facilitated by assistance from the outside, that he would have been keen to follow up the clue given to him by the report of the interview. If he had followed it up one would have felt that the very first man he would have appealed to would have been Mr. McIntyre, although as indicated in this return, it might have been expected that Mr. McIntyre would have refused to have given him any information because if he were there at all it would be in the capacity of counsel for the prisoner and as such anything that passed between them would be privileged. Under these circumstances it was only natural to suppose that he would have refused to give any information as to the occurrence. But, if the inspector had inquired of Mr. McIntyre he would have been able at the outset to have ascertained that the statement was untrue, that Mr. McIntyre was not there at all and then he would have been face to face with the problem of who it was who entered the penitentiary and was described by

Miner as his lawyer from up-country, because the committee will notice that Miner does not mention the name of McIntyre, that the name is gratuitously added by some person, but that Miner said that his lawyer from up-country was there with Bullich and the unknown. It seems to me essential that any inquiry worthy of the name into this circumstance would have gone off on that lead, would first have inquired if Mr. McIntyre were there, and, finding that he was not there, would have set itself to answer the question: Who was it that was described by this man as his lawyer from up-country? Was this a man masquerading as McIntyre, and if so, who was he? Let us find out from Bullick who it was. We would suppose also that the inspector would have turned to Mr. Bullick of the Canadian Pacific Railway who also was well known. It is not hard to find the address of a man like him with the Canadian Pacific Railway office only a few miles from the penitentiary and telephonic communication between the warden's office and the office of the Canadian Pacific Railway. Well we find this extraordinary sequence of events. It would appear that the minister was most desirous that further information should be secured, under three heads set out in a letter to which the answering letter of Inspector Dawson is as follows :—

New Westminster, B.C.,
October 22, 1907.

Dear Mr. Stewart,—I have your letter of the 15th instant regarding (1) Piggery Gate, (2) the ladders used in ascending to the guard stands, and (3) the visit of McIntyre, Bullick and another to convict Miner.

Then this letter goes on to give a half page on the Piggery Gate, a page and a third to the ladder and two lines to the essence of the whole business, as follows:

If I can obtain Mr. Bullick's address I shall ask him to inform me regarding the visit referred to in McKenzie's evidence.

I ask the committee to consider this in the light of the statement we have had that Inspector Dawson conducted a most thorough investigation into the escape of this man. We find that so far from having an investigation of the statement that three men went into the warden's office and had a private interview with Miner at which it was supposed the plot for his escape was hatched, this inspector took so little interest in it that he did not ask who Bullick was, did not ask what Bullick's address was, knew nothing whatever about him, and even when questioned by his minister made no reference to him beyond saying casually in closing his letter that:

If I can obtain Mr. Bullick's address I shall ask him to inform me regarding the visit referred to in McKenzie's evidence.

Mr. J. D. TAYLOR.

We find a reply to that as follows:

Ottawa, October 29, 1907.

Dear Mr. Dawson,—The minister was much pleased with your supplementary report of the 22nd instant, with reference to the action you have taken to secure the Piggery Gate.

I would ask if we are to understand from that that Mr. Dawson was sent out to New Westminster and there to spend several months, only to secure the Piggery Gate. If the minister had no reason to be pleased with the reply to his long communication of the 22nd instant, in which Mr. Stewart intimates that if he could obtain Bullick's address he should ask him regarding the visit referred to, he apparently had reason to be pleased that his astute inspector had been able to secure the Piggery Gate.

Mr. HUGHES. What is the Piggery Gate?

Mr. J. D. TAYLOR. The Piggery Gate, I will say, for the information of my hon. and inquisitive friend, is a gate that was kept wide open by the penitentiary officials, according to the evidence contained in this return, and upon which the eyes of a sentinel who was supposed to watch it the afternoon that Miner made his escape were focussed on this fatal occasion and whose explanation of why he could not watch the hole through which Miner crawled was that he was watching the Piggery Gate and that he could not see two ways at once. I would ask the committee to say, with all due deference to the Minister of Justice, whether, at this stage of the investigation, if the minister were really responsible for this letter written in his name, he had not lost his grasp of the situation when he said that he was pleased with the action to secure the Piggery Gate and said nothing of the failure to acquire information regarding the plot to liberate Bill Miner. At page 135 of the return we have the sole result of the investigation which the minister so promptly requested, and which Mr. Dawson did not carry out. Here is a letter of the inspector addressed to — Bullick. By some extraordinary stealth, I do not know how, the address of Bullick was discovered, but it was run down, and as a result we find this letter addressed — Bullick, Esq., special agent, Canadian Pacific Railway offices, Vancouver, British Columbia:

Dear Sir,—Nine or ten months ago a Mr. McIntyre. another man and you visited convict Edwards alias Bill Miner in this penitentiary. I am directed by the Minister of Justice to say that he will be much obliged if you will be good enough to state, for his information, the nature of the business discussed with convict Edwards at that interview, and also whether the warden or any other officer of the penitentiary was present during

the whole time the interview lasted. Thanking you in anticipation.

Yours faithfully,

(Sgd.) G. W. DAWSON,
Inspector in Control.

It seems to me that there was a superfluity of politeness in that request and not enough of sternness to have brought the answer which might be expected to come from a detective who was under suspicion in the minds of the other inspector and of the minister. There should have been an element of sternness in the demand upon him for a true account of what happened, and to assist the Department of Justice to fathom a plot by which that man got out of the penitentiary. Instead of that, we find the inspector writing to this detective that he is directed by the Minister of Justice to ask him if he 'will be good enough to state for his information,' and so forth. In the light of that it is not surprising that we find a very casual reply made by this detective, after seven days of deliberation, although he is only a few miles from the pentitentiary. He says:

Vancouver, B.C.,
November 5, 1907.

G. W. Dawson, Esq.,
Inspector in Control,
New Westminster Penitentiary.

Dear Sir,—I am in receipt of your letter of the 29th ult. I think you have been wrongly informed as to me visiting convict Edwards at the penitentiary in company with Mr. McIntyre.

I might say the only time I visited Edwards in the penitentiary was on the 9th day of February last in company with Jake Terry. The late Colonel Whyte, was present all the time. The visit was merely to see if Terry and Edwards knew each other, as they were both in the San Quentin penitentiary together. There was a short conversation between Terry and Edwards in reference to the Mission holdup, September 1904.

Yours truly,

(Sgd.) R. E. BULLICK,
Inspector.

And there this most thorough investigation ended.

Mr. SUTHERLAND. Carried.

Mr. J. D. TAYLOR. Surely it is not the hon. member for North Essex that says carried. I ask if it is not hopeless for any one to expect to impress this House with any misdemeanour by any official of the government when an hon. member of the standing of the member for North Essex can see no other reply to be made in a matter of this kind than to cry carried when the salient facts are being laid before the House. I must say that before I came to this parliament I had a higher estimate of the dignity and the sense of responsibility of the Canadian parliament. I have known this parliament at a time when a recital such as that contained in this return would not have been met by one of the leading members supporting the government with the cry of carried. I am sincerely sorry if the standard of this parliament has degenerated from the time when I first knew it, if a matter like this is not met with more gravity by the members supporting the government. At this period of the session it would not be seemly to enter upon a discussion which would have been justified at the time I gave the minister notice that I would bring this matter forward; but I have ventured to occupy your time to-night in justice to myself, because I felt it my duty early in the session to raise this question, not on my own initiative, but in consequence of statements made in the public press without any reference to me or without any knowledge on my part, but based on the annual report of the Minister of Justice. That was the way in which this Miner episode originated in this House. I thought it my duty to take notice of these statements, and I told the Department of Justice that it was due to the credit of this government that when an occasion of this kind did occur, there should be a more thorough investigation than has taken place on this occasion. I am free to repeat that this return bears out to the uttermost my suggestion that the circumstances were very suspicious. I am free to say here that in the light of all the events that have been disclosed, it is not established in my mind whether Miner escaped from that penitentiary in consequence of a plot or whether he escaped by pure accident; but it does seem to me to be established that there was a plot on foot to get that convict out of the penitentiary, and until it is set beyond the shadow of a doubt that no such plot exists, it is the duty of the Department of Justice to follow up this case and to make it clear to all parties concerned that it cannot be tolerated that they can enter upon any mission of this kind—that the Department of Justice will be ruthless in the pursuit of any person who presumes to use the expression I used before, to unlock with a golden key the door of any penitentiary in Canada.

Mr. AYLESWORTH. There is one point at any rate on which the hon. gentleman who has revived the discussion of this question and myself can be well agreed, and that is, in satisfaction that the papers relating to this matter have been brought down and are open to inspection by every member of the House. He thinks, according to what he has said, that these papers justify what he has done in this matter, and therefore I have no doubt he must feel gratification that they are before the House. I

am familiar with the contents of those papers; I was familiar with their contents when this matter was first introduced by the hon. gentleman. I think those papers demonstrate that there is nothing in this matter, that there was never anything in it, and I am quite unable to see how any fair-minded man, reading those papers, can persist in the view which the hon. gentleman apparently entertains of the government inspectors or of some one else in authority in connection with this matter. Now, the gist of the whole insinuation or suspicion— I scarcely know what to call it—it is not a charge—of anything wrong or improper in connection with the escape of this prisoner from the penitentiary is that there was a very large quantity of valuable securities which he had stolen, which he had after stealing them hidden in some place where he could find them again, and that the anxiety of the Canadian Pacific Railway Company, from which these securities were stolen, to recover possession of them, had been an incentive to that company to use influence or to enter into plots to secure the escape of this convict from the penitentiary. Everything that has been said in connection with this matter centres around that idea, that £50,000 of securities existed which Miner controlled or knew the hiding place of, and that for the sake of recovering that property the Canadian Pacific Railway Company or some one else interested was intriguing to secure for Miner his liberty by some underhand process or some plotting with the officials of the penitentiary or the officials of the Department of Justice. Unless it is that, it is nothing. That must be in essence what the hon. gentleman means to convey to this committee as the fact in regard to this matter. That necessarily depends upon the existence of the securities. No one reading this return and having before him the evidence about these securities can come to any other conclusion than that no such bonds ever were stolen or ever existed, that there was never any effort on the part of the Canadian Pacific Railway to recover such bonds, simply because that company knew from the beginning that they were not in existence but that they were the fabrication of some one interested in Miner, if not of Miner himself. The first and in fact the only mention that is made of these bonds, so far as I now recall, in the evidence taken before inspector Dawson is that of instructor George McKenzie. No one questions the truthfulness of McKenzie. He had reported at the time to Colonel Whyte, the warden of the penitentiary. He stated that Miner told him these things and the only evidence with reference to these bonds is that Miner told McKenzie of their existence and that he had hidden them. Miner came to McKenzie and told him that Bullick and his lawyer—I suppose that means Miner's lawyer, perhaps it means Bullick's—had come to see him, that Bullick told him he had been empowered by the Canadian Pacific Railway Company to say that the company had the promise that Miner would be pardoned if he would surrender to the company certain Australian bonds valued at £50,000 sterling, which the company believed Miner had taken from the express car when he robbed the train near Mission some years before, or would prove to the satisfaction of the company that the bonds had been destroyed. This all rests upon Miner having told this to McKenzie, who reported it and narrated it to Inspector Dawson when giving his evidence. In the first place, let me point out that Miner lied to McKenzie when he told him that his lawyer from up the country had been to see him. Everybody now admits that the lawyer from up the country, Mr. McIntyre, had not been to see Miner since the June before. The robbery occurred in May, 1906. Miner was tried a few weeks afterwards, and was sentenced to life imprisonment. Shortly after his sentence was begun his lawyer McIntyre came to see him and had an interview with him, in June, 1906, fourteen months before the escape.

That interview, Mr. McIntyre says, had reference to raising the necessary money for carrying on an appeal from Miner's conviction but McIntyre never saw Miner from that day forward. He applied in the following September for permission to see the prisoner and have a conference without any one being present to hear their conversation. He wrote me asking for that interview with Miner alone. I told him it was entirely contrary to prison rules and he could not have an interview unless the warden or some one delegated by the warden was present. Accordingly McIntyre never had any further interview with Miner. But in the following February, six months before Miner's escape, Bullick came to see him, accompanied by a man named Terry who had been in the penitentiary in California while Miner was there, and Bullick and Terry had their interview with Miner in 1907 in the presence of Col. Whyte, warden of the penitentiary. Miner, as I pointed out, told a falsehood to McKenzie when he stated that he had had an interview with Bullick and his lawyer from up the country. Then he narrated with this particularity the story about the bonds to the extent of a quarter of a million dollars. The advertisements issued by the Pinkerton Detective Agency on the occasion of this robbery specify with great care the contents of each of the stolen parcels so far as they could ascertain what the securities were, and the particulars of the registered letters. All this information was given

in the minutest possible way and there is no hint in the advertisement of this vast amount of money, this $250,000 worth of Australian bonds, which under these circumstances, if there were nothing else, would make one view with a little doubt the story of the life convict Miner that he had stolen these moneys, coin and property, and had concealed them where he could put his hand on them when he pleased. The hon. gentleman asks what motive Miner could have had to fabricate such a story. Is not the motive manifest? If he could persuade some prison official to the belief that that fortune existed and that he, Miner, would disclose to the official where he could find it, would he not make an ally of that official, would he not have him, so to speak in his power; if he could obtain a prison official who would even listen to such a yarn, and put any sort of confidence in it, he could let the official go on any number of wild goose chases if he could only arouse his cupidity and secure his assistance, to get out of the prison. It seems to me the motive is plain enough. I think that the very circumstance to which I have been referring, of the care with which the Pinkertons contemporaneously with the robbery and long before Miner's arrest, had detailed all the information they could with regard to the things stolen, and that there is no hint of $250,000 worth of bonds in the specification, ought to be sufficient to make anyone weighing the evidence or thinking of the probabilities of the case come to this conclusion and to no other: that miner had simply fabricated the story about the bonds. I do not hesitate to say that, on reading his evidence, as returned by Inspector Dawson to me at the time, discussing it with Inspector Stewart, I had no doubt that the matter was an absolute fabrication on Miner's part. It never entered my head that anyone would suppose the contrary until I read, in the course of this session, what had been said by the hon. gentleman in this House. In some of the discussions which have taken place, some hon. gentleman went the length of charging that the Canadian Pacific Railway had been so interested that, in order to secure Miner's freedom, they had falsified or forged a telegram which came from Warden Bourke notifying the department here of Miner's escape. And because that had been said and appeared in 'Hansard' my hon. friend the Solicitor General, who was interesting himself in this matter, applied to Sir Thomas Shaughnessy for copies of the telegrams sent through the Canadian Pacific Telegraph Company, notifying the company of these two robberies. Those telegrams were looked up, and on the 4th of March, last, Sir Thomas Shaughnessy wrote this letter:

March 4, 1909.

Dear Mr. Bureau,— Pursuant to your request, I beg to inclose copies of the messages received from our officials immediately after the hold-up at Kamloops, for which a man named Miner was subsequently convicted and sent to the penitentiary.

You will observe that the total loss to the express company in the case of the Mission Junction hold-up was $7,000, mostly in gold dust. There is no mention of Australian or other bonds. If these were taken it must have been from the mail car, as neither the Canadian Pacific Railway nor the express company met with a loss of that description.

In the case of the hold-up at Kamloops the robbers evidently made a mistake when they detached and rifled the mail car instead of the express car. In this instance the express company escaped without any loss whatever.

I might add that this company and the express company expended in their efforts to secure the capture and conviction of the criminal a much larger amount of money than was involved in the robbery, and his subsequent escape from the penitentiary was therefore a source of regret and annoyance.

Yours very truly,

T. G. SHAUGHNESSY,
President.

Hon. Jacques Bureau,
Solicitor General,
Ottawa, Ontario.

That hon. gentlemen may appreciate what is said in that letter, let me point out that of these two robberies, the earlier, the one at Mission, when it is assumed or supposed that this vast value in bonds was secured by the robbers, took place on the 11th of September, 1904, and the second, in respect of which the conviction was made, called 'the Kamloops hold-up,' took place on the 8th of May, 1906. Now I think that that letter ought to remove, even from the mind of the hon. gentleman himself, the idea that there ever existed any such quantity of bonds as has been spoken of or that there ever was any motive whatever to the Canadian Pacific Railway to attempt to secure Miner's escape or liberty in the hope that these bonds might be given back to them. I do not suppose that any one wants me to speak about the absurd statement which Miner credited to Mr. Bullick. Mr. Bullick, I may say, has recently according to newspaper reports, in the course of a judicial inquiry, absolutely denied that he ever made any such statement as that the Canadian Pacific Railway had arranged for the pardon of Miner if these bonds were given up. I do not need to repudiate utterly the idea that such a thing had ever or could ever have taken place. Saying that much, it seems to me the whole extent of this fabric of suspicion and insinuation, which has been raised up, and the whole point of what has been leveled against Inspector Dawson in connection with this matter, fall to the ground. But some of the details have been again referred to, and in spite of the fact the re-

turn discloses exactly the position of the matter and verifies absolutely every piece of information given by me or by the Solicitor General, the circumstance that Inspector Bourke's telegram notifying the department of the escape was delivered in Ottawa in a different condition from that of the original, as handed in at New Westminster, is referred to as though there were something suspicious or improper in it. It is important in this connection that I should correct the dates given by the hon. gentleman (Mr. Taylor). The escape took place, not on the 4th of August, but on Thursday, the 8th of August, 1907. On the same afternoon there came to Ottawa a telegram from the deputy warden, Mr. Bourke, in these words:

Four convicts escaped from the brickyard this afternoon.

The telegram did not say who those convicts were and we had no suspicion that Miner was one of them until a subsequent telegram came, to which I am about to refer. That telegram of the 8th of August was addressed, as such telegrams should be addressed, simply 'Inspector of Penitentiaries, Ottawa.' On the following day, Mr. Bourke sent a further message, despatched on Friday the 9th of August, from New Westminster, and addressed, he says, when he handed it in to the telegraph company, in similar fashion. That telegram asked if he would offer a reward and stated that Bill Miner was among those who escaped. Now, that telegram came to Ottawa on Friday night, the 9th of August, but the telegraph night clerk here, instead of copying it as it was received and sending it out to be delivered to Mr. Stewart, Mr. Dawson's senior inspector, who was here in town, telephoned to Mr. Dawson's house, and was told by some member of Mr. Dawson's family that he was in Kingston. On receiving that information, the operator in Ottawa changed the address or added to the address Mr. Dawson's name. The telegram which Mr. Bourke had despatched was addressed simply to the inspector of penitentiaries. The telegram delivered at this end of the line was addressed 'G. W. Dawson, Inspector of Penitentiaries,' and the result was the telegram was sent to Mr. Dawson at Kingston and never came to the knowledge of the office in Ottawa until the following Monday, the 12th of August. Investigation was then made. Mr. Bourke was taken to task for having addressed his telegram in that way, and he asserted that he did not put Mr. Dawson's name on it. The company here put the blame where it belongs. They put it upon a possibly too zealous clerk, who, instead of taking the telegram exactly as it came to him, improved it, as he thought, by putting Mr. Dawson's name on it, and sent it around the country hunting for Mr. Dawson instead of delivering it to Mr. Dawson's colleague who was here in Ottawa all the time. How any one could suppose that that was evidence of some fraudulent conduct on the part of the Canadian Pacific Railway, conniving at Miner's escape, and deliberately done to give him further time before effort for his recapture could be made, passes my understanding. I hope the hon. gentleman means to be fair, and meaning to be fair, if he would reflect that he is making—not a charge, it is true—but an insinuation, a suggestion of a most serious character against men whose reputations are dear to them, who are under oath of office, who are in responsible official positions, I think he should hesitate before, without one particle of proof, without one reason on the facts of the case as shown by the sworn evidence and the papers before every member for inspection, venturing to say that there is ground for thinking the inspectors have been false to their oaths of office, untrue to their duty, disloyal to the department, and disloyal to the country.

Why, Sir, if any inspector connived at this man's escape, if any inspector did the things insinuated against Mr. Inspector Dawson here, he is not only unworthy to continue for one moment in the office of responsibility and trust which he holds, but he is a man who ought to be where Miner was and ought to serve there for a long period of imprisonment, the penalty of doing that which it is insinuated here was done by these inspectors or by one of them without reason or motive or any cause which can be suggested. I have simply to say that, after some three years' experience with our two inspectors of penitentiaries, I believe that each one of these men is faithful to his duty. I have not been misled by either of them. I should like the hon. gentleman (Mr. J. D. Taylor) or any member of this House to point out to me any respect in which information has been kept back from me by either of these inspectors. I regard each one of them as a trustworthy, honourable and honest official. I make no distinction between them; there is no more reason for imputing dishonour and dishonesty in this matter to Mr. Inspector Dawson than there is for imputing it to Mr. Inspector Stewart. Mr. Stewart remained here with me while Mr. Dawson went out to British Columbia to take charge of the penitentiary and conduct that investigation. It was but the accident of the occasion that Mr. Dawson was chosen for that duty. Mr. Stewart was equally competent; he might equally well have been sent. But Mr. Dawson went; he conducted that inquiry, so far as I can see, so far as anyone can see by examining the papers here, with impartiality, with thoroughness, with care; he reported fully not only his conclusions in this matter, but all the evidence on which those

conclusions had been reached. And I have yet to learn, in connection with all the discussion which has taken place this session about this affair, one piece of news or information that is not disclosed in the papers now before the House, or that was not at once communicated to me by Mr. Dawson or Mr. Stewart upon that information coming to their knowledge. I think, Sir, the imputations cast upon these gentlemen, or upon either of them, have been most undeserved, have been most unfair, to men who have been doing their duty, and who I say in all earnestness and sincerity, are, in my humble judgment, no more deserving to be treated in this way than I myself. I am not able to understand any respect in which Mr. Inspector Dawson has been remiss in connection with this matter. He was in Dorchester some ten days after the news of Miner's escape had reached Ottawa. He had gone to Dorchester upon his official duty as inspector of penitentiaries. As soon as the written and detailed account of the escape reached Ottawa, and on the 21st of August, 1907, and after a conference with me in regard to it, Mr. Stewart, the inspector who was here, wrote to Mr. Dawson that I thought that he (Mr. Dawson) ought to proceed to British Columbia at once, that he ought to shorten his official investigation at Dorchester penitentiary and return to Ottawa on the first day possible. That letter is among the papers copied and brought down with the others in the return. Mr. Dawson received that letter on the 23rd of August, on Friday, two weeks after the escape. Mr. Dawson immediately telegraphed Mr. Stewart.

Letter received. Leave to-night. See you at office two o'clock Sunday afternoon.

And post haste Mr. Dawson comes from Dorchester, passes through Ottawa on Sunday, continues his journey to the Pacific, reaches New Westminster on 3rd of September, takes charge of the penitentiary and forthwith enters upon this investigation. Let it be remembered that Mr. Warden Whyte, of the pentitenitary, was at this time upon his death-bed; nobody could even speak to him upon matters of business. He lived for some weeks longer, but during all the time that Mr. Dawson was in charge as inspector, and during all the time this investigation was going on, Mr. Dawson was not able to refer to Col. Whyte at all or have the benefit of a word with him. Now, it has been said, and I understand the hon. gentleman who has addressed the committee said he did not doubt that Miner's escape was plotted in the presence of Warden Whyte in an interview with Bullick in the February before the escape took place.

Mr. J. D. TAYLOR. I do not like to interrupt the minister (Mr. Aylesworth), but I would like to correct that statement. I do not know anything I said that is capable of bearing that construction.

Mr. AYLESWORTH. I accept the hon. member's statement, if he did not mean to say that, but I understood that the hon. gentleman had said that he felt no doubt that Miner's escape was plotted in the interview with Bullick. That interview took place in the presence of Warden Whyte. That interview taking place in the presence of Warden Whyte, the whole gravamen of the charge or the suspicion that is involved in what has been said with regard to that interview is in the circumstance that Warden Whyte was present. Bullick and Miner plotting escape would not mean that any official of the penitentiary was involved. Warden Whyte is gone; he is not here to defend his own good name. Usually we do not speak ill of the dead, and in the absence of any, the least, hint of evidence in these papers with regard to Warden Whyte, or connecting him in any way with this matter, I am astonished that any one should even think he could have participated in such a crime against the public and against this country as to have connived at the escape of a man like Miner or of any other convict.

Now, in regard to this escape, Inspector Dawson, after he had examined every person connected with the penitentiary who could know anything about it, was of opinion, and reported at the time that he believed, that these escaping convicts had outside assistance. I must say that I share in that opinion. The hole under the fence through which they crawled would have taken some little time to dig, it was one that could not have been dug in the broad glare of daylight, and with officers and guards supposed to be in charge of the men at work in this brickyard. It had not the appearance of being freshly dug, and from all the surrounding circumstances the conclusion which Mr. Dawson reached was that this hole had been, in part at all events, excavated from the outside, that the earth had been disposed of, and that there had been a great deal of patience and care in the effort to conceal the fact that any such hole existed. It was a theory of some of the newspapers which discussed this matter that the prisoners never had gone through the hole, that the hole was merely a blind to the authorities ; though what advantage there would have been, after the prisoners had got away, in blinding the authorities with regard to the circumstance whether the escape had been under the fence or over the fence, I am not able to say. But one of these four prisoners has been recaptured within the last few days. He was tried for the escape, he gave his own evidence and according to the newspaper reports he has affirmed categorically that they did escape through the hole. And not only has

he so stated, but he has stated, whatever his evidence may be worth, that there was, so far as he was aware, no kind of previous plot that they should escape. He saw the hole, he thought there was a chance to go, he took advantage of the opportunity, and he crawled through the hole, and found himself on the outside of the fence, and finding himself there, he found himself in Miner's company. According to his statement, two of the four had preceded Miner and he and Miner followed where the other two had led. They had another wall to scale, they found a ladder which, by some one's misconduct, I think I may say, though I am not able to put my finger on the specific misconduct, had been placed in a position of insecurity, a ladder which was necessary for mounting to the guard tower upon the fence and which had not been carried inside the inclosure when it was not actually wanted for use. But it was left, locked it is true with a padlock, but in a position where these men, desperate in their extremity, were able to break the lock and to use the ladder to go over the second wall and so make good their escape, but the whole circumstances of the escape, as suspected and as believed in the evidence of the men on the investigation before the inspector, are fully established and corroborated by the statement now made of the convict who has been recaptured, and the theory of the manner in which they got away which Mr. Dawson formed at the time and reported to me, has been to the fullest extent borne out by the sworn statement of this recaptured convict.

Now, criticism has been applied to this department that no further investigation was made into the matter. I cannot understand what possible thing remains to be investigated. The men got away; every effort was made to recapture them; it failed; one of them has since been recaptured. Under the Penitentiary Act the inspectors, either or both, are the men appointed by law to make investigation into matters of this kind. They are empowered to administer oaths, to summon witnesses before them, and to punish witnesses who refuse to testify; and those inspectors being clothed with that power, it was manifestly a proper thing that one of them should be sent to make this investigation. One of them was sent, he made this investigation, and made it in the most thorough manner possible. I am not able to suggest to myself now, in the light of all the discussions which have taken place about this matter during the present session, any particular in which Mr. Dawson could have made that investigation more thorough, or any circumstance in regard to which we could have obtained any more light than is already thrown upon it by the evidence already given. It was said: 'Why was there not a further investigation made in regard to these bonds?' I do not know what further investigation could be made in regard to something which I do not believe ever existed. We have, if it is important, the testimony now of the president of the Canadian Pacific Railway in the letter I have read to the committee to-night. It seems to me that if there was ever anything in the theory that bonds to this enormous amount were stolen on the occasion of the first train robbery, it is entirely dissipated by the letter of Sir Thomas Shaughnessy I have referred to.

I desire to say one thing further, which is in a sense but justice to this legal gentleman, Mr. McIntyre, who defended the prisoners, and whose name was, not in this House, but in some of the newspapers of the west reporting the proceedings which had taken place in this House, coupled with Miner's as though he were responsible for Miner's escape. Mr. McIntyre took vigorous proceedings at once. He telegraphed me immediately on seeing these newspaper reports, and asked me to make his telegram public. He wrote me also on the matter, utterly repudiating the insinuation or charge that he had anything to do with Miner's escape, or had ever seen Miner after the original interview I have already referred to. I think it is no more than justice to him to state that publicly here in this House. I see also by the newspapers of the coast that he has taken proceedings, either of a criminal or civil character, as upon a charge of libel in connection with these same statements; that proceedings have been taken against Bourke aud Bourke has apologized. Proceedings have been threatened against the newspaper called the 'Columbian;' that newspaper has apologized and withdrawn any imputations against Mr. McIntyre's character. In these circumstances I do not suppose that any one can think for a moment that Mr. McIntyre acted otherwise than as a reputable and honourable, legal practitioner when, after defending these men, and defending them unsuccessfully, he went to the penitentiary and interviewed them, having this conference with them in the presence of the penitentiary officials, when they being unable to raise the money necessary to carry on the appeal, the intended appeal from the conviction fell to the ground, and they remained under the original sentence. From that date forward Mr. McIntyre has not been at the penitentiary at all, has not seen this man, and no ground, in my belief, exists for supposing that he had anything to do with the escape.

Mr. GEORGE TAYLOR. I want to ask the minister one or two questions in reference to the Kingston penitentiary. How many skeis were manufactured last year in the Kingston penitentiary, to whom were they sold, and at what price?

Mr. AYLESWORTH. 240 pairs. They were sold to an association called the C. S. Athletic Association of Ottawa at $2.

Mr. GEO. TAYLOR. My information is that there were 300 pairs made.

Mr.AYLESWORTH. 240 I am told.

Mr. GEO. TAYLOR. Was there a quantity of furniture manufactured at Kingston and sold to parties in Ottawa?

Mr. AYLESWORTH. I am told that some tables were manufactured and possibly other articles of furniture at the Kingston Penitentiary but not sold to anybody except officials to whom they were charged.

Mr. GEO. TAYLOR. My information is that there was a number of chairs, tables and other articles of furniture manufactured for citizens of Ottawa.

Mr. AYLESWORTH. The articles were sold to officials only. Mr. Adams, architect, is one, Mr. Stewart, the inspector, is another. Mr. Dawson does not remember the names of the others. There were two other parties besides Mr. Adams and Mr. Stewart.

Mr. GEO. TAYLOR. Some of the labouring men are complaining that the penitentiary should manufacture and ship out goods to compete with outside labor.

Mr. AYLESWORTH. This is the old question about which there is the very greatest difficulty in administering the penitentiaries. There is nothing you can put your convicts at, unless it is breaking stone, that you do not tread on some person's corns. If you make furniture the cabinet makers object. Even if you break stone and sell it for the purposes of concrete you have the quarry men objecting. We have to get some kind of work for the convicts to do. We cannot keep them in idleness and we do the best we can. I am rather pleased if I can see any opportunity, such as the furnishing of church pews which was discussed when the estimates were up before, in which we can properly turn to good account the labour of the convicts in the penitentiaries.

Miscellaneous—to provide for expenses connected with arbitration before the Hague tribunal, $50,000.

Mr. FOSTER. Will the minister give an explanation of this?

Mr. AYLESWORTH. Hon. gentlemen are aware that on the 3rd March last a treaty was entered into between the United States and Great Britain for the submission of the fisheries disputes with regard to the Newfoundland coast and the treaty coasts of Canada. The treaty of 1818 conferred upon the inhabitants of the United States the privilege of fishing not only about certain defined coasts of Newfoundland but also upon the shores of Magdalen Islands and upon the north shore of the Gulf of St. Lawrence from the southern end of the Straits of Belle Isle westward to a point approximately opposite the east end of Anticosti. The treaty, which was ratified on the 3rd of March, is a treaty for the submission of the various questions which have arisen in regard to the interpretation of the Treaty of 1818 to a body of five members of the Hague tribunal. The cases for Great Britain and the United States respectively are to be prepared and delivered by the 1st of October next, and counter cases, with written arguments, prepared and afterwards exchanged, and oral argument to take place before the same tribunal, probably beginning about the 1st of April next year. This vote is intended to cover, so far as it will go, the expenses attendant upon that reference to arbitration. I am intending to leave here next week, if possible, to proceed to England to take charge of the research and investigation which will complete the getting together of the material which will necessarily be involved in the preparation of the case of Great Britain. Newfoundland is interested in this dispute to an even greater extent, pecuniarily, than Canada, and the British government is interested for the two dominions in the general charge of the litigation. This amount may not be sufficient to cover the whole expenses of the proceedings, but it will, it is thought, cover at least what will be expended up to the end of the fiscal year.

Mr. FOSTER. Who will be associated with the minister?

Mr. AYLESWORTH. No definite arrangements have yet been made, owing no doubt to the political conditions in Newfoundland. Ever since this treaty was negotiated there has been great difficulty to get any understanding with those in charge there. But I have arranged with the Attorney General of Newfoundland that Sir Robert Finlay shall be the leading counsel for us and for them in the presentation of the oral argument before the tribunal. No other counsel for the oral argument has yet been directly retained. I have not felt in a position to make any arrangements in that respect, because I do not know how many counsel the tribunal will be prepared to hear on either side. I do not know what the wishes of Newfoundland will be. I have no doubt they will wish to have one of their own men appear in their interest, and it is possible that the imperial government may think there ought to be a second British counsel along with Sir Robert Finlay. So far as

this government is concerned, the matter of investigating the whole situation was, some months ago, before the treaty was finally arrived at, but at a stage of the negotiations when it became reasonably evident that an agreement as to the terms of submission would be reached, placed in the hands of Mr. John S. Ewart of this city, and he has been engaged in the work of research, collecting material and putting it into shape where it can be utilized, for eight or nine months. He tells me that he has substantially exhausted all the material to which he has access in this country, and that he wants to pursue his work of investigation at headquarters, and therefore he intends to go to London, no doubt next week, for that purpose.

Mr. FOSTER. Mr. Ewart, then, is associated with the minister and intends to go to England with him. There is a point which I think may very well be made here. Mr. Ewart is associated with the minister and with the government. He goes to England as a leading Canadian. I am not saying anything against or in favour of Mr. Ewart as a lawyer. He mingles in London with other people in this case, and with dignitaries of various kinds, and he is supposed to represent Canadian opinion. Mr. Ewart has been airing his opinions in a way which is not agreeable to a good many people in Canada, and it becomes a question whether a gentleman who is forward in airing such opinions as these is a proper person to represent the Dominion government. I find, for instance, in a communication that Mr. Ewart has sent to the press, that he has overhauled the diplomacy of Great Britain for a series of years, and has expressed opinions which, although he has a perfect right to hold them and to express them as a private individual, do not qualify him very much to be a representative of Canada in connection with the British case at the Hague. I think it is not improper for me to refer to some of these. He seems to have a mania for putting Great Britain in the fault in every case that he possibly can. Here is something that he has said. He takes exception to the idea that a sense of gratitude requires that we send to Great Britain money sufficient to build a Dreadnought, and says:

> By all means let us do it, and do it at once. But let us be sure that we have something to be 'grateful' for. What is there?
>
> Ought we to be 'grateful' because the United Kingdom foolishly got us into the American war of independence, with the result (besides our war losses) of establishing forever a hostile nation on our southern boundary — of establishing a permanent source of trouble for us?
>
> Ought we to be 'grateful' because the United Kingdom foolishly brought that nation down upon us in 1812-14?
>
> Ought we to be 'grateful' because of the Fenian raid? or the Trent affair? or the Crimean war? or the Egyptian war? or the Boer war?—'grateful' for the assistance we gave upon each of these occasions?
>
> Ought we to be 'grateful' for the British soldiers and sailors who have bled in Canadian quarrels? If we send the price of a Dreadnought for every drop of such blood, we shall not remit a 'first red cent.'
>
> Ought we to be 'grateful' for British diplomacy? Ought we to be 'grateful' because Shelburne and Oswald took from the loyal colony of Canada (then Quebec) and gave it to the rebellious colonies in the south, all the territory that now constitutes the states of Ohio, Indiana, Illinois, Michigan, Wisconsin and half of Minnesota, besides one-half of Lakes Erie, St. Clair, Huron and Superior and the whole of Michigan? Ought we to be grateful because the same two negotiators gave to those rebellious colonies access to the fisheries which formed part of the territory of the loyal colonies, with right even to land on their shores? We have been in trouble ever since about that. Ought we to be 'grateful' for Lord Alverstone?
>
> Ought we to be 'grateful' because in the European grab for valuable colonial possessions, the United Kingdom attained ownership of the territory which we now have? Did she make it what it is? Was it the Britishers who came here and who fought with forest and famine and disease and Indians who made Canada? or was it the Britishers who stayed at home?
>
> Ought we to be 'grateful' because those who stayed at home imposed upon us their trade laws and their navigation laws, framed for their own benefit? Ought we to be 'grateful' because the United Kigdom has attained wealth and power through her colonies?
>
> Ought we to be 'grateful' because when the United Kingdom changed her trade policy and, suddenly throwing our trade and commerce out of its only channels, announced that we were of no more service to her; that we had better go; that we were a 'millstone' round her neck?
>
> Ought we to be 'grateful' for our years of struggle for the attainment of those same political liberties which the British people themselves had and valued, and which they denied to us because we were a 'colony'?
>
> Ought we to be 'grateful' because, having now grown to certain importance, the United Kingdom wishes to treat us as a source of military supply?—not as having any voice in the making of war, but merely as feudal retainers who are to go with their lord to such wars as he may choose to undertake?
>
> Ought we to be 'grateful' because the United Kingdom protects us? We are in no danger, except such as she brings upon us. Which of us would owe the 'gratitude' if Canada's commerce were attacked by German cruisers? if Canadian coasts were assailed because of perturbations in European balance of power? if Canada spent five times the price of a transcontinental railway in suppressing the Germany that (during the same war that gave Canada to the United Kingdom) British soldiers did so much to establish? Ought we to be 'grateful' for every opportunity of working at that balance of power—elevating this nation and depressing that?

Ought we to be 'grateful' because Japan has been established as a first-class fighting power? Is not the United Kingdom already sorry that she did it? Her sad rebuff of the other day was due to Russia's defeat.

The United Kingdom does not protect us, and is in no position to do it. The question is: Shall we borrow money from the wealthiest nation in the world, send it back to her, and keep paying her interest upon it, under the ridiculous idea that she is in a state of desperate financial difficulty?

If that is Mr. Foster's suggestion, I quite agree that 'no Canadian likes it to be put up to him,' for it suggests some dereliction from duty, as well as not a little stupidity. Canada was extremely patient under her long struggle for political liberties; under the engrossment and restraint of her trade and commerce; under the contempt of her uselessness between the 1840's and the 1880's. Canada has survived all that, thanks to herself. Let her rise to full maturity and nationhood. She is too big, and ought to be too proud, to be a mere source of military supply.

JOHN S. EWART.

Mr. Ewart has a perfect right to have his own opinion on every subject and to air his opinions as he pleases, but that does not particularly point him out as a person who had better be associated as a representative of Canada and of the Dominion government in these matters, where he comes in contact with British people—he even may have to meet Lord Alverstone—and his presence might lead to some almost international breakout, such is the aversion that Mr. Ewart seems to have to Lord Alverstone. For my own part as a taxpayer I do not feel that any part of my taxes ought to be paid out to such a representative of the Dominion government. I am taking no exception to what he says at the present time, I believe it to be historically untrue, to be most unfair and to be altogether un-British.

Mr. AYLESWORTH. I think I can assure the hon. gentleman that Mr. Ewart was at all events not selected by reason of his writing or saying the things to which the hon. gentleman has referred. My answer to a formal question the other day was in entire accordance with the facts. Mr. Ewart was engaged for this work by reason of his legal attainments, of the position he occupies in the legal profession and of his well known industry and ability in precisely that kind of research which he was wanted to do. There certainly was not in my mind in that connection any thought of the opinions which he may or may not hold on such matters as have been adverted to. If they had been in my mind at all it is possible they would have influenced me. Certainly I can say that I do not in the least degree share the opinions which have been referred to and which he, as I understand from newspaper reports, has expressed on more than one occasion with reference to the relations between Canada and Great Britain So far from sharing these opinions myself, I think I am credited among my friends with being almost, if not quite, as violent a jingo as the hon. member for Victoria and Haliburton (Mr. Hughes). I personally entertain exactly opposite opinions to those expressed by Mr. Ewart. With regard to Mr. Ewart's opinions on Canadian politics I really have no idea. I do not think he has ever taken any part in Canadian party politics on one side or the other. Certainly so far as I am aware he is not a member of the political party to which I belong, and his engagement for this service was something which proceeded entirely without reference to any ideas he may have upon political subjects.

Mr. FOSTER. It is satisfactory to know at least that the Dominion government did not select him on account of those particular opinions which he expressed. It would also be a great source of satisfaction to us to know that the Minister of Justice, who will probably be near him, does not share in his views, and will be a sort of counterweight, a balance wheel to the singular opinions and the singular desire to flash those opinions which Mr. Ewart seems to have. Probably, too, the Minister of Justice, after having repudiated as far as he can for the government any sympathy with such opinions, will advise this gentleman if he must go that he had better put these opinions of his under cover whilst he is in Great Britain or over on the continent. If the Minister of Agriculture goes along they might conveniently be put in cold storage with particular care during that time. I would impress on the Minister of Justice that he should not allow this gentleman to have any secret dealings with the Kaiser who might perhaps share in those opinions and together they might hatch trouble for the British Dominions.

Mr. FIELDING. Are we quite sure about Sir Robert Finlay's opinions? He is to be in the business too. The minister announced it.

Mr. FOSTER. Is he to be selected on account of holding opinions similar to the opinions of Mr. Ewart?

Mr. FIELDING. I rather think that hon. gentleman is known to hold some opinions in which my hon. friend opposite does not concur.

Mr. FOSTER. He is not a Canadian representing Canada.

Mr. FIELDING. He will be.

Mines branch—investigation of ore deposits and economic minerals; of fuel values of coals and peat of Canada; examination and delimitation of peat bogs, $25,125.

Mr. TEMPLEMAN. This is for the purpose of preparing monographs on the various mineral ore.

Mr. FOSTER. What fuels are you testing outside of peat?

Mr. TEMPLEMAN. There has been going on in McGill university for a year or more a complete investigation of all the coals in Canada. The investigation will be continued in a plant to be established in Ottawa in connection with the Department of Mines. A site has been obtained up the canal near the Experimental Farm.

Mr. FOSTER. Who prepares these monographs?

Mr. TEMPLEMAN. They are prepared generally by men outside the department. We have not nearly enough men and have to engage temporary assistants.

Maintainance of assay office, Vancouver, British Columbia, $13,500.

Mr. FOSTER. Does that bring us in any revenue?

Mr. TEMPLEMAN. No.

To pay for specimens for Victoria Memorial Museum, $8,000.

Mr. TEMPLEMAN. This year we are purchasing a good many specimens of the ores of British Columbia for exhibition at Seattle. These will be deposited afterwards in the Victoria Memorial Museum.

Mr. R. L. BORDEN. Has the department ever undertaken the work of making an estimate of the mineral resources of Canada, so far as they are known at present, and capable of being computed? We hear of computations in other countries—the amount of coal and iron and other natural resources.

Mr. TEMPLEMAN. No such estimate has been made. The Department of Mines has issued a very large volume this year giving a description of the working mines of Canada. But that does not exactly answer the question. No estimate has been made of the mineral wealth of Canada. I think that would hardly be possible. An approximate estimate has been made of the area and quantity of coal.

Mr. GEORGE TAYLOR. Has the book referred to been distributed?

Mr. TEMPLEMAN. The volume is a very large and valuable one. I supposed that every member of the House had received a copy. If not, he can receive it in the Department of Mines. For the purpose of limiting the distribution, we are making a small charge. We have sent copies to every library in Canada and to many others interested in mining.

Mr. FOSTER. If the minister says it includes all working mines, he is mistaken. I know of an important working mine which was not included, and I was asked to draw his attention to it.

Mr. TEMPLEMAN. I have only heard of one instance of that kind, a coal mine in the vicinity of Edmonton. We took occasion to correct the omission as rapidly as possible and made an explanation to the operator of the mine which was entirely satisfactory to him.

Mr. FOSTER. The mine I refer to was a coal mine, and this may be the one.

Six hundred copies 'Parliamentary Companion,' $1,200.

Mr. FOSTER. Who gets that out now?

Mr. FIELDING. Formerly it was Mr. Magurn. Now, I believe it is issued by Capt. Chambers of the Senate. I think it is called now 'The Parliamentary Guide.' It is the same volume that has been issued for some years.

Mr. FOSTER. Does this include payment for anything except printing?

Mr. FIELDING. It is a contribution toward the publication, and we get this number of copies.

Conservation commission, $12,400.

Mr. FOSTER. Who are to be appointed?

Hon. SYDNEY FISHER. There has been no choice of officers yet. The only one I hope to see appointed is the secretary. I would like to see Mr. Young of the Department of the Interior appointed if he will accept it, although I do not know that he will. I should like to see him in the position because he is familiar with the work. As to the others, no choice has been made.

Department of External Affairs—	
Deputy head..	$ 5,000
First division, subdivision A—1 at..	2,800
First division, subdivision B—1 at..	2,100
Second division, subdivision A—1 at	1,650
Third division, subdivision A—1 at..	900
Contingencies—	
Printing and stationery..	1,500
Sundries..	1,000
	$14,950

Mr. FOSTER. These are high-class clerks. Who are being appointed to these positions? Who is the father of that vote?

Mr. MURPHY. My recollection is that the Prime Minister. when he explained the scope of the department to the House, gave an outline of these positions, and mentioned, I think, the gentleman who was to be the deputy head. But no selection has been made with reference to any of the other positions.

Mr. FOSTER. My recollection is that the Secretary of State told the House that whilst

there would be a deputy head, as regards others, they would be taken from other departments. For instance, we had Mr. Mackenzie appointed last year for that special purpose, looking after external correspondence in the Privy Council Department. Is he not to be transferred to this external department, and form one of the staff?

Mr. MURPHY. The Secretary of State stated that outside the deputy head there would be three or four other clerks. These estimates are in strict conformity with that statement.

Mr. FOSTER. But I understood the Secretary of State to say they would be clerks now in the service.

Mr. MURPHY. That is still the intention, but the selections have not yet been made.

Civil service commission—amount required to pay salary of a printer to take charge of the printing of examination papers and other confidential work, $1,000.

Mr. FOSTER. What does this mean?

Mr. MURPHY. The commission have had a small press set up for the purpose of printing the examination papers confidentially. They desire a person who will be able to work in both French and English, and who, when not otherwise engaged, will do clerical work in the office.

Some resolutions reported.

MESSAGE FROM THE GOVERNOR GENERAL—SUPPLY ESTIMATES.

Mr. FIELDING delivered a message from the Governor General.

Mr. SPEAKER read the message, as follows:

GREY:

The Governor General transmits to the House of Commons further supplementary estimates of sums required for the service of the Dominion for the year ending on 31st of March, 1910, and in accordance with the provisions of the British North America Act, 1867, the Governor General recommends these estimates to the House of Commons.

Government House,
Ottawa, May 19, 1909.

Mr. FIELDING moved that the message, together with the estimates, be referred to Committee of Supply.

Motion agreed to.

SUPPLY.

House in Committee of Supply.

Legislation of the Senate, $6,150.

Mr. FIELDING. There are two items, one for the Senate and one for the House of Commons, to provide for an indemnity to members who have been absent through illness or official business.

Mr. FOSTER. Supposing I have been absent myself for a day or two through illness, do I get a piece of this?

Mr. FIELDING. You have a right to. Each member has a right to it if his absence is due to illness.

Mr. HENDERSON. I thought that was in the law as it stands at present?

Mr. FIELDING. No, illness at Ottawa is allowed for by law, but illness out of Ottawa is not taken into account.

Mr. HENDERSON. I came to Ottawa on the 19th of January, and I have never been out of Ottawa since. I get no credit for my diligence, but a man who has been gallivanting up and down the country, going to England, to Ireland, and to Japan, fares just as well as I do.

Mr. FOSTER. I supposed this was an amount to cover special cases, but that it was not meant to cover a whole lot, every member who has been in attendance here during the session; otherwise we might just as well have the statute rearranged. I have no objection at all to the special cases.

Mr. FIELDING. It was found unsatisfactory to deal with cases by mentioning individuals. It is almost impossible to draw the line between A and B. The conclusion reached was that if any member was absent by reason of illness, that should not count against him. If he was absent by reason of official public business, that should not count against him. But if he was absent on his own private business he would not get the benefit of this vote.

Mr. CAMPBELL. I would like to know the names of those who are to get the benefit of this special legislation. I think it is absolutely wrong. If any gentleman was employed on official business, I presume the government paid him for the time he was absent. If any one was absent in the old country or anywhere else, through presumed sickness, why, it is the country's loss if he was not here. It ought to be his loss if he is not here. When members of this House who have been under disability, who have to take an affidavit and who cannot afford to lose $15 a day have to suffer this deduction it is a great hardship that men who are away the whole session should be indemnified the same as if they were present.

Mr. FIELDING. I am afraid that I have been under a wrong impression. These items were inserted by reason of what I had supposed to be an understanding. If there is any objection to their going in I do not wish to press them.

Mr. R. L. BORDEN. The Minister of Finance himself was absent a considerable time during the early part of the session on public business. I do not know that it would be fair to make a deduction from his sessional indemnity on that account.

Mr. FIELDING. If I lose any days, they are very few.

Mr. R. L. BORDEN. I just mention this as an illustration. The same thing has happened with reference to the Minister of Agriculture in the past.

Mr. FISHER. But I did not receive anything.

Mr. R. L. BORDEN. I do not think it is quite fair that if a minister is away on public business he should be deprived of his sessional indemnity. There were two other cases, one where an hon. member had been away on public business and another where an hon. gentleman had been obliged to go abroad on account of illness. Then, I think there was the case of one gentleman in the Senate who through illness had not been able to attend. I believe it has been the practice over there in the past, where a senator has been detained by illness, to grant him his indemnity in full. It is very much on the same principle, which has been acted upon over and over again in this House where a man has unfortunately died early in the session, sometimes within a week or ten days of the beginning of the session. In such cases, it has always been the practice to grant the indemnity in full to his legal representative or widow. I suppose the idea of this resolution is very much in the same line. I would be prepared to support any proper case coming within the principle I have mentioned; but at the same time it might be better perhaps to consider whether or not that particular clause in the statute should not be amended. There is a provision in the statute which declares that if a member is ill in Ottawa his non-attendance in the House involves no penalty, whereas, if he is ill elsewhere his indemnity is deducted for non-attendance. I suppose the idea of that was to prevent any possible abuse that might arise, but as we have a very formal affidavit it might be better, rather than to pass special votes in this House, to make some amendment in the general statute.

Mr. FIELDING. I think the reason for the discrimination as between illness in Ottawa and beyond Ottawa is somewhat different. It is based upon the theory that it is not a compensation but an indemnity, and that if a member does not leave home there is nothing to indemnify him against, whereas, if he leaves home, comes to Ottawa and is laid aside in an hotel he is under all the expense that he would be under if he were able to attend the House. It is always difficult to manage these things where the personal element comes into them.

Mr. R. L. BORDEN. The difficulty about that theory is this : A member from British Columbia might be taken ill in Montreal and remain there for two months; in such case his indemnity is deducted, whereas, if he is fortunate enough to be taken ill here in Ottawa instead of Montreal, his indemnity is not deducted. I do not think that the theory that the Minister of Finance mentions would quite coinside with that application of the statute.

Resolution reported.

CIVIL SERVICE SALARIES.

Consideration of amendment made by the Senate to Bill (No. 187) to authorize certain increases of salary to members of the Civil Service, inside service.

Mr. FISHER. When this Bill was examined in the Senate it was thought that the wording did not make clear that the clerks of the House and the Senate and the librarians of parliament, for the purpose of this Act are deputy heads, that the heads of the department did not include the speakers of both Houses and that the Act might possibly be read as not to include, the officers, employees and clerks of the House and the Senate. Therefore, this amendment is inserted and as it is merely to make clear that which is the intention of the Act I move that it be concurred in.

Mr. R. L. BORDEN. Yes, I think the Act probably means that. However, it is desirable to make it clear.

Amendment read the second time and concurred in.

RAILWAY ACT AMENDMENT.

Consideration of amendment made by Senate to Bill (No. 106) to amend the Railway Act.

Mr. GRAHAM. The amendment deals with the payment of insurance as between railway companies and parties who recover damages from them. I will read it :

9. Subsection 1 of section 298 of the said Act is amended by striking out the words 'crops, lands, fences, plantations, or buildings and their contents,' in the first and second lines thereof, and substituting therefor the words 'any property,' and by inserting after the word 'recoverable' in the ninth line thereof, the words 'under this section.'

Provided further that the company shall, to the extent of the compensation recoverable be entitled to the benefit of any insurance effected upon the property by the owner thereof. Such insurance shall, if paid before the amount of compensation has been determined, be deducted therefrom; if not so paid the policy or policies shall be assigned to the company, and the company may maintain an action thereon.

Amendment read the second time and agreed to.

Mr. FIELDING moved the adjournment of the House.

Mr. FOSTER. Does the Finance Minister know if any progress has been made with the Insurance Bill which was passed by this House and sent to the Senate?

Mr. FIELDING. I understood that at the desire of some senators it was referred to the Committee on Banking and Commerce. That being the case, of course it cannot become law this session.

Mr. GEO. TAYLOR. I understood that the point was taken that it was not printed in French.

Mr. FIELDING. The Bill was printed in French, but I understand that the amendments were not.

Mr. LEMIEUX. This is the first time that I have heard that that point was raised.

Mr. R. L. BORDEN. Does the hon. minister expect to take up the Carriers' Bill?

Mr. FIELDING. No. I have ascertained that there will be objections to the Bill and that it would not be possible for it to get through. I informed the parties interested that in these circumstances the Bill would not be called.

Motion agreed to, and House adjourned at three a.m. Wednesday.

HOUSE OF COMMONS.

WEDNESDAY, May 19, 1909

The SPEAKER took the Chair at Eleven o'clock.

CONFERENCE ON IMPERIAL DEFENCE

Right hon. Sir WILFRID LAURIER (Prime Minister). Before the orders of the day are called, I beg to lay on the table of the House the correspondence between this government and the Colonial Office on the subject to the resolution of the 29th March.

Mr. FOSTER. Does the Prime Minister intend to make any further statement later in the session?

Sir WILFRID LAURIER. I can summarize the substance of the correspondence. It is stated in this correspondence that the resolution of the House of Commons adopted the 29th of March was transmitted to the Colonial Office; and after that, as my hon. friend remembers, I made a statement in the House that it was our intention, in pursuance of the resolution, to send the Minister of Militia and Defence and the Minister of Marine and Fisheries to England to confer with the imperial government as to the best methods of carrying out the purpose of the resolution. A communication has come since from the Colonial Office suggesting that a subsidiary conference on the lines of the resolution adopted by the Imperial Conference in 1907, might take place in July. To that we have signified our assent, stating that we are not prepared to offer any opinion on the subject, but would be ready to send our ministers at any time that might be convenient.

Mr. FOSTER. Yesterday I intended to have said a word with reference to Canada's representation at the next conference. I would like to say to my right hon. friend that on the first opportunity on concurrence that takes place, I will make a few remarks. Also with reference to the All Red route.

THE ALL RED ROUTE.

Mr. FOSTER. I would like to have a statement from the Prime Minister as to the position of the project for the All Red route.

Sir WILFRID LAURIER. The All Red route stands in this position: We have sent Mr. Coulter, the Deputy Postmaster General, to Australia to confer with the Australian government as to the possibility of giving effect to the resolution passed last year. Mr. Coulter is now on his way back from Australia, and has not communicated anything definitely on the subject.

THE FRENCH TREATY.

Mr. FOSTER. Before the orders of the day are called I would like to ask the Finance Minister if he has any statement to make to the House with reference to the French Treaty?

Mr. FIELDING. I made a statement at an earlier stage when I expected that by this time the French Chamber of Deputies would have taken action to approve the supplementary treaty, and in that event we would of course proceed immediately to present to the House legislation to ratify the treaty as respects Canada. I stated then that the French chambers had adjourned for a period, and I thought they would resume on the 11th or 12th of May. I thought there would then be ample time for them to take action on the treaty or, at all events, that I might have some intimation from the French authorities that the treaty would be immediately ratified. For that purpose I sent a communication to the French Minister of Commerce suggesting that he should give me an intimation that the treaty would be approved by

the Chamber of Deputies at an early date, if it was not found possible to deal with it instantly through other business. I hoped I would receive such an assurance, but I have not received a cablegram to that effect. The Consul General for France at Montreal has communicated with me, and expressed a hope that our government would be able to ratify and approve the treaty. But in view of that fact I had addressed this communication to the French Minister of Commerce and had not received the expected assurance by cable, I thought it would not be wise for us to proceed as respects the approval of the treaty by the parliament of Canada. I am aware that there are many difficulties at present in the French legislative chamber, and many matters have arisen which seem to the French government more urgent, and for that reason the matter has been necessarily set aside by other business. I fully expect however that at an early date the French chambers will complete approval of the treaty, and that when this parliament assembles again we will be in a position to submit a measure for the approval of the later treaty by the parliament of Canada.

Mr. HENDERSON. In the event of the French chamber approving of the treaty as amended, will our legislation of last year go into effect so far as it is not affected by the amended treaty?

Mr. FIELDING. No, the treaty goes into effect after ratification, and the ratification means, not merely the approval by the legislative chambers, but the formal exchange of ratification, as it is called by the diplomatic world, which will have to take place at Paris. Until that formality occurs, the treaty can in no case come into operation. That cannot take place until after the parliament of Canada has approved of the supplementary treaty, and until the French chambers have approved of the supplementary treaty. My view in that respect was that we properly hastened to give approval to the treaty last year, but we found that our French brethren were not able to proceed so rapidly. We think it is only proper that we should now await their action before asking the parliament of Canada to take further steps.

INCORPORATION OF THE ROYAL GUARDIANS.

Mr. RIVET. I beg to move that Bill (No. 95) to incorporate the Royal Guardians be now considered. When this Bill was called last night during the first hour, on the request of the Minister of Public Works it was allowed to stand. I now move that it be considered, of course with the permission of the House.

Mr. FIELDING.

Sir WILFRID LAURIER. I am sorry tha we cannot agree to this motion; the rules of the House must be observed with regard to this Bill. There is strong objection taken to it, and without the unanimous consent we cannot proceed.

QUESTIONS.

HONORA DOCK, MANITOULIN ISLAND.

Mr. SMYTH—by Mr. Schaffner—asked:

1. What were the yearly receipts from the Honora dock, Manitoulin island, during its existence, reported by the wharfinger, and what was the tonnage yearly landed at the dock?

Hon. L. P. BRODEUR (Minister of Marine and Fisheries):

1. Yearly receipts: 1905-6, $19.61; 1906-7, $10.19; 1907-8, $22.94; 1908-9, $13.87. The Department of Marine and Fisheries has no record of the tonnage yearly landed at the dock.

SCHOOL LANDS IN PROVINCE OF ALBERTA.

Mr. McCARTHY—by Mr. Schaffner—asked:

1. What is the total area of school lands in the province of Alberta still undisposed of?
2. What is the total amount of the school fund at the present time?
3. What is the total amount of deferred payments on the sale of the said school lands?

Hon. FRANK OLIVER (Minister of the Interior):

1. Assuming the school lands to comprise one-eighteenth of the total area of the province, that is to say two sections out of thirty-six, the area of school lands still unsold would be approximately 8,312,000 acres.

2. The amount in the Alberta school fund was on March 31, 1909, $506,581.28. (This is subject to revision on the final adjustment of the revenue for the fiscal year ending March 31, 1909).

3. The total amount of deferred payments on March 31 last was $1,168,523.17. (This amount also is subject to revision on the final adjustment of the revenue for the past fiscal year).

DREDGING AT LITTLE CURRENT.

Mr. SMYTH asked:

1. What dredging work was done in the channel at Little Current abreast of Picnic islands, in the Georgian bay, during the season of 1907 and 1908, to what depth was channel deepened, and did the dredging result in the whole channel being made of a uniform depth? If so, to what uniform depth was the channel deepened?

2. What is the depth of the channel at Little Current, and west of Picnic island, respectively?

3. What amount was expended upon this work during the season of 1907 and 1908, and who were the contractors?

4. Is it the intention of the department to complete the dredging of this channel so as to make it uniform depth?

5. At what date in 1908 was the dredging work commenced, was it so commenced before an inspector was appointed, and who was such inspector?

6. Was there any report by the captain of the dredge of rock taken out in the absence of the inspector?

7. For what period of time did drill No. 3 work on the new cut at the eastern entrance to the channel, what are the dates of the commencement and cessation of the work, and the amount of material excavated?

8. After cessation of the work upon the eastern entrance to the channel in 1908, where did the dredge go, what work did she do, for how long was she engaged in such subsequent work, and when did it cease?

9. What was the reason for the dismissal or resignation of Inspector May from the inspection of this work?

Hon. W. PUGSLEY (Minister of Public Works):

1. No dredging was done in the channel at Little Current, abreast of Picnic islands, in Georgian bay during the seasons of 1907 and 1908.

2. Depth of channel at Little Current to be 22 feet when completed. Depth of channel abreast of Picnic islands (minimum depth on small shoal) 14 feet and 9 inches; outside of this lump, depth varies from 15 feet and 9 inches to 18 feet.

3. In 1907:

Dredging, paid in		
1907-8	$149,274 15	
1908-9	8,946 65	
Inspection	630 00	
		$158,850 80
In 1908: Dredging	$203,661 84	
Inspection	468 44	
		$204,130 28

4. Yes.

5. Drilling commenced 23rd April, inspector was appointed 24th April and dredging commenced 27th April; name of inspector, John T. May, Little Current.

6. No.

7. Drill No. 3 commenced work on the new cut at eastern entrance to channel about October 5 and stopped on November 14; no material was excavated; about half the area was drilled.

8. Dredging at this place ceased for the season 14th November, 1908, after which dredge was laid up for the winter at Little Current.

9. Inspector May resigned on 22nd September, 1908, as personal affairs would not permit him to devote his entire attention to his duties as inspector of dredging.

ROOF OF NEW WING.

Mr. LENNOX. Mr. Speaker, I desire to inquire of the hon. Minister of Public Works (Mr. Pugsley) if it is the intention to utilize the roof of the new wing as a roof garden, or palm garden, or anything of the kind. There is an elevator up to it, but I do not know what the intention is.

Mr. PUGSLEY. There is no present intention to do so. The matter has not been considered.

Mr. LENNOX. It will be resorted to to some extent, I presume, and I desire to call the minister's attention to the fact that the iron railing around the roof is not sufficient to prevent children from falling over. It is loose in places in front. There will have to be something done if it is to be resorted to at all.

Mr. PUGSLEY. I will have the matter looked into.

SUPPLY—CONCURRENCE.

House proceeded to consider resolutions reported from Committee of Supply.

Steamship services between Canada and Mexico on the Atlantic and Pacific oceans, $100,000.

Mr. FOSTER. What is the present condition of the service provided for in that vote?

Sir WILFRID LAURIER. There are two lines, one on the Atlantic and one on the Pacific. The line on the Atlantic has done a very good business and its trade has been increasing. The line on the Pacific has not been such a success and the Mexican government have submitted to us that they will not renew their grants to that line. It is a question with us at present whether we should or should not renew our grant. We are not inclined to renew it.

PROROGATION.

Mr. SPEAKER. I have the honour to inform the House that I have received the following communication from the Secretary of His Excellency the Governor General:

Ottawa, 18th May. 1909.

Sir,—I am commanded by the Governor General to inform you that His Excellency will proceed to the Senate Chamber on the 19th instant at 3.30 p.m. for the purpose of proroguing the present session of parliament.

I have the honour to be, sir,

J. HANBURY WILLIAMS,
Colonel.

The Honourable
The Speaker of the
House of Commons.

YUKON ORDINANCES.

House went into committee to consider the following proposed resolution:

Resolved, that the ordinances of the 9th day of March, 1908, intituled: 'An Ordinance respecting the Hearing and Decision of Disputes in relation to Mining Lands in the Yukon Territory,' and the ordinance of the 17th day of September last, intituled: 'An Ordinance respecting the Imposition of a Tax upon Ale, Porter, Beer and Lager Beer, imported into the Yukon Territory,' which were passed upon their respective dates by the Governor in Council, under the authority of section 16 of the Yukon Act, being chapter 63, R.S.C., 1906, copies of which ordinances, as well as the necessary order in council in each case, have been laid before this House, are approved by this House, in accordance with the provisions of section 17 of said chapter 63.

Hon. FRANK OLIVER (Minister of the Interior). This resolution is in pursuance of the terms of the Yukon Act which, in the first place, gives power to the Governor in Council to pass ordinances for the peace, order and good government of the Yukon Territory, and then provides that these ordinances must be approved by parliament before the close of the succeeding session thereafter in order that they may continue to be valid. If these ordinances are not approved by parliament at this session they are thereby repealed. Two ordinances are here dealt with. One is a provision for taking care of mining cases that were before the courts at the passing of certain amendments to the Yukon Act so that the rights of litigants should not be prejudiced by the passing of the Act. The other ordinance is to provide for the levying of a local revenue tax on beer taken into the Yukon Territory. Inasmuch as this is a revenue derived entirely from the people of the Yukon Territory it is considered to be proper that it should form a part of the local revenues of that territory and should not be at the disposal of the Dominion.

Mr. SPROULE. You give the Yukon Council authority to impose a tax. Will that tax be imposed in addition to the inland revenue or customs taxes on imported liquor?

Mr. OLIVER. It is not the Yukon Council that imposes this tax. It is this parliament.

Mr. SPROULE. This parliament is not collecting the tax, it is the Yukon government that collects it. You might do the same thing with regard to Saskatchewan, Alberta, or any of the provinces.

Mr. OLIVER. The conditions in the Yukon are, of course, peculiar. A special tax is levied upon the people of the Yukon for the benefit of the Dominion treasury.

Mr. SPEAKER.

The royalty on gold does not exist in any other part of Canada.

Mr. SPROULE. Is there not a royalty on gold in British Columbia as well?

Mr. OLIVER. Certainly not. That is a recognition of special conditions in the Yukon, and this taxation is no more remarkable than the gold royalty. It is not imposed by authority of the Yukon Council. It is imposed in the first place by the Governor in Council on the recommendation of the Yukon Council and now we are asking parliament to sanction that action and to continue it in force.

Mr. SPROULE. Does not the Yukon Council pass the ordinances and you concur in them?

Mr. OLIVER. No, the Yukon Council simply made a recommendation, having no power to do it themselves they formally recommended to this government that this tax be levied and so the order in council was passed. We are now asking parliament to confirm the order which was passed.

Mr. SPROULE. Suppose that the council of the Northwest Territories, which is under the government the same as the council of the Yukon, desire to impose a similar tax on liquors coming into that country, how could you refuse them that right?

Sir WILFRID LAURIER. There is no council.

Mr. SPROULE. There is authority under the law to reorganize the territory outside of the organized provinces under a council.

Mr. WRIGHT. How does this apply to liquor produced in the Yukon Territory? Will it pay the inland revenue tax as well as the imported liquor? And what is the maximum increase allowed under the Act?

Mr. OLIVER. This ordinance states very plainly that it is a tax of 50 cents per gallon on all porter, beer and ale which may be imported into the territory.

Mr. SPROULE. What is the custom tax on the same porter, beer and ale imported into the territory?

Mr. OLIVER. I cannot answer off-hand. There is such a tax, and the revenue from it goes into the Dominion treasury. This is a surtax, the revenue from which goes into the territorial treasury.

Sir WILFRID LAURIER. This tax is a commercial tax. The people of the Yukon contribute to the Dominion revenue through the same taxes as other people do. But this is in the nature of an octroi. Hon. members know that, for instance, goods going into Paris——

Mr. FOSTER. This is an octroi imposed not at the gate of a city, but at the outside limit of a country.

Sir WILFRID LAURIER. Yes. But this is of the nature of an octroi, being a tax upon the importation into the Yukon besides the tax which goes into the Dominion treasury.

Mr. FOSTER. Do we understand that this is collected by the Dominion government, but does not go into the consolidated revenue fund?

Mr. OLIVER. It is a local tax which is authorized by the Dominion government but is collected by local officials for local purposes.

Mr. CROSBY. Does the Yukon Council have its officials at the border to collect this tax of 50 cents on every gallon of this liquor?

Mr. OLIVER. Yes.

Mr. FOSTER. It is not collected by the custom officials?

Mr. OLIVER. It may be that the custom officials act for the local government; that is, it might be possible that they do not duplicate the actual men at the border. But the collection is on behalf of the local government and will be paid over by the officials who collect it, whether they happen to be custom officers or others.

Mr. FOSTER. Who is at the cost of collecting?

Mr. OLIVER. The local government.

Mr. FOSTER. Then, this local government has the supervision of every gallon of this liquor which goes over the border?

Mr. OLIVER. Certainly.

Mr. FOSTER. They can refuse its entrance unless it pays an extra tax of 50 cents a gallon. They can hold it up at that point. They put on the tax and get the use of the proceeds?

Mr. OLIVER. That is all.

Mr. FOSTER. Then, take the case of liquor imported from, say, France or Germany, or liquor from the province of Ontario, whether of domestic manufacture or imported. That beer goes up to the border of the Yukon, an official meets it at the border and puts a tax of 50 cents upon it, no matter whether it is Labatt's beer or German beer?

Mr. OLIVER. No; in the case of beer, it is only beer that is imported into Canada, that has not paid the Canadian excise duties, on which this extra duty is imposed. But, in the case of spirituous liquors, upon which there is a similar tax of $2 a gallon, which has been in operation since 1904, even if they are of domestic production and have paid the Canadian excise duty, they must pay the extra tax.

Mr. FOSTER. Well, take the case of spirituous liquors imported by an Ontario or Quebec firm which is sent on to fill an order in Dawson. The Yukon official meets it and puts on a duty of $2 a gallon. He taxes it the same as if it were an importation direct to the Yukon from a foreign country?

Mr. OLIVER. Yes. That is the case in regard to spirituous liquors. But under the order we have now under consideration only malt liquors are affected.

Mr. FOSTER. Well, if malt liquor is imported by a Montreal or Toronto firm, entered and the duty paid, and later it is sent to fill an order in Dawson, does that come under this tax of 50 cents a gallon additional?

Mr. OLIVER. No. It is provided that this shall apply to porter, beer and ale imported into the territory but that such tax shall only apply to foreign products and not to Canadian or British products.

Mr. FOSTER. Very well; if it is imported from Germany by a house in Toronto or Montreal and is put into their stock and afterwards is sent to fill an order in Dawson, it pays?

Mr. OLIVER. Yes.

Mr. FOSTER. But if it is a Canadian or British product, it does not pay?

Mr. OLIVER. No.

Mr. SPROULE. If the importer paid the regular customs duty on importation, and a dispute arose between the Yukon Council and the individual and they would not allow him to bring the liquor in, what position would you be in with your dual law?

Mr. OLIVER. That question is settled before the liquor comes in; it is settled the same as the customs duty is settled, at the boundary.

Mr. SPROULE. But the customs duty is settled and the government impost has been satisfied, but some difficulty arises with the Yukon Council and they refuse to let him bring it in, notwithstanding he has paid for the right to bring it in.

Mr. OLIVER. No, he has no right to bring it into territory that is under the jurisdiction of the Yukon Council until he pays the extra tax for the benefit of the Yukon territory.

Mr. SPROULE. He has satisfied your customs collector.

Mr. OLIVER. He has satisfied one requirement by paying the customs duty, but he must satisfy the other before he can bring in the liquor.

Mr. CONGDON. Under the law, before seeking to import liquor, one must obtain a permit from the officer nominated for the purpose of issuing permits in the territory. To obtain that permit, he must specify the quantity and character of the liquor to be imported, and pay the fees shown on the permit. Until he obtains the permit he cannot import liquor.

Mr. FOSTER. It seems an irregular system and one that cannot last very long. We ought to have only one power which can impose and collect taxes. I think it would be much better to face the question as to how this problem should be met. If the Dominion government wishes the Yukon territory to have more revenues, and if the territory is agreeable, let the Dominion government impose a tax and collect it, and let the proceeds go into the consolidated revenue fund. Then, make an appropriation for the expenses of the Yukon government. That would be the more regular way, and you would avoid this imperium and imperio, this system of having the local power meet the trader and commercial man superior, in this one respect even to the Dominion authorities. It is a rather bad principle to perpetuate anyway. I know how it grew up, but it seems to me that as soon as possible a better method ought to be adopted.

Mr. OLIVER. I quite agree that it is an extraordinary procedure. But I do not wish the House to understand that this proposition is the result of the proceeding which has been in force for four or five years. But I quite agree that it is extraordinary, and the matter will be carefully considered for the future, so that we may get away from these anomalies.

Mr. FOSTER. An interesting question arises. Suppose the province of Prince Edward Island asks the Dominion government to do a friendly turn to itself. Prince Edward Island is practically under prohibition, and it might ask the Dominion government to go just one step further in the delegation of power; because if the Dominion government can delegate to the Yukon Council power to impose a 50-cent or a dollar tax, the question is whether a province could not put on what is absolutely a prohibitive tax. If that be so, then a province which, like Prince Edward, favours the prohibition of the liquor traffic, yet cannot go so far as to destroy its manufacture, might call upon the Dominion government to use that same power and impose such a tax as would amount to practical prohibition on any liquor going into that province.

Sir WILFRID LAURIER. My hon. friend has just observed that this is a great abuse of the practice, which ought not to be continued.

Mr. FOSTER. I do not see any inconsistency in that, because I am proposing to have this power done away with. But I have tried to point out a difficulty that might arise from some province asking an extension of that same power.

Mr. SPROULE. Can we delegate authority to provinces in this way, constitutionally?

Mr. PATERSON. This is not a province.

Sir WILFRID LAURIER. My hon. friend does not seem to appreciate the fact that this power is not delegated to a council, but it is exercised by ourselves; we have the control in our own hands. I do not think we could delegate such power to a province. The council of the Yukon is not free from our authority, it is our own creation; we can bring it into existence and we can end its existence at any time. But we could not do that with a province.

Mr. SPROULE. The Northwest Territorial government when organized stands in the same relationship. The Minister of the Interior says that we do delegate authority to collect. They appoint their own collector. We do not know whether our collector will collect or not. He may engage our collector to do the collection.

Resolution reported and agreed to.

WAYS AND MEANS—SUPPLY BILL.

House in Committee of Ways and Means.

Mr. FIELDING. The officials of the House have as usual collected the various items of the appropriations that have passed through their several stages, and have prepared resolutions representing the total amount of the appropriations, with a view to their being placed in the Supply Bill. I beg to move the following resolution:

Resolved, that towards making good the Supply granted to His Majesty on account of certain expenses of the public service for the financial year ending 31st March, 1909, the sum of $210,000 be granted out of the consolidated revenue fund of Canada.

Motion agreed to.

Mr. FIELDING. I beg to move the following resolution respecting the Supply of the current year:

Resolved, that towards making good the Supply granted to His Majesty for the financial year ending 31st March, 1910, the sum of $38,853,555.72 be granted out of the consolidated revenue fund of Canada.

Motion agreed to, and resolutions reported, read the second time and agreed to.

Mr. FIELDING moved for leave to introduce Bill (No. 195) for granting to His Majesty certain sums of money for the public service of Canada for the year ending 31st March, 1909, and the year ending 31st March, 1910.

Motion agreed to, and Bill read the first and second times, and House went into Committee thereon.

Mr. FIELDING. The Bill has been prepared by the law clerk, and is in the usual form. It affects the appropriations which parliament has already made.

On the question: Shall the Bill be reported?

Hon. GEO. E. FOSTER (North Toronto). Mr. Chairman, before you report the Bill, I have, unfortunately, not been able to see the papers which were laid on the table of the House by the Prime Minister until this moment and I do not exactly know the purport of them. What I wanted was to get, if possible, a little more explicit statement from the Prime Minister as to the policy that the government propose founded on the unanimous resolution of the House. That resolution was, in one sense, a somewhat indefinite resolution. It committed this House, by a unanimous decision, to hearty support of the principle of national defence. It went farther than that and affirmed the principle of uniting, in co-operation with the home government, as to the principles of empire defence and as to the methods upon which this was to be carried out. But, it left a wide margin open. There is a large number of people in the Dominion of Canada who are not quite satisfied with the way in which it was left. Whilst I think that nearly all are glad that parliament was able to come to a unanimous decision in so far as it went, so that there was no apparent dissent or discord as regards the resolution which passed, a very large proportion of the people of Canada felt that the attitude had not been assumed which they would desire Canada to take with reference to the present emergency. In the resolution the word 'speedy' was introduced. That is a relative word and the question that comes to the minds of a great many people in the country is two-fold. What will be the policy of the government as interpreting that resolution in reference to the word 'speedy.' What is to be done, is one question. How it is to be done and when it is to be done, is another question. Then, supervening upon that has come a proposal which seems now to have been accepted by all the overseas dominions for the holding of a defence conference. To what extent has the Dominion accepted the principle of that conference? Has anything been laid down as a principle upon which the conference was called and upon which it shall proceed in its deliberations? There is nothing in the estimates at all which have been provided by the government in the nature of help in an emergency which might come at a very near period. There are a great many people in this country, and I am one of them, who feel that it is not sufficient to simply pursue a course of sympathy with the empire in its defence and to merely pledge us in the future to accordant action in the way of sympathy and, it may be, in the way of actual help. The principle to which the House acceded, to which it bound itself, of preparing a naval defence more or less adequate for the country itself, is a principle which requires a great many years to carry out, is gradual in its application and, in case of any great emergency, would not fill the call which would be made for instant and effective action. In those respects the results has not been acceptable to a very large number of people in the Dominion of Canada who would press for something that could be applied more instantly and which would give a real and tangible assistance in case of an outbreak of hostilities and to strengthen the imperial defence even if those hostilities did not break out. I am quite sure that the people of Canada would like to hear a little more. They do not see these papers. They simply know that there is to be a conference. I quite know that the Prime Minister cannot give a very explicit statement of the action to be taken at the conference which is just now called and which is to confer upon these matters, but the Prime Minister may be disposed to give a little fuller expression than he has given for the information of the country. I have not had time to look over the resolution, but the Prime Minister knows it.

Right Hon. Sir WILFRID LAURIER (Prime Minister). I am aware, Mr. Chairman, that the resolution which was adopted by the House of Commons on the 29th of March last did not give satisfaction to a certain section of Canadian public opinion. The more advanced section of public opinion, of which my hon. friend says he is one, require that we should give immediately a money contribution to the United Kingdom for the purpose of strengthening the navy. I think that is the fairest way of putting it. If we were to respond to that section of public opinion we would be expected to do what has been done by New Zealand in the way of sending a Dreadnought, or something of that kind. My hon. friend told us, in the speech which he delivered on the 29th of March, that that would be the course which he personally would have us adopt. I did not agree with him as to that. I did not take that view. I quite realize that Canada has reached the period in its his-

tory when, as a nation and as a part of the British empire we should acknowledge the fact squarely and prepare, as far as we can, for our own defence and that we should make all adequate preparation to that effect. I am not prepared to say to what extent we should go. After the resolution was passed in the House of Commons on the 29th of March we thought the best way to give effect to the resolution which required speedy action was that we should concur immediately with the admiralty in Great Britain. I do not think it would be wise for us to take isolated action.

Mr. FOSTER. The resolution forbade that really.

Sir WILFRID LAURIER. I am not prepared to say that we should go in and construct our navy apart from the imperial navy. It would be very unwise that we should take any isolated action without conference with the admiralty so that our action should be in accordance with a plan laid down and approved by the admiralty. For that purpose we were prepared to send my hon. friend the Minister of Militia and Defence (Sir Frederick Borden) and my hon. friend the Minister of Marine and Fisheries (Mr. Brodeur) over to confer with the admiralty. At that stage, however, we received a despatch from the colonial office stating that the Prime Minister thought it advisable to suggest that there should be a subsidiary conference on the lines laid down by the resolution of the conference of 1907. My hon. friend will remember that the conference of 1907 decided that an imperial conference should be held in London every four years and that as often as might be needed a subsidiary conference might be called by the Prime Minister of Great Britain. We were asked our view as to that and our answer is contained in this despatch from Earl Grey to Lord Crewe:

Ottawa, 3rd May, 1909.

My ministers have not sufficient information to warrant them in advising as to the necessity of such a formal conference in advance of the conference of 1911. The views of the Canadian House of Commons on the question of naval defence have already been expressed. In pursuance of the resolution of that body, two of the ministers, as already announced, will shortly go to London to discuss with the admiralty the best method of carrying out that resolution. Their visit will probably take place in June, but there will be no objection to postponing it until July if the imperial authorities prefer such delay.

To this we received the following answer in a dispatch from Lord Crewe to Earl Grey:

May 12, 1909.

Your telegram of the 5th of May, I desire in name of Prime Minister and of His Majesty's government to express their gratification at readiness of Dominion government to take part in conference.

I hope that as result of communications now proceeding it will be possible shortly to fix definitely date for its meeting convenient to all governments.

As I said, on the receipt of this dispatch from the colonial office stating that the Prime Minister of the mother country thought it advisable to call a conference to take place on this subject in July, we at once said: We are not prepared to say whether or not this is advisable, but we are prepared to postpone the visit of the Canadian ministers which was to take place in June, until July. That is the position in which the matter now rests.

Mr. FOSTER. As I understand the Prime Minister accepted the interpretation of the last dispatch and by accepting that interpretation accepted the principle of a conference and this government will take part in it.

Sir WILFRID LAURIER. Yes, we will take part in the conference. That will not at all militate against our conferring for the defences of Canada.

Mr. FOSTER. Does the minister propose, now that the conference is more formal and wider in its scope, to send any others than the two ministers whose names were mentioned before?

Sir WILFRID LAURIER. We have not considered that.

Mr. MONK. Will the two ministers who will represent the country at this conference have power to make any binding agreement or just to discuss proposals which will only become effective after having been laid before parliament and discussed?

Sir WILFRID LAURIER. The answer to that is that under the terms of the resolution of the Imperial Conference under which these subsidiary conferences will be called no binding resolutions can be passed. Nothing can be passed which is binding on any government taking part. The power of the conference is simply consultative and advisory and they have to report to their respective governments.

Bill reported, read the third time, and passed.

CRIMINAL CODE AMENDMENTS.

Mr. AYLESWORTH moved that the House concur in the amendments made by

the Senate to Bill (No. 148) to amend the Criminal Code. He said: The amendments made by the Senate to this Bill consist in striking out some five different provisions which were contained in it as it passed this House. These provisions do not affect the remainder of the Bill, and the Senate has not seen fit to agree to these clauses. In these circumstances the position is simply that of a Bill passed by this House which the Senate has rejected. The remainder of the Bill having the concurrence of both Houses may properly become law without being affected by these amendments. I therefore move that this House concur in the amendments made by the Senate.

Mr. FOSTER. What are the amendments?

Mr. AYLESWORTH. The amendments which they make are to strike out altogether the clause which this House had inserted in regard to the prohibition of prize fights. That will leave the existing law as it was before the amendment was proposed. The next amendment is not very material. It substitutes the word 'skullcracker' for the plural 'skullcrackers.' The third strikes out the clause which this House has inserted, making it an indictable offence to be an inmate or habitual frequenter of a common bawdy house. The existing law creates that offence and makes it punishable upon summary conviction. The fourth amendment strikes out the clause which this House had added to the law, putting upon the person in possession of gold or silver-bearing quartz the burden of showing that he had become possessed of it lawfully. So that the law in that regard will be left as it is at present, although there is an amendment which the Senate has not interfered with widening the definition of quartz or ore bearing precious metals. The next amendment strikes out altogether the clause which this House had inserted with regard to the unlawful selling or dealing in pirated musical compositions, and also the additional amendment in regard to dealing in pirated dramatic compositions, which this House had inserted upon the motion of the hon. member for South Simcoe (Mr. Lennox). The final amendment strikes out a reference in a subsequent section to the new clause which this House had inserted, making it an indictable offence to be an inmate or habitual frequenter of a common bawdy house. The remaining clauses of the Bill are agreed to by the Senate.

Amendments read the first time and the second time and agreed to.

At one o'clock House took recess.

House resumed at 3.15 o'clock.

PROROGATION.

A message from His Excellency the Governor General by the Gentleman Usher of the Black Rod:

Mr. Speaker,—His Excellency the Governor General desires the immediate attendance of this House in the Chamber of the hon. the Senate.

Accordingly Mr. Speaker, with the House, went up to the Senate Chamber.

In the Senate Chamber, His Excellency the Governor General was pleased to give in His Majesty's name, the Royal Assent to the following Bills:

An Act to incorporate the Canadian, Liverpool and Western Railway Company.

An Act respecting the Niagara-Welland Power Company.

An Act respecting the Tilsonburg, Lake Erie and Pacific Railway Company.

An Act to incorporate the British Colonial Fire Insurance Company.

An Act for the relief of Victor Eccles Blackhall.

An Act for the relief of Annie Louisa Coltman.

An Act respecting the Ottawa Fire Insurance Company, and to change its name to Ottawa Assurance Company

An Act respecting the Anglo-Canadian Bank.

An Act to incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.

An Act respecting the Subsidy from the Ontario Government to the Lake Superior Branch of the Grand Trunk Pacific Railway.

An Act to prevent the payment or acceptance of illicit or secret commissions, and other like practices.

An Act to incorporate the Victoria and Barkley Sound Railway Company.

An Act to incorporate the Prince Albert and Hudson Bay Railway Company.

An Act to incorporate the Fort Erie and Buffalo Bridge Company.

An Act respecting a patent of Thomas L. Smith.

An Act respecting the Cedars Rapids Manufacturing and Power Company.

An Act for the relief of Isaac Moore.

An Act for the relief of Charles Bowerbank Lowndes.

An Act for the relief of Mildred Gwendolyn Platt Patterson.

An Act for the relief of Frank Parsons.

An Act for the relief of Evelyn Martha Keller.

An Act to incorporate the Canadian Medical Association.

An Act respecting the Joliette and Lake Manuan Colonization Railway Company.

An Act for the relief of John Grant Ridout.

An Act to incorporate the Kootenay and Alberta Railway Company.

An Act respecting certain letters patent of Franklin Montgomery Gray.

An Act respecting the Quinze and Blanche River Railway Company.

An Act respecting the Windsor, Essex and Lake Shore Rapid Railway Company.
An Act respecting the Cobalt Range Railway Company.
An Act respecting the Canadian Northern Ontario Railway Company.
An Act respecting the Kettle River Valley Railway Company.
An Act respecting the British Columbia Southern Railway Company.
An Act to create a Department of External Affairs.
An Act respecting the Athabaska Northern Railway Company.
An Act respecting the Canadian Northern Quebec Railway Company.
An Act respecting the Ottawa, Northern and Western Railway Company.
An Act to incorporate 'La Compagnie du Chemin de fer International de Rimouski.'
An Act to incorporate the Great West Permanent Loan Company.
An Act respecting the Ontario, Hudson Bay and Western Railway Company.
An Act respecting the Algoma Central and Hudson Bay Railway Company.
An Act respecting certain Letters Patent of the American Bar Lock Company.
An Act respecting the Manitoba Radial Railway Company.
An Act respecting the Quebec Oriental Railway Company.
An Act respecting the Grand Trunk Pacific Branch Lines Company.
An Act to incorporate the Commercial Casualty and Surety Company of Canada.
An Act to incorporate the London and Northwestern Railway Company.
An Act to incorporate the Arnprior and Pontiac Railway Company.
An Act to incorporate the Cabano Railway Company.
An Act to amend the Canada Shipping Act.
An Act to amend the Act relating to Ocean Steamship Subsidies.
An Act respecting the National Transcontinental Railway.
An Act to amend the Yukon Act.
An Act to incorporate The Governing Council of the Salvation Army in Canada.
An Act for the relief of Hannah Ella Tomkins.
An Act for the relief of John Denison Smith.
An Act to incorporate the Superior and Western Ontario Railway Company.
An Act respecting the Kootenay and Arrowhead Railway Company.
An Act to amend the Extradition Act.
An Act to amend the Customs Tariff, 1907.
An Act to incorporate the Canadian Red Cross Society.
An Act respecting the Manitoba and Northwestern Railway Company of Canada.
An Act respecting a patent of the Submarine Company.
An Act to authorize a loan to the Grand Trunk Pacific Railway Company.
An Act to incorporate the Prudential Trust Company, Limited.
An Act respecting the Canada Life Assurance Company.
An Act respecting the Thessalon and Northern Railway Company.
An Act respecting the Bank of Winnipeg.
An Act respecting the Royal Victoria Life Insurance Company, and to change its name to the Royal Victoria Life Insurance Company of Canada.
An Act respecting the Patents of Washington McCloy.
An Act for the relief of Fleetwood Howard Ward.
An Act for the relief of Aaron William Morley Campbell.
An Act for the relief of John C. Cowan.
An Act for the relief of Laura McQuoid.
An Act respecting Mexican Transportation Company, Limited, and to change its name to Mexico Northwestern Railway Company.
An Act respecting the Quebec and New Brunswick Railway Company.
An Act respecting the Brockville, Westport and Northwestern Railway Company.
An Act for the relief of John Wake.
An Act respecting the Monarch Fire Insurance Company.
An Act to incorporate the Ontario and Michigan Power Company.
An Act to amend the Post Office Act.
An Act to amend the Civil Service Act.
An Act to establish a Commission for the Conservation of Natural Resources.
An Act to incorporate The Prairie Provinces Trust Company.
An Act to incorporate the Equity Fire Insurance Company of Canada.
An Act respecting the Central Railway Company of Canada.
An Act to incorporate The Board of Elders of the Canadian District of the Moravian Church in America.
An Act to incorporate the Catholic Church Extension Society of Canada.
An Act respecting Agricultural Fertilizers.
An Act respecting Commercial Feeding Stuffs.
An Act to incorporate the British Canadian Accident Insurance Company.
An Act respecting the Prudential Life Insurance Company of Canada, and to change its name to The Security Life Insurance Company of Canada.
An Act further to amend chapter 92 of the Statutes of 1901, respecting the Canadian Patriotic Fund Association.
An Act to amend the Government Annuities Act, 1908.
An Act to incorporate the St. Maurice and Eastern Railway Company.
An Act to amend the Government Harbours and Piers Act.
An Act respecting the Harbour Commissioners of Montreal.
An Act to amend the Cold Storage Act.
An Act respecting the Fidelity Life Insurance Company of Canada.
An Act to incorporate Commerce Insurance Company.
An Act respecting the National Accident and Guarantee Company of Canada.
An Act to amend the Intercolonial and Prince Edward Island Railways Employees' Provident Fund Act.
An Act to amend the Navigable Waters Protection Act.
An Act respecting the Montreal Bridge and Terminal Company, and to change its name to 'The Montreal Central Terminal Company.'
An Act respecting the Department of Labour.
An Act to amend the Exchequer Court Act.
An Act to correct a clerical error in chapter

63 of the Statutes of 1908, respecting railway subsidies.

An Act respecting certain aid for the extension of the Canadian Northern Railway.

An Act to provide for further advances to the Harbour Commissioners of Montreal.

An Act to authorize the raising, by way of loan, of certain sums of money for the public service.

An Act to amend the Judges' Act.

An Act for the relief of Annie Bowden.

An Act to amend the Railway Act.

An Act to authorize certain increases of salary to members of the Civil Service, Inside Service.

An Act to amend the Criminal Code.

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 having 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 respectively the 31st March, 1909, and the 31st March, 1910.

to which Bill I humbly request Your Excellency's assent.'

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say:—

'In 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 Eleventh Parliament of the Dominion with the following

SPEECH:

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

In relieving you from further attendance on this session, I thank you for the assiduity and diligence which you have given to the discharge of the duties entrusted to your care, and it must be a source of satisfaction to yourselves that you have been able to perform your labours in a comparatively brief space of time.

I am pleased to notice that your attention has been engaged in some measures of great importance.

In the first rank of such measures is to be noted the amendment of the Railway Act, under which by the joint action of the national government, provincial and municipal authorities, together with the railway companies, level railway crossings are to be gradually removed, and a constant menace to life and property thereby effectually done away with.

The loan of ten million dollars to the Grand Trunk Pacific Railway Company, will no doubt ensure the completion, during the coming season, of the prairie section of the National Transcontinental Railway, and will secure to the fast developing western provinces for this year's crop, a new and competitive outlet towards the sea.

The Act to place the Department of Labour, which has been in existence for some years, under the direct responsibility of a minister of the Crown, exclusively entrusted with its management, is in accordance with the oft-expressed wishes of labour organizations, and is a further step in a field of legislation wherein Canada has already taken a not unimportant place.

The Act charging the Secretary of State with special responsibility in regard to the External Affairs of Canada will facilitate the transaction of business in connection with that most important branch of the public service.

The resolution adopted by the House of Commons for the organization of a Canadian naval service, in co-operation with and in close relation to the imperial navy, is a proper acknowledgment of the duties now appertaining to Canada as a nation, and as a member of the British empire.

The financial conditions throughout the world seem to be more hopeful than they were four months ago when I opened this session, and whilst in Canada we have undoubtedly suffered less than other countries during this period of universal depression, it will still be the part of prudence to exercise care and economy in all branches of the service.

Gentlemen of the House of Commons:

I thank you for the provisions which you have made for the public service.

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

I sincerely hope and pray that Almighty God will continue to pour His blessings upon our country, and let us now offer Him the fervent expression of our gratitude for the signal favours which we have received from Him.

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 Monday, the 28th day of June, next, to be here holden, and this parliament is accordingly prorogued until the 28th day of June next.

INDEX

FIRST SESSION—ELEVENTH PARLIAMENT, 1909.

Abbreviations of well known words and Parliamentary expressions are used in the following:—1°, 2°, First Reading, Second Reading, Third Reading; 3 m. h., 6 m. h., 6 w. h., Three Months' Hoist, Six Months' Hoist, Six Weeks' Hoist; *, without remarks or debate; Accts., Accounts; Adjn., Adjourn; Adjd., Adjourned; Amt., Amendment; Amts., Amendments; Amalg., Amalgamation; Ans., Answer; Ass., Assurance; B., Bill; B.C., British Columbia; Can., Canada or Canadian; C.P.R., Canadian Pacific Railway; Com., Committee; Co., Company; Conc., Concur, Concurred, Concurrence; Consd., Consider; Consdn., Consideration; Cor., Correspondence; Deb., Debate; Dept., Department; Depts., Departments; Div., Division; Dom., Dominion; Govt., Government; His Ex., His Excellency the Governor General Hse., House; H. of C., House of Commons; Incorp., Incorporation; Ins., Insurance; I.C.R., Intercolonial Railway; Man., Manitoba; Mess., Message; M., Motion; m., moved; Neg., Negatived; N.B., New Brunswick; N.W.T., North-west Territories; N.S., Nova Scotia; O.C., Order in Council; Ont., Ontario; P.E.I., Prince Edward Island; P.O., Post Office; Par., Paragraph; Prop., Proposed; Q., Quebec; Ques-Question; Recom., Recommit; Ref., Refer, Referred, Reference; Rep., Report, Reported; Reps., Reports; Res., Resolution; Ret., Return; Ry., Railway; Rys., Railways; Sel., Select; Sen., Senate; Sp., Special; Stmnt., Statement; Sup., Supply; Suppl., Supplement, Supplementary; Wthdn., Withdrawn Wthdrl., Withdrawal; Y.N., Yeas and Nays; Names in Italics and parentheses are those of the mover.

AMES, Mr. H. B., *Montreal, St. Antoine.*

Assets of Canada in detail on December 31, 1908 (M. for ret.*) 172 (i).

Budget, The, 4663 (iii).

Budget Speech, 1898, Statement *re* Finances, (M. for ret.*), 173 (i).

—— Inquiry for Stmnt., 1321 (i).

Canada Eastern Ry., Original Price, Value, Amount expended for Repair (Ques.) 2149, 2579 (ii).

—— Corrected Answer (remarks) 3364 (ii).

Chicoutimi Pier, Specifications *re* Contract with T. Desbiens, &c. (M. for copies*) 2161. (ii).

Commissions to Bank of Montreal *re* debt (remarks) in Com. of Sup., 399 (i).

Deferred Elections, on prop. Res. (Mr. Burrell) Ques. of Order, 2868 (ii).

Dom. Lands, Expenditures charged to Capital Account (M. for ret.*) 173 (i).

Dominion 4 per cent Loan, Amount of Sinking Fund (Ques.) 545 (i).

Dominion Loans, Amount redeemable, &c. (Ques.) 545 (i).

See 'Loans.'

France and Canada Ocean SS. Subsidy B. 146 (Mr. Brodeur) in Com., 5223 (iv).

Funded Debt, Redeemable, Total Sinking Fund (Ques.) 342 (i).

Gaspé-Perce Mail Contract, Expiration of (Ques.) 2596 (ii).

'Glimpses of Northeastern Canada,' Number of Copies circulated, Payments *re* &c. (Ques.) 4640 (iii).

AMES, Mr. H. B.—Con.

Govt. Credit, Cash on deposit, &c. (M. for ret.*) 173 (i).

Govt. Temporary Loans, Liabilities between April, 1907, to Dec., 1908 (M. for ret.*) 172 (i).

—— Inquiry for, 4119 (iii).

G. T. P., Branch Lines, Plans *re* Orillia Branch (Ques.) 1077 (i).

—— Contracts for North Bay Sections, Estimated Cost per mile &c. (Ques.) 819 (i).

—— Guarantee *re* Loan, &c., Security (remarks) 3258 (ii).

G. T. P. Loan B. 128 (Mr. Fielding) in Com., on Res., 3578 (ii); on prop. Res. (Mr. Fielding) 4052; on M. for 2°, 5120; in Com., 5190; on M. for 3°, (amt.) 5593 (iii).

G.T.P. Ry., Commissioners' Revised Stmnt. as to Cost (Ques.) 1056 (i).

Harbour Commissioners of Mostreal, Interest, Loans, &c. (M. for cor.*) 1734 (i).

Homestead and Pre-emptions, Total Acreage sold, Moneys received, &c. (Ques.) 482 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6170 (iv).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6704 (iv).

I. C. R. and P. E. I. Rys., Earnings and Expenditures for Oct. 1907 and the year 1908 (Ques.) 1415 (i).

I. C. R. and P. E. I. Rys., Items in Public Accounts, &c. (M. for ret.*) 173 (i).

AMES, Mr. H. B.—*Con.*

James Bay and Labrador, Exploratory Party, &c. (Ques.) 4696 (iii).

Liabilities, Contingent or Nominal, on 1st Jan., 1909 (M .for ret.*) 173 (i).

Loans of Jan., 1909, Expenditure *re* &c., (Ques.) 2596 (ii).

Loan of Dec., 1907, &c., Sums available for Public Works, &c. (Ques.) 669 (i).

Loans, Interest on Temporary, for 12 and three-quarter years (Ques.) 4898 (iii).

Loans of Dec., 1907, and Oct., 1908, Information *re* (Ques.) 1075 (i).

See 'Dom. Loans.'

Militia and Defence, Expenditures *re* Capital Account since 1895 (M. for ret.*) 158 (i).

Montcalm Electoral District, Votes polled, Spoiled Ballots, &c. (M. for ret.*) 2597 (ii).

Montreal Bridge and Terminal Co.'s B. 180 (Mr. Ecrement) in Com., 6629 (iv).

Montreal Harbour Dues, Increase of, Interest due Govt., &c. (Ques.) 1416 (i).

National Trans. Ry., Loans *re* Construction, Eastern Division, Rates of Interest, &c. (Ques.) 679 (i).

Natural Resources B. 159 (Mr. Fisher) in Com., 6382 (iv).

Natural Resources, Conservation Commission, on prop. Res. (Mr. Fisher) 6374 (iv).

Pneumatic Tubes, Montreal, Quantity and Value of Purchase, &c. (Ques.) 1068 (i).

Preston, W. T. R., Emplymt. by Govt., Transfer, &c. (Ques.) 3991 (ii).

—— Transfer to Holland (remarks) in Com. of Sup., 6657 (iv).

Public Works, Hours of Labour B. 35 (Mr. Verville) on M. to dschg. from Order Paper, 4990 (iii).

Ry. Subsidy, C. 40, Edward VII., Reps. *re* Payment of (M. for copy*) 2161 (ii).

Returns, Inquiry for, 1718 (i).

Revenue Details *re* amount of $699,235.52 in November, 1908 (M. for ret.*) 158 (i).

Rivière du Moulin Pier, Pets. Reps., &c., *re* Contract (M. for copies*) 2161 (ii).

Royal Canadian Accident Insurance Co.'s incorp. (B. 63) 1°*, 1116 (i); on Senate Amts., 6788 (iv).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1131 (i).

S. A. Land Grants to Teachers, &c. (Ques.) 3986 (ii).

SUPPLY—

Canals—Lachine (wharfs and basins) 788 (i).

Charges of Management, 399 (i).

Civil Govt.—Civil Service Commission (salaries) 386; Railways (consulting engineer) 386; Sec. of State (salaries) 459 (i).

Indians—B.C. (destitute) 1140; (schools) 1141 (i).

AMES, Mr. H. B.—*Con.*

SUPPLY—*Con.*

Labour Dept. (industrial disputes) 655 (i).

Mail Subsidies and SS. Subventions (Canada and New Zealand) 6651; (contingent fund) 6655; (Gaspé) 6651; (Halifax and Nfld.) 6651; (Magdalen Islands) 6652; (P.E.I. and C.B. and Nfld.) 6652; (Prince Rupert, B.C. and Jedway) 6652; (Quebec and Blanc Sablon) 6653; (Victoria, &c., and Skagway) 6654 (v).

Militia (supplies) 6664 (iv).

Public Works—Buildings—Alberta (Strathcona) 3224 (ii).

Public Works—Buildings—B.C. (Nanaimo) 3224 (ii).

Public Works—Buildings—N.B. (Grosse Isle) 3211 (ii).

Public Works—Buildings—N.S. (Bridgewater) 1283; (Halifax) 1289; (New Glasgow) 1291 (i).

Public Works—Buildings—Ont. (Kingston R.M.C.) 1512 (i).

Public Works—Buildings—Ottawa (additional wing) 1253; (museum) 1275; (peat testing) 1502; (Royal Mint) 1271 (i).

Public Works—Buildings—Que. (Cookshire) 1293 (i); (detention hospital) 3221 (ii); (Joliette) 1293; (Knowlton) 1301; (Montreal P. O., enlargement) 1316 (i); (Montreal, examining warehouse) 3211 (ii); (Montreal, postal station) 1306; (St. Johns) 1317; (Sherbrooke drill hall) 1317 (i); (Sherbrooke) 3222 (ii); (Three Rivers) 1318 (i).

Public Works—(contingencies) 3672 (ii).

Public Works—Harbours and Rivers—N. S. (Annapolis ice piers) 2344; (Bay St. Lawrence) 2455; (Blue Rocks) 2455; (Breton Cove) 2456; (Cow Bay) 2466; (Middle River) 2477; (South Lake, Lakevale) 2480 (ii).

Public Works—Harbours and Rivers—Que. (Anse a la Barbe) 2513; (Anse l'Ilot) 2513; (Batiscan) 3276; (Bonaventure river) 2559; (Bonaventure) 2477; (Chicoutimi) 2523; (Clarke City) 2527, 2540; (Doucet's Landing) 2545; (Douglastown) 2546; (Father Point) 2548; (Gaspé) 2550; (Lake St. John) 2556; (Laprairie ice piers) 2900; (Magdalen Islands) 2557; (Mistook) 2557; (Nicolet) 3246; (repairs) 2554; (Richelieu river) 2559; (Rimouski) 2557; (St. Alphonse de Bagotville) 2900; (Ste. Anne des Monts) 3288; (St. Francis du Lac) 3285; (Ste. Fulgence) 2906 (ii); (St. Jean des Chaillons) 2906; (St. Maurice) 2900; (St. Michel, Yamaska) 3262; (St. Nicholas) 2908; (Saguenay dredging) 2802, 2887; (Saguenay River) 3284; (Sorel) 3289; (Yamaska) 3291 (ii).

Trade and Commerce (annuities administration) 6660; (Chinese administration) 6655; (commercial agencies) 6657 (iv).

Ways and Means (sugar) in Com., 5101 (iii).

ARMSTRONG, Mr. J.E., *East Lambton.*

Agriculture Dept., Expenditure *re* Employees (Ques.) 2756 (ii).

Agricultural Fertilizers, B. 110 (Mr. Templeman) in Com., 4447 (iii).

Animals Contagious Diseases Act, Amt. B. 18 (Mr. Fisher) in Com., 754 (i).

ARMSTRONG, Mr. J. E.—*Con.*

Books entering Canada under British Preferential Tariff, &c. (Ques.) 2586 (ii).

Budget, The, 4910 (iii).

Canada-France S.S. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4440 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on Amt. (Mr. Lennox) 5460 (iii).

Civil Service Act (letter carriers) Amt. B. 137 (Mr. Lemieux) in Com., 6327 (iv).

Civil Service Salaries, in Com. on Res., 406 (i).

Cochrane Town Site, G. T. P., Interference *re* (Ques.) 2586 (ii).

Cold Storage Plant, Govt. Assistance to (Ques.) 2756 (ii).

Envelopes, Complaints *re* Mutilation of through Mail (Ques.) 349 (i).

Experimental Farms, Location in Canada, on prop. Res. (Mr. Lapointe) 1939 (i).

Free Mail Delivery in Cities, Names, Mail routes, &c. (Ques.) 2585 (ii).

French SS. Subsidy: *See* 'Canada,' &c.

Fruit Marks Act, Number of Inspectors, &c. (Ques.) 3477 (ii).

—— Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3376 (ii).

Grand Bend Dock, Approaches (Ques.) 2586 (ii).

G. T. P. Loan B. 128 (Mr. Fielding) in Com., 5255, 5329 (iii).

G. T. P., Resignation of Mr. Morse, Action of Govt. (Ques.) 345 (i).

Holstein Cattle at Experimental Farm, &c. (Ques.) 2756 (ii).

Mackey's Station Post Office, Complaints *re* Management (Ques.) 545 (i).

Mail and Stage Routes, Total Number of Miles, &c. (Ques.) 481, 813 (i).

Mail Boxes purchased and entered without Duty, Authority *re* (Ques.) 547 (i).

Mail Contracts expiring on April 1, 1909, Renewals, Tenders, &c. (M. for ret.*) 685.

—— Inquiry for Ret., 4801 (iii).

—— Renewals without tender in April, 1909, &c. (Ques.) 477 (i).

Oil, Gas, &c., Borings, Details of Expenditure of $35,000, Cor., &c. (M. for ret.*) 684 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5423, 5565 (iii).

Postoffice Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4249 (iii).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 741 (i).

Railway Commission Vacancy, Appmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2638 (ii).

ARMSTRONG, Mr. J. E.—*Con.*

Royal Mint, Coins manufactured, Sale and Purchase of Silver, &c. (M. for ret.*) 354 (i).

Rural Free Mail Delivery, on M. for Sup. 2774 (ii).

Rural Mail Routes, Location, &c. (Ques.) 347 (i).

Number of routes, &c. (Ques.) 6408 (iv).

Purchase of Boxes, Duty, &c. (Ques.) 179 (i).

—— Total Expenditure on Routes (Ques.) 677 (i).

St. Joseph Wharf Expenditure in 1908 (Ques.) 2586 (ii).

SUPPLY—

Adulteration of Food (fraudulent marking) 455 (i).

Arts, Agriculture, &c. (census, &c.) 696 (i); (live stock industry) 5871; (tobacco) 5881 (i).

Canals—Lachine (cement) 1566 (i).

Civil Govt.—Agriculture (salaries) 643; Civil Service Commission (salaries) 393, 705; Govt. Railways (salaries) 462; Finance (salaries) 384 (i); Mines (salaries) 3675; Post Office (contingencies) 726; (salaries) 721; Sec. of State (salaries) 461 (i).

Excise (methylated spirits) 448; (Stamps, &c.) 439 (i).

Inland Revenue (electric power export) 455 (i).

Post Office (inspectors' salaries) 1652; (rural delivery) 1714 (i).

Public Works—Buildings—Ont. (Glencoe) 1374; (Ottawa, peat testing) 1391 (i).

Public Works—Harbours and Rivers—Ont. (Au Sable) 3292; Que. (Doucet's Landing) 2546 (ii).

Weights and Measures (electric light inspection) 453 (i).

Telephone Rates in Canada, Control of by Govt. on prop. Res. (Mr. Lennox) 1788 (i).

Thedford, Arkona and Fort Frank Rural Mail Delivery, Delay in Establishing, &c. (Ques.) 476 (i).

Trade Relations with Germany, Improvements, &c. Total Exports, &c. (Ques.) 482 (i).

ARTHURS, Mr. J., *Parry Sound.*

Burks Falls, and Trout Creek Mail Routes, Contractor, Tenders, &c. (Ques.) 3193 (ii).

McKenzie, Mr. D., Resignation as Postmaster of Three Brooks, N.S., Apptmt. of a Successor (Ques.) 4640 (iii).

Magnetawan River Improvements, Amount expended, Estimated Cost, &c. (Ques.) 476 (i).

Natural Resources Conservation Commission, on prop. Res. (Mr. Fisher) 6378 (iv).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 4534 (iii).

Public Works Expenditure *re* Byng Inlet, &c. (Ques.) 1178 (i).

ARTHURS, Mr. J.—*Con.*

Quebracho Extract, Quantity imported, Pet. *re* Duty, (Ques.) 1178 (i).

SUPPLY—

Excise—(inspectors salaries, &c.) 436 (i).
Militia (annual drill) 2311 (ii).
Penitentiaries—Dorchester (supplies) 917; Generally (supplies) 894 (i).
Public Works—Buildings—Ont. (Glencoe) 1373 (i); Dredging—Dom. (vessels, repairs) 3338; Harbours and Rivers—Ont. (Lake Nipissing) 3308; (Little Current) 2973; (Maganatawan) 2981; (Monetteville) 3308 (ii).

Voters' Lists, Parry Sound, Cost of Revision, &c. (Ques.) 669 (i).

AYLESWORTH, Hon. A. B., (Minister of Justice) *North York.*

Bourke, Mr., Retirement of: *See* 'Miner, Bill.'

B. C. Penitentiary, Escape of Convict Bill Miner, Rep. *re* (Ans.) 350 (i).

Buell, Mr., Emplymt. by Govt. before Rv Commission (Ans.) 3252 (ii).

Canada Life Assurance Co.'s B. 56 (Mr Clarke) in Com., 3005 (ii).

C. P. R., Issue of New Stock, on M. (Mr. W. F. Maclean) to Com. of Sup., 1342 (i).

Coal Oil Explosions, Investigation *re* Deaths &c. (Ans.) 1057 (i).

Cobalt Lake, Disallowance of Act, on M. (Mr. Clarke) for Cor., 1750 (i).

Commissions, Secret or Illicit Payments Prevention (B. 31) 1° m., 325 (i).
See 'Secret,' &c.

Criminal Code Amt. (B. 148) 1° m., 463 (i); 2° m., 6383, 6391; in Com., 6756; on Senate amts., 7085 (iv).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 556; in Com., 567 (i).

Death Penalty Commutations, Number in the last 25 years (Ans.) 670 (i).

Ewart, Mr. J. S., Emplymt. *re* Hague Tribunal (remarks) in Com. of Sup., 7061 (iv).

——— Emplymt. re Newfoundland Fisheries (Ans.) 5630 (iii).

Exchequer Court Act (registrar) Amt. (B. 98) 1°m., 2127 (iii); in Com., 5340 (iii).

Exchequer Court Act (appeal) Amt. (B. 151) 1°m., 4695 (iii); in Com., 6744 (iv).

External Affairs Dept., on prop. Res. (Mr. Murphy) 1991 (i).

Extradition Act Amt. (B. 149) 1°*, 4634; in Com., 5236 (iii).

Florence Mining Co.'s Appeal *re* Ont. Legislation, on M. (Mr. Lennox) to Com. of Sup., 6935 (iii).

Graft and Secret Commissions: *See* 'Secret.'

AYLESWORTH, Hon. A. B.—*Con.*

Judges in Quebec now receiving Pensions, Date of Apptmts. (Ans.) 5634 (iii).

Judges of District and County Courts, Salaries (B. 193) prop. Res., 6122; in Com. on Res., 6769 (iv).
See 'Yukon.'

Kingston Penitentiary, Number of Prisoners, &c. (Ans.) 4226 (iii).

——— Tenders for Coal, &c. (Ans.) 4226 (iii).

——— Tenders *re* Potatoes (Ans.) 4227 (iii).

Lebel, Mr. Achille, Request *re* Pet. of Right, &c. (Ans.) 3253 (ii).

Man. County Court, Apptmt. of Judge (Ans.) 342 (i).

Miner, Bill, Escape from B.C. Penitentiary. Admission of Detectives (Ans.) 1183 (i).

——— Investigation *re*, on M. (Mr. J. D. Taylor) to Com. of Sup., 1820 (i).

——— (remarks) in Com. of Sup., 932 (i), 7046 (iv).

——— Letter *re* visit of Mr. A. D. McIntyre (Ans.) 2595 (ii).

——— on M. (Mr. J. D. Taylor) for Ret., 1192 (i).

——— Moneys received prior to escape (Ans.) 4899 (iii).

N.B. Supreme Court, Vacancies, &c. (remarks) 6687 (iv).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3128 (ii).
See 'Supply.'

New Westminster Penitentiary, Warden from 1876 to 1888, &c. (Ans.) 2769 (ii).

Ontario and Michigan Power Co.'s incorp. B 34 (Mr. Conmee) in Com., 4473 (iii); 5994 (iv).

Prisoners, Paroled or Pardoned, Cost of Ret (Ans.) 673 (i).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6213 (iv).

Railway Belt, B.C., Litigation between Dom. and B.C. (Ans.) 3043 (ii).

St. Vincent de Paul Penitentiary, Contract with J. G. Herous *re* Timber, &c. (Ans.) 6405 (iv).

——— Insufficient Number of Guards, &c. (Ans.) 1417 (i).

——— Manufacture of Furniture (Ans.) 673 (i).

Secret Commissions Prevention (B. 31) 1° m., 325; in Com., 1122, 1479 (i); Sen. Amts., 4412 (iii).

Street Car Traffic on Sundays and Dom Legislation (Ans.) 1415 (i).

SUPPLY—

Canal—Trent (Holland River) 1888 (i).
Civil Govt.—Justice (salaries) 440 (i).
Miscellaneous (Hague Tribunal) 7057 (iv).

AYLESWORTH, Hon. A. B.—*Con.*

SUPPLY—*Con.*

Penitentiaries—B.C. (salaries) 7046; Kingston (skis) 7057 (iv).

Usury Act, 1908, Prosecutions, Penalties, &c. (Ans.) 481 (i).

Waterways Treaty, Amendment by U.S. Senate, Ratification of by Govt. (Ans.) 4288 (iii).

Waterways and Boundaries Treaty and Welland Canal Construction (Ans.) 6292 (iv).

Wells, Judge, Absence with and without Leave (Ans.) 4898 (iii).

Yukon Act Amt. (B. 156) 1° m., 4882; in Com., 5235 (iii).

BARKER, Mr. S., *East Hamilton.*

Canadian, Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1685 (i).

Fisheries in B.C., Depletion of, on M. (Mr. J. D. Taylor) to Com. of Sup., 6504 (iv).

G.T.P. Loan Bill 128 (Mr. Fielding) on Amt. (Mr. Ames) to M. for 3°, 5602 (iii).

I.C.R. Branch Lines Extension, &c., on prop. Res. (Mr. Emmerson) 2169 (ii).

Ry. Commission Vacancy, on prop. Res. (Mr. Staples) Ques. of Order, 2662 (ii).

Ry. Level Crossing, Accident near Kingston (remarks) 255 (i).

SUPPLY—

Canals—Lachine (cement) 1568; St. Lawrence (district office) 1573; Soulanges (slope trimmings) 1571 (i).

Civil Govt.—Aud. Gen's Office (extra clerks) 3434 (ii).

Labour Dept.—Miscellaneous (opium conference) 3434 (ii).

Legislation—House of Commons (debates) 3437; (promotions) 3436; (voters' lists) 3436 (ii).

Lighthouse and Coast Service (Lime Kiln crossing) 3438 (ii).

Militia (R. M. College) 3423 (ii).

Post Office (rural mails) 3423 (ii).

Public Works—Harbours and Rivers—Que. (Clarke City) 2541 (ii).

Railways—I.C.R. (Aston, track scale) 3415; (working expenses) 3421; Miscellaneous (Quebec Bridge) 3421 (ii).

Winnipeg and Northwestern Ry. Co.'s B 29 (Mr. McCraney) in Com., 2141 (ii).

BARNARD, Mr. Geo. H., *Victoria, B.C.*

Address, The, 70 (i).

Banfield Creek Lifeboat, Cost, Wreck, &c. (Ques.) 1730 (i).

Bibbington, Thos., Cancellation of Pilotage Certificate (M. for cor.*) 3991 (ii).

B. C. Wharfs, Inquiry for Ret., 3004 (ii). *See* 'Wharfs.'

Deferred Elections, on prop. Res. (Mr. Burrell), 2874 (ii).

Esquimalt Garrison (remarks) in Com. of Sup., 2298 (ii).

BARNARD, Mr. Geo. H.—*Con.*

Esquimalt Naval Fortifications, Expenditure by Imp. Govt. (Ques.) 474 (i).

—— Maintenance by Imp. Govt. (Ques.) 349 (i).

Esquimalt Permanent Corps, Inspection, Total Cost (Ques.) 2764 (ii).

Indian Reserves Reduction, Cor., &c. (M. for copies*) 1734 (i).

Kingston Penitentiary, Revenue from Sales, &c. (M. for ret.*) 1190 (i).

—— Inquiry for Ret., 3255 (ii).

Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3537 (ii).

Pilotage Rates, Scale of Charges for B.C., &c. (Ques.) 3476 (iv).

Robertson, Thos., Suspension by Pilotage Board (remarks) on M. for Sup., 6855 (iv).

St. Joseph's Hospital for Mariners, B.C., Arrangements *re* (Ques.) 3197 (ii).

SUPPLY—

Arts, Agriculture, &c. (experimental farms) 5950 (iv).

Civil Govt.—Labour Dept. (Labour Gazette) 654 (i).

Civil Service Commission (salaries) 708 (i).

Indians—B.C. (surveys commission) 1145 (i)

Militia (salaries) 2298 (ii).

Ocean and River Service (Govt. steamers) 6673; (life saving records) 6675; (naval militia) 6683 (iv).

Penitentiaries—Generally (supplies) 909 (i).

Public Works—Buildings—B.C. (Prince Rupert quarantine) 2081; (Victoria immigration) 2081 (ii); Yukon (Commissioner's residence) 1594 (i).

Public Works—Harbours and Rivers—Man. (St. Andrew's rapids) 2098; Ont. (Victoria) 2117 (ii).

Public Works—Dredging (generally) 6534 (iv).

Trade Commissioner at Shanghai, Vacancy, Apptmt. (Ques.) 2320 (ii).

Victoria Harbour Improvements (remarks) in Com. of Sup., 2100 (ii).

Victoria Post Office, Pet. from Letter Carriers (remarks) in Com. of Sup., 1712 (i).

Warships discarded by G. B., Offer to Fisheries Protection Service (Ques.) 2379 (ii).

Wharfs in N. S., N. B. and B. C., Amount expended since 1906 (Ques.) 348 (i).

—— Particulars of Expenditures (M. for ret.*) 1190 (i).

See 'B. C.,' &c.

BARR, Mr. J., *Dufferin.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4448 (iii).

Band of 36th Regiment, Payments to (Ques.) 4892 (iii).

See 'Thirty-Sixth,' &c.

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4443 (iii).

BARR, Mr. J.—*Con.*

Canadian Medical Association incorp. B. 134 (Mr. Roche) in Com., 4842 (iii).

Civil Service Salaries, M. for Com. on Res., 321; in Com. on Res., 409 (i).

Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5216 (iii).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) in Com., Ques of Order, *re* irregular voting, 568 (i).

Customs Seizures for 1904-5-6-7-8, Number, Dates, Sale of, &c. (M. for ret.*) 826 (i).

—— Inquiry for Ret., 2773 (ii).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1953 (i).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1653 (i).

French SS. Line: *See* 'Canada,' &c.

Gabriel, Capt., Payment *re* Recruiting for 1908 (Ques.) 4893 (iii).

G. T. P. Lake Superior Branch Lines Subsidy B. 30 (Mr. Turriff) on M. for 2°, 667 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr.Conmee) in Com., 4529; 5384; 5568 (iii).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4252 (iii).

Public Health Bureau, Establishment of by Govt., on prop. Res. (Mr. Black) 1105 (i).

Ry Act. (level crossing) Amt. B. 106 (Mr. Graham) in Com. on Res., 2392 (ii).

Railway Act (telephone crossings) Amt. (B. 32) 1° m., 326; 2° m., 876 (i).

Rural Mail Boxes, Number delivered in Dufferin County (Ques.) 341 (i).

Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2798 (ii).

Seizures by Inland Revenue, Number for 1904-5-6-7-8, Dates, Amounts realized, &c. (M. for ret.*) 685 (i).

Senate, Abolition of, on proposed resolution, (Mr. Lancaster) 1461 (i).

Stork, W. W., Inspector of Animals, Details *re* Expenditures (Ques.) 6092 (iv).

Superior and Ontario Ry. Co.'s incor. B. 78 (Mr. Conmee) in Com., 3966 (ii).

SUPPLY—

(i);(cold storage) 3189 (ii); (exhibitions) (i); (cold storage) 3189 (ii); exhibitions) 727 (i); (experimental farms) 5955 (iv); (experimental farm, electric ry.) 3192 (ii); (live stock industry) 5842 (iii); (Year-Book) 702 (i).

Canals—Lachine (cement) 1567; (wharfs and basins) 791 (i).

Civil Govt.—Agriculture (salaries) 643; Customs (contingencies) 591; Post Office (contingencies) 725 (i).

Excise (inspectors, salaries) 436 (i).

Immigration (agents, &c.) 7026; (St. Boniface hospital) 7235 (iv).

BARR, Mr. J.—*Con.*

SUPPLY—*Con.*

Indians—B. C. (destitute) 1140; (schools) 1142 (i).

Indians—Ont. and Quebec (legal expenses) 994· (schools) 978 (i).

Indians—P.E.I. (medical attendance) 1000 (i).

Indians—Saskatchewan (farm implements) 1004 (i).

Penitentiaries—Kingston (supplies) 887 (i).

Public Works—Buildings—B.C. (Victoria immigration) 2083 (ii).

Public Works—Buildings—Dom. (engineers) 1619 (i).

Public Works—Buildings—Ont. (Glencoe) 1561; (Kingston Vet. hospital) 1534; (R. M. College) 1533 (i).

Public Works—Buildings—Ottawa (additional wing) 1259, 1270; (museum) 1275 (i); 3219 (ii); (telephones) 1607 (i).

Public Works—Harbours and Rivers—Ont. (Burlington piers) 2967; (Cobourg) 2963; Que. (Saguenay dredging) 2814 (ii).

Quarantine (generally) 3193 (ii).

Weights and Measures (electric light inspection) 453 (i).

Telephone Lines crossing Railways, Applications *re*, Refusals, &c. (Que.) 335 (i).

—— Number, &c. (M. for ret.*) 353 (i).

Thirty-sixth Regiment, Payments *re* Rental for Storage of Arms, &c. (Ques.) 4894 (iii). *See* ' Band.'

Towers in Dufferin County, Completion, &c. (Ques.) 341 (i).

BEATTIE, Mr. T., *London.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4457 (iii).

Bacon Curing Industry for 1907-8, Number of Hogs condemned, &c. (Ques.) 342 (i).

Hogs killed from Nov., 1907 to Nov., 1908, Condemnation of, &c. (M. for ret.*) 684 (i).

Judge, H. A., Emplymt. as Detective by Govt. (Ques.) 1399 (i).

London and Northwestern Ry. Co.'s incorp. (B. 102) 1°*, 2318; in Com., 3846; 3983 (ii).

Monarch Fire Insurance Co.'s (B. 82) 1°*, m. 1648 (i).

Naval Defence of Canada, Aid to G.B., on prop. Res. (Mr. Foster) 3534 (ii).

Silver Currency, coined in Canada for 1905-6-7-8, Profits, &c. (Ques.) 868 (i).

Street Car Traffic on Sundays, Dom. Legislation re (Ques.) 1414 (i).

SUPPLY—

Arts, Agriculture, &c. (experimental farms) 5951 (iv); (agricultural grants) 993; Penitentiaries—Generally (supplies) 893; Public Works—Buildings—Ont. (Glencoe) 1387 (i); Harbours and Rivers —Ont. (Rondeau harbour) 2979 (ii).

Zinc Discovery in Albermarle Twp., Bounty *re* (Ques.) 1077 (i).

BEAUPARLANT, Mr. A. M., *St. Hyacinthe.*

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 563 (i).

Death Penalty, Commutations, Number for the last 25 years (Ques.) 670 (i).

Naval Defence of Canada, Aid to G.B., on prop. Res. (Mr. Foster) 3559 (ii).

BELAND, Mr. H. S. *Beauce.*

Natural Resources Conservation Commission, on prop. Res. (Mr. Fisher) 6375 (iv).

Pulp and Paper produced in Can., Quantity exported to G.B. and U.S., (Ques.) 3048 (ii).

SUPPLY—

Public Works—Harbours and Rivers—Que. (Lake St. Francis) 2554 (ii).

BICKERDIKE, Mr. R., *Montreal, St. Lawrence.*

Criminal Code (wife beating, &c.) Amt. (B. 4) 1° m., 92; 2° m., 556; in Com., 567 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6166 (iv).

Ry. Act (level crossings) Act Amt. (B. 3) 1° m., 91 (i).

——— Remarks, 555 (i).

Smith, Thomas L., Patent Relief (B. 71) 1°*, 1318 (i); 3° m., 2578, 2950 (ii).

BLACK, Mr. J. B., *Hants.*

Dominion Atlantic Ry., Examination, &c. (remarks) in Com. of Sup., 2927 (ii).

——— Interview with Manager (remarks) 3003 (ii).

Fruit Marks Act, Regulations *re* Inspection on M. (Mr. Burrell) to Com. of Sup., 3397 (ii).

I.C.R. Branch Lines Extension, on prop. Res. (Mr. Emmerson) 2205 (ii).

Public Health Bureau, Establishment of by Govt. (prop. res.) 1081 (i).

SUPPLY—

Railways—I.C.R. (original construction) 2927 (ii).

Windsor, N.S., Post Office, Tenders *re* renovating, &c. (Ques.) 4288 (iii).

BLAIN, Mr. R., *Peel.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4467 (iii).

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 755 (i).

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4442 (iii).

Cigarette Prohibition Legislation, &c. (Ques.) 246 (i).

Disraeli Wharf (remarks) in Com. of Sup., 2357 (ii).

Fishery Regulation Treaty, &c. and Action of Ont. Govt. (remarks) 6531 (iv).

BLAIN, Mr. R.—*Con.*

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4421 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) in Com., 5270, 5493 (iii).

——— on M. for 3° (remarks) 5555 (iii).

Hog Tariff from U.S. to Canada, Increase of (Ques.) 821 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) on M. to rsm. adjnd. debate (remarks) 4414 (iii).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com. on Res., 6702; in Com. on B., 6704 (iv).

I. C. R., Frauds, Suspension of Officials (remarks) 2673 (ii).

Interior Officials, Dismissals, Charges, &c. (Ques.) 2380 (ii).

Mount Pleasant Post Office (remarks) in Com. of Sup., 3423 (ii).

N.B. Central Ry. Commission's Rep., Ques. of Privilege *re* Vote, 6409 (iv).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 4496, 5300 5308, 5352, 5410, 5559 (iii).

Ottawa Buildings, Payment of Taxes (remarks) in Com. of Sup., 1609 (i).

Port Credit, Customs Revenue, Superannuation of Collector, &c. (Ques.) 3049 (ii).

Port Credit Dredging (remarks) in Com. of Sup., 3329 (ii).

Post Offices in Peel County, Number, &c. (Ques.) 3046 (ii).

Prince Albert and Hudson Bay Ry Co.'s incorp. B. 62 (Mr. Neely) in Com., 2536 (ii).

Public Works Expenditures, Promises during elections (remarks) in Com. of Sup., 1357 (i).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2391 (ii); in Com., 6207, 6300 (iv).

Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2797 (ii).

Southern Central Pacific Ry. Co.'s B. 36 (Mr. W. McIntyre) on M. for 2°, 778 (i).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3982 (ii).

SUPPLY—

Adulteration of Food (fraudulent marking 456 (i).

Arts, Agricultural, &c. (census, &c.) 696 (i); (experimental farm electric ry.) 3193 (ii); Gold and Silver Marking Act) 809 (i); (live stock industry) 5834 (iii); (swine commission) 6984 (iv); (tobacco) 5881 (iii).

Canals—Lachine (cement) 1566 (i); St. Lawrence (District office) 1574 (i).

Civil Govt.—Agriculture (salaries) 648 (i); (experimental farm) 6982 (iv); Aud. Gen's Office (extra clerks) 3435 (ii); In-

BLAIN, Mr. R.—*Con.*

SUPPLY—*Con.*

terior (salaries) 6247 (iv); Sec. of State (salaries) 459 (i).
Dom. Lands (advertising) 6285 (iv).
Excise (methylated spirits) 449 (i).
Indians—B.C. (destitute) 1139 (i).
Mail Subsidies and SS. Subventions (Canada and S. Africa) 6651 (iv).
Militia (supplies) 6664 (iv).
Miscellaneous (maps) 3463 (ii); (patent medicines) 458 (i).
Ocean and River Service (Govt. steamers) 6670 (iv).
Penitentiaries—Generally (supplies) 892; St. Vincent de Paul (supplies) 915 (i).
Post Office (rural mails) 3423 (ii).
Public Works—Buildings—Dom. (rents) 1618 (i).
Public Works—Buildings—Generally (armouries) 1596 (i).
Public Works—Buildings—N.B. (Partridge Island water service) 3207 (ii).
Public Works—Buildings—N.S. (Bridgewater) 1287 (i).
Public Works—Buildings—Ont. (Belleville armoury) 1357; (Glencoe) 1367; (Markham) 1387; (Whitby) 1393, 1539 (i).
Public Works—Buildings—Ottawa (astronomical observatory) 621; (grounds) 1600; (peat testing) 1389; (telephones) 1609 (i), 3232 (ii).
Public Works—Buildings—Que. (Quebec citadel) 3213 (ii); (Sherbrooke drill hall) 1317 (i).
Public Works—Buildings—Yukon (commissioner's residence) 1592; (rents, &c.) 1621 (i).
Public Works—Harbours and Rivers—N.B. (Beaver) 1623; (Cape Bald) 1625; (Moncton) 1628; (St. John tributaries) 1637 (i).
Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2743; (Sandy Cove) 3236 (ii).
Public Works—Harbours and Rivers—Ont. (Blind River) 3292; (Collingwood) 3294; (Lake Nipissing) 3311; (Spanish River) 3328 (ii).
Public Works—Harbours and Rivers—P.E.I. (Tignish) 2510 (ii).
Public Works—Harbours and Rivers—Que. (Batiscan) 3276; (Clarke City) 2540; (Garthby) 2549; (Laprairie) 3287; (Rivière du Loup) 3284; (Ste. Anne des Monts) 3287; (Saguenay dredging) 2803, 2878 (ii).
Public Works—Telegraph Lines—Yukon (Ashcroft-Dawson) 3349 (ii).
Railways—I.C.R. (Windsor) 3421 (ii).
Railways—N.T.R. (surveys, &c.) 6936 (iv).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4160 (iii).

BLONDIN, Mr. P. E., *Champlain.*

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 223 (i).

St. Maurice and Eastern Ry. Co.'s incorp. (B. 176) on M. for 2°, 6083 (iv).

Stone, Broken and Rough for Marine Dept. Tenders, Contracts, Prices, &c. (Ques.) 2593 (ii).

BLONDIN, Mr. P. E.—*Con.*

SUPPLY—

Public Works—Harbours and Rivers—Que. (Clarke City) 2527; (Saguenay dredging) 2811, 2885 (ii).

Transcontinental Ry., La Tuque Yard, Site (Ques.) 6292 (iv).

BORDEN, Hon. Sir F. W., K.C.M.G., (Minister of Militia and Defence) *Kings, N.S.*

Algoma Rifles, 97th Reg., Removal from Sault Ste. Marie (Ans.) 1411 (i).

Annual Drill, Discontinuance, &c. (Ans.) 343 (i).

Armouries, supplied by Officers, Policy of Govt. (Ans.) 824 (i).

Armouries, Building, &c., on Inquiry for Ret., 2129, 3110, 3937 (ii).

Band of 36th Regiment, Payments to (Ans.) 4893 (iii).

Belleville Drill Hall, Land Site, Officers' Quarters, &c. (Ans.) 674, 818 (i).

Bisley Team, Use of Ross Rifle, &c. (Ans.) 5643 (iii).

Canadian Patriotic Fund (B. 175) 1°*, 5887 (iii); 2°*, in Com., and 3°*, 6739 (iv).

Dom. Arsenal, Quebec, Names of Bidders, Tenders *re* (Ans.) 3050 (ii).

Dominion Atlantic Ry., Examination (remarks) in Com. of Sup., 2927 (ii).

Eastern Townships Cavalry Brigade, Site for (Ans.) 5644 (iii).

Esquimalt Garrison (remarks) in Com. of Sup., 2299 (ii).

Esquimalt Naval Fortifications, Expenditure by Imp. Govt. (Ques.) 475 (i).

Esquimalt Permanent Corps, Inspection, Total Cost, &c. (Ans.) 2765 (ii).

Fort Cumberland Land, Govt. Ownership, Sale, &c. (Ans.) 3481 (ii).

Gabriel, Capt., Payments for recruiting 1908 (Ans.) 4893 (iii).

Garrison Common, Transfer of Property to Exhibition Ass'n., Delays, &c. (Ans.) 182 (i).

Geodetic Survey Bureau, on M. (Mr. Maclean) for Cor., 3077 (ii).

Imperial General Staff, Organization, O.Cs., Cor., &c., on M. (Mr. Talbot) for Copies, 1420 (i).

Imperial Partnership with G. B. and Her Colonies, on Amt. (Mr. Hughes) 6424 (iv).

Investigations into Deptl. Expenditures, on Ques. of Order (Mr. Foster) to Com. of Sup., 3866 (ii).

Japanese Immigration, Sir P. Lake's Speech in Toronto (Ans.) 1066 (i).

Kingston Batteries, Tenders *re* Supplies (Ans.) 4225 (iii).

BORDEN, Hon. Sir F. W.—*Con.*

Kingston Military Buildings, Tenders, Number of Targets, &c. (Ans.) 546 (i).
See 'R.M.C.'

Lansdowne Drill Shed, Contract *re* Repairs, &c. (Ans.) 5630 (iii).

Lee-Enfield Rifles, Issue of New Barrels, &c. (Ans.) 6088 (iv).

Loggie, W. S. Co., Payments to, by Govt. for 1906-7-8 (Ans.) 480 (i).

Militia, Annual Training, Completion of Plans, &c. (Ans.) 683 (i).

Militia Camps, Eastern Townships, Selection of Site (Ans.) 343 (i).

Militia Estimates (annual statement) 2244 (ii).

——— Items in Estimates (Ans.) 4634 (iii).

Militia at Halifax, Delayed Payments (remarks) 2773 (ii).

Militia, Permanent Corps, Winter Equipment, &c. (Ans.) 2377 (ii).

Military Lands purchased near Kingston, Name of Agent, &c. (Ans.) 547 (i).

N. W. Rebellion, 1885, Grants to R. N. W. M. P. (Ans.) 184 (i).

Ottawa Service Corps, Complaints *re* Padding Pay List (Ans.) 6784 (iv).

Petewawa Camp, Number of Permanent Force, Date of Opening, &c. (Ans.) 5639.

Quebec Camps of Instruction, Date of, Regiments attending, &c. (Ans.) 5641 (ii).

Red River Expedition, Land Grants to Officers, &c. (Ans.) 3991 (ii).

Richmond Rifle Range, Protection *re* Shooting (Ans.) 1723 (i).

Ross Rifle, Authority *re* Adoption by Canadian Govt. (Ans.) 1072 (i).

——— Bayonets, Contracts *re* (Ans.) 344 (i)..

——— Bisley Camp, Description of, &c. (Ans) 344 (i).

——— (remarks) 5644 (iii).

——— Claims for Damages *re* Accidents, &c. (remarks) *re* Form Answers, 548 (i).

——— Factory Bayonets, Installment of Machinery, &c. (Ans.) 670 (i).

——— Factory, Number of Employees, Inspections *re* Standards (Ans.) 1411 (i).

——— Number accepted and rejected by Militia Dept. (Ans.) 245 (i).

——— Number accepted and returned, Payments to Co. for 1903, (Ans.) 329 (i).

——— Reps. *re* Merits or Demerits, Cor. &c., on M. (Mr. Worthington) for Ret., 1190 (i).

——— Small Arms Com. Rep., Date of last Contract, &c. (Ans.) 471 (i).

——— Weight, Length, Diameter, &c. (Ans.) 4891 (iii).

Royal Canadian Dragoons, St. John, Contract *re* Supplies (Ans.) 2767 (ii).

BORDEN, Hon. Sir F. W.—*Con.*

Royal Military College, Stables, Erection of (Ans.) 1732 (i).

——— Water Supply, Defects, &c. (Ans.) 682 (i).
See 'Kingston.'

St. John, Military Properties, Leases, Rentals, &c. (Ans.) 672 (i).

Sherbrooke Armoury, Completion, Total Cost, &c. (Ans.) 5643 (iii).

Sherbrooke New Regiment, Construction, Appropriation *re* Band (Ans.) 5643 (iii).

Snider Rifles, Disposition of Old Ones (Ans.) 2383 (ii).

S. A. Bounty Act, Regulations (remarks) 2234 (ii).

S. A. Land Grants to Teachers, &c. (Ans.) 3986 (ii).

Strathcona, Lord, Gift to Dom. *re* drilling of school children (letter read) 3198 (ii).

SUPPLY—

Mail Subsidies and SS. Subventions (St John and Minas Basin) 6654 (iv).

Militia (annual drill) 2311, 2314, 3422; (contingencies) 2307; (ordnance) 2307; (permanent force) 3422; (properties) 2314 (ii); (priv. sec.'s salary) in conc., 4049 (iii); (R. M. C. commandant) 6660 (iv); (R.M. College) 3423; (salaries) 2214 (ii); (supplies) 6661 (iv); (transport) 3423; (warlike stores) 2317 (ii).

Pensions (Fenian Raid) 812; (N.W. rebellion) 812 (i).

Public Works—Buildings—Ont. (Kingston, R.M.C.) 1512 (i).

Targets, Rifles, Supplies, &c., Extension to Schools, &c. (Ans.) 681 (i).

Thirty-sixth Regiment, Payments *re* Storage of Arms (Ans.) 4894 (iii).

Toronto Barracks, Delay *re* Erection on Humber River Site (Ans.) 183 (i).

Toronto Old Fort Property, Reclamation and Restoration, &c. (Ans.) 3984 (ii).

——— Condition of, &c. (statement) 6415 (iv).

Truro Armoury, Apptmt. of Caretaker (Ans.) 186 (i).

University Drill Corps, Establishment of (Ans.) 683 (i).

Woodstock, N.B. Armoury, Bowling Alley Operations, &c. (Ans.) 5157 (iii).

BORDEN, Mr. R. L., *Halifax, N.S.*

Address, The, 23 (i).

All-Red Line, Negotiations *re*, Progress, &c. (Ques.) 148 (i).

——— O.Cs., Cor. *re* (M. for copies*) 158 (i).

American Tariff, Consideration of, &c. (remarks) 5103 (iii).

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) on M. for 1°, 240; on M. for 2°, and in Com., 750 (i).

Asiatic Exclusion from B.C., Tel. *re* Denial, &c., 39 (i).

BORDEN, Mr. R. L.—*Con.*

Asiatic Exclusion from B. C., on Ques. of Priv. (Sir Wilfrid Laurier) 666 (i).

—— Memorandum from Bishop of British Columbia (read) 1394 (i).

See 'Japanese.'

Aud. Gen.'s Rep., 2nd Vol., Inquiry for, 140, 876, 1250 (i).

Bourke, Mr., Retirement: *See* 'Miner, Bill.'

Budget, The, Date of (remarks) 3111 (ii).

B.C. Subsidy, Increase, &c. (remarks) in debate on Address, 43 (i).

Caledonia and Liverpool Ry. Lines, Construction (M. for cor.*) 1734 (i).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3022, 3028 (ii).

Canada Shipping Act Amt. B. 179 (Mr. Edwards) on M. for 1°, 5891 (iv).

Canadian Medical Association incorp. B. 134 (Mr. Roche) in Com., 4843 (iii).

Canadian Northern Quebec Ry. Co.'s B. 38 (Mr. Dubeau) on Senate Amts., 4594 (iii).

Canadian Northern Ry. Aid B. 186 (Mr. Graham) in Com., 6739 (iv).

Carleton, Electoral Division, Resignation, &c. (notification) 94 (i).

See 'Comox.'

Cassells, Judge, Investigation *re* Marine, Action of Govt. *re* Report (remarks) 2218, 3003, 3249, 3568 (ii).

See 'Marine Investigation.'

Civil Service Salaries, Classification *re* Schedules, &c., on M. for Sup., 2439 (ii).

—— Inquiry for, 3254 (ii).

Civil Service (increase) Salaries B. 187 (Mr. Fisher) on M. for Com. on Res., 303 (i); in Com. on Res., 411; 962 (i); on M. for 3°, 6829 (iv); on Senate Amts, 7068 (iv).

See 'House of Commons.'

Civil Service Bill, Preparation of Schedules (remarks) 5999 (iv).

Civil Service Commissioners, O. Cs., Deptl. Orders, Regulations, &c. *re* (M. for copies*) 158 (i).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1760 (i).

Commissions: *See* 'Secret.'

Committees, Reference of Reports, &c. (remarks) 2024 (ii).

Committees, Standing, Change *re* Rules of Hse., on prop. Res. (Mr. Brodeur) 1320 (i).

—— on M. to conc. in 1st Rep. of Com. 2119 (ii).

Comox-Atlin and Carleton, Writs of Election, Issue of (remarks) 94, 327 (i).

Co-operative Societies, on Ques. of Order (Mr. Speaker) 2327 (ii).

Criminal Code (flogging) Amt B. 4 (Mr. Bickerdike) in Com., 569 (i).

BORDEN, Mr. R. L.—*Con.*

Criminal Code (general amts.) B. 148 (Mr. Aylesworth) in Com., 6392, 6766 (iv).

Dartmouth Post Office, Insufficient Accommodation (remarks) 3255 (ii).

Daylight Saving Bill, on M. to place on Govt. Orders (remarks) 3203 (ii).

Debates, Official, 1st Rep. of Com., on M. (Mr. Gervais) to conc., 1478 (i).

Debt: *See* 'Net.'

Disallowance of Ontario Act, O.C., Inquiry for, 4882 (iii).

Dog-Fish Reductions Plants, Cost of Construction, Maintenance, &c. (M. for ret.*) 158 (i).

—— Inquiry for Ret., 3254 (ii).

Dom. Lands Act Amt. B. 8 (Mr. Oliver) in Com., 379 (i).

'Duty of the Hour,' Pamphlet, Distribution of ref., to in Address, 25 (i).

8 Hour Day: *See* Labour.'

Estimates, Inquiry for, 140 (i).

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) in Com., 6750 (iv).

External Affairs Dept., B. 90 (Mr. Murphy) on prop. Res., 1999 (i); in Com., 4470 (iii).

Fisheries, Deptl. Rep., Inquiry for, 664 (i).

Fisheries, Jurisdiction with Provinces, Negotiations re (remarks) 2018 (ii).

Fisheries Regulations, *re* International Commission (remarks) in Com. of Sup., 6970 (iv).

See 'International,' 'Waterways,' &c.

Fisheries Settlement with Provinces, Rep. of Mr. Bastedo (Ques.) 327 (i).

Fisherman's Union of N. S., Cor. with Govt. (M. for copy*) 2161 (ii).

Fishing Bounties, Delay in sending Forms (remarks) 1187 (i).

—— Forms of Application (remarks) 1022 (i).

Florence Mining Co.'s Appeal *re* Ont. Govt. Legislation, on M. (Mr. Lennox) to Com. of Sup., 6938 (iv).

—— on Ques. of Order (Mr. Speaker) 6922 (iv).

Foran, Mr. W., Apptmt. of Successor (remarks) 3363 (ii).

Franco-Canadian Treaty, Announcement *re* Signing (remarks) 140 (i).

—— Approval of Convention by France (Ques.) 148 (i).

—— Delay re Approval by France (Ques.) 166 (i).

—— O. Cs., Cor., between G.B. and France (M. for copies*) 157 (i).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1681 (i).

Franklin Montgomery Gray, Patent Relief B. 132 (Mr. Rankin) in Com., 4884 (iii).

BORDEN, Mr. R. L.—*Con.*

Geodetic Survey Bureau, Establishment of, on M. (Mr. Maclean) for Cor., 3080 (ii).

Gerrymander, Ref. to in Address, 24 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 6126 (iv).

Govt. Railways Act (compensation) Amt. B. 20 (Mr. Graham) in Com., 771 (i).

Govt. Tenders, &c., Ques. of Order, Irrelevancy of debate, 280 (i).

—— on Ques. of Order (Mr. Crothers) 572 (i).

—— on Amt. (Mr. Guthrie) 575 (i).

Gowganda Postal Facilities (remarks) 1325 (i).

G. T. Ry., Major Hill Park, Conveyance of, O.Cs. Reps., &c. (M. for copies) 352 (i).

—— Negotiations *re* (remarks) 13 (i), 6412 (iv).

G.T.P., Amount of Guaranteed Bonds of N.T.R., Western Div., &c. (Ques.) 1398 (i).

G.T.P., Legislation (remarks) 2219 (ii).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3583 (ii); on M. for 2°, 5103; in Com., 5189, 5261, 5309; on M. for 3°, 5537; (amt.) 5544; Neg. (Y. 70; N. 106) 5592 (iii).

G.T.P. Loans, Cor., Reps., &c., Particulars, &c. (remarks) 2771 (ii).

—— Details *re* (remarks) 3111 (ii).

G.T.P., Mileage Construction of N.T. Ry., Cost per Mile, &c. (Ques.) 1184 (i).

—— Number of Miles of Western Div. completed, Amounts paid by Govt. (Ques.) 1398 (i).

—— Prairie and Mountain Sections, Detailed Stmnt. of Expenditure (remarks) 3256 (ii).

—— Pusher Grades, Information *re* (remarks) 4883 (iii).

—— Total Expenditure *re* Construction of N.T.R. (Ques) 1181 (i).

Halifax and Southwestern Ry. Subsidy, Negotiations *re* Construction (Ques.) 1561 (i).

Hecate Strait, Statute, &c., Cor. with U.S Govt. (remarks) 4882 (iii).

—— Further Information, 4990 (iii)

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6099 (iv).

—— in Com. on Res., 6112 (iv).

Hudson Bay Ry. Surveys, on M. (Mr. Meighen) for Ret., 686 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6169 (iv).

Imperial Defence, Conference *re*, Action of Govt. (remarks) 6942 (iv).

See 'Naval.'

Insurance Act Amt. (B. 97) on M. for 1°, 2125 (ii); in Com. on Res., 6704; in Com., 6816 (iv).

BORDEN, Mr. R. L.—*Con.*

Insurance Legislation, Ref. to in deb. on Address, 31 (i).

I.C.R., on Annual Stmnt. (Mr. Graham) 2701, 2725 (ii).

—— Board of Management, Apptmt. of (remarks) 4803 (iii).

—— Branch Lines, Printing of (remarks) 664 (i).

—— Employees Settlement *re* Conciliation Act (remarks) 6686 (iv).

—— Freight Clerks, Investigation *re* Labour Disputes, Rep. (remarks) on M. for Sup., 3258 (ii).

—— I.C.R. and P.E.I. Ry. Employees, Number for each month, 1908 (Ques.) 1173 (i).

—— I.C.R. and P.E.I. Ry. Employees, Salaries, &c., for 1908 (Ques.) 243 (i).

—— Proposal *re* Sale or Leasing, &c. (Ques.) 164 (i).

See 'Govt. Rys.'

International Fisheries Commission, Names, Regulations, &c. (Ques.) 1073 (i).

See 'Fisheries.'

International Waterways Commission, on M. (Mr. Lancaster) to Com. of Sup., 6644 (iv).

See 'Waterways.'

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3863 (ii)

—— on Ques. of Order (Mr. Foster) 3852

Japanese Immigration, Ques. of Priv. *re* Telegram to Victoria 'Colonist,' 290 (i).

See 'Asiatic.'

Japanese Treaty with G. B., Date of Effect, Termination, &c. (Ques.) 2152 (ii).

Judges of District and County Courts B. 193 Mr. Aylesworth) in Com. on Res., 6769 (iv).

Kingston Military Buildings, on Ques. of Order, 2497 (ii).

Labour Dept., B. 165 (Sir Wilfrid Laurier), on prop. Res., 5350 (iii); in Com., 6717 (iv).

Labour Hours for Working Men, on M. (Mr. Verville) to Com. of Sup., 5939 (iv).

Latchford Dam, &c. (remarks) in Com. of Sup., 3321 (ii).

Level Crossing Accidents, on Inquiry for, Ret., 1117 (i).

—— Orders of Ry Com. of Privy Council, Inquiry for, 549 (i).

See 'Ry. Act,' &c.

Lobster License, Refusal to W. C. Henley, Cor., &c., Inquiry for, 4803 (iii).

Mail delivered in Towns, &c., Rural Free Delivery, &c. (M. for ret.*) 157 (i).

Manitoba Boundaries Extension (remarks) 2240 (ii).

BORDEN, Mr. R. L.—*Con.*

Marine and Fisheries Investigation, Delay in Printing Evidence, &c. (remarks) on M. for Sup., 632 (i).

—— Inquiry for, 402, 549 (i).

—— Inquiry for Report, 6 (i).

See 'Cassells,' 'Supply—Marine.'

Marine Dept. Number of Employees in Halifax County (Ques.) 667 (i).

—— Remarks, 875 (i).

Miner, Bill, Escape from B. C. Penitentiary, Investigation *re*, on M. (Mr. J. D. Taylor) to Com. of Sup., 1830 (i).

—— (remarks) in Com. of Sup., 940 (i).

Mission River Piers, Advertisement for Tenders, &c. (remarks) 6919 (iv).

Naturalization Act Amt. Bill, (remarks), 971 (i).

Natural Resources of Canada, Conservation of, Apptmt. of Sel. Com. (M.) 355 (i).

Natural Resources Conservation B. 159 (Mr. Fisher) on prop. Res., 6379 (iv); on M. for 1°, 4989 (iii).

Naval Defence of Canada, Aid to G. B., on on prop. Res. (Mr. Foster) 3513 (ii).

See 'Imperial.'

N. B. Central Ry. Commissioners' Report, on M. (Mr. Foster) to lay on Table, 5624 (iii).

—— on Amt. (Mr. Crothers) to Com. of Sup., on Ques. of Order (Mr. Speaker) 5646; on Ques. of Order (Mr. Pugsley) 5681 (iii).

—— on Ques. of Priv. (Mr. Calvert) *re* Vote, 6414 (iv).

Net Debt of Canada, Present Amount, Increase, &c. (Ques.) 147 (i).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3121, 3173 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1043 (i); in Com., 4473 (iii); in Com., 5974 (iv.) on M. for 3°, 6001 (iv).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com., 6315 (iv).

Preston, Mr. W. T. R., Transfer to Holland (remarks) in Com. of Sup., 6656 (iv).

—— (remarks) 5999 (iv).

Private Bills, Extension of Hour of considering, on M. (Sir Wilfrid Laurier)—(remarks) 5774 (iii).

Public Accounts Com. Calling of Meetings, &c. (remarks) 663, 1188 (i).

—— 12th Rep., on M. to conc., 6559 (iv).

Pulpwood Papers, Duties, &c., Negotiations with U.S. (remarks) 2384 (ii).

Pusher Grades on I.C.R., &c., Ref. to in Com. on G.T.P. Bill, 5290 (iii).

BORDEN, Mr. R. L.—*Con.*

Quebec Bridge, Rebuilding, Estimated Total Cost, &c. (Ques.) 165 (i).

Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1118 (i).

—— (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 3°, 523 (i).

—— (level crossings, &c.) Amt. B. 106 (Mr. Graham) in Com. on Res., 2399 (ii); in Com., 6201, 6294; on Amt. (Mr. Lancaster) 6307 (iv).

Ry. Capitalization of Stock, Regulations by Ry. Commissioners (remarks) 1187 (i).

Ry. Level Crossings, Accident near Kingston (remarks) 255 (i).

Railway Level Crossings, &c., on prop. Res. (Mr. Lennox) 1205 (i).

Railway Subsidies Act Amt. B. 174 (Mr. Graham) on M. for 1°, 5628 (iii).

Restaurant Committee, on M. to adopt 2nd Rep. of Com., 401 (i).

Revenue for December, Details of 'Miscellaneous' (Ques.) 149 (i).

Rural Mail Delivery, System, &c. (Ques.) 148 (i).

Scotch Farmers, Report of Visit to Canada (remarks) 6060 (iv).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1123 (i).

Sessions of Parlt., Length of, &c. (remarks) on Address, 27 (i).

Sissiboo River Bridge, Construction, &c., on M. (Mr. Jameson) to Com. of Sup., 6843 (iv).

Smith, John Denison, Relief (B. 157) in Com. 6070 (iv).

Speaker, Election of, on M. (Sir Wilfrid Laurier) 4 (i).

Standing Orders Com., on M. (Mr. A. H. Clarke) to conc. in 1st Rep., 2019 (ii).

Strathcona, Lord, Gift to Dom. *re* drilling of school children (remarks) 3201 (ii).

Supply—One-fourth of Estimates (remarks) 3936 (ii).

SUPPLY.

Arts, Agriculture, &c. (archives) 695; (census, &c.) 698; (Year-book) 705 (i).

Civil Govt.—Aud. Gen.'s office (extra clerks 3435 (ii); Customs (contingencies) 607; Indian Affairs (salaries) 971; Post office (salaries) 613; Public Works (salaries) 614 (i).

Civil Service Commission (salaries) 705 (i).

Customs—Outside Service (travelling expenses) 608 (i).

Dom. Lands (surveys) 3464 (ii).

Fisheries (International Fisheries commission) 3443; Miscellaneous (Cushing & Co.'s claims) 3455 (ii).

Indians—Nova Scotia (medical relief) 3462 (ii)

BORDEN, Mr. R. L.—*Con.*

SUPPLY—*Con.*

Indians, Que. (medical relief) 3461 (ii).
Legislation (members indemnity), 7067 (iv).
Mail Subsidies and SS. Subventions (Canada and Mexico) 6650; (contingent expenses) 6655; (P.E.I., C.B. and Nfld.) 6654; (St. John, Halifax and Yarmouth) 6654 (iv).
Marine and Fisheries (investigation) 3450 (ii).
Militia (ordnance) 2308 (ii); (supplies) 6661 (iv); (warlike stores) 2317 (ii).
Mines (geological specimens) 7063 (iv).
Miscellaneous (seed grain) 3466 (ii); unprovided items) 3467 (ii).
Ocean and River Service (Govt. steamers) 6670; (patrol boats) 6682; (tidal surveys) 6679; (wrecking plant) 6680 (iv).
Pensions (Mrs. Wilmot) 884 (i).
Public Works—Buildings—Ont. (R. M. College) 1384, 1512 (i).
Public Works—Harbours and Rivers—Ont. and Que. (Batiscan) 3276; (Bonaventure) 3277; (Montreal river) 2976 (ii).
Railways—I.C.R. (bridge strengthening) 2931 (ii).
Trade and Commerce (Chinese administration) 6656; (commercial agencies) 6656 (iv).

Tenders: *See* "Govt."

Thessalon and Northern Railway Co's B. 104 (Mr. Smith) in Com., 6064 (iv).

Treaties between U. S. and G. B., O.Cs., Regulations, &c (M. for copies*) 1081 (i).

Trent Canal, Damages in Peterborough County, Inquiry for statement, 5777 (iii).

Wake, John Relief (B. 178) in M. for 2°, 6081 (iv).

Water Carriage of Goods B. 105, on M. for 2°, 6774 (iv).

Water Carriage of Goods Bill, (remarks) 6847 (iv).

Water Powers, Leases on Canals, Records, &c. (remarks) in Com. of Sup., 2038.

Waterways Treaty, Announcement *re* Acceptance (remarks) 2494 (ii).

——— Acceptance of U.S. Senate Amts. (remarks), 4471 (iii).

——— Date of Signing, Date of Receipts, &c., (Ques.) 1074 (i).

——— Delay in Placing before Canadian Parlt. (remarks) 174 (i).

——— Despatch from Sec. of State for Colonies (remarks) on M. for Sup., 633 (i).

——— Discussion by Mr. Gibbons (remarks) 1563 (i).

——— N. B. Fisheries, Regulations *re* (remarks) 1248 (i).

——— O.Cs., Cor., &c. (M. for copies*) 1087 (i).

——— Publication by Newspapers (remarks) 1187 (i).

——— Inquiry for 7, 158, 292, 402, (i), 2019 *See* 'International.'

BORDEN, Mr. R. L.—*Con.*

Ways and Means (sugar) in Com., 5100 (iii).
Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2135 (ii).
Yukon Ordinances (beer tax) on prop. res (Mr. Oliver) 5892 (iv).

BOYCE, Mr. A. C. *Algoma, West.*

Algoma Rifles, 97th Reg., Removal from Saulte Ste. Marie to Sudbury, &c. (Que.) 1411 (i).

Algoma Steel Co., Contracts with N.T.R. *re* Rails, &c. (Ques.) 336 (i).

Caughnawaga Indian Reserve, Grants to Churches (Ques.) 1410 (i).

Caughnawaga—Iroquois Indian Reserve, Returns of Fine for Stealing, &c. (Ques.) 1410 (i)
See 'Jacobs.'

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1744 (i).

Experimental Farms, Location, &c., on prop. Res. (Mr. Lapointe) 1946 (i).

Farm and Garden Produce, Quantity imported into Sault Ste. Marie, &c. (Ques.) 339 (i).

Fish Hatchery, Establishment at Sault Ste. Marie, &c. (Ques.) 337 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4424 (iii).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 209 (i).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3883 (ii).

Jacobs, F. Macdonald, Complaints *re* Caughnawaga Fines and Conviction (M. for cor.*) 1420 (i).

Lighthouse Keepers, Lake Huron, Increases to (Ques.) 336 (i).

Loggie, W. S. Co., Payments to for 1906-7-8 by Govt., Dates, &c. (Ques.) 479, 668 (i).

Marine Inquiry: *See* 'Investigations'

Michipicoten River Wharf, Expenditure, Estimated Cost, &c. (Ques.) 338 (i).

National Art Gallery, Expenditure *re* Pictures, &c. (Ques.) 6087 (iv).

Natural Resources, Conservation Commission, on prop. Res. (Mr. Fisher) 6372 (iv).

Nipigon River Dredging, Expenditure for 1908 (Ques.) 3653 (ii), 4223 (iii).

——— Estimated Quantity, &c., (Ques.) 5635 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1026 (i); in Com., 4502, 5570 (iii).

Port Arthur Harbour Dredging, Mission River, &c., Contractors, Inspectors, &c. (Ques.) 5775 (iii).

BOYCE, Mr. A. C.—*Con.*

Railway Mail Clerks, Increase of Salaries (Ques.) 4223 (iii).

Red River Expedition, Land Grants to Officers, &c. (Ques.) 3990 (ii).

St. Joseph's Island Wharfs, Expenditure, &c. (Ques.) 337 (i).

St. Nicholas Island Indian Reserve, Disposal of by Govt. (Ques.) 1410 (i).

Sault Ste. Marie Channels, Contracts *re* Buoys, Competition, &c. (Ques.) 3482 (ii).

Sea Gull Wharf, Amounts expended, Contracts, &c. (Ques.) 338 (i).

Sec. of State, Date of Resignation, Apptmt. of Successor, &c. (Ques.) 185 (i).

Steel Importations, from March 31, 1908, to Jan. 31, 1909 (M. for ret.) 355 (i).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3963 (ii).

SUPPLY—

Canals—Sault Ste. Marie (construction) 1909; (dredging) 1909 (i).

Public Works—Buildings—Dom. (heating) 1615; Ont. (Glencoe) 1367; (Leamington) 1386; Ottawa (telephones) 1606 (i); 3231; Harbours and Rivers—N.S. (Little River) 3234; Que. (Doucet's Landing) 2543 (ii).

Tenby Bay Wharf Warehouse, Construction, &c. (Ques.) 239 (i).

Voters' Lists, Electoral District of Thunder Bay, &c., Cost, &c. (Ques.) 340 (i).

Waterways Treaty, Amendment of U. S. Senate, Ratification by Govt. (Ques.) 4288 (ii).

——— on M. (Mr. Magrath) to Com. of Sup., 6602 (iv).

——— Conditional Ratification (remarks) 2335 (ii).

——— Ratification of by U.S., &c., on M. for Sup., 1353 (i).

BOYER, Mr. G., *Vaudreuil.*

Carillon Dam Water Power, Lease of, &c. (Ques.) 1557 (i).

Cedar Rapids Manufacturing and Power Co.'s (B. 94) 1°*, 2120; in Com., 3404, 3472, 3605 (ii).

Census and Statistic Bulletins, French Translation, &c. (Ques.) 1404 (i).

Census Vote for 1910, Intention of Govt., &c. (Ques.) 531 (i).

Debates, Official, Cost of Printing (Ques.) 1720 (i).

——— French Translation Staff, Salaries, &c. (Ques.) 1722 (i).

Deslisle River Fishway, Reps., Cor., &c. (M. for copies) 1733 (i).

Dom. Lands Act, French Translation, &c. (Ques.) 532 (i).

BOYER, Mr. G.—*Con.*

French Translators, Number, Amount of Work (M. for ret.*) 1733 (i).

Quebec Bridge Report, French Translation (Ques.) 1722 (i).

St. Anne de Bellevue Locks, Pet. *re* Dredging (Ques.) 3483 (ii).

St. Justine Mail Delivery, Complaints *re* (Ques.) 3480 (ii).

Soulanges Canal, Number of Employees, Names, Salaries, &c. (Ques.) 869 (i).

BRADBURY, Mr. G. H., *Selkirk.*

Budget, The, 5044 (iii).

'Canada Posten' Winnipeg, Amounts received from Govt. (M. for ret.*) 3992 (ii).

C.P. Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3155 (ii).

C.P.R. Gimili Branch Subsidy (remarks) in Com. of Sup., 2965 (ii).

Colclaugh, F. W., Cor., Pets., &c., re Fishery Operations with Commercial Companies (M. for copies*) 1191 (i).

——— Inquiry for Ret., 2674, 3202, 3655 (ii).

Dredge on Lake Winnipeg, Expense *re* moving Str. 'Mikado' from Sandbar, &c. (Ques.) 869 (i).

Elevators at Port Arthur and Fort William, Govt. Operation, on prop. Res. (Mr. Schaffner) 4024 (ii).

Fisheries of Man., Cor. with J. H. Davies, Cor., Pets, &c. (M. for ret.*) 1190 (i).

Fishing Leases on Nelson, &c., Rivers, Great Slave Lake, &c., Cancellation of (Ques.) 340 (i).

— — (M. for ret.*) 354 (i).

Fish caught in Summer, Incomplete Return (remarks) 2128 (ii).

See 'Whitefish.'

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1662 (i).

Gimli, Hiransa, &c., Light, Placing of (Ques.) 1403 (i).

Govt. Employees, Interference in Elections (remarks) on M. for Sup., 6876 (iv).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4433 (iii), 5908 (iii).

G.T.P. Winnipeg Terminals, Cor. between Rothwell & Co. and Govt. *re* Purchase from Matthews & Kerns (M. for copies*) 1081 (i).

Halfbreeds living in U. S., Allotment of Scrip, &c. (M. for ret.*) 1735 (i).

Hazel Ridge Post Office, Application *re* (remarks) in Com. of Sup., 1710 (i).

Homesteads west of Lake Winnipeg, Rep. *re* Unfitness for Settlement (Ques.) 3251 (i).

Icelander River Dredging, Total Cost (Ques.) 347 (i).

BRADBURY, Mr. G. H.—*Con.*

Lake Winnipeg White Fishing, Extension of Close Season, &c. (Ques.) 340 (i).

Logberg Printing Co., Payments to by Govt. (M. for ret.*) 1191 (i).

——— Inquiry for Ret., 2674, 3255, 3938 (ii).

Manitoba Fisheries, Apptmt. of Icelander *re* Commission (remarks) 3255 (ii).

——— Depletion by American Fishermen, on M. for Sup., 6475, 6942 (iv).

Otonabee River Dredging, Amounts paid, Quantity done, &c. (Ques.) 3044 (ii), 4221 (iii).

Political Partizanship: *See* 'Govt. Employees.'

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4253 (iii).

Red River Settlers, Deputation *re* Land Grants (remarks) in Com. of Sup., 6278 (iv).

St. Andrew's Lock, Bridge Approaches (Ques.) 2159 (ii).

——— Completion of (remarks) in Com. of Sup., 3000 (ii).

——— Completion of (remarks) in Com. of (Ques.) 531 (i).

St. Peters Indian Reserve, Instructions of Mr. Vaughan, Cor., &c. (M. for copies*) 354 (i).

——— Patents *re* Surrender (M. for ret*) 1191 (i).

——— Treaty Cor., Instructions, &c. (M. for copies*) 1421 (i).

——— Surrender, &c. (remarks) in Com. of Sup., 1017, 1139 (i).

——— Incomplete Ret. (remarks) 2128 (ii).

Selkirk Post Office, Estimated Cost, Tenders, &c. (Ques.) 347, 530 (i).

Snag Boat at Selkirk, Total Cost, &c. (Ques.) 474 (i).

Steamers on Lake Winnipeg for Indian Dept., Lease, Cost, &c. (Ques.) 1403 (i).

Sturgeon Breeding in Lac du Bonnet, Sale of Fish, &c. (Ques.) 531 (i).

SUPPLY —

Indians, B. C. (destitute indians) 1139; Generally (general expenses) 1017; Man. (seeds, &c.) 1005 (i).

Penitentiaries—Generally (supplies) 893, 907; St. Vincent de Paul (supplies) 914; Stony Mountain (supplies) 918 (i).

Public Works—Buildings—Man. (Dauphin) 1543; Man. (Winnipeg P.O.) 1550; Ont. (Kingston R.M.C.) 1508; Ottawa (peat testing) 1501 (i).

Public Works—Harbour and Rivers— Man. (Lac du Bonnet) 2116, 2985; Man. (St. Andrews rapids) 2097; Man. (Winnipeg Beach) 2986 (ii).

Railways—N.T.R. (surveys, &c.) 6985 (iv).

Timber Berths, Nos. 1316, &c., Applications, Tenders, &c. (M. for copies*) 2162 (ii).

BRADBURY, Mr. G. H.—*Con.*

Ward, Fleetwood Howard, Relief (B. 182) 1°*, 5997 (iv).

Whitefish, Sturgeon, Winter and Summer caught, Quantity, Value exported, &c. (M. for ret.*) 826 (i).

See 'Fish.'

Winnipeg Beach Pier, Removal of Obstruction in Manitou Rapids, &c. (Ques.) 335 (i).

Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2133 (ii).

Winnipeg P. O. and Ry. Station Mail Contract, Tenders, Changes, &c. (Ques.) 869 (i).

BRISTOL, Mr. E., *Center Toronto.*

G. T. P. Loan B. 128 (Mr. Fielding) on Amt. (Mr. Ames) to M. for 3°, 5600 (iii).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com. of Res., 6697 (iv).

Ontario and Michigan Power Co.'s incorp., B. 34 (Mr. Conmee) in Com., 5420 (iii).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6232 (iv).

BRODER, Mr. A., *Dundas.*

Cold Storage Instalment (remarks) on prop. Res. (Mr. Staples) 2662 (ii).

Experimental Farms, Location, &c., on prop. Res. (Mr. Lapointe) 1949 (i).

Geodetic Survey Bureau, Establishment of, on M. (Mr. Maclean) for Cor., 3079 (ii).

I. C. R., on Annual Stmnt. (Mr. Graham) 2741 (ii).

Natural Resources Conservation Commission, on prop. Res. (Mr. Fisher) 6367 (iv).

Nation River Drainage, Cor. O. Cs., &c. (M. for ret.) 686 (i).

——— Rep. of Engineer *re* (Ques.) 1178 (i).

Ontario and Michigan Power Co.'s incorp., B. 34 (Mr. Conmee) on M. for 2°, 1050 (i).

Railway Level Crossings, Prevention of Accidents, on prop. Res. (Mr. Lennox) 1212 (i).

SUPPLY—

Adulteration of Food (fraudulent marking) 456 (i).

Civil Govt—Customs (Board of Customs) 588 (i).

Public Works—Buildings—Generally (experimental farms) 1598; Man. (Dauphin) 1544 (i).

Telephone Rates in Canada, Control of by Govt., on prop. Res. (Mr. Lennox) 1769 (i).

BRODEUR, Hon. L. P. (Minister of Marine and Fisheries) *Rouville.*

Address, The, 63 (i).

Aids to Navigation on N. S. Coast, Applications *re*, Inspection, &c. (Ans.) 5640 (iii).

'Anticosti' Str., Amount of Work done, Tenders *re* (Ans.) 671 (i).

BRODEUR, Hon. L. P.—*Con.*

Banff Fish Hatchery, Establishment of, Representations *re* (Ans.) 871 (i).

Banfield Creek Lifeboat, Cost, Wreck, &c. (Ans.) 1730 (i).

Cable between Vancouver and Mainland, Application re (Ans.) 1073 (i).

Canada-France SS. Subsidy (B. 146) in Com. on Res., 4437 (iii).
See 'France.'

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on Ques. of Order (Mr. Taylor) 5459 (iii).

Canada Shipping Act Amt. (B. 131 (1° m., 4124; in Com., 5218 (iii).

Canada Shipping Act Amt. B. 179 (Mr. Edwards) on M. for 1°, 5891 (iv).

Canadian Coasting Trade, Number of British and Canadians (Ans.) 5633 (iii).

Canadian Northern Quebec Ry. Co.'s B. 38 (Mr. Dubeau) on Senate Amts., 4165 (iii).

Cassells, Judge: *See* 'Marine,' &c.

Colclough, F. W., on Inquiry for Ret., 3202, 3656 (ii).

Committees, Special, Ref. to of Reports of Depts., &c. (remarks) 2025 (ii).

Committees, Standing, Prop. Res. (Mr. Brodeur) *re* Rules of the Hse., 1319 (i).

Desjardins, Capt., Emplymt. by Marine Dept., Dismissal, &c. (Ans.) 4696 (iii).

Dixon's Entrance, Prince Rupert, Rep. from Imp. Govt. *re* (Ans.) 2590 (ii).

Dogfish Reduction Plant, on Inquiry for Ret., 3254 (ii).

East Point Lighthouse Keeper, Resignation of L. McDonald, Apptmt. of Successor, &c. (Ans.) 3194 (ii).

Esquimalt Naval Station, Maintenance by Imp. Govt. (Ans.) 349 (i).

Fagin, Thos., Emplymt by Govt., Salary, &c. (Ans.) 2154 (ii).

Falconer, Mr. K., Total Payments *re* Marine Bookkeeping, &c. (Ans.) 1730 (i).

Fish Hatchery, Establishment at Sault Ste Marie, &c. (Ans.) 337 (i).

Fish Hatchery at Lake Winnipegosis, Amt. expended, Qualifications of Inspector, &c. (Ans.) 820 (i).

Fish Hatcheries, Number in Canada, &c. (Ans.) 3479 (ii).

Fish Island, Lighthouse Keeper, Appmt. of (Ans.) 6786 (iv).

Fishing Bounty Forms, Application for (remarks) 1022, 1249 (i).

Fishing in Lake Winnipegosis, Pet. *re* Closing in Summer (Ans.) 2381 (ii).

Fishing Leases in N. W., Cancellation of (Ans.) 341 (i).

Fishing Seasons, Leases, &c. (Ans.) 169 (i).

BRODEUR, Hon. L. P.—*Con.*

Fishing Seine Licenses, Number on Pacific Coast (Ans.) 3483 (ii).

Fishing Weirs in Passamaquoddy Bay, Investigation *re* Ownership (Ans.) 6088 (iv).

Fisheries in B.C., Depletion of, &c., on M. (Mr. J. D. Taylor) to Com. of Sup., 6504, 6519 (iv).

Fisheries Cruiser for Pacific Coast, Tenders *re*, Completion, &c. (Ans.) 2156 (ii).

Fisheries Development, Apptmt. of Select Com., on prop. Res. (Mr. Sinclair) 514 (i).

Fisheries Officers at Port Joli, Apptmt. of (Ans.) 4697 (iii).

Fisheries Regulations *re* International Commission (remarks) in Com. of Sup., 6963 (iv).

——— Action of Ont. Govt. (remarks) 6519 (iv).
See 'Waterways.'

Fisheries Report, on Inquiry for, 664 (i).

Fisheries Settlement with Provs., Rep. of Mr. Bastedo (Ans.) 328 (i).

Fishery Commission Regulations, Adoption of (remarks) 6412 (iv).

Fishery Cruisers, Number owned by Govt. (Ans.) 2769 (ii).

Fishery Wardens in Victoria County, N.S., Salaries, &c. (Ans.) 5637 (iii).

Fishery Inspector for Cape Breton Island, Apptmt. of (Ans.) 5632 (iii).

France and Canada SS. Subsidy (B. 146) in Com., 5219 (iii).
See 'Canada, &c.'

Gimli, Hiransa, &c., Placing of Lights (Ans.) 1403 (i).

Glace Bay Range Lightkeeper, Salary, Applications, &c. (Ans.) 5636 (iii).

Government Harbours and Piers Act Amt. (B. 89) 1° m., 1972 (i); in Com., 4414 (iii), 5896, 6123 (iv).

Govt. Ships purchased from G.B., since 1896, Expenditure, &c., *re* Repairs (Ans.) 3196

Honora Dock, Yearly Receipts (Ans.) 7072 (iv).

Ice Breaker for Northumberland Straits, Contractor's Name, Price, &c. (Ans.) 674 (i).

Ice-breaking Steamers, Superannuation of Officers, Crews, &c., on M. (Mr. Warburton) for Copies, 1473 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6176 (iv).

Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 846 (i).

Investigations in Depts., by Mr. Justice Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3723 (ii).
See 'Marine.'

BRODEUR, Hon. L. P.—*Con.*

Johnston, Capt., Repayments of Money *re* Hestia (remarks) in Com. of Sup., 6889 (iv).

Lac du Bonnet, Opening of for Summer Fishing (Ans.) 1728 (i).

Lake Ontario Fishing Industry, Regulations *re* (remarks) in Com. of Sup., 381 (i).

Lake Winnipeg White Fishing, Extension of Close Season (Ans.) 340 (i).

LeBlanc, O. J., Dismissal as Fishery Overseer, Complaints, Investigation, &c. (Ans.) 2596 (ii).

Lighthouse Board, Reorganization of (Ans.) 1974 (i).

Lighthouse Keepers, Lake Huron, Increase of Salaries, &c. (Ans.) 337 (i).

Lobster Fisheries, Violation of Act (remarks) 3705 (ii).

Lobster Licenses in P.E.I., Number, Pets., &c. (Ans.) 1076 (i).

Lobster License refused to W. C. Henley, Cor. *re* (remarks) 4803 (iii).

Lobster Packing Licenses granted in N.S. for 1908, Names and Addresses (Ans.) 328 (i).

Lobster Packers and Difficulties with Fishermen, &c. (remarks) 6062 (iv).

Loggie, W. S. Co., Payments to by Govt. for 1906-7-8, Dates, &c. (Ans.) 480 (i).

McPhaiden, Capt. D., Resignation *re* Position (Ans.) 1973 (i).

Marconi Stations between Montreal and Quebec, Pets. *re* (Ans.) 2762 (ii).

Margaree Island Lighthouse, Expenditure *re* Road (Ans.) 6090 (iv).

Marine Agent, Georgetown, P.E.I., Name, Remuneration, &c. (Ans.) 3194 (ii).

Marine and Fisheries, Deptl. Rep. (presented) 738 (i).

Marine and Fisheries Book-Keeping, Results of change in Methods (Ans.) 1919 (i).

Marine Employees, Number in Halifax County (Ans.) 667 (i).

——— (remarks) *re* Answer, 875 (i).

Marine and Fisheries, Judge Cassel's Rep. (presented) 14 (i).

See 'Investigations,' &c., 'Patronage,' "Ques. of Priv." "Supply-Marine," &c.

Marine and Fisheries, Number of Employees, (Ans.) 1080 (i).

Marine Supplies purchased since Investigation, Names (Ans.) 3473 (ii).

——— Purchase of by Tender (Ans.) 168, 1974 (i).

Meteorological Stations in Ont., Number erected in 1908, Expenditure, &c. (Ans.) 3195 (ii).

——— Situations, &c. (Ans.) 3985 (ii).

"Montcalm," Icebreaker, Number of Crew, &c. (Ans.) 167 (i).

BRODEUR, Hon. L. P.—*Con.*

'Montcalm,' Name of Engineer *re* Investigations, &c. (Ans.) 548 (i).

——— Res. of Chamber of Commerce, Quebec, &c. (Ans.) 328 (i).

Montreal Bridge and Terminal Co.'s B. 180 (Mr. Ecrement) in Com., 6629 (iv).

Montreal as a Free Port, (remarks) 4802 (iii).

Montreal Harbour Commissionners Act Amt. (B. 154) 1° m., 4798; in Com., 5234 (iii); 6559 (iv).

Montreal Harbour Commissioners B. 192 (Mr. Fielding) in Com. on Res., 6743 (iv).

Montreal Harbour Commissioners, Dismissal of Employees (Ans.) 874 (i).

——— Promises re Wharfage Dues, &c. (Ans.) 874 (i).

Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3552 (ii).

Navigable Waters Protection (B. 152) 1° m., 4797; in Com., 5225 (iii); 3° m., 6128 (iv).

Niagara Ice Jam, Assistance by Dom. Govt (remarks) 4703 (iii).

Northwest Fish Company, Leases, &c. (remarks) 6777 (iv).

Oshawa Port, Appointment of Officers by Marine Dept., &c. (Ans.) 3201 (ii).

Patronage List, Abolition of, Comn. to Judge Cassels, (remarks) 876 (i).

Pictou Fishery Overseers, Prosecutions *re* Salmon illegal Fishing (Ans.) 5633 (iii).

Pilotage Rates, Scale of Charges for B. C. (Ans.) 3476 (ii).

Plaster Mines Lighthouse, Dismissal of Hector McRae (Ans.) 6784 (iv).

P. E. I. Winter Communication with the Mainland, on M. (Mr. Warburton) 6466 (iv).

Public Works by Marine Dept., Tenders *re* (Ans.) 2766 (ii).

Ques. of Priv. *re* Quotations from Aud. Gen.'s Rep. (Mr. Taylor) 4041 (iii).

Ry. Act (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 2°, 375 (i).

Returns, on Inquiry for (Mr. Bradbury) 2674 (ii).

Robertson, Thos., Suspension by Pilotage Board, B.C. (remarks) on M. for Sup., 6861 (iv).

St. Joseph's Hospital, B.C., Arrangements for Sick Mariners (Ans.) 3197 (ii).

St. Lawrence Channel, Amount expended, Continuation of Work (Ans.) 2150 (ii).

Sault Ste Marie Channels, Contracts *re* Buoys, &c. (Ans.) 3482 (ii).

Shanghaiing in Vancouver, Investigation, Rep., &c. (Ans.) 3481 (ii).

Soulanges Island, Change of Name (Ans.) 2757 (ii).

BRODEUR, Hon. L. P.—*Con.*

Sorel Ship Yards, Repairs of Boats owned by Marine Officials, &c. (Ans.) 4703 (iii).

'Stanley' and 'Minto' Strs., Names and Residences of Officers (Ans.) 675 (i).

——— Officers off duty from 12th to 17th Feb., 1909 (Ans.) 1976 (i).

Statutes, French Translation, &c. (remarks) 2022 (ii).

Stone, Broken and Rough, Tenders, Contracts, &c., from Marine Dept. (Ans.) 2593 (ii).

SUPPLY—

Civil Govt.—Marine and Fisheries (contingencies) 3702; (McLeod, Mr. O. L.) 3436 (ii); (salaries) 380 (i), 3687 (ii).

Fisheries (bait freezers) 6950 (iv); (biological stations) 3438 (ii), 6953; (breeding establishments) 6946; (commissions) 6957; (contingencies) 6981 (iv); Miscellaneous (Cushing & Co.'s claims) 3450 (ii); (customs licenses) 6958; (dog fish plant) 6950; (fish curing) 6952 (iv); (international commission) 3439, 3688 (ii), 6960; (oyster culture) 6949; (protection cruiser) 6947; (transportation) 6956; (Young, Mr. W. S., compensation) 6982 (iv).

Lighthouse and Coast Service (agencies, rents, &c.) 6889; (buoy steamer) 6910; (Clarke, Mrs. A. G., compensation) 6981; (construction) 6904; (ice breaking) 6915; (lightkeepers' salaries) 6981 (iv); (Lime kiln crossing) 3438 (ii); (maintenance) 6902; (meteorological service, L. F. Gorman) 6982 (iv); (pilot pensions) 3437 (ii); (property in St. John) 6915; (salaries) 6889; (West coast trail) 6981 (iv).

Marine—Dredging (plant, &c.), 6885 (iv).

Marine and Fisheries (hydrographic surveys) 6916 (iv); (investigation) 3450 (ii); (meteorological service) 6916 (iv).

Marine Hospitals (sick seaman) 3438 (ii); 6946 (iv).

Marine—Public Works (piers on St. Lawrence) 6888; (St. Lawrence ship canal) 6877; (Sorel ship yard) 6885 (iv).

Ocean and River Service (Govt. steamers) 6670 (iv); (ice-breaker for Northumberland Straits) 3437 (ii), 6673 (iv); (life saving rewards) 6675; (naval militia) 6683; (obstructions, removal, &c.) 6679; (patrol boats) 6682; (wrecks, investigations) 6679; (wrecking plant) 6680 (iv).

Railways—Miscellaneous (litigation, &c.) 2055 (ii).

Tadousac and Riviere du Loup Winter Navigation (Ans.) 344 (i).

Telephone Stations between Quebec and Montreal re Navigation (Ans.) 2594 (ii).

Warships discarded by G. B., Offer to Can. for Fisheries Protection (Ans.) 2379 (ii).

Waterways Treaty, International N. B. Fisheries, Par. in St. John 'Globe' (remarks) 1244 (i).

See 'Fisheries.'

Wharfs Bill: *See* 'Govt. Harbours,' &c.

Whitefish Spawn for Lake Winnipegosis, Contract *re* (Ans.) 1403 (i).

BRODEUR, Hon. L. P.—*Con.*

Winnipegosis Fish Hatchery, Total Expenditure (Ans.) 1402 (i).

BUREAU Hon. J. (Solicitor General), *Three Rivers and St. Maurice.*

Bourke, Mr., Retirement: *See* 'Miner, Bill.'

Criminal Code Amt. B. 148 (Mr. Aylesworth) on M. for 2°, 6389 (iv)

Extradition Act Amt. B 149 (Mr. Aylesworth) in Com., 5243 (iii).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1664 (i).

Immigration to U. S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 853 (i).

Miner, Bill, Escape from B. C. Penitentiary (remarks) in Com. of Sup., 925 (i).

——— on M. (Mr. J. D. Taylor) to Com. of Sup., 1833 (i).

Political Weekly Letter, Franking and Distribution, &c. (Ans.) 1921 (i).

St. Maurice and Eastern Ry. Co.'s incorp B. 176 (Mr. Blondin) on M. for 2°, 6084 (iv).

St. Vincent de Paul Penitentiary, Manufacture of Church Pews (remarks) in Com. of Sup., 900 (i).

SUPPLY—

Penitentiaries—B.C. (retirements) 924; (Dorchester electric lighting plant) 884 (supplies) 916; Generally (salaries) 886; Kingston (supplies) 886; St. Vincent de Paul (supplies) 914; Stony Mountain (supplies) 918 (i).

BURRELL, Mr. M., *Yale-Cariboo.*

Address, The, 72 (i).

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4449 (ii).

Animals Contagious Diseases Act Amt. B 18 (Mr. Fisher) in Com., 767 (i).

Bourke, Mr., Retirement: *See* 'Miner, Bill'

Cariboo Mail Service, Payments *re* (Ques.) 1731 (i).

———(remarks) in Com. of Sup., 3424 (ii).

Civil Services Salaries, in Com. on Res., 963 (i).

Comox-Atlin Election, Issue of Writ for 11th Parlt., Date of Nomination, Instructions to Returning Officer, &c. (Ques.) 682 (i).

——— Remarks, 825 (i).

Deferred Elections, Notice of Motion, 2815; (prop. res.) 2818; Amt. neg. (Y. 69; N. 115) 2876 (ii).

Experimental Farms, Locations, &c., on prop Res. (Mr. Lapointe) 1932 (i).

Fishery Regulation, &c., on M. (Mr. Taylor) 6528 (iv).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1672 (i).

Fruit Imports to B.C. from U.S., Quantities, Values, &c. (Ques.) 3250 (ii).

BURRELL, Mr. M.—*Con.*

Fruit Marks Act, Regulations *re* Inspection on M. for Sup., 3364 (ii).

G.T.P. Loan B. 128 (Mr. Fielding) on M. for 2°, 5173; in Com., 5327 (iii).

Greenwood and Grand Forks Post Office Sites, Options *re* (Ques.) 814 (i).

Kelly-Douglas Contracts: *See* 'Supply—Public Works, Yukon,' &c.

Kettle River Valley Ry. Co.'s (B. 96) 1°*, 2120 (ii).

Miner, Bill, Escape from B.C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1839 (i).

——— (remarks) in Com. of Sup., 926 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 4482 (iii).

Quesnel Telegraph Station Supplies, Contracts *re* (Ques.) 1919 (i).

Railway Commission, Vacancy, Apptmt. of Practical Farmer, on prop. Res. (Mr Staples) 2663 (ii).

SUPPLY—

Adulteration of Food (fraudulent marking) 456 (i).

Arts, Agriculture, &c. (exhibitions) 730 (i); (experimental farms) 5949 (iv); (tobacco) 5881 (iii).

Civil Govt.—Labour Dept. (Labour Gazette) 655 (i).

Post Office (miscellaneous) 1716 (i); (rural mails) 3424 (ii).

Public Works—Buildings—B. C. (Vernon) 2075 (ii); Ont. (Kingston, R.M.C.) 1512 1532; Que. (Joliette) 1298 (i).

Public Works—Harbours and Rivers—B.C (Okanagan) 6544; (Quesnelle, &c.) 6544 (iv).

Public Works—Telegraphs—B. C. (Kamloops) 3348 (ii).

Public Works—Telegraph Lines—Yukon (Ashcroft-Dawson) 3352 (ii).

Telephone Rates in Canada, Control of by Govt., on prop. Res. (Mr. Lennox) 1807 (i).

CALVERT, Mr. W. S., *West Middlesex.*

N.B. Central Ry. Commission, Vote *re*, Ques. of Priv., 6412 (iv).

Toronto, Niagara and Western Ry. Co.'s (B. 42) 1°*, 626 (i); in Com., 2063 (ii).

CAMPBELL, Mr. G., *Dauphin.*

Address, The, 132 (i).

Budget, The, 4866 (iii).

——— Ques. of Order, 4956 (iii).

Burrows, T. A., Timber Permit *re* sections in twps. 30 and 31 (Ques.) 2592 (ii).

C.P.R. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3156 (ii).

File Hill Indian Agency, Resignation of Mr. Godfrey, Charges against Inspector, &c. (Ques.) 3045 (ii).

CAMPBELL, Mr. G.—*Con.*

Fish Hatchery, Lake Winnipegosis, Amount expended, Qualifications of Inspector, &c. (Ques.) 820 (i).

Fishing in Lake Winnipegosis, Pet. *re* Summer closing (Ques.) 2381 (ii).

Irrigation Propositions for Land by Percy Aylwin, &c. (Ques.) 2380 (ii).

Lac du Bonnet, Opening for Summer Fishing (Ques.) 1728 (i).

Lake Manitoba, Rep. *re* Lowering of Waters, Pet. from Settlers, &c. (Ques.) 2593 (ii).

Manitoba Boundaries Question, Notice of Discussion, 3802 (ii).

Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1882 (i).

Mossy River Dredging, Expenditure of Appropriation, Delays, &c. (Ques.) 816 (i).

Northwest Fish Co., Leases, &c. (remarks) 6776 (iv).

Privilege, Ques. of, Bribing Deptl. Officials, &c., 6777 (iv).

Railway Commission, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2643 (ii).

Squatters Claims on Dauphin Reserve (remarks) in Com. of Sup., 6287 (iv).

——— Burning of Buildings, &c. (Ques.) 3045 (ii).

SUPPLY—

Civil Govt.—Post Office (contingencies) 725 (i).

Dom. Lands (timber protection) 6288 (iv)

Legislation (members indemnity) 7066 (iv).

Marine and Fisheries (investigation) 3450 (ii).

Militia (salaries) 2298 (ii).

Miscellaneous (seed grain) 3465 (ii).

Public Works—Harbours and Rivers—Man. (Lake Dauphin) 2997 (ii).

Timber Berth, No. 1122, Original Applications, Tenders, &c. (M. for ret.*) 353 (i).

Whitefish Spawn for Lake Winnipegosis, Contract *re* (Ques.) 1403 (i).

Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2130 (ii).

Winnipegosis Fish Hatchery, Total Expenditure, &c. (Ques.) 1402 (i).

CARVELL, Mr. F. B., *Carleton, N.B.*

Canadian, Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1690 (i).

Criminal Code Amt. B. 141 (Mr. Aylesworth) in Com., 6766 (iv).

Extradition Act Amt. B. 149 (Mr. Aylesworth) in Com., 5241 (iii).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1671 (i).

Franklin Montgomery Gray Patent Relief B. 132 (Mr. Rankin) in Com., 4889 (iii).

CARVELL, Mr. F. B.—*Con.*

G.T.P. Loan B. 128 (Mr. Fielding) on Amt. (Mr. R. L. Borden) to M. for 3°, 5579 (iii).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4359 (iii).

N.B. Central Ry. Commissioners' Report, on Amt. (Mr. Crothers) to Com. of Sup., (remarks) 5657 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5393 (iii). 5975, on M. for 3°, 6004 (iv).

Royal Victoria Life Insurance Co.'s (B. 177), M. to place on order paper for 2°, 6082 (iv).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1127 (i).

Smith, John Denison Relief B. 157 (Mr. A. K. Maclean) in Com., 6071 (iv).

SUPPLY—

Public Works—Harbours and Rivers—N.B. (St. John survey) 1642 (i).

Telephone Rates in Canada, Control of by Govt., on prop. Res. (Mr. Lennox) 1794 (M.) to adj. debate, 1810, agreed to (Y. 101; N. 47) 1811 (i).

CASH, Mr. E. L., *Mackenzie.*

Hudson's Bay and Pacific Ry. Co's (B. 43) 1°*, 626 (i); in Com., 2067 (ii).

Manitoba and Northwestern Ry. Co's. (B. 81) 1°*, 1648 (i); in Com., 3844, 3942 (ii); on Senate Amts., 5486 (iii); 6073 (iv).

CHISHOLM, Mr. A. W., *Inverness.*

Budget, The, 5085 (iii).

CHISHOLM, Mr. T., *East Huron.*

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4441 (iii).

C.P.R. Additional Stock, Distribution of, on M. (Mr. Maclean) to Com. of Sup., 427 (i).

East Huron Public Works, Expenditure during 20 years (Ques.) 3477 (i).

Foot and Mouth Disease, States quarantined, Prevention, &c. (M. for ret.*) 684 (i).

G.T.P. Loan B. 128 (Mr. Fielding) on prop. Res., 4094 (iii).

Immigration Agents, Bonus Commissions, &c. (Ques.) 1407 (i).

Lands in Man., and N.W., Number of Acres undisposed of (Ques.) 2374 (ii).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3947 (ii).

Peterborough West, Expenditure re Public Works for twenty years (Ques.) 4636 (iii).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 746 (i).

Prince Albert and Hudson Bay Ry. Co.'s incorp. B. 62 (Mr. Neely) in Com., 2533 (ii).

CHISHOLM, Mr. T.—*Con.*

Public Health Bureau, Establishment of, on prop. Res. (Mr. Black) 1091 (i).

Public Works in Middlesex, Expenditures for twenty years (Ques.) 4228 (iii).

Public Works in South Wellington, Expenditure for last 20 years (Ques.) 3655 (ii).

Savings Bank Deposits, Increase of Interest (Ques.) 1396 (i).

SUPPLY—

Canals Welland (repairs) 2035 (ii).

Welland County, Expenditure *re* Public Works (Ques.) 3990 (ii).

Wingham Post Office Clock (Ques.) 4637 (iii).

CHISHOLM, Mr. Wm., *Antigonish.*

I.C.R. Branch Lines Extension, on prop. Res. (Mr. Emmerson) 2215 (ii).

Miner, Bill, Escape from B.C. Penitentiary (remarks) in Com. of Sup., 930, 949 (i).

SUPPLY—

Public Works—Harbours and Rivers, N.S. (Annapolis ice piers) 2347 (ii).

CLARE, Mr. G. A., *South Waterloo.*

I.C.R. Machinery at Moncton Shops, Purchase of &c. (M. for ret.*) 1191 (i).

CLARKE, Mr. A. H., *South Essex.*

Canada Life Assurance Co.'s (B. 56) 1°*, 868; 2° m., 1147 (i); in Com., 2571, 3004 (ii), 5481 (iii), 5995, 6006, 6028 (iv).

——— on M. (Mr. Henderson) to refer back to Special Com., 5434 (iii).

——— on Order for Com., 4164 (iii).

——— (M.) to disch. Order, 4472 (iii).

Canadian Medical Association incorp. B. 134 (Mr. Roche) in Com., 4844 (iii).

Cobalt Lake Act, Disallowance of (M. for cor. &c.) 1735 (i).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1955 (i).

Florence Mining Co.'s Appeal *re* Ontario Legislation, on M. (Mr. Lennox) to Com. of Sup., 6939 (iv).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) on Sen. Amts., 6074 (iv).

Manitoba Radial Ry. Co.'s B. 141 (Mr. Molloy) in Com., 5483 (iii).

——— Objections, &c., 5483 (iii).

Meat and Canned Foods Act, Applications *re* Exemptions, Instructions to Carriers, &c. (Ques.) 156 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5358 (iii).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 743 (i).

Public Accounts Com., (M.) to ref. Pub. Accounts, Aud. Gen.'s Rep., 1479 (i).

CLARKE, Mr. A. H.—*Con.*

Public Accounts Com., 11th, 12th and 14th. Reps. (M.) to conc., 6559 (iv).

Ry. Act (fires) Amt. (B. 7) 1° m., 94; 2° m., 375 (i).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6229 (iv).

Standing Orders Com., 1st Rep. of Com. (M.) to conc., 2019 (ii).

SUPPLY—

Public Works—Buildings—Ont. (Markham) 1388 (i).

Windsor, Essex and Lake Shore Rapid Ry. Co.'s (B. 120) 3802 (ii).

CLARK, Mr. M., *Red Deer.*

Animals Contagious Diseases Act. Amt. B. 18 (Mr. Fisher) in Com., 769 (i).

Budget, The, 4687, 4703 (iii).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1677 (i).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4381 (iii).

—— Ques. of Order, 4395 (iii).

Par. in Toronto 'World' *re* Mr. Foster, Ques. of Priv., 3941 (ii).

Railway Commission, Vacancy, Apptmt. of Practical Farmer from N.W., on prop. Res. (Mr. Staples) 2641; (amt.) 2659, agreed to (Y. 94; N. 54) 2669 (ii).

SUPPLY—

Arts, Agriculture, &c., (live stock industry) 5861 (iii).

Immigration (agents, &c.) 7027 (iv).

CONGDON, Mr. F. T., *Yukon.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4469 (iii).

Deferred Elections, on prop. Res. (Mr. Burrell) 2838 (ii).

External Affairs Dept. B. 90 (Mr. Murphy) in Com., 4470 (iii).

Extradition Act Amt. B. 149 (Mr. Lancaster) in Com., 5246 (iii).

Mines and Minerals (M.) to conc. in 3rd Rep. of Com., 6919 (iv).

Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3523 (ii).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6221 (iv).

SUPPLY—

Lighthouse and Coast Service (agencies, &c.) 6900 (iv); N.W.M.P. (force) 3664 (ii); Yukon Govt. (administration) 6273 (iv).

Yukon Ordinances (beer tax) on prop. Res. (Mr. Oliver) 5893 (iv).

Yukon Ordinances (Mr. Oliver) in Com. on Res., 7079 (iv).

CONMEE, Mr. J., *Thunder Bay and Rainy River.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4465 (iii).

Allegash River, Diversion of Waters, on M. (Mr. Michaud) for Reps., 3086 (ii).

Canada Shipping Act Amt. B. 179 (Mr. Edwards) on M. for 1°, 5891 (iv).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1746 (i).

Election Act (ry. employees) Amt. (B. 112) 1° m., 3468 (ii).

G. T. P. Lake Superior Branch Subsidy B. 30 (Mr. Turriff) on M. for 2°, 667, 1025 (i).

G.T.P. Loan, B. 128 (Mr. Fielding) in Com. on Res., 3622 (ii); Amt. (Mr. R. L. Borden) to M. for 3°, 5544 (iii).

Investigations into Deptl. Expenditures, &c., on Ques. of Order (Mr. Foster) 3850 (ii).

London and Northwestern Ry. Co.'s incorp. B. 102 (Mr. Beattie) in Com., 3847, 3983 (ii).

Mayes Affidavit, on Reading of Original, on Amt. (Mr. Daniel) to Com. of Sup., 4271 (iii).

Navigable Waters Protection Act Amt. (B. 150) 1°m., 4690 (iii).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) on M. for 3° (amt.) 6128 (iv).

Ontario and Michigan Power Co.'s incorp. (B. 34) 1°*, 465; 2°m., 1026 (i); in Com., 4472, 4485, 5296, 5352, 5360, 5559 (iii), 5958; 3° m., 6000; agreed to (Y. 76; N. 39) 6005 (iv).

—— Ques. of Order, 4522 (iii).

Prudential Trust Co.'s incorp. (B. 91) in Com., 5484 (iii).

Ques. of Privilege, *re* 'Special Trains,' 4290 (iii).

Ry. Act (cattle-guards) Amt. (B. 99) 1°m., 2127 (ii).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2388 (ii).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1131 (i).

Superior and Western Ontario Ry. Co.'s incorp. (B. 78) 1°*, 1479 (i); in Com., 3845, 3963 (ii).

Thessalon and Northern Ry. Co.'s B. 104 (Mr. Smith) in Com., 5484, 5574 (iii), 6062 (iv).

Water Powers leased on Canals, Records, &c. (remarks) in Com. of Sup., 2039 (ii).

Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2142 (ii).

COWAN, Mr. G. H., *Vancouver City.*

Address, The, 57 (i).

Bank of Vancouver (B. 52) 1°*, 738 (i); in Com., 2147 (ii).

COWAN, Mr. G. H.—*Con.*

British Columbia Life Assurance Co.'s incorp. (B. 55) 1°*, 868; 2°m, 1147 (i).

Budget, The, 4751; (personal explanation) 4751 (iii).

Central Park, B.C., Mail Delivery, Pet. *re* (Ques.) 2590 (ii).

Civil Service Salaries, on M. for Com. on Res., 306 (i).

Dixon's Entrance, Prince Rupert, Rep. from Imp. Govt. *re* (Ques.) 2590 (ii).

Fishing and Seining Licenses on Pacific Coast, Number granted (M. for ret.*) 3992 (ii).

Fishing Seine Licenses, Number on Pacific Coast, &c. (Ques.) 3482 (ii).

Grain Elevator at Vancouver, Construction of (Ques.) 2590 (ii).

G.T. Ry., Indebtedness to Canada, Payments made, &c. (Ques.) 3046 (ii).

Kitsilano Indian Reserve, Tel. to Mr. McInnes *re* Transfer to City (Ques.) 1973 (i).

Lighthouse Board, Reorganization of (Ques.) 1974 (i).

McPhaiden, Capt. D., Resignation as Shipping Master, Applications *re* Position (Ques.) 1973 (i).

Marine Supplies, System of Purchase, &c. (Ques.) 1974 (i).

Miner, Bill, Escape from B. C. Penitentary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1844 (i).

Naval Defence of Canada, Aid to G.B., on prop. Res. (Mr. Foster) 3554 (ii).

Shanghaiing in Vancouver, Investigation *re* Rep., &c. (Ques.) 3481 (ii).

S. A. Bounty Act, Regulations (remarks) 2225 (ii).

SUPPLY—

Public Works—Buildings—Ont. (Glencoe) 1372 (i); Telegraph Lines Yukon—(Ashcroft-Dawson) 3349, 3350 (ii).

Vancouver Election Poll Clerks, Delay in Payments to (Ques.) 1418 (i).

CROCKET, Mr. O. S., *York, N.B.*

Courtney Bay Dredging Contracts (remarks) in Com. of Sup., 2111 (ii).

Customs Collector at Bathurst, N.B., Leave of Absence, &c. (Ques.) 5157 (iii).

Customs Collector at Fredericton, Superannuation of (remarks) in Com. of Sup., 605 (i).

Govt. Railways Act (damages) Amt. B. 20 (Mr. Graham) on M. for 1°, 242 (i).

Govt. Tenders, Opening and Receiving, on Amt. (Mr. Guthrie) to Prop. Res. (Mr. Reid) 265 (i).

Indian Point Dredging, Tenders *re*, Rock Prices, &c. (Ques.) 1397 (i), 2763 (ii).

CROCKET, Mr. O. S.—*Con.*

I. C. R., Wallberg Contract, Total Cost, &c. (Ques.) 3475 (ii).

LeBlanc, O. J., Dismissal as Fishery Overseer, Complaints, Investigation, &c. (Ques.) 2595 (ii).

Mayes Affidavit reading Originals, on Amt. (Mr. Daniel) to Com. of Sup., 4347 (iii).

——— on Ques. of Order to Amt. (Mr. Daniel) 4258, 4317 (iii).

——— Ref. to in debate on Govt. Tenders, 265 (i).

Meagher, Mathias, Apptmt. to Customs Staff at Debec, N.B., Salary, &c. (Ques.) 3655 (ii).

N.B. Central Ry. Commissioners' Report, on Amt. (Mr. Crothers) to Com. of Sup., 5756, 5777 (iii).

N.B. Supreme Court Vacancies, Apptmts, &c. (remarks) 6686 (iv).

Oromocto Wharf, Total Cost, Completion, &c. (Ques.) 2319 (ii).

Queens and Sunbury Mail Service, Established in Oct., 1908, &c. (Ques.) 2375 (ii).

Queens and Sunbury, Wharfs Construction, Estimated Cost, &c. (Ques.) 2320 (ii).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2393 (ii).

St. John River Channel Survey, Rep., Letters, Instructions, &c. (M. for ret.*) 881 (i).

——— Inquiry for Ret., 3254 (ii), 5249 (iii).

SUPPLY—

Civil Govt.—Customs (Board of Customs) 585; (contingencies) 606 (i).

Fisheries (international fisheries commission) 3440; Miscellaneous (Cushing & Co.'s claims) 3453 (ii).

Indians—N.B. (medical relief) 3462 (ii).

Marine and Fisheries (fisheries conference) 3689; (investigation) 3450 (ii).

Penitentiaries—Dorchester (electric lighting) 885; (supplies) 916; Generally (supplies) 887 (i).

Public Works—Buildings —B.C. (Victoria immigration) 2085 (ii).

Public Works—Buildings—Generally (experimental farms) 1598 (i).

Public Works—Buildings—N.B. (Partridge Island water service) 3206 (ii); (St. John, drill hall) 1293 (i); (St. John, hospital fittings) 3210 (ii).

Public Works—Buildings—N.S. (Westville) 1292 (i).

Public Works—Buildings—Ottawa (additional wing) 1253; (museum) 1275; (Royal Mint) 1272 (i).

Public Works—Buildings—Yukon (Commissioner's residence) 1593 (i).

Public Works—Dredging—Dom. (vessels, repairs) 3338; Mar. Provs. (plant) 3340 (ii).

Public Works—Harbours and Rivers—Man. (St. Andrews rapids) 2106 (ii).

CROCKET, Mr. O. S.—*Con.*

SUPPLY—*Con.*

Public Works—Harbours and Rivers—Mar. Provs. (creosoted timber) 2511 (ii).

Public Works—Harbours and Rivers—N. B. (Beaver) 1622; (Buctouche) 1623; (Cape Bald) 1625; (Cummings Cove) 1625 (i); (Dorchester) 3237 (ii); (Dover) 1625; (Harvey Bank) 1626; (Heron island) 1626; (Mill's Point) 1626; (Moncton) 1627; (North Head) 1629; (Quaco) 1629; Richibucto, 1629 (i), 3238 (ii); (St. John surveys) 1641 (i); (St. John tidal waters) 3238 (ii); (St. John tributaries) 1637; (Shippigan harbour) 1645; (Whitehead wharf) 1646 (i).

Public Works—Harbours and Rivers—Ont. (Port Arthur) 2093 (ii).

Railways—I.C.R. (Gibson siding) 3418 (ii).

Tenders: *See* 'Govt.'

Waterways Treaty, N.B. Fisheries Regulations *re* (remarks) 1247 (i).

Wharfs in Queens and Sunbury, Tenders called in Oct. 1908, Estimates, &c. (Ques.) 2374 (ii).

Woodstock Armoury Bowling Alley, Operations, &c. (Ques.) 5157 (iii).

CROSBY, Mr. A. B., *Halifax.*

'Anticosti' Str., Amount of Work, Tenders *re*, &c. (Ques.) 671 (i).

Bounty on Steel Shipbuilding, Delegations *re* (Ques.) 6090 (iv).

Cariboo Breakwater, N.S., Amount of Expenditure (Ques.) 2152 (ii).

Civil Service Act (letter carriers) Amt B. 137 (Mr. Lemieux) in Com., 6329 (iv).

Coasting Trade, O.C. *re* Privileges to Foreign Ships (remarks) 6123 (iv).

Cold Storage Establishments in Halifax, Res. from Commercial Committee (remarks) 3567 (ii).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 566 (i).

Fenian Veterans, Land Grants to (remarks) in Com. of Sup., 6281 (iv).

Fishing Bounty, Forms of Application (remarks) 1021 (i).

——— Delay in sending Blank Forms (remarks) 1249 (i).

Fishing Bounties, Payments to in Liverpool County (M. for ret.*) 3992 (ii).

Fisheries Development, Apptmt. of Sel. Com. on prop. Res. (Mr. Sinclair) 491 (i).

——— Ques. of Order, 519 (i).

Govt. Employees and Interference at Elections (remarks) on M. for Sup., 6869 (iv).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 5903 (iv).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 215 (i).

CROSBY, Mr. A. B.—*Con.*

G.T.P. Loan B. 128 (Mr. Fielding) on Amt. (Mr. R. L. Borden) to M. for 3°, 5585 (iii).

Halifax Custom House, Total Cost, Contract, &c. (Ques.) 815 (i).

Halifax Post Office, Contract *re* Reconstruction, &c. (Ques.) 814 (i).

I.C.R., Annual Stmnt. (remarks) 2684 (ii).

——— Freight Clerks, Conciliation Board, Rep. (M. for copy*) 2597 (ii).

——— Investigation *re* Labour Disputes (remarks) on M. for Sup., 3261 (ii).

——— Settlement *re* Arbitration (remarks) 2127, 3568 (ii).

Johnston, Capt., Repayment of moneys from Str. Hestia (remarks) in Com. of Sup., 6889 (iv).

Labour Department B. 165 (Sir Wifrid Laurier) in Com., 6735 (iv).

Labour Hours for Workingmen, Restriction, &c., on M. (Mr. Verville) to Com. of Sup., 5945 (iv).

Militia at Halifax, Delay in Payments (remarks) 2672, 2773 (ii).

Political Interference: *See* 'Govt. Employees,' &c.

Preston, Mr. W. T. R., Transfer to Holland (remarks) in Com. of Sup., 6656 (iv).

'Scotia,' SS., Subsidy Terms, &c. (Ques.) 4895 (iii).

S. A. Bounty Act, Regulations (remarks) 2227 (ii).

Spry Bay Govt. Wharf, Expenditure *re* (Ques.) 4895 (iii).

Supply—Harbours and Rivers, N.B., Ques. of Order, 1635 (i).

SUPPLY

Arts, Agriculture, &c. (cold storage for fruits, &c.) 6983; (experimental farms) 5952 (iv).

Civil Govt.—Customs (Board of Customs) 586; (contingencies) 600 (i).

Fisheries (commissions) 6958 (iv); (Cushing & Co.'s claims) 3453 (ii); (customs licenses) 6959; (cruisers) 6947; (transportation) 6956 (iv).

Immigration (agents, &c.) 7032 (iv).

Indians—Generally (inspectors) 1164; (relief) 1167 (i).

Lighthouse and Coast Service (agencies, &c.) 6889 (iv).

Mail Subsidies and SS. Subventions (Canada and G.B.) 6650; (Canada and Nfld.) 6651; (contingent fund) 6655; (Halifax and Canso) 6651; (Halifax and Nfld.) 6651; (Halifax and Spry Bay) 6652; (Magdalen Islands) 6652; (P.E.I. and C. B., and Nfld.) 6652 (iv).

Marine—Dredging (plant, &c.) 6886; Public Works (St. Lawrence ship canal) 6877 (iv).

Militia (permanent force) 3422 (ii); (supplies) 6661 (iv); (warlike stores) 2317 (ii).

CROSBY, Mr. A. B.—*Con.*

SUPPLY—*Con.*

Miscellaneous (Canada and W. I. Trade Relations) 6556 (iv).

Ocean and River Service (Govt. steamers) 6671; (icebreaker for Northumberland Straits) 6673; (naval militia) 6683; (obstructions, removal, &c.) 6679; (wrecks investigations) 6679; (wrecking plant) 6680 (iv).

Post Office (rural mails) 3423 (ii).

Public Works—Buildings, B.C. (Victoria immigration) 2086 (ii).

Public Works—Buildings, N.S. (Halifax) 1289; (Shelburne) 1292 (i).

Public Works—Buildings, Ont. (Kingston, R.M.C.) 1510; (Whitby) 1528 (i).

Public Works—Buildings, Ottawa (additional wing) 1258; (Royal Mint) 1274; (telephones) 1611 (i).

Public Works—Dredging (generally) 6554 (iv).

Public Works—Harbours and Rivers, N.S. (Annapolis ice piers) 2343; (Cow Bay) 2467; (Peswick) 2474; (Portuguese Cove) 2480; (Sorel) 3291; (Spry Bay) 2474; (Tangier) 2484 (ii).

Quarantine ("Challenger") 5883 (iii).

Railways—G.T.P. (Quebec Bridge) 2053 (ii); I.C.R. (extensions) 6557 (iv).

Trade and Commerce (Chinese administration) 6656; (commercial agencies) 6656 (iv).

CROTHERS, Mr. T. W., *West Elgin.*

Civil Service Salaries Increases B. 187 (Mr. Fisher) on M. for 2°, 6341 (iv).

Govt. Tenders, Opening, &c., on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 579 (i).

—— Ques. of Order, 571 (i).

G.T.P. Loan B. 128 (Mr. Fielding) in Com., 5266; on M. for 3°, 5530 (iii).

Investigations into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3756 (ii).

Letter Carriers at St. Thomas (remarks) in Com. of Sup., 3428 (ii).

N.B. Central Ry. Commissioners' Report, *re* Hon. Mr. Pugsley (amt.) to Com. of Sup., 5645; Amt. neg. (Y. 63; N. 90) 5830 (iii).

Port Stanley Pier, Wage of Labourers, Delays in Payment (remarks) 4047 (iii).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4248 (iii).

—— (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 744 (i).

Secret or Illicit Commission Prevention B. 31 (Mr. Aylesworth) in Com., 1125, 1482 (i).

S.A. Bounty Act (remarks) 2223 (ii).

SUPPLY—

Civil Govt.—Agriculture (salaries) 646; Customs (contingencies) 591; Inland Revenue (salaries) 429 (i).

Excise (inspectors salaries) 436 (i).

Penitentiaries—Dorchester (supplies) 917; Generally (supplies) 910; St-Vincent de Paul (supplies) 914; Stoney Mountain (supplies) 921 (i).

CROTHERS, Mr. T. W.—*Con.*

SUPPLY—*Con.*

Post Office (rural mails) 3428 (ii).

Printing and Stationery (salaries) 808 (i).

Public Works—Buildings—N.S. (Shelburne) 1292 (i).

Public Works—Buildings—Ont. (Simcoe) 1392; (Whitby) 1524 (i).

Westville Post Office, Contract Price, Inspector, &c. (Ques.) 2755 (ii).

Yukon Ordinances (Mr. Oliver) in Com. on Res., 7077 (iv).

CURRIE, Mr. J. A., *North Simcoe.*

Adulteration Act Amt. (B. 107) 1° m., 2490

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4450, 5203 (iii).

Ammonal Explosives Patent Relief B. 93 (Mr. Macdonell) on M. for 2°, 2379 (ii).

Bonuses and Subsidies overdue, &c. (Ques.) 2763 (ii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 2571 (ii).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1692, 1865 (i).

Canadian Ships Docking for Repairs, Res. *re* (Ques.) 3053 (ii).

Canadian Ships, Duty *re* Repairs in Foreign Countries (Ques.) 2762 (ii).

Coal conserved for Home Market, on prop. Res. (Mr. McKenzie) 3108 (ii).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1740 (i).

Cold Storage Act Amt. B. 147 (Mr. Fisher) in Com., 6742 (iv).

Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5208 (iii).

Dominion Atlantic Ry., Examination by Govt. (remarks) in Com. of Sup., 2928 (ii).

Dumping Clause, Orders from Treasury Board (remarks) 4412 (iii).

External Affairs Deptl. B. 90 (Mr. Murphy) on prop. Res., 1998 (i); in Com., 4436 (iii).

Fishery Commission Regulations, Adoption of (remarks) 6411 (iv).

Fishery Regulations with U. S. and Action of Ont. Govt. (remarks) 6532 (iv).

Foreign Correspondence, Number of Letters, &c. (Ques.) 3986 (ii).

Fort Malden, Representations *re* Sale, &c. (Ques.) 6087 (iv).

Geodetic Survey Bureau, Establishment of, on M. (Mr. Maclean) for Cor., 3071 (ii).

Georgian Bay Canal, Pet. *re* Expenditure (remarks) 6415 (iv).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4415 (iii).

Govt. Ships purchased from British Shipbuilders since 1896, Expenditure in Repairs, &c. (Ques.) 3195 (ii).

CURRIE, Mr. J. A.—*Con.*

G. T. P. Prairie Section Contracts, Names of Contractors, &c. (Ques.) 3987 (ii).

Holland River at Newmarket, Rep. *re* Flow of Water (Ques.) 472 (i).
See 'Trent,' &c.

Ice-Breaker for Northumberland Straits, Contract with Messrs. Vickers, Sons & Maxim (M. for cor.*) 3056 (ii).

Imperial Partnership with G. B. and Her Colonies, on Amt. (Mr. Hughes) to Com. of Sup., 6446 (iv).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6798 (iv).

Lake Transportation (remarks) in Com. of Sup., 3295 (ii).

Lee-Enfield Rifles, Issue of New Barrels, &c. (Ques.) 6088 (iv).

Manitoba Grain Act Amt. (B. 173) 1° m., 5626 (iii).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3954 (ii); on Sen. Amts., 6079 (iv).

Montreal Harbour Commissioners B. 192 (Mr. Fielding) in Com. on Res., 6744 (iv).

Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3543 (ii).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3133 (ii).
See 'Holland,' &c.

Priv. Ques. of (Mr. Conmee) *re* 'Special Trains,' 4292 (iii).

Public Works by Marine Dept., Tenders *re* (Ques.) 2765 (ii).

Railways and Canals (remarks) on Annual Stmnt., 2691 (ii).

Railway Act (trainmen) Amt. (B. 172) 1° m., 5625 (iii).

Railway Commission, Vacancy, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2668 (ii).

Ross Rifle, Weight, Length, Diameter, &c. (Ques.) 4891 (iii).

Royal Casualty and Surety Co.'s B. 51 (Mr. H. H. McLean) in Com., 2577, 2718 (ii).

S.A. Veteran Land Grants (remarks) in Com. of Sup., 6274 (iv).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3976 (ii).

SUPPLY.

Arts, Agriculture, &c. (exhibitions) 728 (i); (live stock industry) 5866 (iii).

Canals—Beauharnois (water power) 1911 (i)

Canals—Generally (staff, &c.) 2072 (ii).

Canals—Lachine (wharfs and basins) 790 (i).

Canals—Trent (construction) 2074, 3178 (ii); (Holland River) 1579, 1587 (i); (Newmarket) conc., 4049; (amt.) neg. (Y. 52; N. 80) 4049 (iii).

CURRIE, Mr. J. A.—*Con.*

SUPPLY—*Con.*

Canals—Welland (Port Colborne) 1907; (surveys) 1909 (i).

Civil Govt.—Customs (contingencies) 605 (i); Mines (salaries) 3680 (ii); Post Office (salaries) 613, 722 (i).

Civil Service Commission (salaries) 717 (i).

Fisheries (cruisers) 6947 (iv).

Indians—B.C. (surveys commission) 1159

Indians—Generally (inspectors) 1165 (i).

Indians—Ont. (legal expenses) 996; (surveys) 989 (i).

Interior (St. Mary's and Milk River diversions) 6269 (iv).

Lighthouse and Coast Service (buoy steamer) 6910 (iv).

Marine and Fisheries (fisheries conference) 3688 (ii).

Penitentiaries—Stoney Mountain (supplies) 922 (i).

Printing and Stationery (salaries) 806 (i).

Public Works—Buildings—Dom. (power) 1617 (i).

Public Works—Buildings—Ont. (Cornwall) 1360; (Glencoe) 1373; (Kingston R.M.C.) 1381, 1509, 1534; (Markham) 1387; (Whitby) 1525 (i).

Public Works—Buildings—Ottawa (astronomical observatory) 620; (peat testing) 1390, 1499 (i).

Public Works—Dredging (generally) 6536 (iv).

Public Works—Harbours and Rivers—B.C. (Okanagan) 6545 (iv).

Public Works—Harbours and Rivers—N.B. (St. John survey) 1645 (i).

Public Works—Harbours and Rivers—N.S. (Cow Bay) 2466; (Middle River) 2479; (Yarmouth) 2485 (ii).

Public Works—Harbours and Rivers—Ont. (Collingwood) 3294; (Owen Sound) 3316; (ii).

Public Works—Harbours and Rivers—Que. (Bonaventure) 3279; (Sorel) 3290 (ii).

Railways—I. C. R. (Moncton, cut-off) 2921 (ii).

Railways—Miscellaneous (McGill school) 2071 (ii).

Railways—Ry. Commission (litigation) 2070 (ii).

Weights and Measures (electric light inspection) 452 (i).

Telephones in Canada, Control of Rates, &c. on prop. Res. (Mr. Lennox) 1775 (i).

Trent Valley Waterways, Extension to Georgian Bay, &c. (Ques.) 473 (i).
See 'Holland,' 'Supply—Canals,' &c.

Waterways Treaty with U. S., Changes in Draft Treaty *re* Intersection of Islands, on M. for Sup., 1490 (i).

Weights and Measures *re* Vessel Owners and Rys., &c. (remarks) in Com. of Sup., 3683 (ii).

Western Canadian Life Assurance Co.'s B. 37 (Mr. Knowles) in Com., 2564 (ii).

Wharfs, Govt.: *See* 'Govt. Harbours,' &c.

Winnipeg and Northwestern Ry. Co.'s (B. 29) in Com., 2067 (ii).

CURRIE, Mr. J. A.—*Con.*

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4158 (iii).

DANIEL, Mr. J. W., *St. John City.*

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 752 (i).

Canada-France S.S. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4441 (iii).

Carter, Edward S., Emplymt. as Sessional Clerk (Ques.) 5094 (iii).

Civil Service Salaries, Classification *re* Schedules, &c., on M. for Sup., 2447 (ii).

Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5207 (iii).

Courtney Bay, Contracts *re* Dredging (remarks) in Com. of Sup., 2109 (ii).

Fisheries Development, Apptmt. of Sel. Com. on prop. Res. (Mr. Sinclair) 506 (i).

Fishing Weirs in Passamaquoddy Bay, Investigation *re* Ownership, &c. (Ques.) 6088 (iv).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1697 (i).

French SS. Line: *See* 'Canada,' &c.

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 6126 (iv).

I. C. R., Branch Lines (remarks) *re* prop. Res., 2162 (ii).

——— Freight Clerks, Investigation *re* Labour Disputes (remarks) on M. for Sup., 3260 (ii).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3907 (ii).

Lobster Fisheries, Violation of Act, Par. in St. John Standard (remarks) 3705 (ii).

Maritime Dredging Co., Tender *re* St. John Harbour (Ques.) 6787 (iv).

Mayes Affidavit, Reading of (amt.) to Com. of Sup., 4253 (iii).

——— Reading of Original, Document (read) 4300; (Amt.) 4311; Amt. neg. (Y. 60, N. 100) 4409 (iii).

——— Ques. of Order, 4313 (iii).

Port Credit Dredging (remarks) in Com. of Sup., 3330 (ii).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6208 (iv).

Returns, Inquiry for, 2129, 2493 (ii).

St. John Dredging, Apptmt. of Supt., &c. (Ques.) 5632 (iii).

St. John Harbour and Courtney Bay Surveys and Borings, Cor. Reps. O. Cs. Advestisements *re* Tenders, &c. (M. for ret.*) 826 (i).

——— Contract with Mayes, John Moore & Co., Cor., (M. for copies*) 826 (i).

St. John Postmaster, Superannuation of, Apptmt. of Successor, &c. (Ques.) 871 (i).

DANIEL, Mr. J. W.—*Con.*

Sissiboo River Bridge, Construction, &c., on M. (Mr. Jameson) on Com. of Sup., 6845 (iv).

S. A. Bounty Act, Regulations *re* (remarks) 2222 (ii).

S.A. Land Grants, Number located, Apptmts. of Substitutes, &c. (Ques.) 6404 (iv).

SUPPLY—

Arts Agriculture, &c. (experimental farms) 5947 (iv).

Civil Govt.—Civil Service Commission (salaries) 387; Finance (salaries) 384; Marine and Fisheries (salaries) 381 (i).

Fisheries (Cushing & Co.'s claims) 351; (international fisheries commission) 3440 (ii).

Indians—N.B. (medical attendance) 999; N.S. (seed grain, &c.) 998; Ont. (legal expenses) 995; (surveys) 991; P.E.I. (medical attendance) 1000 (i).

Labour Dept.—Miscellaneous (Opium Conference) 3434 (ii).

Lighthouse and Coast Service (agencies, &c.) 6897 (iv).

Militia (ordnance) 2307; (rifle shooting) 2297; (salaries) 2272; (transport) 3423 (ii).

Penitentiaries—Dorchester (electric light plant) 884 (i).

Post Office (letter carriers) 1653, 1697 (i).

Public Works—Buildings—B.C. (Victoria immigration) 2088 (ii).

Public Works—Buildings—N.B. (St. John drill hall) 1293 (i).

Public Works—Buildings—Ottawa (additional wing) 1264; (Royal Mint) 1271; (telephones) 1605 (i).

Public Works—Dredging—Dom. (vessels) 3338; Mar. Provs. (plant) 3339 (ii).

Public Works—Dredging—P.E.I. (Georgetown) 1293 (i).

Public Works—Harbours and Rivers—N.B. (Beaver) 1622; (Buctouche) 16 3; (Campbellton) 1625; (Campobello) 1646; (Cape Tormentine) 1626; Kouchibougouac) 1626; (Leonardsville) 1626; (Moncton) 1627; (Point du Chene) 1629 (i); (St. John) 2109 (ii); (St. John harbour) 1645; (St. John River tributaries) 1633; (Seal Cove) 1645; (Shippegan) 1646 (i).

Public Works—Harbours and Rivers—Ont. (Port Arthur) 2094 (ii).

Public Works—Harbours and Rivers—Que. (Bonaventure) 3282; (Ste. Anne des Monts) 3287; (Saguenay) 32 5 (ii).

Railways—Miscellaneous (McGill school) 2071 (ii).

Telephones, Provincial Control of by Ry. Commission (Ques.) 1418 (i).

Telephone Rates in Canada, Control by Govt.; on prop. Res. (Mr. Lennox) 1770 (i).

Vessels, Govt. Inspection B. 73 (Mr. Lewis) on M. for 1°, 1319 (i).

Waterways Treaty, International and N.B. Fisheries, Par. in St. John Globe, 1243 (i).

DELISLE, Mr. M. S., *Portneuf.*

Quebec Judges now receiving Pensions, aDte of Apptmts., &c. (Ques.) 5634 (iii).

DEMERS, Mr. M. J., *St. John and Iberville.*

Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 864 (i).

Investigations into Dept. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3893 (ii).

SUPPLY—

Public Works—Harbours and Rivers—Que. (Richelieu) 2560 (ii).

DEVLIN, Mr. E. B., *Wright.*

Civil Service Salaries, on M. (Mr. Fisher) for Com. on Res., 320 (i).

Experimental Farms, Establishment of, on prop Res. (Mr. Lapointe) 1950 (i).

Hull Customs Duties, Amount collected, &c. (Ques.) 1418 (i).

Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 857 (i).

Investigation into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3871 (ii).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4272 (iii).

Ottawa Northern and Western Ry. Co.'s (B. 49) 1°*, 738 (i).

DOHERTY, Mr. C. J., *Montreal, St. Anne.*

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) in Com., 6744 (iv).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6178.

Insurance Act Amt. B. 97 (Mr. Fielding) 6816 (iv).

Investigations into Depts. by Mr. Justice Cassels (amt.) to Com. of Sup., 3706; Amt. Neg. (Y. 54; N. 94) 3934 (ii).

Judges of the District and County Court B. 193 (Mr. Aylesworth) in Com. on Res., 6772 (iv).

Montreal Harbour Commissioners B. 154 (Mr. Brodeur) in Com., 6560 (iv).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4248 (iii).

Ry. Act (commissioners) Amt. B. 106 (Mr. Graham) on M. for 3°, (amt.) 6310 (iv).

Robertson, Thos., Suspension by Pilotage Board, B.C. (remarks) on M. for Sup. 6864 (iv).

Secret or Illicit Commission Prevention B. 31 (Mr. Aylesworth) in Com., 1487 (i).

Security Life Insurance Co. of Canada B. 188 (Mr. Proulx) in Com., 6782 (iv).

Statutes, French Translation, &c. (remarks) 2024 (ii).

SUPPLY—

Immigration (agents, &c.) 7029 (iv).

Public Works—Buildings—Que. (Montreal postal station) 1313 (i).

Public Works—Harbours and Rivers—Que. (St. Francis river) 2898; (Yamaska) 2900 (ii).

DONNELLY, Mr. J. J., *South Bruce.*

Central Bank of Canada, Liquidation of (Ques.) 2151 (ii).

Chesley Post Office, Amount of Vote *re* (Ques.) 543 (i).

—— Site, &c. (remarks) in Com. of Sup., 1359 (i).

G.T.P. Loan B. 128 (Mr. Fielding) on prop. Res., 4089 (iii).

SUPPLY—

Public Works—Buildings—Ont. (Cornwall) 1359 (i).

Walkerton and Lucknow Ry. Co.'s (B. 53) 1°*, 738 (i).

DUBEAU, Mr. J. A., *Joliette.*

Canadian Northern Quebec Ry. Co.'s (B. 38) 1°*, 465 (i); on Sen. Amts., 4164, 4593, 5486 (iii).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1956 (i).

Joliette and Lake Manuan Colonization and Ry. Co.'s (B. 126) 1°*, 4041 (ii); in Com., 4836 (iii).

ECREMENT, Mr. A., *Berthier.*

Immigration Agents in France, Number, Reps., Resignation of J. E. Cyr (Ques.) 1414 (i).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3771 (ii).

Marconi Stations between Montreal and Quebec, Pets. *re* (Ques.) 2762 (ii).

Montreal Bridge and Terminal Ry. Co.'s (B. 180) 1°*, 5997; in Com., 6628 (iv).

St. Lawrence Channel, Amount expended 1908, Continuation, &c. (Ques.) 2150 (ii).

Telephone Stations between Montreal and Quebec *re* Navigation (Ques.) 2594 (ii).

EDWARDS, Mr. J. W., *Frontenac.*

Agriculture. Expenditures for (Ques.) 1070 (i).

Barriefield Camp, Par. in "Military Gazette," Ques. of Priv., 5622 (iii).

Budget, The, 4760 (iii).

Canada Shipping Act Amt. (B. 179) 1° m., 5889 (iv).

Fish Hatcheries, Number in Canada (Ques.) 3479 (ii).

Hay from U. S., Entries at Kingston, &c. (Ques.) 1177 (i).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3927 (ii).

Kingston Batteries, Tenders *re* Groceries, &c., (Ques.) 4225 (iii).

Kingston Military Buildings, Tenders, Expenditure, &c. (Ques.) 546 (i).

—— Correction of Figures (remarks) in Com. of Sup., 2540 (ii).

EDWARDS, Mr. J. W.—*Con.*

Kingston R. M. Buildings, Excessive Expenditures (remarks) on M. for Sup., 2495 (ii). *See* "Military," "R. M. C.'s &c.

Kingston Penitentiary, Dep. Warden's Residence, Plans, &c (Ques.) 2589 (ii).

——— Number of Prisoners, Guards, Salaries, &c. (Ques.) 4226 (iii).

——— Potatoes purchased, Tenders *re* (Ques.) 4227 (iii).

——— Tenders for Coal, &c. (Ques.) 4227 (iii).

Military Buildings at Kingston, (M.) for Original Tenders, 1922 (i).
See "Kingston".

Military Lands purchased near Kingston, Name of Agent, &c. (Ques.) 546 (i).

Pork, Bacon, &c., from U.S., Entries at Kingston, &c. (Ques.) 1177 (i).

Post Office Revenue at Kingston, Brantford, Sherbrooke and Quebec, Salaries of Postmaster, &c. (Ques.) 5633 (iii).

Public Health Bureau, Establishment of, on prop. Res. (Mr. Black) 1104 (i).

Railway Act (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 3°, 523 (i).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2391 (ii); in Com., 6227 (iv).

Railway Level Crossing Accident near Kingston, (remarks) 251 (i).

Railway Level Crossings, Prevention of Accidents, on prop. Res. (Mr. Lennox) 1225 (i).

Royal Military College Cottages, Estimated Total Cost (Ques.) 1732 (i), 2319 (ii).

——— Stables, Tenders, &c. (Ques.) 1732 (i).

Royal Military College, Total Cost of (Ques.) 1733 (i).
See 'Kingston,' &c.

Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2800 (ii).

Sherbrooke Drill Hall, Contract *re* (Ques.) 3478 (ii).

S. A. Veterans' Warrants, Number, Homesteads issued, &c. (Ques.) 2818 (ii).

SUPPLY—

Fisheries (contingencies) 6980 (iv).

Lighthouse and Coast Service (lightkeepers' salaries) 6981 (iv).

Militia (annual drill) 2312; (ordnance) 2308; (properties) 2314 (ii).

Penitentiaries—Generally (supplies) 909 (i).

Public Works—Buildings—Ont. (Kingston artillery park) 3223 (ii); (R. M. College) 1507, 1533 (i); conc. (amt.) 4049 (iii); (Whitby) 1532 (i).

Public Works—Buildings—Ottawa (Rideau Hall grounds) 1611 (i).

Public Works—Buildings—Que. (Quebec citadel) 3213; (Sherbrooke) 3223 (ii).

Public Works—Harbours and Rivers—Ont. (Wolfe Island canal) 3302 (ii).

Public Works—Harbours and Rivers—P. E. I. (bridges) 2508 (ii).

EDWARDS, Mr. J. W.—*Con.*

SUPPLY—*Con.*

Public Works—Harbours and Rivers—Que. (Anse a l'Ilot) 2514 (ii).

Veterans of 1866, Land Grants to (Ques.) 668 (i).

Veterinary Hospital, Kingston, Dimensions, Tenders *re* Construction, &c. (Ques.) 2150 (ii).

Wolfe Island Canal, Construction, Contribution *re* Maintenance by Govt. (Ques.) 3043 (ii).
See 'Supply.'

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4157 (iii).

ELSON, Mr. P., *East Middlesex.*

Hickory and Ash Handles for Farm Implements, Number imported for 1908 (Ques.) 1239 (i).

Mail Service between Hyde Park Post Office, &c., in Middlesex County, &c. (Ques.) 3251 (ii).

Polling Booths in Ont., Payment *re* Rents, &c. (Ques.) 3251 (ii).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2400 (ii); in Com., 6224 (iv).

SUPPLY—

Arts, Agriculture, &c. (live stock industry) 5873 (iii).

EMMERSON, Hon. H. R., *Westmoreland.*

Canadian, Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1687 (i).

Courtney Bay Dredging Contracts (remarks) in Com. of Sup., 2114 (ii).

Govt. Railways Act (compensation) Amt. B. 20 (Mr. Graham) in Com., 772 (i).

Harvey-Salisbury Railroad incorp. (B. 35) 2° m., 775 (i).

I.C.R., Applications *re* Running Privileges (Ques.) 351 (i).

——— on Annual Statement (Mr. Graham) 2737 (ii).

——— Board of Management, Apptmt. of (remarks) 4803 (iii).

——— Branch Lines, Extension of Feeders, &c. (prop. res.) 2162 (ii).

——— Branch Lines Rep., Inquiry for Copy, 664, 1718 (i).

——— printing, &c. (remarks) 875 (i).

——— (M. for copy) 882 (i).

I.C.R., Employees at Moncton, Number, &c. (Ques.) 330 (i).

——— Proposal *re* Leasing, &c. (Ques.) 164 (i)

——— Speed of Special Mail Trains, Instructions *re*, &c. (Ques.) 872 (i).

EMMERSON, Hon. H. R.—*Con.*

London and Lancashire Plate Glass Co.'s incorp. B. 27 (Mr. Macdonell) in Com., 2146 (ii).

McAvity-Mayes Dredging Contract, Ques. of Order, Irrelevancy of debate, 276 (i).

Montreal Harbour Commissioners B. 154 (Mr. Brodeur) in Com., 6559 (iv).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1039 (i).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6246 (iv).

Railways and Canals, (remarks) on Annual stmnt., 2700 (ii).

Railways and Canals, Deptl. Rep., Inquiry for, 1250 (i).

Ry. Employees Provident Act Amt. B. 164 (Mr. Graham) in Com., 6741 (iv).

Salisbury and Harvey Railroad Co.'s incorp. (B. 35) 1°*, 465; in Com., 1363, 1513 (i).

SUPPLY.

Mail Subsidies and SS. Subventions (St. John and Minas Basin) 6654 (iv).

Public Works—Harbours and Rivers—N.B. Campobello) 1647 (i); N.S. (Annapolis ice piers) 2370 (ii).

Williams, Thos., Employee of I.C.R. at Moncton, Superannuation, &c. (Ques.) 330 (i).

Winnipeg and Northwestern Rv. Co.'s B. 29 (Mr. McCraney) in Com., 2139 (ii).

ETHIER, Mr. J. A. C., *Two Mountains.*

Central Ry. of Canada (B. 166) 1°*, 5623 (iii).

Debates, Official, on M. (Mr. Gervais) to conc. in 1st Rep. of Com., 1476 (i).

Franklin Montgomery Gray, Patent Relief B. 132 (Mr. Rankin) in Com., 4887 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) on M. for 2°, 5154 (iii).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6140 (iv).

Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 861 (i).

Private Bills, Refunding of Fees (M.) 5889 (iv).

——— (M.) to conc. in 8th Rep. of Com., 5997 (iv).

St. Maurice and Eastern Ry. Co.'s incorp. (B. 176) 1°*, 5777 (iii).

Salvation Army Council B. 142 (Mr. Miller) in Com., 6069 (iv).

FIELDING, Hon. W. S., (Minister of Finance), *Shelburne and Queens, N.S.*

Aerial Navigation, Experiments by Canadians (Ans.) 2383 (ii).

Alberta and Saskatchewan, Annual Allowance, Amount paid, &c. (Ans.) 2588 (ii).

American Silver, Exportation of (remarks) 6780 (iv).

FIELDING, Hon. W. S.—*Con.*

American Tariff, Consideration of (remarks) 5103 (iii).

Annuities Act Amt. (B. 109) 1°*, 2670 (ii); 2°m., 6773 (iv).

Annuities Act, Number of Applicants, Amount, &c. (Ans.) 3477 (ii).

Armouries, Returns, Inquiry for, 3937 (ii).

Aud. Gen.'s Rep., Part O (presented) 1393 (i).

Bank Act Amt., Legislation *re* (Ans.) 1732 (i).

Beet Root Sugar, Refineries, Duty *re* Preferential Tariff (Ans.) 3047 (ii).

Bills of Lading Bill, Discussion *re* (remarks) 6918 (iv).

Bonuses and Subsidies overdue, &c. (Ans.) 2763 (ii).

Bounties on Steel Shipbuilding, Delegation *re* (Ans.) 6091 (iv).

Bowden, Annie, Relief, B. 194 (Mr. Sproule) on M. for 1°, 6918 (iv).

Budget, The, 4546 (iii).

——— (announcement) 4220 (iii).

——— Ques. of Order, 5060 (iii).

Budget, The (remarks) 1813 (i), 3111, 3649 (ii).

Budget, Speech of 1898, on Inquiry for Stmnt. 1321 (i).

Business of the Hse., Adjournment for Easter (remarks) re Assent to Bills, 4119 (iii).

——— Motions to be dropped (remarks) 4036 (ii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3033 (ii).

——— on M. to ref. to Standing Orders Com., 3041 (ii).

——— on order for Com., 3411 (ii).

Canada SS. Service with Germany, Negotiations *re* (Ans.) 2589 (ii).

Canada National Fire Insurance Co.'s incorp. B. 76 (Mr. A. Haggart) in Com., 2578 (ii).

Canadian Northern Ontario Ry. Co.'s B. 75 (Mr. Pardee) in Com., 3410 (ii).

Central Bank of Canada, Liquidation of (Ans.) 2151 (ii).

Chartered Banks, Unpaid Balances for more than five years (Ans.) 2592 (ii).

Civil Service, Inside Employees, Payments to in 1896 (Ans.) 1913 (i).

Civil Service Salaries, Names of those receiving no Increases (Ans.) 1726 (i).
See 'House of Commons.'

Coal conserved for the Home Market, on prop. Res. (Mr. McKenzie) 3108 (ii).

Coasting Trade, O. C. *re* privileges to Foreign Ships (remarks) 6123 (iv).

Coinage at Canadian Mint, Date of, Circulation, Profit, &c. (Ans.) 1401 (i).

FIELDING, Hon. W. S.—*Con.*

Co-Operative Societies, on Question of Order (Mr. Speaker) 2327 (ii).

Customs Tariff Amt. (B. 162) 1°*, 2°* and 3°*, 5103 (iii).

Deferred Elections, on prop. Res. (Mr. Burrell) 2840 (ii).

Dumping Clause, Orders from Treasury Board (remarks) 4412 (iii).

Easter Adjournment (remarks) 3650 (ii).

Equity Fire Insurance Co.'s incorp. B. 161 (Mr. Macdonell) in Com., 6626 (iv).

Estimates, Suppl. (presented) 2597 (ii).

——— (1909) presented, 6092 (iv).

——— (1910) presented, 7065 (iv).

Estimates, Passing of (remarks) 3203 (ii).

Expenditures and Receipts, for 1908-9, N. T. R. Cost, &c. (Ans.) 4289 (iii).

Financial Statement—The Budget, 4546 (iii).

Fishery Regulations and Action of Ont. Govt. (remarks) 6528 (iv).

Franco-Canadian Treaty, Minimum Tariff on Farm Products (Ans.) 5158 (iii).

——— Present Condition (Ans.) 4896 (iii).

——— Treaty, on Inquiry for, 1977 (i) 3254 (ii).

——— Supplementary, Mess from His Ex. (presented) 2148 (ii).

——— (stmnt.) 7070 (iv).

German and Canadian Treaty, Negotiations *re* (remarks) 4125 (iii).

Govt. Loans (B. 191) Res. prop., 6292; in Com. on Res., 6709; 1°*, 2°*, in Com., 6711 (iv).

Govt. Loans, Amounts and Dates falling due prior to 1913 (Ans.) 3654, 3704 (ii).

——— Expenditure *re* Negotiations (Ans.) 1724 (i).

See 'Loans.'

Govt. Savings Banks, Amount of Deposits in Oct. 1889, 1896, 1897, 1898 (remarks) 1724 (i).

Grain Elevator at Vancouver, Construction of (Ans.) 2590 (ii).

G. T. P. Loan (B. 128) prop. Res., 2670 (ii); on prop Res. (remarks) 4060, 4096; in Com. on Res., 3569; 2° m., 5103; in Com., 5189, 5251, 5323, 5488; on Amt. (Mr. Ames) to M. for 3°, 5597; on Amt. (Mr. Middlebro) 5611 (iii).

G.T.P. Bonds guaranteed by Govt., Available for Prairie Section (Ans.) 2589 (i).

G.T.P., Legislation *re* (remarks) 2219 (ii).

——— Loan Res., Details *re* (remarks) 3111 (ii).

———Loans, on Inquiry for Cor., &c., 2772 (ii).

——— Negotiations *re* Loan prior to Oct., 1903 (Ans.) 4290 (iii).

FIELDING, Hon. W. S.—*Con.*

G.T.P., Prairie and Mountain Sections, Detailed Stmnt. of Expenditures (remarks) 3257 (ii).

See 'Expenditures,' &c

G.T.Ry. Co., Indebtedness to Govt., Interest due &c. (Ans.) 2759, 3046 (ii).

——— on M. (Mr. Taylor) for Papers, 3056 (ii).

G.T.Ry. Co., Prior Lien on Assets, Opinion of Mr. Shepley (Ans.) 4228 (iii).

Grand Trunk Stock, Outstanding Interest, Liabilities, &c. (Ans.) 3651 (ii).

Great West Permanent Loan Co.'s incorp. B. 40 (Mr. A. Haggart) in Com., 2569 (ii).

Harbour Commissioners of Montreal (B. 192) in Com. on Res., 6743; in Com., 6744 (iv).

See 'Montreal.'

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6101 (iv).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6159 (iv).

Industrial Disputes Act Amt. B. 113 (Mr. Macdonell) on M. for 1°, 3567 (ii).

Insurance Act (B. 97) 1° m., 2121; 2° m., 2564 (ii); in Com. on Res., 6637; in Com., 6704, 6788 (iv).

Insurance Bill, Discussion (remarks) 6290

Insurance Act Amt. Bill, Progress in Senate (remarks) 7069 (v).

Johnston, Capt., Repayment of Moneys *re* Str. 'Hestia' (remarks) in Com. of Sup., 6892 (iv).

Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6724 (iv).

Lancashire and London Plate Glass Co.'s incorp. B. 27 (Mr. Macdonell) in Com., 2147 (ii).

Loans by Govt., Expenses *re* (Ans.) 1922 (i).

Loans, Expenditures *re* (remarks) 4124 (iii).

Loans of Jan., 1909, Expenditure *re* (Ans.) 2596 (ii).

Loans of 1874, four per cent, Date of first Notice (Ans.) 3654 (ii).

Loans, Temporary, Details of $20,606,333 for Jan. 31, 1909 (Ans.) 1498 (i).

——— Interest for twelve and three quarter years, &c. (Ans.) 4898 (iii).

Loans issued since 1907, on Inquiry for Ret., 4125 (iii).

Loans, Return, on Inquiry for, 1562 (i), 2129, 2674, 3110, 3937 (ii).

See 'Govt.,' 'G.T.P.'

Lobster and Fishing Licenses in P.E.I., Number issued in 1904, Pets., &c. (M. for ret.*) 2160 (ii).

Manitoba and Northwestern Ry. Co. (B. 81) Correction, Permission to Clerk of Senate (remarks) 5886 (iii).

FIELDING, Hon. W. S.—*Con.*

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4400 (iii).
See 'N.B. Central Ry.'

Militia at Halifax, Delay in Payments (remarks) 2672 (ii).

Montreal Bridge and Terminal Co.'s (B. 180) on Senate Amts., 6917 (iv).

Montreal Harbour Commissioners (prop. res.) 3197 (ii).
See 'Harbour,' &c.

Montreal Harbour Dues, Interest due Govt., Increases, &c. (Ans.) 1417 (i).

Montreal Woollen Mills, Closing *re* Tariff Laws (Ans.) 2591 (ii).

Muir Memorial Fund, Request for Govt. Aid (Ans.) 5095 (iii).

N.B. Central Ry. Commissioners' Report, O. Cs., &c., on M. (Mr. Foster) to lay on Table, 5625 (iii).

Nickel Ore, Export Duty *re* (Ans.) 5634 (iii).

Old Age Pensions: *See* 'Annuities,' &c.

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5564 (iii).

Pensions: *See* 'Annuities.'

Proportional Representation, House of Commons, on prop. Res. (Mr. Monk) 2623 (amt.) 2624 (ii).

Prudential Life Ins. Co.: *See* 'Security,' &c.

Pugsley, Mr., and Mayes Affidavit: *See* 'Mayes.'

Quebec Tercentenary, Amount subscribed, Expenditure, &c. (Ans.) 1721 (i).

Returns, on Inquiry for, 1718 (i).

Royal Canadian Accident Insurance Co.'s incorp. B. 63 (Mr. Ames) on Senate Amts. 6788 (iv).

Royal Casualty and Surety Co.'s B. 51 (Mr. H. H. McLean) in Com., 2575, 2717 (ii).

Royal Life Insurance Co.'s B. 177 (Mr. McCraney) on M. for 1°, 5885 (iii).

Savings Bank Deposits, Increase of Interest (Ans.) 1396 (i).

Security Life Insurance Co.'s B. 188 (Mr. Proulx) in Com., 6782 (iv).

Silver Currency coined in Can. for 1905-6-7-8, Profits, Amount of U.S. Silver circulated, &c. (Ans.) 868 (i).

Sissiboo River Bridge, Construction, &c., on M. (Mr. Jameson) to Com. of Sup., 6844 (iv).

SS. Line to Germany: See 'Canada,' &c.

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) on order for Com., 4592 (iii).

Supply (B. 117) in Com. on Res., 1°, 2°, 3°*, 4051 (iii).

Supply (B. 195) Prop. Res., 7080, 1° m., 7081 (iv).

FIELDING, Hon. W. S.—*Con.*

Supply, One-Fourth of Estimates (remarks) 3936 (ii).

Supply—Conc., Reading of Items (remarks) 4048 (iii).

SUPPLY—

Arts, Agriculture, &c. (live stock industry) 5857 (iii).

Civil Govt.—Aud. Gen.'s Office (extra clerks) 3434; Finance (contingencies) 3436; Gov. Gen.'s Office (contingencies) 3434 (ii).

Dom. Lands (surveys) 3464 (ii).

Immigration, 5832 (iii); (agents, &c.) 7012; (G.B. agents, &c.) 7018 (iv).

Legislation (members indemnity) 7065 (iv).

Lighthouse and Coast Service (buoy steamer) 6912; (construction) 6908 (iv).

Mail Subsidies and SS. Subventions (Canada and G.B.) 3437 (ii).

Miscellaneous (Canada and W. Indies Trade Relations) 6556; (Hague Tribunal) 7062 (iv); (legal expenditure *re* Chinese seizure) 3466 (ii); (Parliamentary Guide) 7064 (iv); (unprovided items) 3466 (ii).

Public Works—Buildings—B.C. (Victoria immigration) 2089 (ii); (Harbours and Rivers—N.B. (St. John tributaries) 1638 (i).

Railways—I.C.R. (Aston track scale) 3415 (ii).

Tariff Changes *re* Tin (remarks) 4126 (iii).

Temporary Loans: *See* 'Loans.'

Thos. L. Smith, Patent Relief B. 71 (Mr. Bickerdike) on M. for 3°, 2950 (ii).

Toronto Old Fort, Pets. *re* Transfers (remarks) 4122 (iii).

Vancouver Bank B. 52 (Mr. Cowan) in Com., 2147 (ii).

Water Carriage of Goods between Can. and G.B., Regulations *re* (Ans.) 2764 (ii).

Water Carriage of Goods Bill (remarks) 6846 (iv).

Ways and Means—The Budget (annual statement) 4546 (iii).

Ways and Means (sugar) in Com., 5099 (iii).

Western Canadian Life Assurance Co.'s incorp. B. 37 (Mr. Knowles) in Com., 2564 (ii).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4146 (iii).

FISHER, Hon. S. A., (*Minister of Agriculture*) *Brome.*

Agriculture Committee of 1908, Printing and Distribution of Rep. (remarks) 3938 (ii).

Agriculture, Deptl. Employees, Names, Position, Salaries, Increases, &c. (Ans.) 1058 (i).

——— Outside Service at Ottawa, Names, Position, &c. (Ans.) 823 (i).

Agriculture, Deptl. Rep. (presented) 12 (i).

Agricultural Estimates, Delay in considering (remarks) 4412 (iii).

Agriculture, Expenditure for (Ans.) 1070 (i).

FISHER, Hon. S. A.—*Con.*

Agriculture, Expenditure *re* Employees (ii).

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4469 (iii).

Animals Contagious Diseases Act Amt. (B. 18) 1° m., 240; in Com., 750 (i).

Animals, Health of, Inspection, &c., Total Expenditure (Ans.) 821 (i).

Campbellford and Brighton Mail Contract (Ans.) 3479 (ii).

Canning Factories Inspectors, Number, Salaries, &c. (Ans.) 822 (i).

Census Vote for 1910, Intention *re* (Ans.) 532 (i).

Civil Service Act, Delays, &c. (remarks) 5895 (iv).

Civil Service Commissioners' Rep., on Inquiry for, 1022 (i).

Civil Service Resolutions, Conc. before Easter (remarks) 3703 (ii).

Civil Service Salaries (B. 187) prop. Res., 160; M. for Com., 292; in Com. on Res., 403, 953, 1135 (i); 1° m., 6330; in Com., 6346; 3° m., 6822; on Amt. (Mr. Foster) 6824; on Senate Amts., 7068 (iv).

Civil Service Salaries Schedules, on Inquiry for 2009 (i); 2336 (iii), 5998 (iv).

——— Classification Schedules, &c., on M. for Sup., 2423 (ii).

——— Senate Schedules, &c. (remarks) 6061 (iv).

See "House of Commons."

Cold Storage Act Amt. (B. 147) 1° m., 4471 (iii); in Com., 6742 (iv).

Cold Storage Establishments at Halifax (remarks) 3567 (ii).

Cold Storage Plants, Govt. Assistance to (Ans.) 2756 (ii).

——— Shipments of Fruit, &c., Amount, &c. (Ans.) 2818 (ii).

Conservation of Resources: *See* "Natural."

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6757 (iv).

Exhibitions subsidized by Dom. Govt., Amount, Officials, &c. (Ans.) 544 (i).

Experimental Farms Live Stock, Number, Estimated Value, &c. (Ans.) 546 (i).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1957 (i).

Experimental Farming Stations, Establishment of (Ans.) 823 (i).

"Farm Weeds" Number distributed, &c. (Ans.) 2758 (ii).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1677 (i).

Franklin Montgomery Gray Patent Relief B. 132 (Mr. Rankin) in Com., 4883, 5028 (iii).

FISHER, Hon. S. A.—*Con.*

French Translation of Documents in Dept of Agriculture (Ans.) 2762 (ii).

Fruit Marks Act, Number of Inspectors (Ans.) 3477 (ii).

——— Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3380.

Gretna Quarantine Building, Total Cost, Price of Land, &c. (Ans.) 824 (i).

Hogs dressed, Inspection *re* (Ans.) 2758 (ii).

Holstein Cattle at Experimental Farms, &c. (Ans.) 2756 (ii).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6096 (iv).

Mail Contracts, Renewals in April, 1909, without Tenders (Ans.) 477 (i).

Marine and Fisheries Purchases, on Ques. of Priv. (Mr. Taylor) Ques. of Order, 4045 (iii).

Mayes Affidavit, on Ques. of Order (Mr. Daniel) 4315 (iii).

Nappan Experimental Farm, Number of Employees, Rate of Pay, &c. (Ans.) 5640 (iii).

Natural Resources Conservation Commission (B. 159) prop. Res., 5249 (iii), 6363 (iv); 1° m., 4988 (iii); in Com., 6382 (iv).

Plank, Mr. M. W., Emplymt. by Govt., Salary, &c. (Ans.) 3252 (ii).

Public Health Bureau, Establishment of by Govt., on prop. Res. (Mr. Black) 1112 (i).

Railway Commission, Vacancy, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2635 (ii).

Registered Stock, Regulations *re* Importation from U. S. (Ans.) 2379 (ii).

Rutherford, Dr. J. S., Resignation, Salary, &c. (Ans.) 1720 (i).

Scotch Farmers, Report of Visit to Canada (remarks) 6060 (iv).

Stork, W. W., Inspector of Animals, Details of Expenditure (Ans.) 6092 (iv).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4538 (iii).

SUPPLY—

Arts, Agriculture, &c. (archives) 688; (census, &c.) 696 (i); (cold storage) 3188 (ii); (cold storage for fruits) 6983 (iv); (exhibitions) 727 (i), 5947 (iv); (Experimental Farm, electric ry., 3192; (fruit transportation) 3187 (ii); (fumigating stations) 809; (Gold and Silver Marking Act) 809 (i); (International Institute) 5882; (live stock industry) 5833 (iii); (Patent Record) 3186 (ii); (Public Works Health Act) 810 (i); (swine commission) 6984 (iv); (tobacco, Canadian) 5881 (iii); (Tracadie Lazaretto) 809; (Year-Book) 702, 726 (i), 3187 (ii).

Civil Govt.—Agriculture (salaries) 643 (i); (experimental farm) 6982 (iv); Inland Revenue (salaries) 429 (i); Mines (salaries) 3674 (ii).

FISHER, Hon. S. A.—*Con.*

SUPPLY—*Con.*

Civil Service Commission (salaries) 715 (i).
Legislation (members' indemnity) 7068 (iv).
Miscellaneous (conservation commission) 7064 (iv).
Public Works—Buildings—B. C. (Victoria immigration) 2089 (ii); Generally (experimental farms) 1598 (i); Harbours and Rivers—N. S. (Yarmouth) 2487 (ii).
Quarantine (Challenger, Str.) 5883 (iii); (quarantine) 6193 (ii).

Tuberculosis Congress, International, Delegates to (Ans.) 1186 (i).

Yarmouth Harbour Buoys (remarks) 1115 (i).

FOSTER, Hon. G. E., *North Toronto.*

Address, The, 46 (i).

Agriculture, Deptl. Employees, Name, Position, Salary, Increases, &c. (Ques.) 1058 (i).

——— Outside Service at Ottawa, Names, Position, Increase of Salary, &c. (Ques.) 823 (i).

——— Sums voted (Ques.) 1409 (i).

All Red Route, Information *re* (remarks) 7070 (iv).

American Immigration Agents, Duties *re* (remarks) 2244 (ii).

Armouries built since 1896, Number, Cost, &c. (M. for ret.*) 157 (i).

Bell, Charles F., Conditions of Dismissal, &c. (Ques.) 2322 (ii).

Budget, The, Reply to Financial Statement, 4585 (iii).

——— Remarks, 1813 (i), 4125 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3030 (ii); 5995, 6026 (iv).

——— on M. to ref. to Com. on Standing Orders, 3042 (ii).

Canada Shipping Act Amt. B. 131 (Mr. Brodeur) in Com., 5218 (iii).

Canadian Economic Lubricant Co., Payments to since 1906 (Ques.) 176, 188 (i).

Canadian Liverpool and Western Ry Co.'s B. 44 (Mr. Girard) in Com., 2129 (ii).

Cassells, Judge: *See* 'Investigations,' 'Marine.'

Central Railway of N. B., Action of Govt. *re* Rep. of Commission (remarks) 4125 (iii).
See 'N. B. Central.'

Civil Service Act (letter carriers) Amt. B. 137 (Mr. Lemieux) in Com., 6325 (iv).

Civil Service Bill, Preparation of Schedules (remarks) 2336 (ii); 5998 (iv).

——— (remarks) 2009 (i).

Civil Service Salaries, Increase B. 187 (Mr. Fisher) on M. for Com. on Res., 311; in Com. on Res., 403, 953, 1136 (i); on M. for 2°, 6334; in Com., 6346; on M. for 3°, 6823; (amt.) 6824 (iv).

FOSTER, Hon. G. E.—*Con.*

Civil Service Salaries: Circular Letter *re* Election Campaign (read) 318 (i).

Civil Service Resolutions, Conc. before Easter (remarks) 3702 (ii).

——— Delay, &c. (remarks) *re* Blocking, 5895 (iv).

Civil Service Apptmts. since July, 1908; Salaries, &c. (Ques.) 142 (i).

——— since Sept. 1908 (Ques.) 143 (i).

Civil Service Act, Promotions, Transfers, Apptmts. under (M. for ret.*) 352 (i).

Civil Service Salaries, Classification Schedules, Inconsistencies, &c., on M. for Sup., 2404 (ii).

Civil Service Temporary Clerks, Classification under sec. 7 of C. S. Act, Salaries, &c. (M. for ret.*) 354 (i).

Civil Service, Increases from April 1, 1908, Names, &c. (Ques.) 1069 (i).

——— Inside Employees, Total Payments in 1896 (Ques.) 1913 (i).

——— Names of those receiving no Increases (Ques.) 1726 (i).

Civil Service Reorganization, Temporary Clerks, &c. (Ques.) 142 (i).

Civil Service Salaries, O.C. *re* Increases Ret. (remarks) 1395 (i).

——— Defective Ret. (remarks) 1562 (i).

Civil Service, Payments in 1896 and 1909-10 at Ottawa (Ques.) 2148 (ii).
See 'Supply—Civil Govt.'

Civil Service Bill, Schedule of Senate (remarks) 6061 (iv).
See 'House of Commons.'

Civil Service Commissioners' Rep., Inquiry for, 874, 1022 (i); 2241, 3111 (ii); 4047 (iii).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1736 (i).

Commercial Negotiations *re* Senatorships, Ref. to in debate on Address, 52 (i).

Committees, Special, Ref. to of Deptl. Reps. (remarks) 2026 (ii).

Conservation of our Resources: *See* 'Natural.'

Deferred Elections, on prop. res. (Mr. Burrell) 2857 (ii).

Deptl. Statistical Publications, Inquiry for Ret., 4642 (iii).

Dredging Contracts, Inquiry for O.C., 255 (i).
See 'St. John,' &c.

Dredge, Govt.-owned, employed in N.S. under Contract, Arrangements, &c. (Ques.) 2320 (ii).

Dredges purchased by Public Works Dept., Tenders, &c. (Ques.) 145 (i).

Estimates, Passing of (remarks) 3203 (ii).

FOSTER, Hon. G. E.—*Con.*

Ewart, Mr. J. S., Emplymt *re* Hague Tribunal (remarks) in Com. of Sup., 7059 (iv).

Expenditures and Receipts of Dom. for 1908-9, N.T.R. Cost, &c. (Ques.) 4289 (iii).

External Affairs Dept., on prop. Res (Mr. Murphy) 1983 (i).

'Falcon' and 'Fearless,' Strs., Purchase of, Capacity, &c. (Ques.) 187 (i).

Fenian Veterans, Land Grants, &c. (remarks) in Com. of Sup., 6277 (iv).

Fisheries Development, Apptmt. of Sel. Com. on prop. Res. (Mr. Sinclair) 511 (i).

Fisheries Regulations *re* International Commission (remarks) in Com. of Sup., 6964

See 'Waterways.'

Fishing Seasons and Leases, Extensions, &c. (Ques.) 169 (i).

Florence Mining Co.'s Appeal *re* Ont. Govt. Legislation, on Ques. of Order (Mr. Speaker) 6921 (iv).

Forests, Waterways, &c., on M. to conc. in 3rd Rep. of Com., 6919 (iv).

France and Canada Ocean SS. Subsidy B. 146 (Mr. Brodeur) in Com., 5220 (iii).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1673 (i).

—— Names of Ministers (Ques.) 2585 (ii).

French Treaty, Information *re* (remarks) 7070 (iv).

—— Inquiry for, 1977 (i); 2148 (ii).

Govt. Business, on M. to take Mondays, 3938 (ii); 4041 (iii).

Govt. Employees, Interference with Elections (remarks) on M. for Sup., 6871 (iv).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 5898, 6124 (iv).

Govt. Loans or Advances, since Dec., 1908, Purposes for, &c. (Ques.) 163 (i).

Govt. Loans, from July, 1896, Amounts, Conditions, &c. (M. for ret.*) 172 (i).

See 'Loans'

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 227 (i).

G.T.P. Loan B. 128 (Mr. Fielding) on prop. Res., 4104 (iii); in Com. on Res., 3572 (ii); in Com., 5283, 5323, 5488; on M. for 3°, 5496 (iii).

G.T.P. Bonds, Guaranteed, available for Prairie Section (Ques.) 2589 (ii).

G.T.P., Eastern Div., Expenditure *re* Loans, &c. (Ques.) 4634 (iii).

—— Lands sold along Route, Prices, Names, &c.: (M. for ret.*) 352 (i).

—— (Ques.) 143 (i).

—— Papers, &c., Printing of (remarks) 2950 (ii).

See "Expenditures."

FOSTER, Hon. G. E.—*Con.*

Harbour and River Works, Piers, &c., Procedure *re* Construction by day labour (remarks) in Com. of Sup., 2513 (ii).

House of Commons, Additional Wing, Cost *re* Construction, Disposal of Rooms, &c. (Ques.) 140 (i).

—— Expenditure for Deptl. Labour (Ques. 2149 (ii).

House of Commons, Additional Rooms (remarks) *re* answer to Ques., 170 177 (i).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6094 (iv).

See "Civil Service."

Imperial Conference, on Production of Cor. (remarks) 7069 (iv).

Imperial Defence (remarks) on M. for 3° of Supply Bill, 7081 (iv).

See "Naval."

Imports and Exports of Merchandise for 1908, &c. (Ques.) 4288 (iii).

"Industry" Dredge, Cor., Reps., &c., *re* Purchase, Removal, Repair, &c. (M. for copies*) 826 (i).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6789 (iv).

Insurance Bill, Progress in Senate (remarks) 7069 (iv).

I.C.R., on Annual Statement (remarks) 2678 (ii).

—— Branch Lines Extension, on prop. Res (Mr. Emmerson) 2197 (ii).

—— Commission, Appointments since its creation, Places, Salaries, &c. (M. for ret.*) 172 (i).

—— Employees, Dismissed or suspended for 1908, Names, Dates, &c. (M. for ret.*) 3055 (ii).

—— Inquiry for ret., 4641 (iii).

I.C.R. Employees Strikes Dispute, Rep. of Commission (remarks) 289 (i).

I.C.R. and P.E.I. Rys., Earnings and Working Expenses Monthly, &c. (Ques.) 162 (i).

—— Total Working Expenditure and Receipts, Amount of Capital Expenditure (Ques.) 5641 (iii).

Interior Clerks, Names, Salaries in Outside Service, Increase after June 1st, Resignations, &c. (Ques.) 532 (i).

—— Expenditure *re* Increases (Ques.) 1064 (i).

See "Supply—Civil Govt."

International Waterways Commission: *See* "Waterways".

Investigations into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Supply, 3832 (ii).

—— Ques. of Order *re* "Manipulation of Trust Funds," 3849 (ii).

FOSTER, Hon. G. E.—*Con.*

Japanese Treaty, ref. to in debate on Address, 46 (i).

Johnston, Capt., Repayments of Moneys *re* Str. "Hestia" (remarks) in Com. of Sup. 6889 (iv).

Kingston Military Buildings, on Ques. of Order, 2496 (ii).

"Lady Evelyn" Str., Purchase Price, Repairs, &c., (Ques.) 144 (i).

Lake Simcoe and Newmarket Canal, Cor. *re* Construction, &c. (M. for ret.*) 172 (i).

Letter Carrier Systems in Cities, Regulations *re* Apptmts. (Ques.) 5158 (iii).

Loans negotiated from 1st Jan., 1907, O.Cs. Cor., &c. (M. for ret.*) 685 (i).

——— Inquiry for Rets., 1561 (i); 4125 (iii).

Loan falling due on Nov. 1, 1908, Disposition of (Ques.) 147 (i).

Loans, Temporary, Details of $20,606,333 for Jan., 1909 (Ques.) 1408 (i).
See 'Govt. Loans.'

Major's Hill Park Hotel, Title *re* Land, &c. (Ques.) 147 (i).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3953 (ii).

Marconi Stations, Construction, Maintenance, Amounts paid (Ques.) 177 (i).

Marine Investigation by Judge Cassels, Expenditure, Legal Expenditure, &c. (Ques.) 167 (i).

Marine and Fisheries Supplies, Purchase of by Tender, &c. (Ques.) 168 (i).

——— (remarks) *re* Answer to Question, 3044 (ii).

——— Inquiry for Ret., 2818 (ii).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4390 (iii).

——— Reading of Original, on Ques. of Order to Amt. (Mr. Daniel) 4260 (iii).

——— Ques. of Order, 4362 (iii).

——— Reading of Original Document (remarks) 4299 (iii).

——— Dredging Contract, ref. to in debate on Govt. Tenders, 227 (i).

——— Dredging Contract, on Ques. of Order (Mr. Emmerson) 276 (i).

Militia Expenditures by Public Works Dept. from 1896 to 1909 (Ques.) 2379 (ii).

Mines and Minerals, on M. (Mr. Congdon) to conc. in 3rd Rep., 6919 (iv).

Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1851 (i).

Minister of Inland Revenue, Information *re* Election (remarks) 13 (i).

'Montcalm' Str., Total Cost of Repairs, &c. (Ques.) 168 (i).

N. T. Ry. Employees, &c., Incomplete Ret. (remarks) 4801 (iii), 6919 (iv).

FOSTER, Hon. G. E.—*Con.*

Natural Resources, Conservation Commission, on prop. Res. (Mr. Fisher) 6368 (iv).

Naval Defence of Canada, Aid to G.B. (prop. Res.) 3484 (ii).

——— Notice of Motion, 482 (i), 3202 (ii).

Naval Defence of Sea Coast, Interpretation *re* Res. of Hse. (Ques.) 4289 (iii).
See 'Imperial.'

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., 5226 (iii).

N. B. Central Ry. Commission, Rep., Printing, &c. (remarks) 4236 (iii).

——— Statement *re* (remarks) 4296 (iii).

——— Report (M.) to lay on Table, 5187 (iii).

——— Rep., O.Cs., &c. (M.) to lay on Table, 5624 (iii).

——— Rep., on Ques. of Order (Mr. Pugsley) 5681 (iii).

——— Rep., on Amt. (Mr. Crothers) 5699 (iii).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3162 (ii).
See 'Supply—Canals.'

New York Lubricant Co., Payments to (Ques.) 188 (i).

Old Age Annuities Act, Number of Employees, Expenditure, &c. (Ques.) 141 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1029 (i); in Com., 5566 (iii).

Patronage List, Abolition of, Comn. to Judge Cassels (remarks) 876 (i).

Penitentiaries and Prison Labour (remarks) in Com. of Sup., 904 (i).

Political Partizanship: *See* 'Govt. Employees.'

——— Report, (M.) to lay on Table, 5487 (iii).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4247 (iii); in Com., 6314 (iv).

Post Office Apptmts., Incorrect Ret. (remarks) 1023 (i).

Preston, W. T. R., Transfer to Holland (remarks) 6009 (iv).

Prisoners Paroled or Pardoned, Cost of Ret., &c. (Ques.) 673 (i).

Privilege, Ques. of *re* 'Special Trains,' Ques. of Order (Mr. Conmee) 4291 (iii).

Protection of Coast Line and Sea-ports, &c., Notice of prop. Res., 482 (i).
See 'Naval.'

Prudential Life Ins. Co.: *See* 'Security.'

Public Works Dept., Salaries, O.C. *re* Increases (Ques.) 1074 (i).

Pugsley, Mr., and Mayes Affidavit: *See* 'Mayes,' 'N.B. Central.'

FOSTER, Hon. G. E.—*Con.*
Quebec Bridge Co., Payments to Stockholders, &c. (Ques.) 163 (i).
——— (M. for ret.*) 353 (i).
Quebec Tercentenary, Amounts subscribed, Expenditure, &c. (Ques.) 1721 (i).
Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1122 (i).
Railway Act (general) Amt. B. 106 (Mr Graham) on M. for 2°, 6194 (iv).
Ry. Act (level crossings) Amt. B. 3 (Mr. Bickerdike) on M. for 1°, 92 (i).
Railway Act (level crossings) Amt. B. 6 (Mr. Lancaster) on motion for 3°, 522 (i).
Railway, Two-Cent Fares, Refunds by G.T. Ry., on M. (Mr. W. F. Maclean) to Com of Sup., 2912 (ii).
Restaurant Committee, H. of C., Interim Rep. (remarks) 402 (i).
——— on M. to adopt 2nd Rep. 401 (i).
Returns, Inquiry for, 1718 (i), 2128, 2218, 2493, 2674, 3110 (ii).
Royal Canadian Mint, Total Cost, Expenditure, &c. (Ques.) 1:6 (i).
——— Amount of Silver, &c. (M. for ret.*) 352 (i).
Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2802 (ii).
St. John Harbour Contract, Payments to G. S. Mayes *re* Dredging (Ques.) 1181 (i).
———Dredging Contracts, Surveys, &c. (Ques.) 1917 (i).
——— Date of Beginning of Work, Contracts with Companies, &c. (Ques.) 2:58 (ii).
St. Vincent de Paul Penitentiary, Manufacture of Church Pews (remarks) in Com. of Sup., 901 (i).
Salvation Army Council Bill 142 (Mr. Miller) in Com., 6068 (iv).
Saturday Sittings, on M. (Sir Wilfrid Laurier) 5644 (iii).
Secret Commissions Prevention B. 31 (Mr Aylesworth) in Com., 1124 (iv).
Security Life Insurance Co. of Canada B. 188 (Mr. Proulx) in Com., 6783 (iv).
Seed Grain Expenditure, &c. (Ques.) 144 (i).
Seed Grain Vote, Distribution, Details of (M. for ret.*) 352 (i).
S.A. Volunteers Land Grants (remarks) in Com. of Sup., 6277 (iv).
——— Number issued, Sale of by Govt. Employees &c. (Ques.) 143 (i).
Statistical and Special Information Publications, Number issued by Depts., Costs, &c. (M. for ret.*) 157 (i).
Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) on Order for Com., 4592, 4595 (iii).
Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3983

FOSTER, Hon. G. E.—*Con.*
Supplies for Marine and Pub. Works Depts., Tenders, &c. (Ans.) 141 (i).
SUPPLY—
Arts, Agriculture (cold storage for fruit) 6983 (iv).
Canals—Lachine (cement) 1536 (i).
Canals—Trent (construction) 3178 (ii); (Holland River) 1888 (i).
Canals—Welland (gate-lifter) 2036 (ii); (Port Colborne) 1903 (i); (Port Maitland) 2030; (repairs) 2034 (ii); (widening) 1903
Civil Govt.—Agriculture (experimental farm) 6982 (iv).
Civil Govt.—External Affairs (salaries) 7064 (iv).
Civil Govt.—Indian Affairs (salaries) 971 (i).
Civil Govt.—Inland Revenue (electrical branch) 445; (salaries) 431, 444; (travelling expenses) 447; (weights and measures) 447 (i).
Civil Govt.—Interior (outside service) 6284; (salaries) 6248 (iv).
Civil Govt.—Justice (salaries) 440 (i).
Civil Govt.—Marine (contingencies) 3702; (salaries) 3688 (ii).
Civil Govt.—Mines (salaries) 3673 (ii).
Civil Govt.—Public Works (salaries) 3666 (ii).
Civil Service Commission (printing) 7065 (iv).
Dom. Lands (advertising) 6285; (Hydrographic survey) 6284; (maps, &c.) 6289 (iv).
Excise (inspectors, salaries) 436; (stamps, &c.) 437; (tobacco stamps) 448; (travelling expenses, &c.) 437 (i).
Fisheries (commissions) 6957; (international commission) 6960; (transportation, &c.) 6956; (Young, W. S., compensation) 6982 (iv).
Immigration (agents, &c.) 7012; (agents in G.B.) 7014 (iv); (gen. vote) 5832 (iii).
Indians—Ont. and Que. (blankets, &c.) 976; (medical attendance) 976; (schools) 976 (i).
Inland Revenue (collection of duties) 448 (i).
Interior (astronomical surveys) 6263; (buffalo herds) 6991; (park reservations) 6971; (St. Mary's and Milk River diversions) 6268 (iv).
Legislation (members indemnity) 7066 (iv).
Lighthouse and Coast Service (agencies, &c.) 6889; (St. John property) 6915; (salaries) 6889 (iv).
Mail Subsidies and SS. Subventions (Canada and Mexico) conc., 7074
Marine (biological station) 6953; (dredging plant, &c.) 6885 (iv); (fisheries conference) 3696 (ii); (hydrographic surveys) 6917 (iv).
Marine—Public Works (piers on St. Lawrence) 6888; (St. Lawrence ship canal) 6878; (Sorel ship yard) 6885 (iv).
Metric System (lectures) 454 (i).
Militia (ordnance) 2308; (salaries) 2271, 2306 (ii).
Mines (assay office, B. C.) 7063; (ore tests) 7063 (iv).
Miscellaneous (conservation commission) 7064; (Hague Tribunal) 7057; (Parliamentary Companion) 7064 (iv).

FOSTER, Hon. G. E.—*Con.*
SUPPLY—*Con.*
N. W. M. P. (compensations) 3664; (force) 3656 (ii).
Penitentiaries—Dorchester (electric light plant) 884; Generally (salaries) 886; (supplies) 888 (i).
Post Office (inspectors' salaries) 1650 (i).
Public Works—Buildings, Dom. (rents, &c) 3672 (ii).
Public Works—Buildings—N.B. (Partridge Island water service) 3206 (ii).
Public Works—Buildings—Ottawa (additional wing) 1254 (i); (clerk of works) 3225; (electric lighting) 3226; (elevators) 3228; (grounds) 3225; (H. of C., additions) 3204 (ii); (new bldg.) 1250 (i); (Rideau Hall) 3233 (ii); (Royal Mint) 1272 (i), 3205; (telephones) 3229 (ii).
Public Works—Buildings—Que. (Joliette) 1299 (i); (Quebec citadel) 3213; (Sherbrooke) 3223 (ii).
Public Works—Buildings—Yukon (Dawson) 3224 (ii).
Public Works—Harbours and Rivers—Mar. Provs. (creosoted timber) 2511 (ii).
Public Works—Harbours and Rivers—N.B. (St. John tidal waters) 3240 (ii).
Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2338; (Little Current) 3234; (Sandy Cove) 3235; (Scotch Cove) 3234 (ii).
Public Works—Harbours and Rivers—P.E.I. (Naufrage pond) 2509; (Tignish) 2510 (ii).
Public Works—Harbours and Rivers—Que. (Anse a la Barbe) 2512; (Batiscan) 3274; (Bonaventure) 3277; (Cap St. Ignace) 2523; (Chicoutimi) 2523; (Clarke City) 2527; (Laprairie) 3287; (Nicolet) 3246; (Riviere du Loup) 3284; (Ste. Anne des Monts) 3287; (St. Francis du Lac) 3286; (St. Helen's Island) 3245; (St. Michel Yamaska) 3262; (Saguenay dredging) 2802, 2887, 3285 (ii).
Railways—G.T.P. (Brunet, A.) 2042; (inspection) 2048; (Quebec bridge) 2050 (ii).
Railways—I.C.R. (board of commissioners) 6986 (iv); (bridge strengthening) 2931; (Chatham) 2946; (Drummondville) 2949; (facilities) 2948; (Halifax) 2935; (Moncton cut-off) 2921, 2922; (Moncton shops) 2946; (original construction) 2925; (Riviere du Loup) 2949; (St. Rosalie) 2948; (Sackville) 2935; (Sydney Mines) 2936; (water supply) 2947 (ii).
Railways — Miscellaneous (arbitrations) 2055; (litigation, &c.) 2055; (unforeseen items) 2054 (ii).
Railways—Ry. Commission (litigation) 2056; (maintenance) 2044 (ii).
Weights and Measures (electric light inspection) 452 (i).
Yukon Govt. (roads, &c.) 6273 (iv).
Conc., Reading of Items (remarks) 4018 (iii).

Thos. L. Smith, Patent Relief, B. 71 (Mr. Bickerdike) on M. for 3°, 2578 (ii).

Toronto Old Fort, Reclamation of Land from Park, Blackwell Co., Restoration, &c. (Ques.) 3984 (ii).

——— Pets. *re* Transfer, &c. (remarks) 4122 (iii).

FOSTER, Hon. G. E.—*Con.*
Toronto, Old Fort, Condition of, &c. (remarks) 6415 (iv).
Transcontinental Ry. Commission, Inquiry for Ret., 6412 (iv).
See 'G.T.P.'
Trent Canal: *See* 'Newmarket.'
Two-cent Rate on Rys.: *See* 'Ry. Two Cent' &c.
Water-powers, Leases of Canals, Records of &c. (remarks) in Com. of Sup., 2037 (ii).
Waterways Treaty, N. B. Fisheries, Regulations *re* (remarks) 1245 (i).
Ways and Means (sugar) in Com., 5700 (iii).
Weights and Measures *re* Vessels (remarks) in Com. of Sup., 3633 (ii).
Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2134 (ii).
Wharfs: *See* 'Govt. Harbours.'
Yukon Ordinances (beer tax) on prop. Res. (Mr. Oliver) 5894 (iv).
———in Com. on Res., 7076 (iv).

FOWKE, Mr. F. L., *South Ontario.*
Canada Line SS. Service with Germany. Negotiations *re* (Ques.) 2589 (ii).
Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 4533 (ii).
Oshawa Port, Customs Collector (remarks) 2673 (ii).
SUPPLY—
Arts, Agriculture (cold storage) 3191 (ii); Public Works—Buildings—Ont. (Whitby) 1535 (i)

FRASER, Mr. A. L., *Kings, P.E.I.*
Budget, The, 4980 (iii).
Elmira and Harmony Ry., P.E.I., Contract *re* Construction (Ques.) 1243 (ii), 6787 (iv).
Fish Island Lightkeeper, Apptmt. of (Ques.) 6786 (iv).
Georgetown Marine Agent, Name, Remuneration, &c. (Ques.) 3194 (ii).
Greenfield, P.E.I., Post Office, Removal of, &c. (Ques.) 5776 (iii).
Harmony-Elmira Branch of P.E.I. Ry., Tenders *re* Construction (Ques). 1243 (i).
See 'Elmira.'
Ice-Breaker for Northumberland Straits, Name of Contractor, Price, &c. (Ques.) 674 (i).
Ice-Breaking Steamers, Reps. *re* Superannuation of Officers and Crews, on M. (Mr. Warburton) for Copies, 1472 (i).
Lobsters Licenses in P.E.I., Number issued. Pets, &c. (Ques.) 1076 (i).
Lorne Valley, P.E.I., Tenders *re* Mail Contract, &c. (Ques.) 5776 (iii).
McDonald, Lauchlin, Resignation as Lightkeeper of East Point, P.E.I., Apptmt. of Successor, &c. (Ques.) 3194 (ii).

FRASER, Mr. A. L.—*Con.*

Naufrage Pond Protection Works (remarks) in Com. of Sup., 2461 (ii).

Panmure Island Wharf, Purchase of Right of Way, &c. (Ques.) 6403 (iv).

Pictou and Magdalen Mail Service, Contract, Tenders, &c. (Ques.) 3047 (ii).

P.E.I. Winter Communication with the Mainland, on M. (Mr. Warburton) 6465 (iv).

'Stanley' and 'Minto' Strs., Names and Residences of Officers (Ques.) 674 (i).

Sturgeon Pier, P.E.I., Tenders, Contracts *re* raising, &c. (Ques). 1241 (i).

SUPPLY.

Arts: Agriculture, &c. (experimental farms) 5949 (iv).

Fisheries (bait freezers) 6950; (fish curing) 6952 (iv).

Public Works—Dredging—P. E. I. (Souris) 6554 (iv).

Public Works—Harbours and Rivers—P.E. I. (bridges) 2508, (Graham's Pond) 2507 (Naufrage pond) 2508; (Port Vernon) 2511; (Sturgeon pier) 2510 (ii).

Railways—P. E. I. (Charlottetown) 2959; (Harmony—Elmira branch) 2952; (Montague) 3420; (Souris) 3418 (ii).

GAUVREAU, Mr. C. A., *Temiscouata.*

Cabano Ry. Co.'s incorp. (B. 122) 1°*, 3802 (ii); in Com., 4839 (iii).

Catholic Church Extension Society Co.'s incorp. (B. 176) 1°*, 6083 (iv).

Label, Mr. Achille, Application for Pet. of Right *re* I. C. R. (Ques.) 3253 (ii).

Railway Mail Clerks, Furois, Dorais and Wathen, Dates of Examinations for Promotion, &c. (Ques.) 3253 (ii).

SUPPLY—

Public Works—Harbours and Rivers—N. S. (Annapolis ice piers) 2371 (ii).

Tadousac and Riviere du Loup Winter Navigation (Ques.) 344 (i).

GEOFFRION, Mr. V., *Chambly and Vercheres.*

Canadian Northern Quebec Ry. Co.'s (B. 38) on Senate Amts. 5485 (iii).

Hart-Otis Car Co.'s Patent Relief (B. 92) 1°*, 2019 (ii).

Montreal Harbour Commissioners Act Amt. B. 154 (Mr. Brodeur) on M. for 1°, 4799 (iii); in Com., 6567 (iv).

Montreal Terminal Ry. Co.'s (B. 48) 1°*, 738; 2° m., 1147 (i).

St. Maurice and Eastern Ry. Co.'s incorp. (B. 176) 2° m., 6083 (iv).

GERMAN, Mr. W. M., *Welland.*

Dredges owned by Govt., Number, Construction, Price, &c. (M. for ret.*) 2596 (ii).

Fort Erie and Buffalo Bridge Co.'s incorp. (B. 69) 1°*, 1318 (i); in Com., 3403 (ii).

GERMAN, Mr. W. M.—*Con.*

Preston, W. T. R., Complaints from Japan, *re* Work, &c. (Ques.) 480 (i).

SUPPLY—

Civil Govt—Civil Service Commission (salaries) 393 (i).

Public Works—Harbours and Rivers—Que. (St. Michel, Yamaska) 3268 (ii).

GERVAIS, Mr. H., *Montreal, St. James.*

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6396 (iv).

Debates, Official, 1st Rep. of Com., (M.) to conc., 1474 (i).

Fisheries Development, Apptmt. of Sel. Com., on prop. Res. (Mr. Sinclair) 510 (i).

G. T. P., Montreal Branch, Agreement, Conditions, &c. (Ques.) 816 (i).

——— Commission, Names of Employees, Residence, Salaries, &c. (M. for ret.*) 826 (i).

Montreal Harbour Commissioners, Dismissal of Employees (Ques.) 874 (i).

——— Promises *re* Wharfage Dues, &c. (Ques.) 874 (i).

Senate, Abolition of, on prop. Res. (Mr. Lancaster) M. to adj. debate, 1469 (i).

SUPPLY—

Public Works—Buildings—Que. (Montreal postal station) 1308 (i).

Public Works—Harbours and Rivers—Que. (St. Helen's Island) 3243 (ii).

GIRARD, Mr. J., *Chicoutimi and Saguenay.*

Canadian Liverpool and Western Ry. Co.'s incorp. (B. 44) 1°*, 626; in Com., 1685, 1719, 1858, 1862 (i); 2058, 2129 (ii).

Chicoutimi Pulp Co., Amount due Govt. *re* Booms, &c. (Ques.) 4222, 4891 (iii).

Chicoutimi Wharf, Expropriation of Land, Prices paid, &c. (Ques.) 4222 (iii).

Colonization and Repatriation Society, Lake St. John, Detailed Statements of Expenditures (M. for ret.*) 3991 (ii).

Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 865 (i).

Labour Hours for Workingmen, on M. (Mr. Verville) to Com. of Sup., 5933 (iv).

Saguenay River Booms, Construction of by Govt. (Ques.) 4222 (iii).

SUPPLY—

Public Works—Harbours and Rivers—Que. (St. Alphonse de Bagotville) 2904; (Saguenay dredging) 2878 (ii).

GLADU, Mr. J. E. O., *Yamaska.*

Budget, The, 4774 (iii).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3925 (ii).

GOODEVE, Mr. A. S., *Kootenay.*

Address, The, 111 (i).
B.C. Ry. Belt Lands, Settlers' Titles, &c. (Ques.) 1727 (i).
Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on Amt. (Mr. Lennox) 5472 (iii).
Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5216 (iii).
Deferred Elections, on prop. Res. (Mr. Burrell) 2850 (ii).
Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1943 (i).
'Farm Weeds' Book, Number distributed, Names, &c. (Ques.) 2757 (ii).
G.T.P. Loan B. 128 (Mr. Fielding) in Com., 5276 (iii).
Kootenay Central Ry. Co.'s (B. 26) 1°*, 290 (i).
Kootenay and Arrowhead Ry. Co.'s B. 80 (Mr. Geo. Taylor) in Com. (amt.) 3411, 3605 (ii).
Miner, Bill, Escape from B.C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1847 (i).
Olin, Chas., Total Payments *re* Visits to Sweden (Ques.) 871 (i).
——— Rep. (M. for copy*) 881 (i).
S. A. Bounty Act, Regulations (remarks) 2229 (ii).
Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4540 (iii).
SUPPLY—
Civil Govt.—Customs (contingencies) 594 (i); Post Office (salaries) 721 (i).
Civil Service Commission (salaries) 710 (i).
Post Office—Miscellaneous (ry. mail clerks) 3432 (ii).
Public Works—Buildings—Dom. (rents) 1617; Ottawa (Royal Mint) 1282 (i).

GORDON, Mr. D. A., *East Kent.*

Fruit Marks Act, Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3399 (ii).
Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6815 (iv).
Quinze and Blanche River Ry. Co.'s (B. 119) 1°*, 3703 (ii).
SUPPLY—
Arts, Agriculture, &c. (cold storage) 3187; (fruit transportation) 3187 (ii).
Public Works—Buildings—Ont. (Glencoe) 1368 (i).
Public Works—Harbours and Rivers—Ont. (Collingwood) 3297; (Sydenham) 3324 (ii).

GORDON, Mr. Geo., *Nipissing.*

Abitibi and Hudson Bay Ry. Co.'s (B. 66) 1°*, 1318 (i).
Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1758 (i).

GORDON, Mr. Geo.—*Con.*

Dokis Indian Reserve, Payment for Berths, Lapses, &c. (Ques.) 542 (i).
Franking Privilege and Political Literature (remarks) in Com. of Sup., 1665, 1706 (i).
G. T. P. Ry., Dismissal of Engineers, Names, &c. (Ques.) 817 (i).
Lake Nipissing and Monetteville Canal, Expenditure *re* (Ques.) 1559 (i).
Lake Nipissing Floods, Claims of Settlers, &c. (Ques.) 817 (i).
Latchford Dam on Montreal River, Contract *re* (Ques.) 543 (i).
——— Cor. with T. & N. O. Ry. Commission (read) in Com. of Sup., 3320 (ii).
Natural Resources, Conservation Commission, on prop. Res. (Mr. Fisher) 6381 (iv).
New Liskeard Wharf, Construction *re* (remarks) in Com. of Sup., 2553 (ii).
Nipissing Indian Reserve, Open for Settlement (Ques.) 684 (i).
North Bay Post Office Inspector, Apptmt. of (Ques.) 1558 (i).
Prince Albert and Hudson Bay Ry Co.'s incorp. B. 62 (Mr. Neely) in Com.; 2538 (ii).
Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2795 (ii).
Sturgeon Falls and Sudbury Public Buildings, Purchase of Land, &c. (Ques.) 817 (i).
SUPPLY—
Indians—Generally (relief) 1163 (i).
Penitentiaries—Generally (supplies) 894 (i).
Public Works—Buildings—N. S. (Bridgewater) 1285; (Guysborough) 1288; (Shelburne) 1292 (i).
Public Works—Buildings—Ont. (Glencoe) 1362; (R. M. College) 1384 (i).
Public Works—Buildings—Ottawa (telephones) 1609 (i); 3232 (ii).
Public Works—Buildings—Que. (Joliette) 1295 (i).
Public Works—Harbours and Rivers—Ont. (Lake Nipissing) 3310; (Latchford dam) 3320; (Bonaventure) 3283; (Gaspé) 2553; (Lake St. Francis) 2555 (ii).
Railways—G.T.P. (Quebec Bridge) 2053 (ii).
Water Powers, Leases on Canals (remarks) in Com. of Sup., 2041 (ii).

GRAHAM, Hon. Geo. P., (Minister of Railways and Canals), *Brockville.*

Algoma Steel Co., Contracts *re* Rails, &c. (Ans.) 336 (i).
Aylen, Mr. J., Emplymt. by Transcontinental Ry. (Ans.) 5096 (iii).
Belleville Drill Hall, Acquisition of Land, Ownership of Officers Quarters, &c. (Ans.) 818 (i).
Bills of Lading, Jurisdiction by Ry. Commission (Ans.) 1179 (i).
Birdsalls Landing Wharf, Rice Lake, Cost of &c. (Ans.) 825 (i).

GRAHAM, Hon. Geo. P.—*Con.*

Brockville, Westport and Northwestern Ry., Stockholders, Freight and Passenger Rates &c. (Ans.) 3473 (ii).

Buell, Mr., Legal Work on Ry. Commission *re* Express Companies, 3002 (ii).

Campbell, Bush, Emplymt. on Trent Canal (Ans.) 1066 (i).

Canada Eastern Ry., Original Price, Value, Expenditure, Repairs, &c. (Ans.) 2149, 2580 (ii).

——— Corrected Answer, 3363 (ii).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 2061 (ii).

Canadian Medical Association incorp. B. 134 (Mr. Roche) in Com., 4843 (iii).

Canadian Northern Ry. Subsidy (B. 186) 1°*, 6292; in Com., 6739 (iv).

Canadian Northern Ontario Ry. Co.'s B. 75 (Mr. Pardee) in Com., 3409 (ii).

Canadian Northern Quebec Ry. Co.'s incorp. B. 38 (Mr. Geoffrion) on Senate Amts., 5486 (iii).

C. P. R., Additional Stock, Distribution, &c., on M. (Mr. Maclean) to Com. of Sup., 421, 1326 (i).

——— on M. for Sup. (remarks) 784 (i).

——— Ref. to Courts (remarks) 883 (i).

——— Law Suit (remarks) on M. for Sup., 2920 (ii).

C. P. R. Gimli Branch (remarks) in Com. of Sup., 2965 (ii).

C. P. Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3157 (ii).

See 'G. T. P. B. 25.'

Canadian Railways, Improved Service (remarks) on M. for Sup., 632 (i).

Canadian Western Ry. Co.'s incorp. B. 11 (Mr. Pardee) in Com., 986 (i).

Carillon and Grenville Canals, Number of Employees from July to Oct., 1907-8 (Ans.) 1396 (i).

Carillon Dam Water Power, Leace of, &c. (Ans.) 1557 (i).

Cataract Water-power Supply, Leases (explanation) in Com. of Sup., 2036 (ii).

Cattle Guards, Killing of Live Stock, &c. (Ans.) 680 (i).

——— Complaints *re* (Ans.) 1724 (i).

——— Failure of Companies to erect (Ans.) 1409 (i).

Cement Contract to W. G. Hartsanft Cement Co., Quantity, Price, &c. (Ans.) 3985 (ii).

Civil Service Salaries Increases B. 187 (Mr. Fisher) on M. for 2° (remarks) 6343 (iv).

Coast Line and Seaports Protection, prop. Res. (remarks) 549 (i).

Cochrane Town Site and G. T. P., Interference *re* (Ans.) 2586 (ii).

GRAHAM, Hon. Geo. P.—*Con.*

Dickie, Alfred, Payments to *re* Damages by Fire (Ans.) 1075 (i).

Dominion Atlantic Ry., Examination by Govt. (remarks) in Com. of Sup., 2927 (ii).

Dredge on Lake Winnipeg, Expense *re* moving 'Mikado' from Sandbar (Ans.) 869 (i).

Election Expenses in North and South Ontario, Expenditure *re* (Ans.) 2588 (ii).

Elmira and Harmony Branch Ry., P. E. I., Contract *re* Construction (Ans.) 1243 (i), 6787 (iv).

Falconer, Mr. R. S., Emplymt. by Govt., Payments to, &c. (Ans.) 332 (i).

Fenelon Falls Lockmaster, Payments to, Allowances, &c. (Ans.) 1068 (i).

Foret, Land leased to N. & A. Bourbonnais, Conditions, &c. (Ans.) 2591 (ii).

Fort Erie and Buffalo Bridge Co.'s incorp. B. 69 (Mr. German) in Com., 3404 (ii).

Georgian Bay Canal and Welland Canal Enlargements (stmnt.) in Com. of Sup., 1565 (i).

Gillis, Angus, Compensation *re* Injuries on I. C. R. (Ans.) 6089 (iv).

Govt. Railways Act (damages) Amt. (B. 20) 1° m., 241; 2° m., 770; in Com., 771 (i).

G. T. P., Advertisements for Tenders *re* Ties, &c. (Ans.) 6091 (iv).

——— Amount of Guaranteed Bonds of N. T. R., Western Div., &c. (Ans.) 1399 (i).

——— Branch Lines, Plans *re* Orillia Branch (Ans.) 1077 (i).

——— Branch to Montreal, Agreement, Conditions, &c. (Ans.) 816 (i).

——— Contracts for North Bay Section, Estimated Cost, &c. (Ans.) 820 (i).

——— Cost per Mile (remarks) 2494 (ii).

——— Dismissal of Engineers, &c. (Ans.) 817 (i).

——— Disputes with N.T.R. *re* Classification, &c. (Ans.) 2322 (ii).

——— Eastern Div., Expenditures *re* Loans (Ans.) 4634 (iii).

——— Employees, Total Number, Nationality, &c. (Ans.) 249 (i); 3042 (ii).

G.T.P. Lake Superior Branch Subsidy B. 30 (Mr. Turriff) on M. for 2°, 1025; in Com., 1718 (i).

G.T.P. and C.P.R., Ft. William, B. 25 (Mr. Turriff) in Com., 1718 (i).

G.T.P. Lake Superior Branch, Number of Miles completed (Ans.) 4287 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) on M. for 2°, 5110, 5117; in Com., 5291, 5309; on Amt. (Mr. Meighen) to M. for 3°, 5617 (iii).

G.T.P., Mileage Construction of N.T. Ry., Average Cost per Mile (Ans.) 1184 (i).

G.T.P. and N.T.R. Classification, Reference *re* (Ans.) 4899 (iii).

GRAHAM, Hon. Geo. P.—*Con.*

G.T.P., N.B. Section, Estimated Cost (remarks) 2384 (ii).

——— Papers, on Inquiry for, 2773 (ii).

——— Prairie Section Contracts, Name of Contractors, &c. (Ans.) 3987 (ii).

——— Ry. Commissioners, Revised Stmnt. as to Cost (Ans.) 1056 (i).

——— Resignation of Mr. Morse, Action of Govt. *re* (Ans.) 345 (i).

——— Tenders, on Inquiry for Ret., 4801 (iii).

——— Total Expenditure to Feb., 1909, of Winnipeg-Moncton Section, &c. (Ans.) 3704 (ii).

——— Unpaid Wages, Claims of Stationmen, &c. (Ans.) 5629 (iii).

——— Western Div., Number of Miles completed, Payments by Govt., &c. (Ans.) 1398 (i).

——— Winnipeg Terminal Site, Negotiations *re* Purchase (Ans.) 1071 (i).

G. T. Ry., Level Crossings, Cost of Protection, &c. (Ans.) 1914 (i).

Guysborough Public Works, Amount of Appropriation Expended (Ans.) 819 (i).

Halifax and Southwestern Ry. Subsidy, Negotiations *re* Construction (Ans.) 1561 (i).

Harmony-Elmira Branch of P.E.I. Ry., Tenders *re* Construction (Ans.) 1243 (i) 6787 (iv).

Harvey-Salisbury Railroad incorp. B. 35 (Mr. Emmerson) in Com., 776 (i).

Highways, Removal of Planks, &c. (remarks) 1022 (i).

Holland River Canal, Deputation *re* Construction (Ans.) 2153 (ii).

——— Expenditure *re* (Ans.) 1915 (i).

——— Land Valuators, Remuneration, &c (Ans.) 2591 (ii).

——— Rep. *re* Flow of Water (Ans.) 473 (i).

——— Tender for Section 1, &c. (Ans.) 3254 (i).

See 'Trent,' &c.

Hudson Bay Ry., Total Expenditure, Number of Employees (Ans.) 1056 (i).

Hudson Bay Surveys, on M. (Mr. Meighen) for Ret., 685 (i).

Hungry Bay Dike, Repairs, &c. (Ans.) 349 (i).

I.C.R., Applications *re* Running Privileges (Ans.) 351 (i).

——— Board of Management, Apptmt. of (remarks) 4803 (iii).

——— Branch Lines, Rep. *re* Conditions, &c. (Ans.) 351 (i).

——— Branch Lines, on M. for Rep. (Mr. Emmerson) 882 (i).

GRAHAM, Hon. Geo. P.—*Con.*

I.C.R., Branch Lines Extension, on prop. Res. (Mr. Emmerson) 2216 (ii).

——— Branch Lines Rep., Printing of (remarks) 875 (i).

——— Branch Lines Report, on Inquiry for, 664, 1718 (i).

——— Classification of Employees, Hours of Labour, &c. (Ans.) 1723 (i).

——— Double Tracking, Survey *re* at Amherst, &c. (Ans.) 529 (i).

——— East Bound Traffic, Percentage, &c. (Ans.) 529 (i).

——— Employees at Moncton, Number, &c. (Ans.) 331 (i).

——— Employees, Classification, Clerks Salaries, &c. (Ans.) 2157 (ii).

——— Frauds, Suspension of Officials (remarks) 2673 (ii).

——— Freight Clerks Betterments, Govtl. Intention (Ans.) 1561 (i).

——— Freight Clerks Disputes, Settlement of (Ans.) 247 (i).

——— Freight Clerks Dispute, Rep. of Commission (remarks) 289 (i).

——— Freight Clerks, Settlement *re* Arbitration (remarks) 2128 (ii), 6686 (iv).

——— Freight Clerks, Investigation *re* Labour Disputes (remarks) on M. for Sup., 3260 (ii).

——— Freight Clerks, Disputes, Letter of Dep. Min. of Rys. *re* Award of Board (Ans.) 4698; Cor., &c. (read) 4698 (iii).

——— Freight Employees, Dismissal, &c. (remarks) 3568 (ii).

——— Freight Earnings in Cape Breton, Ticket Revenue, &c. (Ans.) 5632 (iii).

——— Motor Cars, Total Cost of Construction, Revenue, &c. (Ans.) 1720 (i).

I.C.R. and P.E.I. Ry. Employees Provident Fund (B. 164) 1° m., 5248 (iii)

I.C.R. and P.E.I. Rys., Earnings and Working Expenses, &c. (Ans.) 162 (i)

——— Earnings and Expenditures for Oct. 1907 and year 1908 (Ans.) 243, 1415 (i).

——— Number of Employees each month for 1908 (Ans.) 1173 (i).

——— Receipts and Working Expenditures, Amount of Capital Expenditure (Ans.) 5641 (iii).

I.C.R., Proposal *re* Leasing or Sale, &c. (Ans.) 164 (i).

——— Printing and Stationery, Expenditure *re* (Ans.) 2374 (ii).

——— St. Ignace Station, Requests *re* Construction, &c. (Ans.) 3476 (ii).

——— Special Mail Trains, Instructions *re* Speed (Ans.) 872 (i).

GRAHAM, Hon. Geo. P.—*Con.*
I.C.R., Truro Station, Erection of (Ans.) 824 (i).
——Truro Staff, Number employed, &c. (Ans.) 329 (i).
—— Truro Staff, Number employed for Sept., Oct., Nov. and Dec. (Ans.) 244 (i).
—— Wallberg Contract, Total Cost, &c. (Ans.) 3475 (ii).
See 'Govt. Rys.'
Kingston Penitentiary, Dep. Warden's Residence, Plans, &c. (Ans.) 2589 (ii).
Lachine Canal Repairs, Cement Contracts (explanation) in Com. of Sup., 1564 (i).
Lakefield Wharf, Amount of Expenditure, Completion, &c. (Ans.) 1063 (i).
Lake Nipissing Floods, Claims of Settlers, &c. (Ans.) 817 (i).
Level Crossing Accidents Ret., on Inquiry for (remarks) 1117 (i).
Level Crossings on Rys., Number of Accidents, &c., on Inquiry for Ret., 549, 1321 (i).
See 'Railways,' &c.
Loggie, W. S. Co., Payments to *re* Ry. Contracts (Ans.) 668 (i).
London and Northwestern Ry. Co.'s incorp. B. 102 (Mr. Beattie) in Com., 3847 (ii).
McKenzie, Calvin, Emplymt. on I.C.R., &c. (Ans.) 2152 (ii).
Madoc-Eldorado Branch Ry., G.T. Bonus *re*, &c. (Ans.) 245 (i).
Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3845 (ii); on Sen. Amts., 6078 (iv).
Mileage of Ry. Construction, from 1888 to 1908, &c. (remarks) 1076 (i).
Montreal Bridge and Terminal Co.'s B. 180 (Mr. Ecrement) in Com., 6629 (iv).
Mossy River Dredging, Expenditure of Appropriation, Delays, &c. (Ans.) 816 (i).
N.T. Ry (Red River bridge)--(B. 153) 1° m., 4798; in Com., 5235 (iii).
See 'Aylen.'
Nation River Drainage, Cor. O. Cs, &c., on M. (Mr. Broder) for Ret., 687 (i).
Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3114 (ii).
Newmarket Canal to Lake Wilcox, Construction, Surveys, &c. (Ans.) 5157 (iii).
See 'Holland,' &c.
Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1045 (i); in Com., 5565 (iii), 5970 (iv).
Passengers Ticket Act Amt. B. 2 (Mr. J. D. Reid) on M. for 2°, 552 (i).
Payne, J. Lambert, Duties, Salary, Hours of Work, &c. (Ans.) 1727 (i).

GRAHAM, Hon. Geo. P.—*Con.*
Pointe-aux-Trembles Wharf, Contract Price, Extras, &c. (Ans.) 818 (i).
Port Bruce Harbour, Amount of Expenditure (Ans.) 818 (i).
Prince Albert and Hudson Bay Ry. Co.'s incorp. B. 62 (Mr. Neely) in Com., 2531 (ii).
Prudential Trust Co.'s incorp. B. 91 (Mr.) Macdonell) in Com., 5485 (iii).
Quebec Bridge, Progress *re* Rebuilding. Total Expenditure, &c. (Ans.) 165 (i).
—— Payments to Stockholders, &c. (Ans.) 163 (i).
—— Res. *re* Submarine Viaduct, Construction, &c. (Ans.) 2321 (ii).
Railway Act (fires) Amt. B. 7 (Mr. Clarke) on M. for 2°, 378 (i).
Ry. Act (level crossings) Amt. B. 106 (prop. res.) 2323; in Com. on Res., 2384 (ii); 2°m., 6186; in Com., 6200, 6293; on Amt. (Mr. Doherty) to M. for 3°, 6312; on Senate Amts., 7068 (iv).
Railway Act (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 3°, 521 (i).
Ry. Act (telephones wires) Amt. B. 32 (Mr. Barr) on M. for 2°, 879 (i).
Railway Act (water powers, &c.) Amt. (B. 21) 1° m., 242; 2° m., 1117, in Com., 1118 (i).
Railway Aid in Alberta, Representations *re* (Ans.) 676 (i).
Railways in Alberta and Sask., Number of Miles in Operation (Ans.) 3049 (ii).
Railways and Canals (annual statement) on M. for Sup., 2675 (ii).
—— Deptl. Rep. (presented) 1318 (i).
—— Deptl. Rep., on Inquiry for, 1250 (i).
—— Payments to Mr. J. A. Lussier, &c. (Ans.) 3990 (ii).
Ry. Capitalization of Stock, Regulations by Commission (remarks) 1187 (i).
Railway Commissioners, Pet. *re* Vacancy (Ans.) 529 (i).
Railway Commission Vacancy, Apptmt, of Practical Farmer, on prop. Res. (Mr. Staples) 2665 (ii).
Railway Commissioners' Rep. (presented) 289 (i).
Railway Crossings, Width of Openings, &c. (remarks) 3568 (ii).
Ry. Employees Provident Act Amt. (B. 164) in Com., 6740 (iv).
Ry. Lands Expropriation, Complaints *re* (remarks) 4802 (iii).
Railway Level Crossings, Accident near Kingston (remarks) 252 (i).
Railway Level Crossings, Cor. with Ry. Commissioners (remarks) 291 (i).
—— Legislation *re* (remarks) 1978 (i).

GRAHAM, Hon. Geo. P.—*Con.*

Railway Level Crossings, Prevention of Accidents, on prop., Res. (Mr. Lennox) 1208 (i).

Railways in Saskatchewan, Number of Miles in Operation from 1896 to 1903 (Ans.) 3475 (ii).

Railway Subsidies Act Amt. (B. 174) 1° m., 5628 (iii); in Com., 6741 (iv).

Railways, Two-Cent Fares, Refunds by G. T. Ry. Co., on M. (Mr. W. F. Maclean) to Com. of Sup., 2917 (ii).

Returns, on Inquiry for, 3111 (ii).

St. Johns Wharf, P.Q., Contract *re* Wharf Extension (Ans.) 2768, 2770 (ii).

St. Pierre River Drainage, Flooding, &c., on M. (Mr. Monk) 4234 (iii).

Soulanges Canal, Expenditure *re* Repairs, Suspension of Mr. A. Sauve (Ans.) 1404 (i).

—— Number of Employees, Names, Salaries, &c. (Ans.) 869 (i).

Southern Central Pacific Ry. Co.'s B. 36 (Mr. W. McIntyre) on M. for 2°, 778 (i).

Steel Cars, Introduction of by I. C. R. (Ans.) 481 (i).

Stellarton Station, I. C. R., Area *re* Concrete Walks, &c. (Ans.) 5631 (iii).

Stony Lake Property, Damages *re* Floods (Ans.) 825 (i).

Stony Lake Wharfs, Nomber, Cost, &c. (Ans.) 1064 (i).

Sturgeon Falls and Sudbury Public Buildings, Purchase of Lands, &c. (Ans.) 817 (i).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3983 (ii).

SUPPLY—

Canals—Beauharnois (water power) 1910 (i).

Canals—Carillon and Grenville (Carillon dam) 3421; (macadamizing road) 2029; (St. Anne's lock) 2029; (repairing dam) 2029 (ii).

Canals—Chambly (St. John harbour) 1571; (surveys) 1910 (i).

Canals—Cornwall (repairs) 2029; (washout repairs) 2029 (ii).

Canals—Galops (bridges) 2029 (ii); (collector) 1574 (i).

Canals—Generally (staff and repairs) 2071 (ii).

Canals—Lachine (basin No. 2) 1910 (i); (slope walls) 3420 (ii); (cement testing) 792; (wharfs and basins) 786, 1563 (i).

Canals—Miscellaneous (surveys) 2055 (ii).

Canals—Rideau (bridges) 2030; (improvements) 3420 (ii).

Canals—St. Lawrence (district office) 1572 (i).

Canals—Sault Ste Marie (construction) 1909; (dredging) 1909 (i).

Canals—Soulanges (fireproof building) 1569; (slope trimmings) 1569 (i).

Canals—Trent (construction) 1577 (i), 2074, 3177; (dredging) 2030 (ii); (Holland river) 1578, 1887 (i).

GRAHAM, Hon. Geo. P.—*Con.*

SUPPLY—*Con.*

Canals—Welland (bridges) 2036 (ii); (electric plant) 1903 (i); (gate-lifter) 2036; (junction locks) 2036 (ii); (Port Colborne) 1903 (i); (Port Maitland) 2030; (repairs) 2034 (ii); (surveys) 1909; (widening) 1903 (i).

Civil Govt.—Railways (salaries) 462; Sec. of State (salaries) 460 (i).

Public Works—Harbours and Rivers—Ont. (Wolfe Island) 3313 (ii).

Railways—G. T. P. (Brunet, A.) 2042; (inspection) 2048; (Quebec bridge) 2050 (ii).

Railways—Hudson Bay (surveys) 2960 (ii).

Railways—I.C.R. (Aston track scale) 3415 (ii); (board of commissioners) 6986 (iv); (bridge strengthening) 2931; (Campbellton) 2951; (Chatham) 2946; (double tracking) 2753; (Drummondville) 2949; (Eastville) 2951 (ii); (extension) 6557 (iv); (facilities) 2947; (Gibson siding) 3418; (Halifax) 2935; (Loggieville) 2753; (machinery for shops) 2952; (Moncton cut-off) 2921; (Moncton shops) 2946; (original construction) 2925; (Point Tupper) 2951; (Rivière du Loup) 2949; (rolling stock) 2952; (Ste. Rosalie) 2948; (Sackville) 2934; (Sydney Mines) 2936; (Truro) 2754; (water supply) 2947; (Windsor) 3421; (working expenses) 3421 (ii), 6985 (iv).

Railways—Miscellaneous (arbitrations, &c.) 2054; (litigations, &c.) 2055; (Quebec bridge) 3421; (unforeseen items) 2054 (ii).

Railways—N.T.R. (surveys, &c.) 6985 (iv).

Railways—P.E.I. (Charlottetown) 2959; (Harmony—Elmira branch) 2952; (Montague) 3420; (Souris) 3418 (ii).

Railways—Ry. Commission (litigation) 2056; (maintenance) 2044 (ii).

Weights and Measures (electric light inspection) 454 (i).

Telegraph and Telephone Tariffs, Regulations by Ry. Board, &c. (Ans.) 2764 (ii).

Telephone Companies, O.C. *re* Control by Ry. Commission (Ans.) 1072 (i).

Telephone Lines crossing Railways, Applications, Refusals, &c. (Ans.) 335 (i).

Telephones, Provincial, Control of by Ry. Commission (Ans.) 1419 (i).

Thessalon and Northern Ry. Co.'s B. 104 (Mr. Smyth) in Com., 6063 (iv).

Toronto, Niagara and Western Ry. Co.'s B. 42 (Mr. Calvert) in Com., 2065 (ii).

Transcontinental Ry. Commission Officials, Ret. (remarks) 2494 (ii).

—— Rep. (presented) 289 (i).

Transcontinental Ry., La Tuque Yard, Site (remarks) 6292 (iv).

Trent Canal, Damages through Peterborough County (remarks) 5777 (iii).

—— Land Damages, Amounts paid, &c. (Ans.) 4641 (iii).

Waterways Extension to Georgian Bay, &c. (Ans.) 474 (i).

See 'Holland,' 'Supply—Canals.'

GRAHAM, Hon. Geo. P.—*Con.*

Wallberg, Mr., Claims *re* Moneys due him (Ans) 3989 (ii).

Water Powers leased on Canals, &c., Records &c. (remarks) in Com. of Sup., 2038 (ii). *See* 'Ry. B. 21,' 'Ont. & Mich.'

Welland Canal Employees, Number for Sept. and Oct. (Ans.) 470 (i).

——— Number of Employees, Total Salaries, Revenue, &c. (Ans.) 815 (i).

——— Total Cost, Tonnage, &c. (Ans.) 2155 (ii). *See* 'Georgian.'

Western Canadian Life Assurance Co.'s incorp. B. 37 (Mr. W. McIntyre) on M. for 2°, 779 (i)

Williams, Thos., I.C.R. at Moncton, Superannuation, &c. (Ans.) 331 (i).

Wire Fencing purchased during 1908, Tenders, Quantity, &c. (Ans.) 245 (i).

——— on Inquiry for Ret., 1321 (i).

Vautelet, H. A., Emplymt. by Govt., Payments to by Govt. (Ans.) 1412 (i).

GUTHRIE, Mr. H., *South Wellington.*

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 766 (i).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on Amt. (Mr. Lennox) 5473 (iii); in Com., 6012 (iv).

Committee, Standing Orders, on M. to conc. in 1st Rep. of Com., 2120 (ii).

Govt. Tenders, Opening and Receiving Prop. Res. (Mr. Reid) (amt.) 199 (i); Amt. agreed to (Y. 118; N. 76) 580 (i).

Niagara-Welland Power Co.'s (B. 33) 1°*, 465 (i); in Com., 2571 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5960 (iv).

Private Bills, Payments of Fees, 14th Rep. of Com. (M.) 4986 (iii).

Railways and Canals, Tel., &c., 14th Rep. of Com. (M.) 4986 (iii).

Ridout, John Grant Relief (B. 121) 1°*, 3802. (ii).

S. A. Bounty Act, Regulations *re* (remarks) 2223 (ii).

Smith John Denison Relief (B. 157) 1°*, 4988 (iii).

Winnipeg Bank (B. 158) 1°*, 4988 (iii).

Winnipeg and Northwestern Ry. Co.'s B 29 (Mr. McCraney) in Com., 2132 (ii).

HAGGART, Mr. A., *Winnipeg.*

Canada National Fire Insurance Co.'s incorp. (B. 76) in Com., 2578 (ii).

Cedar Rapids Mfg. & Power Co.'s B. 94 (Mr. Boyer) in Com., 3405 (ii).

Coal and Timber Lands owned or leased by Private Individuals, Corporations, Revenue collected, &c. (M. for ret.*) 1420 (i).

HAGGART, Mr. A.—*Con.*

G.T.P. Winnipeg Terminal Site, Negotiations *re* Purchase (Ques.) 1070 (i).

Great West Permanent Loan Co.'s incorp. (B. 40) 1°*, 626 (i); in Com., 2569 (ii).

Imperial Fire Insurance Co.'s incorp. (B. 76) 1°*, 1479 (i).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6805 (iv).

SUPPLY—

Civil Govt., Customs (Board of Customs) 584 (i).

Indians—Ont. (legal expenses) 994; Ont. and Que. (schools) 978 (i).

Indians—Sask. (farm implements) 1004 (i).

Public Works—Buildings—Man. (Dauphin) 1548; (Winnipeg P. O.) 1550 (i).

Public Works—Harbours and Rivers—Ont (Burlington piers) 2967 (ii).

HAGGART, Hon. John, *South Lanark.*

Annuities Act, Number of Applicants, Amount, &c. (Ques.) 3477 (ii).

C.P.R. Additional Stock, Distribution of, on M. (Mr. Maclean) to Com. of Sup., 424, 1326 (i).

——— Ref. to Court (remarks) 883 (i).

Civil Service Salaries, on M. for Com. on Res., 299; in Com. on Res., 409 (i).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1748 (i).

External Affairs Dept., on prop. Res. (Mr. Murphy) 1999 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4415 (iii).

Govt. Railways Act (compensation) Amt. B. 20 (Mr. Graham) in Com., 775 (i).

Govt. Tenders, Opening and Receiving, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 200 (i).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3579 (ii); on M. for 2°, 5141; in Com., 5256, 5495 (iii).

G.T.P. Lake Superior Branch Subsidy B. 30 (Mr. Turriff) on M. for 2°, 1024 (i).

G.T.P., Original Quantities, &c. (remarks) 2772 (ii).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6116 (iv).

Insurance Act B. 97 (Mr. Fielding) in Com. on Res., 6693 (iv).

I.C.R. Branch Lines, Extension, &c., on prop. Res. (Mr. Emmerson) 2196 (ii)

I.C.R. (reply) to Annual Stmnt. (Mr. Graham) 2709, 2720 (ii).

Mayes Affidavit, Reading of Original, on Amt. (Mr. Daniel) to Com. of Sup., 4273 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1036 (i).

HAGGART, Hon. John—*Con.*

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com., 6323 (iv).

Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1118 (i).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2330 (ii); in Com., 6216 (iv).

Railway Commission Vacancy, Apptmt. of Practical Farmer, &c., on prop. Res. (Mr. Staples) 2637 (ii).

Railway Level Crossings, Prevention of Accidents, on prop. Res. (Mr. Lennox) 1229 (i).

St. Pierre River Drainage, &c., on M. (Mr Monk) 4235 (iii).

Supply, Conc., Reading of Items (remarks) 4048 (iii).

SUPPLY—

Canals—Chambly (St. Johns' harbour) 1571 (i).

Canals—Galops (bridges) 2029 (ii).

Canals—Lachine (cement) 794, 1567; (concrete wall) 1569; (wharfs and basin) 1565 (i).

Canals—St. Lawrence (district office) 1573 (i).

Canals—Soulanges (slope trimming) 1569 (i).

Canals—Trent (dredging) 2030 (ii).

Canals—Welland (Port Maitland) 2031; (repairs) 2034 (ii).

Civil Govt.—Agriculture (salaries) 644 (i).

Printing and Stationery (salaries) 805 (i).

Public Works—Buildings—N.B. (Partridge Island water service) 3208 (ii).

Public Works—Buildings—Ont. (Belleville armoury) 1356 (i).

Public Works—Buildings—Ottawa (additional wing) 1255; (Royal Mint) 1273 (i).

Public Works—Harbour and Rivers—Que. (Ste. Anne des Monts) 3287; (St. Michel, Yamaska) 3269 (ii).

Railways—G.T.P. (Brunet, A.) 2042; (inspection) 2048; (Quebec Bridge) 2050 (ii).

Railways—I. C. R. (bridge strengthening) 2931; (Moncton cut-off) 2921 (ii).

Waterways Treaty, Despatch from Col. Sec. of State (remarks) on M. for Sup., 642 (i).

Waterways Commission Treaty, on M. (Mr. Magrath) to Com. of Sup., 6607 (iv).

Welland Canal, Lease to Cataract Power Co. &c. (remarks) in Com. of Sup., 2036 (ii).

HARRIS, Mr. Lloyd, *Brantford.*

Budget, The, 4653 (iii).

I.C.R., on Annual Statement (Mr. Graham) 2750 (ii).

Patterson, Mildred Gwendolyn Relief (B. 143) 1°*, 4411 (iii).

HARTY, Mr. Wm., *Kingston.*

SUPPLY.

Canals—Generally (staff, &c.) 2072 (ii).

Public Works—Harbours and Rivers—Ont. (Wolfe Island canal) 3304 (ii)

HENDERSON, Mr. D., *Halton.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4454 (iii).

Budget, The, 4814 (iii).

Canada-France SS. Subsidy B. 148 (Mr. Brodeur) in Com. on Res., 4438 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on Order for Com., 3411 (ii).

——— on M. to dschg. Order (remarks) 4472 (iii).

——— on M. to place on Order Paper, 5093 (iii).

——— on M. for Com., (M.) to ref. back to Special Com., 5129, neg., 5414 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. A. H. Clarke) in Com., 6006 (iv).

Canadian Northern Ontario Ry. Co.'s B. 75 (Mr. Pardee) in Com., 3410 (ii).

Canadian Northern Quebec Ry. Co.'s B. 38 (Mr. Dubeau) on Senate Amts., 4594 (iii).

Coal conserved for the Home Market, on prop. Res. (Mr. McKenzie) 3109 (ii).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1955 (i).

Fishery Regulations, Action of Ontario Govt. &c., on M. (Mr. Taylor) 6528 (iv).

Fisheries Regulations *re* International Commission (remarks) in Com. of Sup., 6977 (iv).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1655, 1696 (i).

French Treaty (remarks) 7071 (iv).

See 'Canada and France.'

Govt. Loans B. 191 (Mr. Fielding) in Com., 6711 (iv).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6183 (iv).

Insurance Act Amt. B. 97 (Mr. Fielding) on M. for 1°, 2125 (ii).

Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6725 (iv).

Labour Hours for Working Men, on M. (Mr. Verville) to Com. of Sup., 5945 (iv).

Lake Ontario Fishing Industry, Regulations, &c. (remarks) in Com. of Sup., 381 (i).

Loans: *See* 'Government.'

London and Lancashire Plate Glass Co.'s Bill (remarks) 4445 (iii).

London and Northwestern Ry. Co.'s incorp. B. 102 (Mr. Beattie) in Com., 3846 (ii).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3946 (ii); on Sen. Amts., 6076 (iv).

N.B. Central Ry. Commission's Report, on M. (Mr. Foster) to lay on Table, 5488 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5560 (iii).

HENDERSON, Mr. D.—*Con.*

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) on M. for 1°, 241; in Com., 746 (i).

Private Bills, Extension of Hour for considering, on M. (Sir Wilfrid Laurier) 5774 (iii).

Ry. Employees Provident Act Amt. B. 164 (Mr. Graham) in Com., 6741 (iv).

Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2798 (ii).

S. A. Bounty Act, Regulations *re* (remarks) on M. for Sup., 2221 (ii).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4542 (iii).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3965 (ii).

Supply Bill, Amendments by Senate (remarks) 4120 (ii).

SUPPLY—

Arts, Agriculture, &c. (census, &c.) 699 (i); (live stock industry) 5849 (iii); (swine commission) 6985 (iv).

Civil Govt.—Aud. Gen.'s (salaries) 383 (i).

Civil Govt.—Charges of Management, 399 (i).

Civil Govt.—Civil Service Commission (salaries) 387 (i).

Civil Govt.—Customs (Board of Customs) 581 (i).

Civil Govt.—Finance (salaries) 384 (i).

Civil Govt.—High Commissioner (contingencies) 386; (salaries) 385 (i).

Civil Govt.—Marine and Fisheries (salaries) 381 (i).

Immigration (agents) 7025 (iv).

Indians—Ont. (legal expenses) 993 (i).

Legislation (members indemnity) 7066 (iv).

Marine and Fisheries (fisheries conference) 3694 (ii).

Public Works—Buildings—N. S. (Bridgewater) 1286; (Glace Bay) 1288; (Shelburne) 1292 (i).

Public Works—Buildings—Ont. (Glencoe) 1369; (Whitby) 1518 (i).

Public Works—Buildings—Ottawa (furniture) 1605; (heating) 1601; (Major's Hill) 1601 (i).

Public Works—Harbours and Rivers, Ont. (bridges, repairs) 2968; (Burlington piers) 2966 (ii).

Toronto, Niagara and Western Ry. Co.'s B. 42 (Mr. Calvert) in Com., 2065 (ii).

Ventilation and Fire Escapes of New Wing (remarks) 6781 (iv).

Ways and Means (sugar) in Com., 5099 (iii).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4201 (iii).

HERRON, Mr. J., *Macleod.*

Alberta and Saskatchewan Annual Allowance, Amount paid, &c. (Ques.) 2588 (ii).

C. P. Ry. Co.'s B. 79 (Mr. McIntyre) in Com., 3161 (ii).

Canadian Western Ry. Co.'s incorp. B. 11 (Mr. Pardee) in Com., 986 (i).

HERRON, Mr. J.—*Con.*

Coal Royalty, Total Amount paid to March 31st, 1908 (Ques.) 2588 (ii).

Coal Strikes in the West, Settlement of (remarks) 5352 (iii).

Elevators at Fort William and Port Arthur, Govt. Operation, on prop. Res. (Mr. Schaffner) 4035 (ii).

'Free Press,' Man., Payments to, Inquiry for Ret., 1978 (i).

Grazing Leases, Total Acres, Annual Rental, &c. (Ques.) 3703 (ii).

Homesteads, Volunteer Substitutes *re* Duties (Ques.) 1078 (i).

Hudson Bay and Pacific Ry. Co.'s (B. 43) in Com., 2067 (ii).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6181 (iv).

Immigration Inspectors, Names, Addresses, Salaries, &c. (Ques.) 1406 (i).

——— (M. for ret.*) 2160 (ii).

Immigration of Undesirables into Canada, Payments *re* (Ques.) 1406 (i).

Land Grants to Early Settlers in Man., &c. (remarks) in Com. of Sup., 6274 (iv).

Peigan Indian Agency, Surrender of Land (remarks) in Com. of Sup., 1010 (i).

Pincher Creek Post Office, Complaints *re* Accommodation (remarks) in Com. of Sup., 1711 (i).

Railway Commission, Vacancy, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2667 (ii).

S. A. Bounty Act, Regulations (remarks) 2224 (ii).

SUPPLY—

Excise (methylated spirits) 451 (i).

Interior (boundaries) 6266 (iv).

Public Works—Buildings—Alberta (Lethbridge) 1551 (i).

Public Works—Buildings—B.C. (Victoria, immigration) 2084 (ii).

Public Works—Dom. (cattle quarantine stations) 1620 (i).

Public Works—Buildings—Ont. (Whitby) 1522 (i).

Public Works—Harbours and Rivers—Alberta (Old Man River) 3336 (ii).

Timber Lands, Alberta, Revenue due and payable, &c. (Ques.) 3193 (ii).

Winnipeg 'Free Press,' Total Amounts paid by Govt., 1906-9 (M. for ret.*) 354 (i).

HODGINS, Mr. G. F., *Pontiac.*

Arnprior and Pontiac Ry. Co.'s incorp. (B. 87) 1°*, 1970 (i).

Cobalt Range Ry. Co.'s (B. 86) 1°*, 1813 (i).

SUPPLY—

Penitentiaries—Generally (supplies) 895 (i).

HUGHES, Mr. S., *Victoria and Haliburton.*
Aerial Navigation, Experiments by Canadians (remarks) 2383 (ii).
American Immigration Agents, Duties *re*, &c. (remarks) 2243 (ii).
American Silver, Exportation of (remarks) 6780 (iv).
Beet Root Sugar Refineries, Duty *re* Preferential Tariff (Ques.) 3047 (ii).
Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4442 (iii).
Canned Meats, Contract called for by G. B. (Ques.) 1238 (i).
Fenelon Falls Lockmaster, Payments to, Allowances, Duties (Ques.) 1067 (i).
France and Canada SS. Subsidy B. 146 (Mr. Brodeur) in Com., 4442, 5223 (iii).
Govt. Employees, Interference at Elections (remarks) on M. for Sup., 6874 (iv).
Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4418 (iii).
G. T. P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3577 (ii); in Com., 5294 (iii); on prop. Res. (remarks) 4099 (iii).
—— on M. for 3° (remarks) 5522 (iii).
G. B. and Her Colonies: *See* 'Imperial Partnership.'
Homestead and Pre-emptions, in Man., &c., Number of Acres, &c. (Ques.) 1180 (i).
Hudson Bay Lands, Number of Acres homesteaded or pre-empted (M. for ret.*) 1421 (i).
Imperial Partnership of G.B. and her Colonies (amt.) to Com. of Sup., 6417 (iv).
I.C.R. Branch Lines, Rep. of Commissioners, on M. (Mr. Emmerson) for Copy, 882
—— (remarks) *re* prop. Res., 2162 (ii).
Kingston Military Buildings, Excessive Expenditure (remarks) on M. for Sup., 2506 (ii).
Mayes Affidavit, Ques. of Order, 4262; on Ques. of Order, 4283 (iii).
—— on Reading Original (remarks) 4298 (iii).
—— Ques. of Order, 4326 (iii).
Militia Annual Training, Completion of Plans, &c. (Ques.) 682 (i).
Militia, Permanent Corps, &c., Winter Equipment, &c. (Ques.) 2376 (ii).
Mine Owners and Miners, Percentage of British Origin (remarks) 4121 (iii).
Miner, Bill, Escape from B.C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1845 (i).
Miniature Rifles, Targets, Supplies, &c., Extending to Colleges, &c. (Ques.) 681 (i).
Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3143, 3172 (ii).
See 'Supply—Canals.'

HUGHES, Mr. S.—*Con.*
N.W.M. Police, Land Scrip, Refusal of Grants (Ques.) 1066 (i)
Oshawa Customs Collector, Name, &c., Acquisition by Govt. (Ques.) 2372 (ii).
—— incorrect answer (remarks) 2672 (ii).
—— Revenue, Salary, &c. (Ques.) 1972 (i).
Oshawa Harbour, Apptmt. of Officials by Govt., Salaries, &c. (Ques.) 3046 (ii).
Oshawa Harbour Purchase, Negotiations, &c. (Ques.) 1918 (i).
Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4238 (iii).
Post Office Act (registered letters) Amt B. 19 (Mr. Lemieux) in Com., 743 (i).
Privilege, Ques. of (Mr. Conmee) *re* 'Special Trains,' on Ques. of Order (Mr. Foster) 4292 (iii).
Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1118 (i).
Railways and Canals (remarks) on Annual Stmnt., 2683 (ii).
Ross Rifle, Use of at Bisley (remarks) 5644 (iii)
Royal Military College Water Supply, Defects, &c. (Ques.) 682 (i).
Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2795 (ii).
St. Vincent de Paul Penitentiary, Manufacture of Church Pews (remarks) in Com. of Sup., 901 (i).
Sanitary School of Technology, Govt. Aid *re* (remarks) 6061 (iv).
S.A. Bounty Act, Regulations *re* (remarks) 2226 (ii).
S.A. Veterans Land Grants, Conditions of Entry, &c. (Ques.) 1179 (i).
Southern Central Pacific Ry. Co.'s B. 36 (Mr. W. McIntyre) on M. for 2°, 778 (i).
SUPPLY—
Arts, Agriculture, &c. (exhibitions) 727 (i).
Canals—Generally (staff, &c.) 2072 (ii).
Canals—Lachine (wharf and basins) 789 (i).
Canals—Trent (construction) 2074, 3177 (ii); (Holland River) 1902 (i).
Canals—Welland (Port Colborne) 1904 (i).
Civil Govt.—Agriculture (salaries) 651; Post Office (salaries) 722; Railways (salaries) 463 (i).
Civil Service Commission (salaries) 720 (i).
Immigration (agents) 7014; (G. B. agents) 7020; (St. Boniface hospital) 7034 (iv).
Lighthouse and Coast Service (salaries) 6889 (iv).
Marine—Public Works (St. Lawrence ship canal) 6877 (iv).
Militia (salaries) 2293 (ii).
Miscellaneous (Banff roads and bridges) 1171; (Banff water works) 1172 (i).
Penitentiaries—Dorchester (supplies) 918; Generally (supplies) 897 (i).
Pensions (N.W. rebellion) 812; (Mrs. Wilmot) 884 (i).

HUGHES, Mr. S.—*Con.*

SUPPLY—*Con.*

Printing and Stationery (salaries) 806 (i).
Public Works—Buildings—B.C. (Chilliwack) 2091; (Prince Rupert quarantine) 2082; (Vancouver) 2082; (Victoria immigration) 2083 (ii).
Public Works—Buildings—Generally (armouries) 1596 (i).
Public Works—Buildings—Ont. (Kingston Vet. hospital) 1534 (i); (Port Arthur) 2092 (ii); (R.M. College) 1533; (Whitby) 1526 (i).
Public Works—Buildings—Ottawa (additional wing) 1269; (Major's Hill) 1603; (Royal Mint) 1271 (i).
Public Works—Buildings—Que. (Quebec citadel) 3212 (ii).
Public Works—Buildings—Yukon (Dawson) 3225 (ii).
Public Works—Harbours and Rivers—Man. (St. Andrews rapids) 2106 (ii).
Public Works—Harbours and Rivers—Mar. Provs. (creosoted timber) 2511 (ii).
Public Works—Harbours and Rivers—N.S. (Cow Bay) 2471; (generally) 2118; (Middle River) 2478; (Sandy Cove) 2475; (South Lake, Lakevale) 2483; (Wallace bridge) 2484 (ii).
Public Works—Harbours and Rivers—Ont. (Tiffin) 2116; (Victoria) 2117 (ii).
Public Works—Harbours and Rivers—Que. (Saguenay dredging) 2807 (ii).
Railways—G.T.P. (Quebec bridge) 2052; Miscellaneous (McGill school) 2071 (ii).

University Drill Corps, Establishment of, &c. (Ques.) 683 (i).

Ventilation and Fire Escapes of New H. of C. Wing (remarks) 6781 (iv).

Western Canadian Life Assurance Co.'s incorp. B. 37 (Mr. W. McIntyre) on M. for 2°, 779 (i).

Whitby Harbour, Acquisition by Govt., Negotiations *re* (Ques.) 2372 (ii).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4160 (iii).

JAMESON, Mr. C., *Digby.*

Aids to Navigation on N.S. Coast, Applications *re* Personal Inspections, &c. (Ques.) 5640 (iii).

Budget, The, 4717 (iii).

Fairy Lake Indian Reserve, N.S., Conditions of Lease, Revenue, &c. (Ques.) 2816 (ii).

Fisheries Development, Apptmt. of Sel. Com., on prop. Res. (Mr. Sinclair) 486 (i).

Fisheries Officers at Port Joly, Apptmt. of (Ques.) 4697 (iii).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 6124 (iv).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6184 (iv).

Little River Wharf, Amount expended, Estimated Cost. (Ans.) 476 (i).

JAMESON, Mr. C.—*Con.*

Sandy Cove Breakwater, Amounts owing for Labour, &c., Names, &c. (Ques.) 1728 (i).

——— Payments to Contractors (Ques.) 1419 (i).

Sissiboo River Bridge, Construction, &c., on M. for Sup., 6834 (iv).

SUPPLY—

Arts, Agriculture, &c. (exhibitions) 728 (i).
Civil Govt.—High Commission (contingencies) 386 (i).
Fisheries (commissions) 6957; (customs licenses) 6958; (fish breeding establishments) 6946; (international commission) 6961; (oyster culture) 6949; (protection cruiser) 6947; (transportation) 6956 (iv).
Lighthouse and Coast Service (construction) 6909 (iv).
Marine and Fisheries (hospitals) 6946; (hydrographic surveys) 6916 (iv).
Marine Hospitals (sick seamen) 3438 (ii).
Marine—Public Works—(piers on St. Lawrence) 6888 (iv).
Pensions (Fenian raid) 812 (i).
Post Office (ry. mail clerks) 3433 (ii).
Public Works—Buildings—P.E.I. (Georgetown) 1293 (i).
Public Works—Buildings—Que. (Joliette) 1300; (Montreal postal station) 1316; (Quebec) 1317 (i).
Public Works—Dredging (generally) 6534; (Mar. Provs.) 6553 (iv).
Public Works—Harbours and Rivers—N.S. (Annapolis Ice Piers) 2360; (Arisaig) 3233; (Baileys Brook) 3234; (Cheverie) 2456; (Church Point) 2457; (Clark's Harbour) 2462; (Digby) 2474; (Little River) 3234; (Minasville) 2479; (Sandy Cove) 2475, 3236; (South Lake, Lakevale) 3235; (Upper Prospect) 3235; (Yarmouth) 2484 (ii).
Railways—I. C. R. (extensions) 6557 (iv).

Westport Landing Pier (remarks) in Com of Sup., 2457 (ii).

——— Amount expended, Estimated Cost, &c. (Ques.) 475 (i).

Weymouth P. O., Change of Name, &c. (M for cor.*) 3055 (ii).

Weymouth River Bridge (remarks) in Com. of Sup., 2360 (ii).

Wood and Wood Pulp, Negotiations *re* Tariff Increase (Ques.) 1241 (i).

Yarmouth Harbour Buoys, Displacement of (remarks) on M. to adjn., 1114 (i).

KNOWLES, Mr. W. E., *Moosejaw.*

Deferred Elections, on prop. Res. (Mr. Burrell) 2867 (ii).

Joliette and Lake Manuan Ry. Co.'s B. 126 (Mr. Dubeau) in Com., 4836 (iii).

Kootenay and Alberta Ry. Co.'s incorp. (B. 133) 1°*, 4286 (iii).

Prairie Fires, Relief *re* (remarks) 6411 (iv).

S. A. Bounty Act, Regulations *re* (remarks) 2227 (ii).

KNOWLES, Mr. W. E.—*Con.*

SUPPLY—

Arts, Agriculture, &c. (live stock industry) 5873 (iii).

Western Canadian Life Assurance Co.'s incorp. (B. 37) 1°*, 465 (i); in Com., 2564 (ii).

KYTE, Mr. G. W., *Richmond, N.S.*

Fisheries Development, Apptmt. of Sel. Com. on prop. Res. (Mr. Sinclair) 497 (i).

I. C. R. Branch Lines, Extension, &c., on prop. Res. (Mr. Emmerson) 2188 (ii).

Investigations in Deptl. Expenditures by Justice Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3746 (ii).

LACHANCE, Mr. A., *Quebec Centre.*

Desjardins, Capt., Emplymt. by Marine Dept., Dismissal, &c. (Ques.) 4696 (iii).

Hoffman, Mr., Emplymt. by Marine Dept., &c. (Ques.) 4696 (iii).

Royal Guardians incorp. (B. 95) 1°*, 2120 (ii).

LAKE, Mr. R. S., *Qu'Appelle.*

Budget, The, 5079 (iii).

C. P. Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3153 (ii).

Coal and Timber Lands, Approx. Area, Names of Owners, Amount of Revenue, &c. (Ques.) 1185 (i).

——— Inquiry for Ret., 1978 (i).

Deferred Elections, on prop. Res. (Mr. Burrell) 2845 (ii).

Elevators at Port Arthur and Fort William, Govt. Operation, on prop. Res. (Mr. Schaffner) 4011 (ii).

Ewart, J. S., Emplymt. *re* Newfoundland Fisheries (Ques.) 5629 (iii).

Foley, T. P., Emplymt. in Interior Dept. (Ques.) 2320 (ii).

Govt. Employees, Interference at Elections (remarks) on M. for Sup., 6867 (iv).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 224 (i).

G. T. P. Loan B. 128 (Mr. Fielding) in Com., 5330 (iii).

Humboldt Election Officials, Payments to (Ques.) 1731 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6171 (iv).

Land Grants to Early Settlers (remarks) in Com. of Sup., 6276 (iv).

Qu'Appelle Electoral District, Voters' Lists, &c. (M. for copies*) 1191 (i).

Railway Commission, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2659 (ii).

——— Ques. of Order, 2663 (ii).

LAKE, Mr. R. S.—*Con.*

Railways, Number of Miles in Operation in Saskatchewan from 1896 to 1908 (Ques.) 3475 (ii).

S. A. Veteran Land Grants (remarks) in Com. of Sup., 6273 (iv).

Strachan, A. A., Land Patent, Homestead Duties, Cor. (M. for copy*) 3992 (ii).

SUPPLY—

Arts, Agriculture, &c. (experimental farms) 5952 (iv); (live stock industry) 5834 (iii).

Civil Govt.—Interior (salaries) 6247 (iv).

Dom. Lands (surveys, plans, &c.) 6273 (iv).

Indians—Generally (grist and saw mills) 1016; (inspectors) 1167; Man., &c. (live stock) 1005; Sask. (farm implements) 1002 (i).

Interior—Miscellaneous (park reservations) 6994 (iv).

Northwest Mounted Police (force) 1660 (ii).

Post Office (letter carriers) 1698 (i).

Railways—Hudson Bay (surveys) 2960 (ii).

LALOR, Mr. F. R., *Haldimand.*

American Immigration Agents, Duties to Canadians on Border (remarks) 2242 (ii).

Civil Service Act (letter carriers) Amt. B. 137 (Mr. Lemieux) in Com., 6325 (iv).

Civil Service Salaries on M. (Mr. Fisher) for Com. on Res., 298 (i).

Fruit Marks Act, Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3390 (ii).

G.T.P. Loan B. 128 (Mr. Fielding) in Com., 5252 (iii).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6797 (iv).

Nails, Quantity imported, Prices, &c. (Ques.) 2156 (ii).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., 5231 (iii).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3141 (ii).

Piers, &c., constructed by Day Labour, Procedure by Govt. (remarks) in Com. of Sup., 2519 (ii).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6210 (iv).

SUPPLY—

Arts, Agriculture, &c. (live stock industry) 5880 (iii).

Canals—Welland (Port Colborne) 1905 (i); (Port Maitland) 2032 (ii).

Civil Govt.—Customs (contingencies) 593 (i).

Public Works—Buildings—Ont. (Whitby) 1520 (i).

Railways—I.C.R. (Moncton cut-off) 2924 (ii).

Timber Limit Regulations, Suspension, &c. (Ques.) 342 (i).

Welland Canal, Number of Employees, Total Salaries, Revenue, &c. (Ques.) 815

LANCASTER, Mr. E. A., *Lincoln and Niagara.*

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on M. for (Mr. Henderson) to ref. back to Special Com., 5437; on Amt. (Mr. Lennox) 5447; in Com., 5481 (iii), 6039 (iv).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1869

Canadian Northern Quebec Ry. Co.'s B. 91 (Mr. Geoffrion) on Senate Amts., 5486 (iii).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1758 (i).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) in Com. (amt.) 568 (i).

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) on M. for 1°, 4695 (iii).

Extradition Act Amt. B. 149 (Mr. Aylesworth) in Com., 5236 (iii).

G.T.P., B. 128 (Mr. Fielding) on M. for 2°, 5185; in Com., 5272 (iii).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6099 (iv).

Immigration Bonuses to Societies, Names, Amounts (Ques.) 1406 (i).

International Waterways Commission, on M. for Sup., 6630 (iv).

Level Ry. Crossings: *See* 'Ry. Bills.'

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3951 (ii); on Sen. Amts., 6078 (iv).

Mayes-McAvity, on Amt. (Mr. Daniel) to Com. of Sup., 4277 (iii).

Miner, Bill, Escape from B.C. Penitentiary, on M. (J. D. Taylor) to Com. of Sup., 1877 (i).

Montreal Harbour Commissioners B. 154 (Mr. Brodeur) in Com., 6575 (iv).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., 5228 (iii).

Niagara Ice Jam, Action of Govt. *re* Assistance (remarks) 4703 (iii).

N.B. Central Ry. Commissioners' Report, on Amt. (Mr. Crothers) 5689 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1049 (i); in Com., 5304, 5369 (iii), 5967 (iv).

Passengers Ticket Act Amt. B. 2 (Mr. Reid) on M. for 2°, 554 (i).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4249 (iii).

Preston, Mr. W. T. R. (remarks) in Com. of Sup., 6657 (iv).

Prudential Trust Co.'s incorp. B. 91 (Mr. Macdonell) in Com., 5484 (iii).

Railway Act Amt. B. 106 (Mr. Graham) on M. for 2°, 6195; in Com., 6293; on M. for 3° (amt.) 6302; Neg. (Y. 70; N. 100) 6310 (iv).

LANCASTER, Mr. E. A.—*Con.*

Railway Act (fires) Amt. B. 7 (Mr. Lancaster) on M. for 2°, 376 (i).

Ry. Act (level crossings) Amt. B. 3 (Mr. Bickerdike) on M. for 1°, 92 (i).

Ry. Act (level crossings) Amt. (B. 6) 1° m., 93; 2 °m., 374; 3 °m., 521 (i).

Railway Act (water-powers) Amt. B. 21 (Mr. Graham) on M. for 1°, 242 (i).

Railway Level Crossings, &c., on prop. Res. (Mr. Lennox) 1218 (i).

Salisbury and Harvey Railroad Co.'s incorp. B. 35 (Mr. Emmerson) in Com., 1363 (i).

Salvation Army Council B. 142 (Mr. Miller) in Com., 6069 (iv).

Senate, Abolition of (prop. res.) 1421 (i).

Smith, John Denison, Relief B. 157 (Mr. A K. Maclean) in Com., 6072 (iv).

Superior and Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3965 (ii).

SUPPLY—

Canals—Beauharnois (water-power) 1912 (i); Generally (staff, &c.) 2073 (ii).

Civil Govt.—Mines (salaries) 3677 (ii).

Immigration (agents, &c.) 7001 (iv).

Marine and Fisheries (fisheries conference) 3688 (ii).

Militia (R.M.C. commandant) 6660; (supplies) 6668 (iv).

Ocean and River Service (patrol boats) 6682 (iv).

Public Works—Buildings—Ont. (Kingston. R.M.C.) 1507 (i).

Railways—G.T.P. (Quebec Bridge) 2051 (ii).

Railway—Miscellaneous (arbitration) 2054; (McGill school) 2071 (ii).

Railways—Ry. Commission (litigation) 2056, 2070; (maintenance) 2046 (ii).

Thessalon and Northern Ry. Co.'s B. 104 (Mr. Smyth) in Com., 6064 (iv).

Weights and Measures, Discussion *re* (remarks) in Com. of Sup., 3685 (ii).

Welland Canal Employees, Number in Sept. and Oct., &c. (Ques.) 470 (i).

Yukon Act (judges) Amt. B. 156 (Mr. Aylesworth) in Com., 5236 (iii).

LANCTOT, Mr. A,, *Richelieu.*

Investigation into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3896 (ii).

LAPOINTE, Mr. E., *Kamouraska.*

Experimental Farming Stations, Establishment of (Ques.) 823 (i).

Experimental Farms, Location in Eastern Quebec, &c. (prop. res.) 1925 (i).

LAURIER, Rt. Hon. Sir Wilfrid, G.C.M.G., (Prime Minister), *Quebec East.*

Address, The (M.) 12 (i).

Address, The, 33 (i).

—— (M.) to present, 139 (i).

LAURIER, Rt. Hon. Sir WILFRID—*Con.*

All-Red Line, Negotiations *re* (Ans.) 148 (i).
——— on Remarks (Mr. Foster) 7070 (iv).
American Immigration Agents, Duties *re* Travellers (remarks) 2243 (ii).
Ash Wednesday Adjournment (M.) 1320 (i).
Asiatic Exclusion from B.C., Telegram from Mr. Borden (read) in deb. on Address, 39 (i).
See 'Japanese,' 'Privilege.'
Bank of Montreal, Commissions *re* Debts (remarks) in Com. of Sup., 399-400 (i).
Brazilian Electro Steel and Smelting Co.'s B. 10 (Mr. Pardee) in Com., 1024 (i).
B.C. Increased Subsidy, Ref. to in debate on Address, 41 (i).
Canada Life Assurance Co.'s B. 56 (Mr. A. H. Clarke) in Com., 3023 (ii), 5480 (iii), 5995, 6025 (iv).
——— on M. to place on Order Paper, 5094 (iii).
——— on Amt. (Mr. Lennox) 5446 (iii).
Canned Meats, Contracts called for by G.B. (Ans.) 1238 (i).
Carleton and Comox-Atlin, Issue of Writ (remarks) 327, 401 (i).
Carter, Edward S., Emplymt. as Sessional Clerk (Ans.) 5095 (iii).
Cassels, Judge, Rep. *re* Marine Investigation, Discussion (remarks) 2219, 3003, 3249 (ii).
See 'Marine,' 'Investigations,' &c.
Central Ry. of N.B., Rep. of Commission *re* (remarks) 4125 (iii).
See 'N.B. Central.'
Cigarettes Legislation, &c. (Ans.) 246 (i).
Civil Service Act, Delay, &c. (remarks) 5895 (iv).
Civil Service Classification, Papers laid on Table, 325 (i).
See 'House of Commons.'
Civil Service Commissioners, on Inquiry for Rep., 874, 1023 (i), 2241, 3111 (ii), 4047 (iii).
Civil Service Salaries Increase B. 187 (Mr. Fisher) Salaries on M. for Com. on Res., 307; in Com. on Res., 1138 (i); on M. for 2°, 6338 (iv).
Coast Line and Seaports Protection, on Notice of prop. Res. (remarks) 549 (i).
See 'Imperial Defence,' &c.
Committees, Sel. Standing (M.) to prepare List, 12 (i).
——— Rep. (presented) 325 (i).
——— (M.) to add Name, 664 (i).
Committees, Standing, Prop. Res. (Mr. Brodeur) Remarks, 1320 (i).
——— Change of Names (M.) 2217 (ii).
Comox-Atlin and Carleton By-elections, Discrepancy in Answers (remarks) 826, 874

LAURIER, Rt. Hon. Sir WILFRID—*Con.*

Comox-Atlin, &c., Writs of Election (remarks) 327, 401 (i).
Conservation of our Resources: *See* 'Natural.'
Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 562 (i).
Daylight Saving Bill, on M. to place on Govt. Orders, 3203 (ii).
——— on M. (Lewis) to ref. to special Com., 3468 (ii).
Debt of Canada, Jan. 31st, 1909, Increase from 1908 (Ans.) 1079 (i).
Deptl. Payments *re* Marine Supplies (remarks) 2322 (ii).
Disallowance of Ont. Act, O.C. re (remarks) 4883 (iii).
Easter Adjournment (M.) 3705 (ii).
External Affairs Dept., on prop. Res. (Mr. Murphy) 1980 (i).
Fenian Raid Veterans, Legislation *re* Bounty (Ans.) 3478 (ii).
Fishing Bounty Claims, Delay in sending Forms (remarks) 1187 (i).
Fisheries Convention with U.S., Reference to Hague Tribunal (remarks) 1395 (i).
Fisheries Jurisdictions and Provinces, Negotiations *re* (remarks) 2018 (ii).
Florence Mining Co.'s Appeal *re* Ontario Govt. Legislation, on Ques. of Order, 6921 (iv).
Forest, Waterways, &c., on M. to conc. in 3rd Rep. of Com., 6919 (iv).
France and Canada Ocean SS. Subsidy B. 146 (Mr. Brodeur) prop. Res., 2017 (ii); in Com., 5223 (iii).
Franco-Canadian Treaty, Announcement *re* Signing (remarks) 140 (i).
——— Approval of Convention by France (Ans.) 149, 166 (i).
French Language on Govt. Works, Govtl. Intention *re* (Ans.) 249 (i).
Georgian Bay Canal, Pet. *re* Expenditure (remarks) 6415 (iv).
Govt. Business, on M. to take in Mondays (Remarks) 3938 (ii), 4041 (iii).
——— (M.) to take in Wednesdays, 2017 (ii).
——— Saturday Sittings (M.) 5644 (iii).
See 'Morning,' &c.
Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4419 (iii).
G.T.P. Loan B. 128 (Mr. Fielding) in Com., 5310; on M. for 3°, 5513 (iii).
G.T.P., Alleged Over-classification, Action taken by Govt. (Ans.) 178 (i).
——— Statmnt. of Mr. Wainwright *re* Inception (Ans.) 1561 (i).
G.T.R., Hotel Site, Negotiations *re* (remarks) 13 (i), 6412 (iv).

LAURIER, Rt. Hon. Sir WILFRID—*Con.*
Grey, Earl, Extension of Time as Governor General (announcement) 5351 (iii).
Hecate Strait Status, Cor. with U.S. Govt. (remarks) 4882, 4990 (iii).
Hog Tariff from U.S. to Canada, Increase of (Ans.) 821 (i).
Homestead Pre-emptions, &c. (remarks) 1181 (i).
House of Commons Classification (M.) to conc., 6093 (iv).
See 'Civil Service,' &c.
Imperial Conference, Cor. laid on Table, 7069 (iv).
Imperial Defence, Action of Govt. *re* (remarks) 6942 (iv).
Imperial Defence, on M. for 3° of Supply Bill, 7082 (iv).
See 'Naval.'
Imperial Partnership with G. B. and Her Colonies, on Amt. (Mr. Hughes) to Com. of Sup., 6446 (iv).
Industrial Disputes Act, Discussion *re* (remarks) 4641 (iii).
Insurance Act Amt. (remarks) 1022 (i).
Internal Economy Commission, Mess. from His Ex. (presented) 160 (i).
International Fisheries Commission, Names of Commissioners (Ans.) 1073 (i).
International Waterways Treaty with U.S., Change in Draft Treaty *re* Intersection of Islands (remarks) on M. for Sup., 1493 (i).
—— (explanation) 1562 (i).
—— Acceptance of U. S. Senate Amts. (remarks) 4472 (iii).
—— Conditional Ratification (remarks) 2336 (ii).
—— Date of Signing, Date of Receipt, &c. (Ans.) 1074 (i).
—— Delay in placing before Can. Parlt. (remarks) 175 (i).
—— Despatch from Colonial Sec. Earl of Crewe (read) 550 (ii).
—— Despatch from Colonial Sec. of State (remarks) on M. for Sup., 639 (i).
—— Discussion by Mr. Gibbons (remarks) 1563 (i).
—— Presentation of (remarks) 2494 (ii).
—— Publication of Newspapers (remarks) 1188 (i).
—— Ratification of by U. S., on M. (Mr. Boyce) to Com. of Sup., 1355 (i).
International Waterways Commission, on M. (Mr. Lancaster) to Com. of Sup., 6637 (iv).
—— N. B. Fisheries, Regulations *re* (remarks) 1245 (i).
—— Treaty, on Inquiry for (Mr. R. L. Borden) 7, 159, 292, 402 (i), 2019 (ii).

LAURIER, Rt. Hon. Sir WILFRID—*Con.*
Investigations into Deptl. Expenditures, &c., on Amt. (Mr. Doherty) to Com. of Sup., 3848 (ii).
—— on Ques. of Order (Mr. Foster) 3849 (ii).
See 'Cassels.'
Japanese Treaty with G. B., Date of Effect, Termination, &c. (Ans.) 2152 (ii).
King, Mr. Mackenzie, Total Amount paid *re* Visit to China (Ans.) 6407 (iv).
Labour Dept. (B. 165) in Com. on Res., 5350 (amt.) 5350 (iii); 2° m., 6712; in Com., 6717 (iv).
Labour Dept., Appmt. of a Minister (Ans.) 186 (i).
Lindsay Block, Negotiations *re* Purchase, &c. (Ans.) 681 (i).
Loans of Dec. 1907 and Oct. 1908, Information *re* (Ans.) 1075 (i).
Mail Subsidies and SS. Subventions (Canada and Mexico) conc., 7074 (iv).
Manitoba Boundaries Extension, Memorial (remarks) 2239 (ii).
—— Legislation *re* (Ans.) 530 (i), 3480 (ii).
Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3962 (ii); on Sen. Amts., 6073 (iv).
Marconi Stations, Construction, Maintenance, &c., Amounts paid, &c. (Ans.) 177 (i).
Marine and Fisheries Supplies, Purchases of, Names of Individuals (Ans.) 3044 (ii).
See 'Deptl.' &c.
Marine Investigation, Prosecutions *re* (Ans.) 153 (i).
—— Total Expenditure (Ans.) 167 (i).
—— on Inquiry for Rep., 7 (i).
See 'Cassels.'
Mayes Affidavits, Reading of Original, on Ques. of Order to Amt. (Mr. Daniel) 4262 (iii).
—— on Amt. (Mr. Daniel) to Com. of Sup., 4386 (iii).
—— Dredging Contract, on Ques. of Order (Mr. Emmerson) 277 (i).
Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1848 (i).
Minister of Inland Revenue, Information *re* (remarks) 14 (i).
'Montcalm,' Str., Total Cost of Repairs, &c. (Ans.) 168 (i).
Morning Sittings (M.) 5159 (iii).
See 'Govt. Business.'
Natural Resources of Can., Conservation of, on M. (Mr. R. L. Borden) for Sel. Com., 371 (i).
—— on Order for rsmnd. debate (remarks) 688 (i).

LAURIER, Rt. Hon. Sir WILFRID—*Con.*
Natural Resources of Canada, Special Com. (M.) 1556 (i).
——— on prop. Res. (Mr. Fisher) 6367 (iv).
Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3504; (amt.) 3512; Amt. to Amt., 3564 (ii).
——— Interpretation of Res. in Hse. (Ans.) 4289 (iii).
See 'Imperial,' &c.
Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) on Amt. (Mr. Conmee) to M. for 3°, 6129 (iv).
N. B. Central Ry. Commission's Report, on M. (Mr. Foster) to lay on Table, 5488 (iii).
——— (objections) 5624 (iii).
N. B. Central Ry. Commissioners' Report, and Hon. Mr. Pugsley, on Amt. (Mr. Crothers) to Com. of Sup., on Ques. of Order (Mr. Speaker) 5646 (iii).
——— Rep., Printing, &c. (Ans.) 4236 (iii).
——— Statement *re* (remarks) 4296 (iii).
Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3169 (ii).
N. W. Mounted Police Barracks, Transfer of Grounds to Ry. Corporation, &c. (Ans.) 819 (i).
N. W. M. P. Land Scrip, Refusal of Grants, &c. (Ans.) 1066 (i).
N. W. Rebellion, 1885, Grants to N. W. M. P., &c. (Ans.) 184 (i).
Oaths of Office (B. 1) 1°* *pro forma*, 9 (i).
Old Age Annuities Act, Number of Employees, Expenditure, &c. (Ans.) 142 (i).
Ontario and Manitoba Boundaries, Decision *re* (Ans.) 1075 (i).
Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1042 (i); in Com., 4535, 5304, 5364, 5567, 5964 (iii); on M. for 3°, 6003 (iv).
Oriental Immigration into B. C., Inaccuracy of Answer (remarks) 1249 (i).
——— Res. of Provl. Govt. *re* Royal Commission, Corrected Answer, 1976 (i).
See 'Asiatic.'
Penitentiaries and Prison Labour (remarks) in Com. of Sup., 903 (i).
Post Office Savings Banks Deposits, Rates of Interest (Ans.) 1067 (i).
Potatoes sold in Bags, Statute *re* Measurements (Ans.) 352 (i).
Preston, W. T. R., Complaints from Japan *re* Work, &c. (Ans.) 187, 480 (i).
——— Transfer to Holland (remarks) 5999 (iv)
——— (remarks) in Com. of Sup., 6656 (iv).
Private Bills, Amendments to Rules of House (M.) to conc., 6120 (iv).
——— Apptmt. of Special Com. *re* Revising of Rules (M.) 5351 (iii).

LAURIER, Rt. Hon. Sir WILFRID—*Con.*
Private Bills, Extension of Hour, &c. (M.) 5774 (iii).
——— Payment of Fees, on M. (Mr. Guthrie) 4987 (iii).
Private Bills, Refund of Fees, on M. (Mr. Ethier) to conc. in 8th Rep., 5889, 5997 (iv).
Privilege, Ques. of, Asiatic Exclusion, Tel. of Mr. R. L. Borden, 664 (i).
Provincial Rights: *See* 'Ont. & Mich. B. 34.'
Prudential Trust Co.'s incorp. B. 91 (Mr. Macdonell) in Com., 5485 (iii).
Public Accounts Com., Delay in Organizing (remarks) 663 (i).
——— Meetings, &c. (remarks) 1189 (i).
Public Works, Hours of Labour B. 35 (Mr. Verville) on M. to dschg. from Order Paper, 4990 (iii).
Pugsley, Mr., and Mayes Affidavit: *See* 'N. B. Central.'
Pulp and Paper Duties, Negotiations with U. S. (remarks) 2384 (ii).
Quebec Bridge Report, French Translation, &c. (Ans.) 1722 (i).
Ry. Act (commissioners, &c.) Amt. B. 106 (Mr. Graham) in Com., 6296; on Amt. (Mr. Lancaster) 6307 (iv).
Ry. Act (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 2°, 374; on M. for 3°, 527 (i).
Royal Guardians incorp. B. 95 (Mr. Rivet) on M. to consider, 7072 (iv).
Salvation Army Council B. 142 (Mr. Miller) in Com., 6069 (iv).
Sanitary School of Technology, Govt. Aid to (remarks) 6061 (iv).
'Scotia,' SS., Subsidy Terms, &c. (Ans.) 4895 (iii).
Sec. of State, Date of Resignation, Apptmt. of Successor (Ans.) 185 (i).
Speaker, Election of (M.) 2 (i).
Speaker, Dept., Apptmt. of (M.) 140 (i).
Specie Reserve, Date of last Inspection (Ans.) 869 (i).
Speech from Throne: *See* 'Address.'
Strathcona, Lord, Gift to Dom. *re* Training of School Children (M.) of Thanks (remarks) 3200 (ii).
SUPPLY—
Charges of Management, 399 (i).
Civil Govt.—Aud. General (salaries) 383; Civil Service Commission (salaries) 387; Finance (salaries) 384; Gov. Gen. Sec.'s Office (salaries) 398; High Commissioner (contingencies) 386; High Commissioner (salaries) 385; Privy Council (salaries) 398; Railways (consulting engineer) 386; Trade and Commerce (salaries) 385 (i).
Mail Subsidies and SS. Subventions (Canada and G.B.) 6650; (Canada and Mexico) 6650; (Canada and Nfld.) 6651; (Canada and New Zealand) 6651; (Canada and

LAURIER, Rt. Hon. Sir WILFRID—*Con.*

SUPPLY—*Con.*

S. Africa) 6651; (contingent fund) 6655; (Gaspe) 6651; (Halifax and Canso) 6651; (Halifax and Nfld.) 6651; (Halifax and Spry Bay) 6652; (Magdalen Islands) 6652; (P.E.I. and C.B. and Nfld.) 6652; (Prince Rupert, B.C. and Jedway) 6652; (Quebec and Blanc Sablon) 6653; (St. John, Halifax and Yarmouth) 6654; (St. John and Minas Basin) 6654; (Victoria, &c., and Skagway) 6655 (iv).

N.W.M.P. (compensations) 3665; (maintenance of force) 3656 (ii).

Penitentiaries—Generally (supplies) 891 (i).

Pensions (Mrs. Wilmot) 883 (i).

Trade and Commerce (annuities administration) 6660; (Chinese administration) 6655; (commercial agencies) 6656 (iv).

Telegram *re* Exclusion of Asiatics from B.C. (read) in debate on Address, 39 (i).

Telephone Rates in Canada, on prop. Res. (Mr Lennox) 1811 (i).

Trade and Commerce, Deptl. Rep. (presented) 3001 (ii).

——— Part II., Rep. (presented) 3956 (ii).

Trade Commissioner at Shanghai, Vacancy. Apptmt. (Ans.) 2320 (ii).

Tuck, ex-Chief Justice, Rep. *re* Offer of a Knighthood (Ans.) 154 (i).

Veterans of 1866, Land Grants to (Ans.) 668 (i).

Water Carriage of Goods (remarks) *re* placing on Govt. Orders, 6186 (iv).

Wood and Wood Pulp, Negotiations *re* Tariff Increase (Ans.) 1241 (i).

Yukon Ordinances (Mr. Oliver) in Com. on Res., 7076 (iv).

——— (beer tax) on prop. Res. (Mr. Oliver) 5894 (iv).

LAVERGNE, Mr. L., *Drummond and Arthabaska.*

Quebec and Oriental Ry. Co.'s (B. 138) 1°*, 4286 (iii).

SUPPLY—

Public Works—Harbours and Rivers—Que. (Batiscan) 3274 (ii).

LEMIEUX, Hon. R. (Postmaster General) *Gaspe.*

Address, The, 80 (i).

Agricultural Industry, Number of Farmers, &c. (Ans.) 151 (i).

Alien Labour Act, Proposed Amts. (Ans.) 167 (i).

Black Lake Postmaster, Complaints, Investigation, &c. (Ans.) 4896 (iii).

Brighton and Campbellford Mail Route, Increase in Contract Price (remarks) 3755 (ii).

Brophy's Post Office, Name of Postmaster, Changes *re* (Ans.) 1186 (i).

LEMIEUX, Hon. R.—Con.

Burks Falls and Trout Lake Mail Routes, Contractors, Tenders, &c. (Ans.) 3196 (ii).

Canadian Economic Lubricant Co., Payments to (Ans.) 188 (i).

Cariboo Mail Service, Payments *re* (Ans.) 1731 (i).

——— (remarks) in Com. of Sup., 3426 (ii).

Carson, Mr. Geo., Emplymt. by P. O. Dept., Absences, &c. (Ans.) 4697 (iii).

Cassell's Report: *See* 'Investigations.'

Central Park, B.C., Mail Delivery, Pet. *re* (Ans.) 2590 (ii).

Chilliwack Post Office Site, Plans, Tenders, &c. (Ans.) 1414 (i).

Civil Service Act Amt. (B. 137) 1°*, 4253 (iii); in Com., 6324 (iv).

See 'Post Office,' &c.

Civil Service Salaries, in Com. on Res., 963 (i).

Coal Strikes in the West, Settlement of (remarks) 4120, 5352 (iii).

Co-operative Societies, on M. for Sup. (remarks) 2331 (ii).

Dartmouth Post Office, Insufficient Accommodation (remarks) 3256 (ii).

Deferred Elections, on prop. Res. (Mr. Burrell) 2843 (ii).

Dorland and U. E. Loyalists Mail Route, Carrier, Remuneration, &c. (Ans.) 334 (i).

Envelopes, Complaints *re* Mutilation of through Mails (Ans.) 349 (i).

Etobicoke Postmaster, Apptmt., Salary, &c. (Ans.) 671 (i).

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) in Com., 6754 (iv).

Experimental Farms and Agricultural Stations, Establishment of since Jan., 1908 (Ans.) 157 (i).

———Locations, &c., on prop. Res. (Mr. Lapointe) 1969 (i).

'Falcon' and 'Fearless' Strs., Purchase and Capacity, &c. (Ans.) 187 (i).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1653 (i).

Franking Privilege *re* Campaign Literature, Names of Ministers (Ans.) 2585 (ii).

Free Mail Delivery in Cities, Names, Stage Routes, &c. (Ans.) 2585 (ii).

Gaspé-Perce Mail Contract, &c. (Ans.) 2596 (ii).

Glace Bay Mails, Contract *re* Collection (Ans.) 5775 (iii).

Glace Bay Post Office Inspector, Salary, &c. (Ans.) 5636 (iii).

Govt. Employees, Interference with Elections (remarks) on M. for Sup., 6872 (iv).

Gowganda Postal Facilities (remarks) 1395, 1704 (i).

LEMIEUX, Hon. R.—*Con.*

G.T.P., Siberian Labourers (Ans.) 4898 (iii).
—— Answer to former Question (remarks) 4989 (iii).
Greenfield, P.E.I., Post Office, Removal of, &c., (Ans.) 5776 (iii).
Immigration to U.S., Repatriation, &c., on M. (Mr. Pauqte) for Cor., 837 (i).
Imperial Partnership with G.B. and Her Colonies, on Amt. (Mr. Hughes) to Com. of Sup., 6432 (iv).
Industrial Disputes Act, Statistics *re* Number of Strikes (Ans.) 155 (i).
Insurance Act Amt. Bill, Progress in Senate (remarks) 7069 (iv).
I.C.R. Employees Strikes Dispute, Rep. of Commission (remarks) 290 (i).
Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3917 (ii).
King, Mr. Mackenzie: *See* 'Supply—Labour,' &c.
Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6726 (iv).
Labour Hours for Working Men, 8-hour day, &c., on M. (Mr. Verville) to Com. of Sup., 5938 (iv).
'Lady Evelyn' Str., Purchase Price, Repairs, &c. (Ans.) 144 (i).
Letter Carriers in Cities, Appmts. (Ans.) 5158 (iii).
See 'Post Office,' &c.
Lévis Postmastership, Apptmt. of Successor to Mr. A. Lafrancois (Ans.) 4636 (iii).
Londonderry, &c., Mail Contracts, Name, Remuneration, &c. (Ans.) 825 (i).
Lorne Valley, P.E.I., Tenders *re* Mail Contract (Ans.) 5776 (iii).
Mackey's Station Post Office, Complaints *re* Management (Ans.) 545 (i).
Macleod Post Office, Complaints *re* (remarks) in Com. of Sup., 1711 (i).
McKenzie, Mr. D., Resignation as Postmaster of Three Brooks, Apptmt. of a Successor (Ans.) 4640 (iii).
Mail Boxes purchased and entered free of Duty, &c. (Ans.) 548 (i).
Mail Service in Hyde Park Post Office, in Middlesex country, &c. (Ans.) 3251 (ii).
Mail and Stage Routes, Number of Miles, &c (Ans.) 481, 814 (i).
Malagash, N.S., Mail Contract, Tenders *re* (Ans.) 5639 (iii).
Manufacturing Industries, Number of Employees (Ans.) 152 (i).
Meat and Canned Foods Act, Applications *re* Exemptions, Instructions, &c. (Ans.) 156 (i)

LEMIEUX, Hon. R.—*Con.*

New York Lubricant Co., Payments to (Ans.) 188 (i).
North Bay Post Office Inspector, Apptmt. of (Ans.) 1558 (i).
N.S. Mail Services, Number, &c. (Ans.) 1731 (i).
Owen Sound Mail Delivery (remarks) in Com. of Sup., 1705 (i).
Piers, Wharfs, Construction by Day Labour, Procedure *re* (remarks) in Com. of Sup., 2515 (ii).
Pictou to Magdalen Island Mail Contract, Tenders *re* (Ans.) 3047 (ii).
Political Partizanship: *See* 'Govt. Employees.'
Postmaster General's Rep. (presented) 12 (i).
Post Office Act (letter carriers) Amt. (B. 136) prop. Res., 3802 (ii); in Com. on Res., 4236 (iii); in Com., 6313 (iv).
See 'Civil Service.'
Post Office Act (registered letters) Amt. (B. 19) 1° m., 241; in Com., 738 (i).
Post Office Apptmts., Incorrect Returns (remarks) 1023 (i).
Post Office Deposits and Interest Credits in Pass Books (Ans.) 4896 (iii).
Post Offices and Dom. Govt. Savings Banks, Distinction *re* (Ans.) 4897 (iii).
Post Office Orders and Postal Notes, Total Number issued payable in G.B. (Ans.) 1242 (i).
Post Office Payments to Mail Carriers, &c. *re* Newmarket and Aurora (Ans.) 1560 (i).
Post Offices in Peel County, Number, &c. (Ans.) 3046 (ii).
Post Office Revenues at Kingston, Brantford, Sherbrooke and Quebec, Salaries, &c. (Ans.) 5633 (iii).
Queens and Sunbury, Mail Service established in Oct. 1908 (Ans.) 2375 (ii).
Railway Mail Cars, Unsuitability, &c. (Ans.) 3653 (ii).
Ry. Mail Clerks, Furois, Dorais and Wathen, Date of Examination, &c. (Ans.) 3253 (ii).
Railway Mail Clerks, Increase of Salaries (Ans.) 4223 (iii).
—— Number killed or injured, &c. (Ans.) 3476 (ii).
Railway Mail Service Increases, &c. (Ans.) 336 (i).
Roblin and Forest Mills Mail Route, Carrier, Remuneration, &c. (Ans.) 334 (i).
Rural Mail Boxes, Number delivered in Dufferin County (Ans.) 341 (i).
Rural Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2784 (ii).

LEMIEUX, Hon. R.—*Con.*

Rural Mail Delivery, Establishment of in Grey County (Ans.) 672 (i).
——— in East Northumberland, &c. (Ans.) 3480 (ii).
——— Location of Routes, Non Delivery, &c. (Ans.) 347 (i).
——— Number of Routes, &c. (Ans.) 6409 (iv).
——— in Prince Edward County, Contract *re* (Ans.) 1077 (i).
——— Purchase of Boxes, Duty, &c. (Ans.) 179 (i).
——— System, &c. (Ans.) 148 (i).
——— Total Expenditure on Routes (Ans.) 677 (i).)
See 'Supply.'

St. John Postmaster, Superannuation, Appointment of Successor, &c. (Ans.) 871 (i).

St. Justine Station Mail Delivery, Complaints *re* (Ans.) 3480 (ii).

Ste. Philomène Mail Contract, Yearly Cost &c. (Ans.) 2770 (ii).

St. Polycarpe Post Office, Complaints *re* Officials, Change of Site, &c. (Ans.) 4894 (iii).

Sillsville and The Pines Mail Route, Carrier, Remuneration, &c. (Ans.) 333 (i).

Souris Postmaster, Dismissal of Mr. J. Dolmage, Investigation *re* (Ans.) 1916 (i).
——— (remarks) on M. for Sup., 6851 (iv).
See 'Govt. Employees.'

SUPPLY—

Civil Govt.—Labour Dept. (Labour Gazette) 652; (salaries) 651; Post Office (contingencies) 725; (salaries) 613, 720 (i).

Labour Dept. (industrial disputes) 655 (i); (printing, &c.) 3433; Miscellaneous (opium conference) 3433 (ii).

Post Office (country postmasters) 1700; (inspectors' salaries) 1649 (i), 3431 (ii); (letter carriers) 1697; (mail carriers) 1653; (miscellaneous) 1716 (i); (miscellaneous stamps) 3432 (ii); (rural delivery) 1714 (i), 3423 (ii).

Public Works—Harbours and Rivers—Que. (Doucet's Landing) 2544; (Douglastown) 2547; (Father Point) 2548; (Gaspé) 2550; (Rimouski) 2558 (ii).

Sydney Free Mail Delivery (remarks) in Com. of Sup., 1708 (i).

Thedford, Arkona and Fort Frank Rural Mail Delivery, Delays, &c. (Ans.) 477 (i).

Tercentenary Postage Stamps, Total Amount *re* Sale (Ans.) 3654 (ii).

Winnipeg P.O. and Ry. Station Mail Contract, Tenders, Changes, &c. (Ans.) 870 (i).

LENNOX, Mr. H., *South Simcoe.*

Agricultural Fertilizers B. 110 (Mr. Templeman) 4452 (iii).

Agricultural Industry, Number of Farmers, &c. (Ques.) 151 (i).

LENNOX, Mr. H.—*Con.*

Alien Labour Act, Proposed Amts. (Ques.) 166 (i).

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 760 (i).

Associated Press Despatches, Amount contributed, Supervision, &c. (Ques.) 331 (i).

Aylen, Mr. J., Emplymt. by Transcontinental Ry. (Ques.) 5096 (iii).

Bills of Lading Bill, Disussion re (remarks) 6918 (iv).

Bonaventure Public Works, Amount expended prior to 1900, &c. (M. for ret.*) 173, 353 (i).
——— Inquiry for Ret., 1320 (i), 2218, 3004 (ii).

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4437 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3004 (ii), 5480 (iii).
——— on M. (Mr. Henderson) to ref. back to Special Com., 5437; (amt.) 5444; neg. (Y. 52; N. 103) 5478 (iii).
——— Ques. of Order, 5460 (iii).

Canadian, Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1719, 1868 (i), 2062 (ii).

Civil Service Salaries, on M. for Com. on Res., 300 (i).
See 'House of Commons.'

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6393, 6756 (iv).

Disraeli Wharf, Number of Vessels calling, &c. (Ques.) 2761, 2816 (ii).

Dredging Contract of McAvity and Mayes, Recovery of Amounts, &c. (Ques.) 166 (i).
See 'Mayes.'

Dry Docks, Construction under Subsidies Act, Negotiations *re* (Ques.) 478 (i).
——— Annual Expenditure, &c. (Ques.) 246 (i).

Edmonton and Slave Lake Ry. Co.'s Bill (remarks) on M. for Com. on Private Bills, 1362 (i).

Equity Fire Insurance Co.'s incorp B. 161 Aylesworth) in Com., 6626 (iv).

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) in Com., 6749 (iv).

External Affairs Dept. B. 90 (Mr. Murphy) in Com., 4470 (iii).

Extradition Act Amt. B. 149 (Mr. Aylesworth) in Com., 5239 (iii).

Falconer, Mr. K., Total Payments to *re* Marine Bookkeeping, &c. (Ques.) 1729 (i).

Florence Mining Co.'s Appeal *re* Ontario Govt. Legislation (M.) to Com. of Sup., 6920 (iv).

Franklin Montgomery Gray Patent Relief B. 132 (Mr. Rankin) in Com., 4883, 5028 (iii).

LENNOX, Mr. H.—*Con.*

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4427 (iii).

Govt. Loans B. 191 (Mr. Fielding) in Com. on Res., 6710 (iv).

Govt. Railways Act (compensation) Amt. B. 20 (Mr. Graham) in Com., 774 (i).

G. T. P. Ry., Alleged Over-classification, Action by Govt. *re* (Ques.) 178 (i).

——— Disputes with N. T. R. *re* Classification, &c. (Ques.) 2321 (ii).

G. T. P., Lake Superior Branch Lines Subsidy B. 30 (Mr. Turriff) on M. for 2°, 666 1025; in Com., 1365 (i).

G. T. P. Loan B. 128 (Mr. Fielding) on M. for 2°, 5118; in Com., 5192, 5291, 5317 (iii).

——— on M. for 3° (remarks) 5527 (iii).

G. T. P. Ry. Co., and National Transcontinental Ry., Classification, &c. (M. for cor.*) 3055 (ii).

——— Reference *re* (Ques.) 4899 (iii).

G. T. P., Eastern Div., Itemized Schedules of Engineer's Estimates (M. for ret.*) 1923 (i).

——— Quantities of Work executed, &c. (M. for ret.*) 1923 (i).

——— inquiry for ret., 2773 (ii), 4801, 4990 (iii), 6060 (iv).

——— Mr. Wainwright's Stmnt. *re* Inception (Ques.) 1560 (i).

G. T. Ry. Level Crossings, Cost of Protection, &c. (Ques.) 1913 (i).

Harvey-Salisbury Railroad incorp. B. 35 (Mr. Emmerson) on M. for 2°, 775 (i).

Holland River Canal, Land Valuators, Remuneration, &c. (Ques.) 2591 (ii).

——— (M. for ret.*) 3055 (ii).

——— at Newmarket, Tenders for Section 1, &c. (Ques.) 3253 (ii).

See 'Newmarket.'

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6098 (iv).

Immigrants, British to Canada, direct from Native Country, Number, &c. (Ques.) 1919 (i).

Immigrants, British Subjects prevented entering Can., &c. (Ques.) 478 (i).

Immigrants prevented from landing in Can., Nationality, &c. (Ques.) 478 (i).

Immigration Regulations, O.C., Application of, &c. (Ques.) 250 (i).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6705 (iv).

Johnston, Capt., Repayment of Moneys from Str. 'Hestia' (remarks) in Com. of Sup., 6890 (iv).

Kootenay and Arrowhead Ry. Co.'s B. 80 (Mr. Geo. Taylor) in Com., 3472 (ii).

LENNOX, Mr. H.—*Con.*

Level Crossing Accident Ret., Par. in Ottawa 'Citizen' (remarks) 1116 (i).

——— Number of Accidents, Inquiry for Ret., 548 (i).

See 'Rys.,' &c.

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) on Sen. Amts., 6075 (iv).

Marine and Fisheries Book-Keeping, Result of Change in Method (Ques.) 1919 (i).

See 'Falconer.'

Mayes Affidavit, Reading of, on Ques. of Order to Amt. (Mr. Daniel) 4263 (iii).

——— Ques. of Order, 4315 (iii).

Mayes Dredging Contract at St. John, Conditions, Recovery of Amount, &c. (Ques.) 1174 (i).

——— Recovery of Moneys (Ques.) 153 (i).

Manufacturing Industries, Number of Employees, &c. (Ques.) 152 (i).

Marine Investigation, Prosecutions *re* Judge Cassel's Rep. (Ques.) 152 (i).

Montreal Bridge and Terminal Co.'s B. 180 (Mr. Ecrement) in Com., 6629 (iv).

Montreal Woollen Mills, Closing *re* Tariff Laws (Ques.) 2591 (ii).

Natural Resources Conservation Commission, on prop. Res. (Mr. Fisher) 6366 (iv).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., 5228 (iii).

N. B. Central Ry. Commissioners' Rep., on Amt. (Mr. Crothers) to Com. of Sup., (remarks) 5686 (iii).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3130 (ii).

See 'Supply—Canals.'

Ontario and Michigan Power Co.'s B. 34 (Mr. Conmee) in Com., 4472, 4521, 5296, 5366, 5559 (iii), 5958; on M. for 3°, 6000 (iv).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 741 (i).

Prince Albert and Hudson Bay Co.'s incorp. B. 62 (Mr. Neely) in Com., 2530 (ii).

Privilege, Ques. of (Mr. Conmee) *re* 'Special Trains,' 4292 (iii).

Prudential Trust Co.'s incorp. B. 91 (Mr. Macdonell) in Com., 5185 (iii).

Quebec Bridge, Res. *re* Sub-Marine Viaduct, Construction of (Ques.) 2321 (ii).

Railway Act (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 3°, 521 (i).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2383 (ii); on M. for 2°, 6187; in Com., 6200 (iv).

——— Discussion *re* (remarks) 6123 (iv).

Railway Act (water-powers) Amt. B. 21 (Mr. Graham) on M. for 1°, 212 (i).

Railway Level Crossings, Cor. with Ry. Commission (remarks) 291 (i).

LENNOX, Mr. H.—*Con.*

Railway Level Crossings, Legislation *re* (remarks) 1977 (i).

—— Number of Accidents, Time, Cause, &c. (M. for ret.*) 158 (i).

Railway Crossings, Methods adopted by Ry. Board, *re* Protection, Expenditures, &c. (M. for ret.*) 827 (i).

—— Preventions *re* Accidents (prop. res.) 1192 (i).

—— Inquiry for Ret., 1320 (i), 6412 (iv).

Roof Garden, New Wing, H. of C. (remarks) 7074 (iv).

Royal Canadian Accident Insurance Co.'s incorp. B. 63 (Mr. Ames) on Senate Amts., 6788 (iv).

Royal Casualty and Surety Co.'s B. 51 (Mr. H. H. McLean) in Com., 2575, 2717 (ii).

Royal Life Insurance Co.'s B. 177 (Mr. Sutherland) on M. for 1°, 5885 (iii); on M. for 2°, 6082 (iv).

Salvation Army Council B. 142 (Mr. Miller) in Com., 6068 (iv).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1134 (i).

Souris Postmaster, Dismissal, &c. (remarks) on M. for Sup., 6854 (iv).

S.A. Bounty Act, Regulation *re* (remarks) on M. for Sup., 2219 (ii).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4541 (iii).

Superior and Western Ontario Ry. Co.'s B. 78 (Mr. Conmee) in Com., 3845 (ii).

SUPPLY:

Canals—Lachine (wharfs and basins) 1564 (i).

Canals—Trent (construction) 2074 (ii); (Holland River) 1897 (i).

Canals—Welland (repairs) 2034 (ii).

Fisheries (Cushing & Co.'s claims) 3451; (International Fisheries Commission) 3446 (ii).

House of Commons (salaries) 6775 (iv).

Indians—Man. (St. Peters, removal) 3462 (ii).

Lighthouse and Coast Service (agencies, &c.) 6890 (iv).

Marine and Fisheries (investigation) 3450 (ii).

Ocean and River Service (Govt. steamers) 6671; (patrol boats) 6682 (iv).

Public Works—Buildings—Dom. (rents, &c.) 2075 (ii).

Public Works—Buildings—Generally (experimental farms) 1598 (i).

Public Works—Buildings—Ottawa (electric lighting) 1600; (elevators) 1599; (Major's Hill) 1602; (Rideau Hall) 1604 (i); (telephones) 3230 (ii).

Public Works—Buildings—Yukon (commissioner's residence) 1592 (i).

Public Works—Harbours and Rivers—N. S. (generally) 2118; (Yarmouth) 2486 (ii).

Public Works—Harbours and Rivers—Ont. (Tiffin) 2116; (Victoria) 2117 (ii).

LENNOX, Mr. H.—*Con.*

SUPPLY—*Con.*

Public Works—Harbours and Rivers—Que. (Anse a la Barbe) 2512; (St. (Poupore, W. J., claims) 3361 (ii).

Public Works—Miscellaneous (monuments) 6543 (iv).

Public Works—Transportation Facilities (Poupore, W. J., claims) 3361 (ii).

Railways—I.C.R. (Moncton cut-off) 2925 (ii).

Railways—N.T.R. (surveys, &c.) 6986 (iv).

Trade and Commerce (commercial agencies) 6657 (iv).

Telephones in Can., Control of Rates, &c. (prop. res.) 1761 (i).

Telegraph and Telephone Tariffs, Regulations from Ry. Board, &c. (Ques.) 2764 (ii).

Telephone and Telegraph Special Com., of 1905, Expenditure *re* (Ques.) 153 (i).

Toronto, Niagara and Western Ry. Co.'s B 42 (Mr. Calvert) in Com., 2063 (ii).

Transcontinental Ry., Inquiry for Ret., 6060 (iv).

See 'G.T.P.'

Tuck, Ex-Chief Justice, Rep. *re* Offer of a Knighthood (Ques.) 154 (i).

Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2132, 2136 (ii).

Woollen Industry and Tariff Changes, 4126 (iii).

Woollen Mills, Number, Quantity of Can. Wool used, &c. (Ques.) 150 (i).

Wool, Raw, Quantity imported into Canada for 1907, Duty, &c. (Ques.) 149 (i).

Vancouver Bank B. 52 (Mr. Cowan) in Com., 2147 (ii).

LEWIS, Mr. E. N., *West Huron.*

Address, The, 128 (i).

Assaults and Offences (B. 88) 1°m., 1971 (i).

Civil Service Salaries, in Com. on Res., 410 (i).

Criminal Code (motors) Amt. (B. 60) 1°m., 952 (i).

Criminal Code (wife beaters) Amt. B. 4 (Mr. Bickerdike) on M. for 1°, 93; on M. for 2°, 561 (i).

Daylight Saving (B. 108) 1° m., 2491; 2° m., 3468; (M.) for Special Com., 3468 (ii).

—— Request to place on Govt. Orders, 3203 (ii).

Guelph and Goderich Ry. Co.'s (B. 47) 1°*, 738 (i).

Load Line on Ships (B. 45) 1° m., 663 (i).

Ry. Act (sanitary conditions) Amt. (B. 111) 1° m., 3362 (ii).

Vessels, Govt. Inspection (B. 73) 1° m., 1319 (i).

Weapons, Offensive (B. 83) 1° m., 1716 (i).

Wireless Telegraphy on Ships (B. 74) 1° m., 1393 (i).

LOGGIE, Mr. W. S., *Northumberland, N.B*

Budget, The, 4974 (iii).
Experimental Farms, Location, &c., on prop. Res. (Mr. Lapointe) 1945 (i).
Fisheries Development, Apptmt. of Sel. Com., on prop. Res. (Mr. Sinclair) 505 (i).
Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 5909 (iv).
Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 282 (i).
G.T.P. Loan B. 128 (Mr. Fielding) on Amt. (Mr. R. L. Borden) to M. for 3°, 5588 (iii).
I. C. R., Branch Lines Extension, on prop. Res. (Mr. Emmerson) 2214 (ii).
—— on Annual Stmnt. (Mr. Graham) 2746 (ii).
SUPPLY—
Railways—I. C. R. (Sackville) 2935 (ii).

LORTIE, Mr. J. A., *Soulanges.*

Foret, Land, Lease to N. & A. Bourbonnais, Conditions, &c. (Ques.) 2591 (ii).
St. Polycarpe Post Office, Complaints *re* Officials, Change of Site, &c. (Ques.) 4894 (iii).
Soulanges Canal, Amount expended for Repairs, Suspension of A. Sauve, &c. (Ques.) 1404 (i).
Soulanges County Wharfs, Repairs, Valuations, &c. (M. for ret.*) 3055 (ii).
Soulanges Island, Change of Name (Ques.) 2757 (ii).
Wharfs at St. Zotique, Amounts of Repairs, &c. (Ques.) 1400 (i).

LOW, Mr. T. A., *South Renfrew.*

Woollen Industry and Tariff Changes, on M (Mr. Lennox) 4218 (iii).

MACDONALD, Mr. E. M., *Pictou.*

Budget, The, 4991 (iii).
—— Remarks, 4746 (iii).
Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on Amt. (Mr. Lennox) 5460 (iii).
Canadian, Liverpool and Western Co.'s incorp. B. 44 (Mr. Girard) in Com., 1867 (i).
C. P. R., Issue of New Stock, on M. (Mr. W. F. Maclean) to Com. of Sup., 1324 (i).
Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6401 (iv).
'Duty of the Hour' Pamphlet, Distribution of in Pictou (remarks) 26 (i).
Franklin Montgomery Gray Patent Relief B. 132 (Mr. Rankin) in Com., 4885 (iii).
G. T. P. Loan B. 128 (Mr. Fielding) on Amt. (Mr. R. L. Borden) to M. for 3°, 5556, 5575 (iii).
Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6153 (iv).
Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6802, 6812 (iv).

MACDONALD, Mr. E. M.—*Con.*

Johnston, Capt., Repayment of Moneys (remarks) in Com. of Sup., 6893 (iv).
Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1855 (i).
Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5971 (iv).
P. E. I. Winter Communication with the Mainland, on M. (Mr. Warburton) 6462 (iv).
Prudential Trust Co.'s incorp. B. 91 (Mr. Macdonell) in Com., 5484 (iii).
Railway Act (fires) Amt. B. 7 (Mr. Lancaster) on M. for 2°, 377 (i).
SUPPLY—
Public Works—Harbours and Rivers—N. S. (Annapolis ice piers) 2341; (Cow Bay) 2469 (ii).

MACDONELL, Mr. A. C., *South Toronto.*

American Barlock Co.'s Patent Relief (B. 123) 1°*, 4041 (iii).
American Fishing Vessels, Seizures, Courts of Trial Procedure, &c. (Ques.) 172 (i).
Ammonal Explosives (1908) Patent Relief (B. 93) 1°*, 2120; 2° m., 2579 (ii).
Bank Act Amt., Legislation *re* (Ques.) 1732 (i).
Canadian Red Cross Society's incorp. (B. 160) 1°*, 4988 (iii).
Coinage at Canadian Mint, Date of, Circulation, Profit, &c. (Ques.) 1401 (i).
Dom. Elections Act (deposits) Amt. (B. 16) 1° m., 160 (i).
Dredging Contracts in Ont. and Que. for 1907-8, Renewals, &c. (Ques.) 3049 (ii).
Electric Power exported at Niagara Falls, Names of Licensees, Taxation, &c. (Ques.) 345 (i).
Equity Fire Insurance Co. of Canada, incorp. (B. 161) 1°*, 4988 (iii); in Com., 6625 (iv).
France and Canada Commercial Treaty, Present Condition (Ques.) 4896 (iii).
Franklin Montgomery Gray Patent Relief B. 132 (Mr. Rankin) in Com., 5028 (iii).
Garrison Common, Transfer of Property to Exhibition Association, Delays, &c. (Ques.) 182 (i).
Govt. Deposits in Banks, Discrimination *re* &c. (Ques.) 245 (i).
Immigrant Agents in Canada, Locating Settlers, Names, Salaries, &c. (M. for ret.*) 2160 (ii).
Immigrants, Arrival for present year, Names, Addresses of Agents, in Canada, &c. (Ques.) 1404 (i).
Industrial Disputes Act Amt. (B. 113) 1° m., 3565 (ii).

MACDONELL, Mr. A. C.—*Con.*

Industrial Disputes, Discussion *re* (remarks) 4641 (iii).

—— Statistics *re* Strike, &c. (Ques.) 154 (i).

Insurance Commission, Omission of Evidence of British Actuaries, &c. (Ques.) 243 (i).

I.C.R. Station Freight Clerks Disputes, Settlement of (Ques.) 246 (i).

London and Lancashire Plate Glass Indemnity Co. of Canada (B. 27) 1°*, 290 (i); in Com., 2146 (ii).

Manitoba and Ontario Boundaries, Decision *re* (Ques.) 1074 (i).

Muir Memorial Fund, Request for Aid (Ques.) 5095 (iii).

N.W. Rebellion, 1885 Veterans, Grant to N. W. M. P. (Ques.) 184 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5355, 5396 (iii), 5965 (iv).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4239, 4246 (iii); in Com., 6313 (iv).

Post Office Deposits and Interest Credits in Pass Books (Ques.) 4896 (iii).

Post Office Orders and Postal Notes, Total Number issued, payable in G.B. (Ques.) 1242 (i).

Potatoes sold in Bags, Measurements *re* (Ques.) 351 (i).

Prudential Trust Co., Limited incorp. (B. 91) 1°*, 2019 (ii); in Com., 5484 (iii).

Salvation Army Council B. 142 (Mr. Miller) in Com., 6069 (iv).

Statutes for 1908, Delay in Publishing, &c. (Ques.) 183 (i).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3966 (ii).

SUPPLY:

Post Office (letter carriers) 1698 (i).

Pubic Works—Buidings—Ont. (Toronto barracks) 1505; (Toronto drill hall) 1504; (Toronto observatory) 1505 (i).

Public Works—Buildings—Ottawa (Royal Mint) 3205 (ii).

Public Works—Harbours and Rivers—Ont. (Toronto) 3317 (ii).

Thessalon and Northern Ry. Co.'s B. 104 (Mr. Smyth) in Com., Ques. of Order, 5575 (iii).

Toronto Barracks, Delay *re* Erection on Humber River Site (Ques.) 183 (i).
See 'Garrison.'

Toronto Harbour Works, Delay *re* Payments to Men (Ques.) 544 (i).

Toronto, New Post Office, Delay in Construction (Ques.) 336 (i).

Ry. Act (level crossings, &c.) Amt. B. 106 (Mr. Graham) in Com. on Res., 2388 (ii); in Com., 6211, 6297 (iv).

Railway Mail Service, Increases, &c. (Ques.) 336 (i).

MACDONELL, Mr. A. C.—*Con.*

Waterways and Boundaries Treaty and Welland Canal Enlargement (Ques.) 6292 (iv).

Waterways Treaty Commission, on M. (Mr. Magrath) to Com. of Sup., 6614 (iv).

MACLEAN, Mr. A. K., *Lunenburg.*

Canadian, Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 2062 (ii).

Committees, Special, Ref. to of Deptl. Reps. (remarks) 2028 (ii).

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6761 (iv).

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) in Com., 6746 (iv).

Fisheries Convention, Reference to The Hague (remarks) 1395 (i).

Fisheries Development, Apptmt. of Sel. Com., on prop. Res. (Mr. Sinclair) 493 (i).

Geodetic Survey Bureau, Establishment of (M. for cor.) 3056 (ii).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4422 (iii).

Govt. Tenders, Opening and Receiving, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 576 (i).

—— on Ques. of Order (Mr. Crothers) 574 (i).

House of Commons Elevators, Repairing and Running (remarks) 2337 (ii).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3808 (ii).

Johnston, Capt., Repayment of Moneys from Str. 'Hestia' (remarks) in Com. of Sup., 6890 (iv).

Natural Resources of Can., Conservation of, on M. (Mr. R. L. Borden) for Sel. Com., 369 (i).

SUPPLY—

Civil Govt.—Post Office (salaries) 723 (i)

Fisheries (commissions) 6958; (customs licenses) 6960 (iv); (international fisheries commission) 3449; Miscellaneous (Cushing & Co.'s claims) 3460 (ii).

Lighthouse and Coast Service (agencies, &c.) 6890; (lightkeepers salaries) 6981 (iv).

Marine—Dredging (plant, &c.) 6886 (iv).

Penitentiaries—Generally (supplies) 890 (i).

Public Works—Buildings, N.S. (Bridgewater) 1284; Ont. (Whitby) 1540; Ottawa (peat testing) 1502 (i).

Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2346; (generally) 2418 (ii).

Telephone Companies, O.C. *re* Control by Ry. Commission (Ques.) 1072 (i).

Telephone Rates in Canada, Control of by Govt., on prop. Res. (Mr. Lennox) 1772 (i).

MACLEAN, Mr. A. K.—*Con.*

Toronto, Niagara and Western Ry. Co.'s B. 42 (Mr. Calvert) in Com., 2064 (ii).

Waterways Treaty, N.B. Fisheries, Regulations *re* (remarks) 1245 (i).

MACLEAN, Mr. W. F., *South York, Ont.*

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 753 (i).

C.P.Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3039, 3155 (ii).

C.P.R., Additional Stock, Distribution, &c., on M. for Sup., 416 (i).

—— O.C. *re* (M. for copy*) 685 (i).

—— O.Cs., &c. (read) 780 (i).

—— Ref. to Courts, &c. (remarks) 882 (i).

—— Remarks, on M. for Sup., 1321 (i).

Canadian Railways, Improved Service, &c. (remarks) on M. for Sup., 626 (i).

Dominion Atlantic Ry., Examination by Govt. (remarks) in Com. of Sup., 2928 (ii).

Fisheries Development, Appmnt. of Select Com., on prop. Res. (Mr. Sinclair) 491 (i).

G.T.P. Lake Superior Branch Lines Ry. Co.'s B. 30 (Mr. Turriff) in Com., 1366 (i).

G.T.P. Loan B. 128 (Mr Fielding) in Com. on Res., 3612 (ii); in Com.., 5277, 5326 (iii).

Gowganda Mail Facilities (remarks) in Com. of Sup., 1703 (i).

Harvey-Salisbury Railroad incorp. B. 35 (Mr. Emmerson) on M. for 2°, 777 (i).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6103 (iv).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 740 (i).

Ry. Act (hours of labour) Amt. B. 72 (Mr. R. Smith) on M. for 1°, 1318 (i).

Railways Two-Cent Fare, Refund of Money by G. T. Ry., Letter *re* (read) 2911 (ii).

Smith, John Denison Relief B. 157 (Mr. Maclean) in Com., 6071 (iv).

SUPPLY—

Civil Govt.—Sec. of State (salaries) 461 (i).

Excise (methylated spirits) 450 (i).

Inland Revenue (electric power export) 455 (i).

Labour Dept. (industrial disputes) 658 (i).

Metric System (lectures) 454 (i).

Post Office (letter carriers) 1703 (i).

Public Works—Harbours and Rivers—Ont. (Montreal river) 2975 (ii).

Thessalon and Northern Ry. Co.'s B. 104 (Mr. Smyth) in Com., 6065 (iv).

McALLISTER, Mr. D. H., *Kings and Albert, N.B.*

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1713 (i).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 280 (i).

McALLISTER, Mr. D. H.—*Con.*

I.C.R. Branch Lines Extension, on prop. Res. (Mr. Emmerson) 2208 (ii).

Public Health Bureau, Establishment of by Govt., on prop. Res. (Mr. Black) 1101 (i).

SUPPLY—

Public Works—Harbours and Rivers—N. B. (St. John surveys) 1642 (i).

Wells, Judge, Apptmt. in Westmoreland County, Absence with and without Leave, &c. (Ques.) 4897 (iii).

McCALL, Mr. A., *Norfolk.*

G.T.P. Loans B. 128 (Mr. Fielding) on M. for 2°, 5168 (iii).

St. Williams Landing Pier (remarks) in Com. of Sup., 3332 (ii).

SUPPLY—

Public Works—Buildings—N.S. (Bridgewater) 1284 (i).

Welland Canal, Total Cost, Tonnage, &c. (Ques.) 2154 (ii).

McCARTHY, Mr. M. S., *Calgary.*

Banff Fish Hatchery, Establishment of, Representations *re*, &c. (Ques.) 871 (i).

Calgary Electoral District, Dep. Returning Officers, Scrutineers, &c. (M. for ret.*) 685 (i).

—— Voters' Lists, Copy (M. for copy*) 685 (i).

Coal Strike in the West, Settlement by Dept. of Labour (remarks) 5351 (iii).

Irrigation, Investigation *re* Water Supply (remarks) in Com. of Sup., 6282 (iv).

Natural Resources Commission B. 159 (Mr. Fisher) in Com., 6381 (iv).

Natural Resources, Lands, &c., Details of Moneys received, &c. (M. for ret.*) 685 (i).

North Atlantic Trading Co., Payments to since Cancellation of Contract (Ques.) 1071 (i).

North Saskatchewan River Surveys, Average Cost per Mile (Ques.) 870 (i).

'Opportunities in Canada,' Name of Publisher (Ques.) 2158 (ii).

—— Number of Copies distributed, &c. (Ques.) 676 (i).

Railway Aid in Alberta, Representations *re* (Ques.) 676 (i).

Railways in Alberta and Sask., Number of Miles in Operation (Ques.) 3049 (ii).

R. N. W. Mounted Police Barrack Grounds, Transfer to Ry. Corporation, &c. (Ques.) 819 (i).

Rural Mail Delivery, Alberta (M. for cor*) 3056 (ii).

School Lands, Alberta, Total Area, Fund, Payments, &c. (Ques.) 7072 (iv).

McCARTHY, Mr. M. S.—*Con.*

SUPPLY—

Dom. Lands—(timber protection) 6286 (iv).

Villa Lots in Section 14, Twp. 21, Applications *re* Transfer, Cor., &c. (M. for copies*) 685 (i).

McCOIG, Mr. A. B., *West Kent.*

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1952 (i).

Hogs, Dressed, Inspection of, &c. (Ques.) 2758 (ii).

McCOLL, Mr. J. B., *West Northumberland, O.*

SUPPLY—

Penitentiaries—Stony Mountain (supplies) 920 (i).

McCRANEY, Mr. G. E., *Saskatoon.*

Canadian Western Ry. Co.'s incorp. (B. 11) 1°*, 159 (i).

Commerce Insurance Co.'s incorp. (B. 189) 1°*, 6403 (iv).

Committee, Standing Orders, 1st Rep. (presented) 2119 (ii).

Fidelity Life Insurance Co.'s (B. 190) 1°*, 6403 (iv).

Prudential Life Insurance Co.'s Change of Name (B. 188) 1°*, 6403 (iv).

Qu'Appelle, Long Lake and Saskatchewan Ry. Land Grant, Location, &c. (Ques.) 468 (i).

Royal Life Insurance Co.'s (B. 177) 1° m., 5885 (iii).

Wake, John Relief (B. 178) 1°*, 5886 (iii); 2° m., 6081 (iv).

Winnipeg and Northwestern Ry. Co.'s (B. 29) 1°*, 290 (i); in Com., 2130 (ii).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4207 (iii).

McGIVERIN, Mr. H. B., *Ottawa.*

Civil Service Salaries, on M. (Mr. Foster) for Com. on Res., 319 (i).

——— Classification Schedules, &c., on M. for Com. of Sup., 2451 (ii).

SUPPLY—

Civil Govt.—Civil Service Commission (salaries) 396 (i).

McINTYRE, Mr. W., *Strathcona.*

Alberta Central Ry. Co.'s (B. 23) 1°*, 290 (i).

Alsek and Yukon Ry. Co.'s (B. 67) 1°*, 1318 (i).

Athabaska Ry. Co.'s (B. 68) 1°*, 1318 (i).

Canadian Pacific Ry. Co.'s (B. 79) 1°*, 1648 (i).

C.P. Ry. Co.'s (B. 79) in Com., 3039, 3151 (ii).

C.P.R. Issue of New Stock, on M. (Mr. W. F. Maclean) to Com. of Sup., 1350 (i).

McINTYRE, Mr. W.—*Con.*

Edmonton and Slave Lake Ry. Co.'s (B. 24) 1°*, 290 (i).

——— (remarks) on M. for Com. on Private Bills, 1362 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6167 (iv).

Moravian Church Board of Elders incorp. (B. 167) 1°*, 5623 (iii).

Railway Crossings, Width of Opening, &c. &c. (remarks) 3568 (ii).

St. Mary's Ry. Co., Change of Name (B. 46) 1°*, 738 (i).

Southern Central Pacific Ry. Co.'s (B. 36) 1°*, 465; 2° m., 778 (i).

Western Canadian Life Assurance Co.'s incorp. (B. 37) 2° m., 778 (i).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4156 (iii).

McKENZIE, Mr. D. D., *Cape Breton, North.*

Budget, The, 5021 (iii).

——— Remarks, 4745 (iii).

Canada-France SS. Subsidy B. 46 (Mr. Brodeur) in Com. on Res., 4444 (iii).

Coal, Conserving for the Home Market (prop. Res.) 3087 (ii).

Expropriation of Ry. Lands, &c., Complaints *re* (remarks) 4802 (iii).

Fisheries Development, Apptmt. of Sel. Com. on prop. Res. (Mr. Sinclair) 500 (i).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4275 (iii).

Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1877 (i).

'Northumberland' Dredge, Men on Voters' Lists (remarks) on M. for Sup., 2403 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1047 (i).

Payne, J. Lambert, Duties, Salary, Office Hours, &c. (Ques.) 1726 (i).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6212 (iv).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1134 (i).

Superior and Western Ontario Ry. Co.'s incorp. B 78 (Mr. Conmee) in Com., 3974 (ii).

SUPPLY

Ocean and River Service (wrecking plant) 6681 (iv).

Public Works—Harbour and Rivers—N.S. (Annapolis ice piers) 2362 (ii).

Railways—I.C.R. (facilities) 2948; (Sydney Mines) 2938 (ii).

McLEAN, Mr. H. H., *Sunbury and Queens.*

Govt. Harbours and Piers Act Amt B. 89 (Mr. Brodeur) in Com., 5911 (iv).

McLEAN, Mr. H. H.—*Con.*

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6808 (iv).

Royal Casualty and Surety Co. of Canada incorp. (B. 51) 1°*, 738 (i); in Com., 2575 (ii).

SUPPLY

Public Works—Harbours and Rivers—N.B. (St. John tributaries) 1635 (i).

McLEAN, Mr. M. Y., *South Huron.*

Budget, The, 4901 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. A. H. Clarke) in Com., 6011 (iv).

McMILLAN, Mr. J. A., *Glengarry.*

SUPPLY—

Public Works—Buildings—Ottawa (telephones) 1607 (i).

MADDIN, Mr. J. W., *Cape Breton South.*

Boat Harbour, Skinner's Cove, Yearly Expenditure, Completion, &c. (Ques.) 2817 (ii).

Brophy's Post Office, Name of Postmaster, Changes *re* (Ques.) 1186 (i).

Budget, The, 4936 (iii).

Cape Breton South, Election Returning Officer, Payments *re* Expenses, &c. (Ques.) 5636 (iii).

Cassell's Report: *See* 'Investigations.'

Cedar Rapids Mfg. & Power Co.'s B. 94 (Mr. Boyer) in Com., 3406 (ii).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 534 (i).

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6400, 6758 (iv).

Exchequer Court Act Amt. B. 151 (Mr. Aylesworth) in Com., 6750 (iv).

Fisheries Development, Apptmt. of Sel. Com., on prop. Res. (Mr. Sinclair) 503 (i).

Fishery Inspector at Cape Breton, Apptmt. of Successor to A. C. Bertram (Ques.) 5631 (iii).

Fishery Wardens in Victoria County, N.S., Salaries, &c. (Ques.) 5637 (iii).

Flint Island Fog Alarm, Contract *re*, &c. (Ques.) 5636 (iii).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1666 (i).

Glace Bay Mails, Contract *re* Collection, &c. (Ques.) 5635, 5775 (iii).

Glace Bay Range Lightkeeper, Applicants, Salary, &c. (Ques.) 5636 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3636 (ii).

I.C.R. Earnings for Freight Shipments, Ticket Revenue, &c. (Ques.) 5632 (iii).

MADDIN, Mr. J. W.—*Con.*

Inverness Harbour, Items of Expenditure of 1908-9, Vote, &c. (Ques.) 6404 (iv).

Investigations in Depts. by Mr. Justice Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3736 (ii).

Labour Hours for Working Men, Restriction, &c., on M. (Mr. Verville) to Com. of Sup., 5939 (iv).

Lobster Packers, Investigation *re* Difficulties with Fishermen (remarks) 6062 (ii).

Miner, Bill, Escape from B. C. Penitentiary, on M. (J. D. Taylor) to Com. of Sup., 1873 (i).

Plaster Mines Lighthouse, Dismissal of Hector McRae, &c. (Ques.) 6784 (iv).

Post Office Act (letter carriers) Amt. B. 126 (Mr. Lemieux) in Com., 6323 (iv).

Ry. Employees Provident Act Amt. B. 164 (Mr. Graham) in Com., 6741 (iv).

Secret or Illicit Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1484 (i).

'Stanley' Str., &c., Total Expenditure from 1894 to 1908 (M. for ret.*) 1922 (i).

SUPPLY.

Lighthouse and Coast Service (agencies, &c.) 6898; (buoy steamer) 6914; (maintenance) 6902 (iv).

Marine and Fisheries (meteorological service) 6915 (iv).

Penitentiaries—St. Vincent de Paul (supplies) 915 (i).

Public Works—Buildings—N.S. (Glace Bay 1288; (New Glasgow) 1290; (Westville) 1292 (i).

Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2344; (Baddeck) 2453; (Cow Bay) 2463 (ii).

Public Works—Harbours and Rivers—Ont. (Meaford) 2984 (ii).

Railways—I.C.R. (Sydney Mines) 2936 (ii).

Sydney, Free Mail Delivery (remarks) in Com. of Sup., 1706 (i).

Tatamagouche River Bridge (remarks) in Com. of Sup., 2365 (ii).

'Zaidee' and 'Gladiator' Govt. Strs., Privileges *re* Towing, &c., (Ques.) 5631 (iii).

MAGRATH, Mr. C. A., *Medicine Hat.*

Aylwin, F. P., Grant of Land *re* Irrigation Purposes, Cor. Reps., &c. (M. for ret.*) 1190 (i).

Blood Indian Reserve, Sale of Land (remarks) in Com. of Sup., 1006 (i).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3025 (ii).

Canadian Western Ry. Co.'s incorp. B. 11 (Mr. Pardee) in Com., 987 (i).

Experimental Farms, Location, &c., on prop. Res. (Mr. Lapointe) 1943 (i).

Geodetic Survey Bureau, Establishment, on M. (Mr. Maclean) for Cor., 3075 (ii).

MAGRATH, Mr. C. A.—*Con.*

Hand Hills, Alberta Post Office, Application *re* (M. for copy*) 2162 (ii).

Niagara River Falls, Amount of Overflow (Ques.) 1074 (i).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1037 (i); in Com., 5380 (iii).

Railway Charters, Lapsed Powers, Date of Charters, &c. (M. for ret.*) 1190 (i).

SUPPLY.

Civil Govt.—Customs (contingencies) 599 (i).

Indians—Generally (schools) 1015; Man, &c. (live stock) 1006 (i).

N. W. M. P. (force) 3664 (ii).

Public Works—Buildings—Alberta (Lethbridge) 1551 (i).

Railways—Hudson Bay (surveys) 2964 (ii).

Waterways Commission, Treaty *re* Milk River and St. Mary's River: on M. for Sup., 6583 (iv).

Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2145 (ii).

MARSHALL, Mr. D., *East Elgin.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4455 (iii).

Brockville, Westport and Northwestern Ry. Co.'s (B. 170) 1°*, 5623 (iii).

Canning Factories Inspectors, Numbers, Salaries, &c. (Ques.) 822 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 5901 (iv).

Port Bruce Harbour, Amount of Expenditure, &c. (Ques.) 818 (i).

—— (remarks) in Com. of Sup., 3331 (ii).

Port Stanley Pier, Latest Date of Payments to Men (Ques.) 342 (i).

Postmasters Salaries in East Elgin (remarks) in Com. of Sup., 3429 (ii).

SUPPLY—

Arts, Agriculture, &c. (experimental farms) 5952 (iv).

Civil Govt.—Customs (contingencies) 602 (i).

Immigration (agents, &c.) 7026 (iv).

Post Office (rural mails) 3429 (ii).

Public Works—Buildings—Dom. (engineers, &c.) 1619; (power) 1617 (i).

Public Works—Buildings—Ont. (Whitby) 1530 (i).

Public Works—Dredging (generally) 6535 (iv).

Public Works—Harbours and Rivers—Ont. (Burlington piers) 2967; (McGregor's Creek) 2975; (Port Stanley) 2977 (ii).

Railways—Ry. Commission (litigation) 2069; (maintenance) 2045 (ii).

MARTIN, Mr. M., *Montreal, St. Mary's.*

SUPPLY—

Canals—Lachine (cement) 803 (i).

Public Works—Buildings—Que. (Montreal postal station) 1303 (i).

MARTIN, Mr. W. M., *Regina.*

Elevators at Port Arthur and Fort William Govt. Operation, on prop. Res. (Mr. Schaffner) 4026; (amt.) 4034 (ii).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3629 (ii).

Railway Commission, Vacancy, Apptmt. of Practical Farmer from N. W., on prop. Res. (Mr. Staples) 2656; (amt.) 2659; Agreed to (Y. 94; N. 54) 2669 (ii).

S.A. Bounty Act, Regulations *re* (remarks) 2228 (ii).

MEIGHEN, Mr. A., *Portage la Prairie.*

Assiniboine River Works, Cost per yard for Sept. and Oct. (Ques.) 1239 (i).

—— Pets., &c. *re* Straightening of, &c. (Ques.) 472 (i).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3004 (ii); on Amt. (Mr. Lennox) 5455 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) on M. for 3° (amt.) 5616 (iii).

Hudson Bay Ry. Surveys, (M. for ret.) 685 (i).

Hudson Bay Ry., Total Expenditure, Number of Employees, &c. (Ques.) 1055 (i).

Investigations into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3798, 3803 (ii).

Makaroff Postmaster, Salary (remarks) in Com. of Sup., 1702 (i).

Mayes Affidavit and Mr. Pugsley, on Amt. (Mr. Daniel) to Com. of Sup., 4272 (iii).

Miner, Bill, Escape from B. C. Penitentiary Admission of Detectives, &c. (Ques.) 1182 (i).

N.B. Central Ry. Commissioners' Report, on Amt. (Mr. Crothers) 5699 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5389 (iii).

Ry. Commission Vacancy, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2652 (ii).

SUPPLY—

Civil Govt.—Customs (board of customs) 586; (contingencies) 590 (i).

Penitentiaries—Generally (supplies) 897; Stony Mountain (supplies) 919 (i).

Post Office (country postmasters) 1700; (Ry. clerks) 1700 (i).

Public Works—Buildings—Generally (armouries) 1596; (lighting) 1616 (i).

Public Works—Buildings—Man. (Dauphin) 1544; (Winnipeg P.O.) 1551 (i).

Public Works—Buildings—Ont. (Glencoe) 1369(i).

Public Works—Buildings—Ottawa (telephones) 1609 (i).

Public Works—Buildings—Que. (Joliette) 1294 (i).

Public Works—Buildings—Yukon (commissioner's residence) 1595 (i).

MICHAUD, Mr. P., *Victoria, N.B.*

Allegash River, Diversion of Waters, Reps. &c. (M. for copy) 3082 (ii).

Cabano Ry. Co.'s incorp. B. 122 (Mr. Gauvreau) in Com., 4839 (ii).

Quebec and New Brunswick Ry. Co.'s (B 171) 1°*, 5623 (iii).

MIDDLEBRO, Mr. W. S., *North Grey.*

Animals Contagious Diseases Act B. 18 (Mr. Fisher) in Com., 751 (i).

Fenian Raid Veterans, Legislation *re* Bounty (Ques.) 3478 (ii).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1669 (i).

Govt. Employees, Interference at Elections (remarks) on M. for Sup., 6868 (iv).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 213 (i).

G. T. P., Lake Superior Branch, Number of Miles completed, Subsidies, &c. (Ques.) 4286 (iii).

G. T. P. Loan B. 128 (Mr. Fielding) on prop. Res., 4075; in Com., 5265, 5322, 5491; on M. for 3° (amt) 5604 (iii).

G. T. P., Negotiations *re* Proposed Loan, prior to Oct. 1908 (Ques.) 4290 (iii).

G. T. Stock, Outstanding, Rate of Interest, Total Liabilities, &c. (Ques.) 3651 (ii).

Mileage of Ry. Construction, from 1888 to 1908, Authorized by Charters (Ques.) 1076 (i).

Militia Expenditures, Items in Estimates, &c. (Ques.) 4634 (iii).

Miner, Bill, Escape from B. C. Penitentiary (remarks) in Com. of Sup., 948 (i).

Naval Defence of Canada, Aid to G. B., on prop Res. (Mr. Foster) 3528 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 4481, 5376 (iii), 5971 (iv).

Owen Sound Mail Delivery (remarks) in Com. of Sup., 1705 (i).

Owen Sound Post Office, Original and Present Cost, Change of Plans, &c. (Ques.) 247 (i).

Rural Mail Delivery, Establishment of in Grey County (Ques.) 671 (i).

SUPPLY—

Canals—Lachine (wharfs and basins) 791; Soulanges (slope trimmings) 1570 (i).

Dom. Lands (surveys) 3463 (ii).

Fisheries (International Fisheries commission) 3446 (ii).

Miscellaneous (seed grain) 3465 (ii).

Penitentiaries—Generally (supplies) 896 (i).

Public Works—Buildings—Dom. (heating) 1613 (i).

Public Works—Buildings, N.S. (Halifax) 1289 (i).

MIDDLEBRO, Mr. W. S.—*Con.*

SUPPLY—*Con.*

Public Works—Buildings—Ottawa (furniture) 1605; (heating, &c.) 1601; (Rideau Hall heating) 1611; (Royal Mint) 1280 (i).

Public Works—Dredging—Ont. (Wingfield) 3347 (ii).

Public Works—Harbours and Rivers—Ont. (Meaford) 2983, 3313; (Owen Sound) 3315 (ii).

Western Canadian Life Assurance Co.'s incorp. B. 37 (Mr. W. McIntyre) on M. for 2°, 778 (i).

MILLER, Mr. H. H., *South Grey.*

Algoma Central and Hudson Bay Ry. Co.'s (B. 125) 1°*, 4041 (iii).

Budget, The, 4845 (iii).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 284 (i).

——— rsmd. adjnd. debate, 571 (i).

G.T.P. Branch Lines Co.'s (B. 140) 1°*, 4411 (iii).

Hudson Bay and Western Ry. Co.'s (B. 124) 1°*, 4041 (iii).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com. on Res., 6695; in Com., 6800 (iv).

Insurance Bill, Addresses, Reps., &c., made to Committee of 1907-8 (M.) to lay on Table, 2489 (ii).

——— (M.) to ref. to Special Com. Banking and Commerce, 2490 (ii).

Kootenay and Arrowhead Ry. Co.'s B. 80 (Mr. Geo. Taylor) in Com., 3414 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5568 (iii).

Prudential Trust Co.'s incorp B. 91 (Mr Macdonell) in Com., 5484 (iii).

Railway Act (commissioners) Amt. B. 106 (Mr. Graham) on M. for 3°, 6306 (iv).

Royal Casualty and Surety Co.'s Bill (Mr. McLean) in Com., 2718 (ii).

Salvation Army Council (B. 142) in Com., 6068 (iv).

Senate, Abolition of, on prop. Res. (Mr. Lancaster) 1448 (i).

Smith, John Denison Relief B. 157 (Mr. A. K. Maclean) in Com., 6073 (iv).

SUPPLY—

Canals—Generally (staff, &c.) 2073 (ii).

Excise (methylated spirits) 449 (i).

Penitentiaries—Generally (supplies), 894, 908 (i).

Water Carriage of Goods Bill (remarks) *re* discussion, 6774 (iv).

——— B. 105, 2° m., 6774; in Com., 6774 (iv).

Wood Alcohol, Quantity purchased, Price, Cost, &c. (Ques.) 1396 (i).

MOLLOY, Mr. J. P., *Provencher.*

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 768 (i).

Big Grass Marsh Swamp Lands, Transfer of, &c. (M. for cor.*) 3056 (ii).

Budget, The, 5059 (iii).

Manitoba Radial Ry. Co.'s (B. 141) 1°*, 4411; in Com., 5483 (iii).

Railway Commission, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2647 (ii).

MONK, Mr. F. D., *Jacques Cartier.*

Boivin, Ernest, Emplymt. by Govt., Cheque to A. Desbiens (Ques.) 2759 (ii).

Bonin, Jos., Emplymt. by Govt. (Ques.) 3990 (ii).

Canada and France Ocean SS. B. 146 (Mr. Brodeur) in Com., 5219 (iii).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1861 (ii), 2062 (ii).

Capital Supply Co., and Govt. Patronage, Names of Promotors, &c. (Ques.) 683 (i).

Co-Operative Societies (remarks) on M. for Sup., 2323 (ii).

Criminal Code Amt. B. 48 (Mr. Aylesworth) on M. for 2°, 6383 (iv).

Deferred Elections, on prop. Res. (Mr. Burrell) 2841 (ii).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1967 (i).

Fagin, Thos., Emplymt. by Govt., Salary, &c. (Ques.) 2154 (ii).

Germany and Canadian Treaty, Negotiations *re* (remarks) 4125 (iii).

Godin, Dr., Payments to *re* Land Damages (Ques.) 3990 (ii).

Govt. Business, on M. (Sir Wilfrid Laurier) to take in Wednesdays, 2017 (ii).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 6124 (iv).

Govt. Tenders, Opening and Receiving, on prop. Res. (Mr. Reid) 196 (i).

G. T. P. Loan B. 128 (Mr. Fielding) on M. for 2°, 5147; in Com., 5191 (iii).

Hopper Scows, Construction of (Ques.) 1185 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) on M. for 2°, 2010 (i), 5217 (iii); in Com., 6155 (iv).

——— on M. to resume adjnd. debate (remarks) 4413 (iii).

Immigration Deportations, Amounts expended, &c. (Ques.) 1975 (i).

Immigration to U. S. and Repatriation, &c., on M. (Mr. Paquet) for Cor., 840 (i).

Imperial Defence Conference (remarks) on M. for 3° of Supply Bill, 7084 (iv).

MONK, Mr. F. D.—*Con.*

Insurance Bill, Discussion *re* (remarks) 6290 (iv).

Land Grants to early Settlers, &c. (remarks) in Com. of Sup., 6275 (iv).

Levis Postmastership, Apptmt. of Successor to Mr. A. Lafrancois (Ques.) 4636 (iii).

Lindsay Block, Ottawa, Negotiations *re* Purchase (Ques.) 681 (i).

Lussier, J. A., Payment to by Ry. Dept. (Ques.) 3990 (ii).

——— Returning Officer at St. Johns-Iberville, Payments to (Ques.) 2766 (ii).

Marine and Fisheries Investigation, Inquiry for Evidence, 662 (i).

Martel, Hormidas, Emplymt. by Govt. (Ques.) 3990 (ii).

Montreal Free Port, Recommendation of Royal Commission (remarks) 4802 (iii).

Montreal Harbour Commissioners Act Amt. B. 154 (Mr. Brodeur) on M. for 1°, 4799; in Com., 5234 (iii).

Natural Resources Conservation Commission on prop. Res. (Mr. Fisher) 6363 (iv).

Navigable Waters Protection Act. Amt. B. 152 (Mr. Brodeur) in Com., 5226 (iii).

Pointe-aux-Trembles Wharf, Contract Price, Extras, &c. (Ques.) 818 (i).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4245 (iii); in Com., 6314 (iv).

Proportional Representation in House of Commons, &c. (prop. res.) 2598 (ii).

Railway Act (commissioners) Amt. B. 106 (Mr. Graham) in Com., 6297; on Amt. (Mr. Doherty) to M. for 3°, 6313 (iv).

Railway Level Crossings, Prevention of Accidents, on prop. Res. (Mr. Lennox) 1227 (i).

Red River Settlers, Land Grants, &c. (remarks) in Com. of Sup., 6279 (iv).

'Richelieu,' Dredge, Removal of Captain, &c. (Ques.) 1185 (i).

Richelieu River Improvements Office (Ques.) 1185 (i).

Royal Canadian Dragoons at St. Johns, P.Q., Contracts *re* Supplies (Ques.) 2767 (ii).

Royal Casualty and Surety Co.'s Bill (Mr. McLean) in Com., 2720 (ii).

Rutherford, Dr. J. S., Resignation, Salary, &c. (Ques.) 1720 (i).

St. Johns Harbour, P.Q., Contract for Wharf Extension, &c. (Ques.) 2768, 2770 (ii).

——— Improvements in Richelieu River, Estimates, &c. (Ques.) 2817 (ii).

St. Johns Military Buildings, Lease, Rentals, &c. (Ques.) 672 (i).

MONK, Mr. F. D.—*Con.*

St. Maurice and Eastern Ry. Co.'s incorp. B. 176 (Mr. Geoffrion) on M. for 2°, 6083 (iv).

Ste. Philomene Mail Contract, Annual Cost, &c. (Ques.) 2770 (ii).

St. Pierre River Drainage, Floods, &c. (M.) to adjn. Hse., 4229 (iii).

St. Vincent de Paul Penitentiary, Contract with J. G. Heroux *re* Timber, Inspection *re* (Ques.) 6404 (iv).

——— Manufacture of Church Pews (remarks) in Com. of Sup., 900 (i).

——— Manufacture of Furniture, &c. (Ques.) 673 (i).

Salvation Army Council B. 142 (Mr. Miller) in Com., 6068 (iv).

Smith, John Denison, Relief B. 157 (Mr. A. K. Maclean) in Com., 6071 (iv).

Statutes, French Translation, Designation of Titles (remarks) 2023 (i).

SUPPLY—

Arts, Agriculture, &c. (archives) 691; (exhibitions) 727; (Year Book) 701 (i).

Canals—Lachine (wharfs and basins) 790 (i).

Civil Govt.—Interior (salaries) 6247 (iv); Labour Dept., (Labour Gazette) 654; Post Office (salaries) 724 (i).

Civil Service Commission (salaries) 705 (i).

Immigration (agents, &c.) 7003; (G. B. agents) 7019 (iv).

Interior (astronomical surveys) 6264 (iv).

Labour Dept. (industrial disputes) 655 (i).

Militia (salaries) 2278 (ii).

Penitentiaries—Generally (supplies) 900 St. Vincent de Paul (furniture making) 900 (i).

Public Works—Buildings—Que. (Montreal postal station) 1303 (i).

Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2347 (ii).

Public Works—Harbours and Rivers—Que. (docks, &c.) 2896; (Saguenay dredging) 2887 (ii).

Tariff Changes *re* Tin, &c. (remarks) 4126 (iii).

Transportation Problem (remarks) in Com. of Sup., 2888 (ii).

MURPHY, Hon. C. (Secretary of State), *Russell.*

Agriculture Dept., Outside Service, Amounts voted (Ans.) 1409 (i).

Aud. Gen.'s Rep., on Inquiry for, 1250 (i).

Debates, Official, Cost of Printing, &c. (Ans.) 1720 (i).

——— French Translation, Salaries, &c. (Ans.) 1722 (i).

Dom. Elections, Payments to Officials, &c. (Ans.) 1067 (i).

Cape Breton South, Payments *re* Elections, Expenses to Ret. Officers (Ans.) 5636 (iii).

MURPHY, Hon. C.—*Con.*

Capital Supply Co. and Govt. Patronage, Names of Promoters (Ans.) 684 (i).

Census and Statistics Bulletins, Translation of (Ans.) 1404 (i).

Civil Service Apptmts. since July, 1908, Salaries, &c. (Ans.) 142 (i).

Civil Service Apptmts. since Sept., 1908 (Ans.) 143 (i).

Civil Service, Names and Positions of those receiving no Increases (Ans.) 1558 (i).

——— Payments in 1896 and 1909-10 at Ottawa (Ans.) 2149 (ii).

——— Re-organization, Temporary Clerks, &c. (Ans.) 142 (i).

———Salaries, in Com. on Res., 1135 (i).

——— Salaries Ret. (remarks) 1395 (i).

Comox-Atlin Elections, Issue of Writ for 11th Parlt., Instructions to Returning Officer, &c. (Ans.) 682 (i).

External Affairs Deptl. (B. 90) prop. Res., 1813, 1978; 1°* of of B., 2008 (i); in Com., 4436, 4470 (iii).

Foran, Mr. Wm., Apptmt. of Successor (remarks) 3363 (ii).

Foreign Correspondence, Number of Letters, &c. (Ans.) 3987 (ii).

'Free Press,' Man., Payments to, on Inquiry for Ret., 1978 (i).

Humboldt Election Officials, Payments to (Ans.) 1731 (i).

Logberg Printing Co., Suppl. Ret. (presented) 4041 (iii).

——— on Inquiry for Ret., 2674 (ii).

Lussier, J. A., Returning Officer at St. Johns-Iberville &c. (Ans.) 2767 (ii).

Marine and Fisheries Investigation, Delay in Printing, &c. (remarks) 633 (i).

Marine Investigation, Evidence, &c., on Inquiry for, 402, 549 (i).

Naturalization Act Amt. (B. 5) 1° m., 93; 2° m., 378 (i).

Oriental Immigration into B. C., Res. *re* Royal Commission (Ans.) 1242 (i).

Polling Booths in Ont., Payments *re* Rents (Ans.) 3251 (ii).

Secretary of State, Deptl. Rep. (presented) 14 (i).

Statutes for 1908, Delay in Publishing, &c. (Ans.) 184 (i).

SUPPLY.

Civil Govt.—External Affairs (salaries) 7064 (iv); Sec. of State (contingencies) 461; (salaries) 458 (i).

Civil Service Commission (printing) 7065 (iv); (salaries) 705 (i).

Printing and Stationery (salaries) 804 (i).

Timber Limit Regulations, Suspension, &c. (Ans.) 343 (i).

MURPHY, Hon. C.—*Con.*

Towers in Dufferin County, Completion, &c. (Ans.) 341 (i).

Vancouver Election Officials, Delay in Payments to (Ans.) 1418 (i).

Voters' Lists, Parry Sound, Cost of Revision (Ans.) 669 (i).

—— Thunder Bay, &c., Cost of (Ans.) 340 (i).

NANTEL, Mr. W. B., *Terrebonne.*

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 765 (i).

Budget, The, 4780 (iii).

Canadian, Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1693, 1859 (i), 2062, 2129 (ii).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 566 (i).

G. T. P. Loan B. 128 (Mr. Fielding) on M. for 2°, 5152, 5159 (iii).

Immigration to U. S. and Repatriation, &c., on M. (Mr. Paquet) for Cor., 852 (i).

Judges Salaries, Error in Statutes of 1905 (remarks) 6474 (iv).

Railway Act (commissioners) Amt. B. 106 (Mr. Graham) in Com., 6296 (iv).

Ry. Act (farm crossings) Amt. (B. 54) 1° m, 813 (i).

Railway Act (level crossings) Amt. B. 6 (Mr. Lancaster) on M. for 3°, 526 (i).

SUPPLY.

Civil Govt.—Agriculture (salaries) 647 (i).

Public Works—Harbours and Rivers—Que. (Cap. St. Ignace) 2522 (ii).

NEELY, Mr. D. B., *Humboldt.*

Budget, The, 4951 (iii).

C.P.Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3151, 3161 (ii)

Elevators at Fort William and Port Arthur, Govt. Operation, on prop. Res. (Mr. Schaffner) 4017 (ii).

Insulting Language towards members, Ques. of Priv., 3942 (ii).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3844, 3942 (ii); on Sen. Amts., 6073 (iv).

Prince Albert and Hudson Bay Ry. Co.'s incorp. (B. 62) 1°*, 1116 (i); in Com., 2530, 2537 (ii).

Railway Commission, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2649 (ii).

NESBITT, Mr. E. W., *North Oxford.*

Budget, The, 4804 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., on Ques. of Order (Mr. S. Sharpe) 3020 (ii); on Amt. (Mr. Lennox) 5477 (iii); in Com., 6048 (iv).

NESBITT. Mr. E. W.—*Con.*

Equity Fire Insurance Co.'s incorp. B. 161 (Mr. Macdonell) in Com., 6128 (iv).

Govt. Tenders, Opening and Receiving, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 225 (i).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6806 (iv).

McQuoid, Laura, Relief (B. 181) 1°*, 5997 (iv).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3958 (ii).

Mayes Affidavit, Ques. of Order, 4279, 4375 (iii).

Railway Commission Apptmt., on prop. Res. (Mr. Staples) Ques. of Order, 2639 (ii).

Senate, Abolition of, on prop. Res. (Mr. Lancaster) 1437 (i).

Water Carriage of Goods (B. 105) 1°*, 2670 (ii).

NORTHRUP, Mr. W. B., *East Hastings.*

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3026 (ii).

Civil Service Salaries, Classification *re* Schedules, &c., on M. for Sup., 2449 (ii).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) on M. for 2°, 561 (i).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3579, 3614 (ii); on M. for 2°, 5120; in Com., 5269 (iii).

Madoc-Eldorado Branch Ry., G.T.R. Bonus *re*, &c. (Ques.) 245 (i).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4369 (iii).

—— Reading of Original, on Ques. of Order *re* Amt. (Mr. Daniel) 4269 (iii).

Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup, 1842 (i)

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1040 (i).

Ry. Act (contracts) Amt. (B. 39) 1° m., 465 (i).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6202 (iv).

Ross Rifles, Number accepted and rejected by Militia Dept. (Ques.) 245 (i).

—— Total Payments *re* (Ques.) 329 (i).

Ross Rifle Factory, Number of Employees, Inspection *re* Standards, &c. (Ques.) 1411 (i).

Vautelet, H. A., Emplymt. as Architect, Payments to, &c. (Ques.) 1412 (i).

OLIVER, Hon. FRANK (Minister of the Interior) *Edmonton.*

Aylesworth, Geo. Anson, Emplymt. by Govt. (Ans.) 249 (i).

OLIVER, Hon. Frank—*Con.*

Bell, Charles F., Conditions *re* Dismissal (Ans.) 2323 (ii).

Berube, Rev. E. P., Emplymt. by Immigration Dept. (Ans.) 3986 (ii).

Birtle Agency, Purchase of Live Stock (stmnt.) in Com. of Sup., 1168 (i).

Birtle Hospital, Attendance of Dr. Wright (remarks) in Com. of Sup., 1010 (i).

Blood Indian Reserve, Lease, &c. (Ans.) 6785 (iv).

—— Sale of Land (remarks) in Com. of Sup., 1008 (i).

Brandon City, Exchange of Lands, &c. (Ans.) 2322 (ii).

Brewster, Mr., Emplymt. by Govt. *re* Immigration (Ans.) 1483 (i).

B. C. Railway Belt Lands, Settlers, Titles, &c. (Ans.) 1727 (i).

Burrows, T. A., Timber Permit in Twp. 30 and 31, &c. (Ans.) 2592 (ii).

Catholic Immigration, Instructions to Agents (remarks) 2672 (ii).

Caughnawaga Indian Reserve, Grants for Church Purposes (Ans.) 1410 (i).

Caughnawaga-Iroquois Indians' Reserve, Return of Fines for Stealings, &c. (Ans.) 1410 (i).

Coal and Timber Lands, Approx. Area, Owners Names, &c. (Ans.) 1185 (i).

Coal Royalties, Total Amount payable in 1908 (Ans.) 2588 (ii).

Dokis Indian Reserve, Payments for Berths, Lapses, &c. (Ans.) 542 (i).

Dom. Lands Act Amt. (B. 8) 1° m., 94; in Com., 379 (i); on Senate Amts., 2911 (ii).

Dom. Lands Act, French Translation, &c. (Ans.) 532 (i).

Fairy Lake Indian Reserve, N. S., Lease, Revenue, &c. (Ans.) 2816 (ii).

File Hill Indian Agency, Resignation of Mr. Godfrey, Charges against Inspector, &c. (Ans.) 3045 (ii).

Fishery Licenses issued to Wikwinikong Indians, Representations *re* (Ans.) 6407 (iv).

Foley, T. P., Emplymt. in Interior Dept. (Ans.) 2321 (ii).

Fort Malden, Representations *re* Sale, &c. (Ans.) 6087 (iv).

Geodetic Survey Bureau, Establishment of, on M. (Mr. A. K. Maclean) for Cor., 3068 (ii).

Georgian Bay Islands, Sale of Advertisements, &c. (Ans.) 3991 (ii).

'Glimpses of Northwestern Canada,' Copies circulated, Payments *re*, &c. (Ans.) 4641 (iii).

G. T. P., Lands sold for Stations, &c. (Ans.) 143 (i).

OLIVER, Hon. Frank—*Con.*

G.T.P., Terminal Town Sites Ret. (remarks) 2494 (ii).

Grazing Leases Total Area, Annual Rental, &c. (Ans.) 3703 (ii).

Griffith, Mr. Wm., Apptmt. as Immigration Agent, Salary, &c. (Ans.) 1415 (i).

Hickman, W. A., Emplymt. by Govt., Payments to, &c. (Ans.) 3054 (ii).

Higgs, Deportation by Immigration Dept. (Ans.) 147 (i).

Homesteads and Pre-emptions, Total Acreage sold, Moneys received, &c. (Ans.) 482 (i).

Homesteads and Pre-emptions in Man., &c. Number of Acres, &c. (Ans.) 1180 (i).

Homesteads west of Lake Winnipeg, Rep. *re* unfitness for Settlement (Ans.) 3252 (ii).

Immigration Act Amt. (B. 17) 1°*, 240 (i); 2° m., 2009 (i); on M. for resmng. adjd. debate, 4413; 2°, 5218 (iii); in Com., 6129 (iv).

Immigration Agents, Apptmts. in France since 1908, Names, &c. (Ans.) 678 (i).

Immigration Agents in France, Number, Reps. Resignation of J. E. Cyr (Ans.) 1414 (i).

Immigration Agents, Bonus Commissions, &c. (Ans.) 1407 (i).

—— Names, Salaries, &c. (Ans.) 1405 (i).

Immigration Agents resident in Canada (Ans.) 3989 (ii).

Immigration Bonuses, Abolition of, Restrictions, &c. (Ans.) 3705 (ii).

Immigration Bonuses to Societies, Names, Payments, &c. (Ans.) 1406 (i).

Immigration Bounties for 1907-8, Amount, &c. (Ans.) 678 (i).

Immigrants, British, prevented from landing in Canada, &c. (Ans.) 478 (i).

Immigration Deportations, Amounts expended, &c. (Ans.) 1975 (i).

Immigrants Destitute in Toronto (remarks) 2335 (ii).

Immigrants from G. B. to Canada direct (Ans.) 1919 (i).

Immigrants for 1907-8 from U. S., G. B., France and Belgium, Amount of Expenditure, &c. (Ans.) 679 (i).

Immigration Inspectors, Names, Addresses, Salaries, &c. (Ans.) 1406 (i).

Immigrants, Number arriving in Canada for present year, Names and Addresses of Canadian Agents, &c. (Ans.) 1404 (i).

Immigrants prevented landing in Canada, Nationality, &c. (Ans.) 479 (i).

Immigration Printing and Advertising, Amount exended in 1908-9 (Ans.) 2381 (ii).

Immigration Regulations, O.C. *re*, Application of (Ans.) 250 (i).

OLIVER, Hon. Frank—*Con.*

Immigrants rejected and deported, Number, &c. (Ans.) 677 (i).

Immigration of Undersirables into Canada, Payments *re* (Ans.) 1406 (i).

Indian Affairs, Deptl. Rep. (presented) 14 (i).

Indians Timber Lands, Sale of, List read in Com. of Sup., 1165 (i).

Interior Deptl. Clerks, Increases *re* Salaries, List of Names, &c. (Ans.) 532 (i).

——— Outside Service, Expenditure *re* Increases (Ans.) 1065 (i).

Interior, Deptl. Rep. (presented) 1021 (i).

——— on inquiry for, 876 (i).

——— Officials Dismissals, Charges, &c. (Ans.) 2382 (ii).

Irrigation, Investigation *re* Water Supply (remarks) in Com. of Sup., 6283 (iv).

Irrigation Proposition for Lands by Percy Aylwin (Ans.) 2380 (ii).

Judge, H. A., Emplymt. by Govt. as Detective, &c. (Ans.) 1400 (i).

Kitsilano Indian Reserve, Transfer to City, &c. (Ans.) 1973 (i).

'La Region du Lac Saint Jean, Guides des Colons,' Distribution in Quebec (Ans.) 678 (i).

Lake St. John Ry. Colonization Subsidy Grant, &c. (Ans.) 678 (i).

Land Grants to early Settlers, &c. (remarks) in Com. of Sup., 6276 (iv).

Lands in Man. and N. W. undisposed of by Govt. (Ans.) 2374 (ii).

Land Patents for Sections 16, 20 and 22, &c., Payments of Taxes, &c. (Ans.) 4901 (iii).

Latitude and Longitude of Canadian Cities, &c. (Ans.) 2378 (ii).

Milk River, Mackie Lease, &c. (Ans.) 6405 (iv).

Miller, Mr. N. B., Immigration Agent, &c. (remarks) in Com. of Sup., 7000 (iv).

Nipissing Indian Reserve, Open for Settlement (Ans.) 684 (i).

North Atlantic Trading Co., Payments to since cancellation of Contract (Ans.) 1072 (i).

North Saskatchewan River Surveys, Average Cost per Mile (Ans.) 870 (i).

Olin, Chas., Total Payments *re* visit to Sweden (Ans.) 871 (i).

'Opportunities in Canada,' Name of Publisher (Ans.) 2158 (ii).

——— Number of Copies distributed (Ans.) 676 (i).

Orientals in B. C., Number, &c. (Ans.) 1920 (i).

Prairie Fires, Relief *re* (remarks) 6411 (iv).

OLIVER, Hon. Frank—*Con.*

Qu'Appelle, Long Lake and Saskatchewan Ry. Land Grant, Location, &c. (Ans.) 469 (i).

Railway Subsidies Act Amt. B. 174 (Mr. Graham) on M. for 1°, 5629 (iii).

Rama Indian Trust Funds, Amount held by Govt., &c. (Ans.) 544 (i).

Rama Twp., Expenditure on Roads and Bridges (Ans.) 677 (i).

Rand, Dr. F. A., Payments *re* Indians (stmnt.) in Com. of Sup., 1168 (i).

Riding Mountain Timber Reserve, Compensation to Squatters, &c. (Ans.) 531 (i).

Rutherford Islands, Dispute *re* Ownership, &c. (Ans.) 6408 (iv).

St. Nicholas Indian Island, Disposal of by Govt. (Ans.) 1410 (i).

St. Peters Indian Reserve, Surrender, &c. (remarks) in Com. of Sup., 1019, 1139 (i).

School Lands, Alberta, Total Area, Funds, Payments, &c. (Ans.) 7072 (iv).

Seed Grain Expenditure, &c. (Ans.) 144 (i).

Seed Oats purchased for Albert and Sask., Complaints *re* (Ans.) 1420 (i).

Seed Wheat, Purchase for Sask. and Alberta, Price, Grade, Loss, &c. (Ans.) 1419 (i).

S. A. Veteran Land Grants (remarks) in Com. of Sup., 6273 (iv).

——— Homestead issued, &c. (Ans.) 2818 (ii).

——— Scrip, Sale of to Govt. Employees (Ans.) 143 (i).

S. A. Land Grants, Number located, Appointments of Substitutes, &c. (Ans.) 6404 (iv).

——— Conditions of Entry, &c. (Ans.) 1179 (i).

——— Regulations re (remarks) on M. for Sup., 2221 (ii).

——— Regulations as to Residence, &c (Ans.) 541 (i).

Spanish River Indians, License for cutting Timber (stmnt.) in Com. of Sup., 1170 (i).

Squatters on Dauphin Lands, Burning of Buildings, &c. (Ans.) 3045 (ii).

Squatters Claims *re* Dauphin Reserve (remarks) in Com. of Sup., 6287 (iv.)

Steamers on Lake Winnipeg for Indian Dept., Lease, Cost, &c. (Ans.) 1403 (i).

Sturgeon Breeding in Lac du Bonnet, Sale of Fish, &c. (Ans.) 531 (i).

SUPPLY—

Civil Govt.—Indian Affairs (salaries, &c.) 971 (i); Interior (salaries) 6247 (iv).

Dom. Lands (advertising) 6285; (hydrographic survey) 6284; (maps, &c.) 6289 (iv); (surveys) 3463 (ii), 6273; (timber protection) 6286 (iv).

OLIVER, Hon. Frank—*Con.*

SUPPLY—*Con.*

Immigration (agents, &c.) 7000; (deportations) 7021; (G.B. agents) 7015; (St. Boniface hospital) 7035 (iv).

Indians—B.C. (cleansing orchards) 1160; (destitute) 1139; (schools) 1142; (surveys commission) 1144 (i).

Indians—Generally (destitute, &c.) 1010; (general expenses) 1016; (grist and saw mills) 1016; (inspectors travelling expenses) 1161; (relief) 1167; (schools) 1015; (surveys) 1016; (timber inspectors) 1161; (triennial clothing) 1015 (i).

Indians—Man., &c. (annuities) 1002; (live stock) 1005 (i); (St. Peters, removal) 3462 (ii); (seeds, &c.) 1004 (i).

Indians—N.B. (medical attendance) 999 (i), 3462 (ii).

Indians—N.S. (medical attendance) 998 (i), 3462 (ii); (seed grain) 998 (i).

Indians—Ont. and Que. (agricultural grants) 993; (annuities) 998; (blankets) 976; (legal expenses) 993; (medical attendance) 976; (surveys) 989; (schools) 976, 989 (i).

Indians—P.E.I. (Lennox wharf) 1000; (medical attendance) 1000 (i).

Indians—Que. (medical relief) 3461 (ii).

Indians—Sask. (farm implements) 1002 (i).

Indians—Yukon (schools) 1160 (i).

Interior (astronomical surveys) 6263; (buffalo herds) 6991; Miscellaneous (park reservations) 6991 ; (St. Mary's and Milk River diversions) 6269 (iv).

Miscellaneous (Banff, roads and bridges) 1171; (Banff, water works) 1171; (litigation) 1172 (i); (maps) 3466; (seed grain) 3464 (ii).

N.W. Ter. Govt. (salaries) 1171 (i).

Railways—Hudson Bay (surveys) 2962 (ii).

Yukon Govt. (administration salaries) 6272; (roads, &c.) 6273 (iv).

Swan Lake Indian Reserve, Purchase by Govt. Sales, &c. (Ans.) 477 (i).

Timber Lands, Alberta. Amount due and Payable (Ans.) 3194 (ii).

Turtle Mountain Squatters, Removal, Compensation, &c. (Ans.) 1417 (i).

Vaughan, Mr., Surveys, Incomplete Return (remarks) 2128 (ii).

Volunteer Substitutes for Homestead Duties (Ans.) 1078 (i).

Watson, R. J., Emplymt. by Govt. (Ans.) 2158 (ii).

Yukon Ordinances (prop. res.) in Com., 7075 (iv).

——— Beer Tax (prop. res.) 5892 (iv).

Zinc in Albermarle County, Govt. Bonus *re* (Ans.) 1078 (i).

OSLER, Mr. E. B., *Toronto, West.*

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3146 (ii).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 746 (i).

SUPPLY—

Canals—Lachine (cement testing) 791 (i).

OSLER, Mr. E. B.—*Con.*

SUPPLY—*Con.*

Civil Govt.—Customs (Board of Customs) 589 (i).

Public Works—Buildings—N.S. (Amherst) 1283; Ont. (Toronto barracks) 1506; Ont. (Whitby) 1529; Ottawa (new bldg.) 1251; (Royal Mint) 1281 (i).

OWEN, Mr. C. L., *East Northumberland, Ont.*

Campbellford and Brighton Mail Contract, &c. (Ques.) 3479 (ii).

——— (remarks) 3655 (ii).

Govt. Policy *re* Govt. Buildings (remarks) on M. for Sup., 2507 (ii).

G.T.P., Cost of N. B. Section, Estimated Cost, &c. (remarks) 2383 (ii).

——— Cost per Mile (remarks) 2494 (ii).

Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1121 (i).

Rural Mail in East Northumberland, &c. (Ques.) 3480 (ii).

SUPPLY.

Arts, Agriculture, &c. (live stock industry) 5879 (iii).

Public Works—Harbours and Rivers—Ont. (Brighton) 3314 (ii).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4153 (iii).

PAPINEAU, Mr. L. J., *Beauharnois.*

SUPPLY.

Canals—Beauharnois (water power) 1911 (i).

PAQUET, Mr. E., *L'Islet.*

Agriculture Dept., French Translation of Documents (Ques.) 2762 (ii).

Berube, Rev. E. P., Emplymt. by Immigration Dept. (Ques.) 3986 (ii).

Exhibitions, Subsidized by Dom. Govt., Amounts, Officials, &c. (Ques.) 544 (i).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1940 (i).

——— Establishment of since Jan. 1908, &c. (Ques.) 156 (i).

French Language on Govt. Works, Signatures *re*, Govtl. Intention (Ques.) 249 (i).

——— Telephone Cos., &c., Cor. with Govt. (M. for copies*) 1421 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6129 (iv).

Immigration Agents, Apptmts. in France since 1908, Names, Salaries, &c. (Ques.) 678 (i).

Immigration Agents resident in Canada (Ques.) 3989 (ii).

Immigration Bounties for 1907-8, Amounts, &c. (Ques.) 678 (i).

Immigrants for 1907-8, Number from U. S., G. B., France and Belgium, Amount of Expenditure (Ques.) 678 (i).

PAQUET, Mr. E.—*Con.*

Immigrants rejected and deported, Number, &c. (Ques.) 677 (i).

Immigration to U. S. and Repatriation, Cor. with Dept. of Interior and Colonization Societies (M. for copy) 827 (i).

Labour Dept., Apptmt. of Minister, &c. (Ques.) 186 (i).

Lake St. John Ry., Colonization Subsidy Grant, Amount, &c. (Ques.) 678 (i).

'La Region du Lac Saint Jean, Guides des Colons,' Distribution of Pamphlet (Ques.) 678 (i).

Latitude and Longitude of Canadian Cities, Record of (Ques.) 2378 (ii).

Lévis Graving Dock, Insufficient Capacity, &c. (Ques.) 186 (i).

'Montcalm' Icebreaker, Number of Crew, Daily Expenditure, &c. (Ques.) 167 (i).

—— Name of Engineer, *re* Investigations (Ques.) 548 (i).

—— Res. of Chamber of Commerce, Quebec, &c. (Ques.) 328 (i).

Sessional Messengers appointed or dismissed since 1880 (M. for ret.*) 521 (i).

Statutes, French Translation, Designation of Titles (remarks) 2020 (ii).

SUPPLY.

Arts, Agriculture, &c. (archives) 688; (year-book) 703 (i).

PARDEE, Mr. F. F., *West Lambton.*

Brazilian Electro-Steel and Smelting Co. Limited (B. 10) 1°*, 159; in Com., 1023 (i).

Canada Life Insurance Co.'s (B. 56)—(M.) to place on Order Paper, 5093 (iii).

Canadian Northern Ontario Ry. Co.'s (B. 75) 1°*, 1479 (i); in Com., 3409 (ii).

Cedar Rapids Mfg. & Power Co.'s B. 94 (Mr. Boyer) in Com., 3406 (ii).

Collingwood Southern Ry. Co.'s (B. 12) 1°*, 159 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 5901 (iv).

Govt. Railways Act (compensation) Amt. B. 20 (Mr. Graham) in Com., 773 (i).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3599 (ii).

Grand Trunk Ry. Co.'s (B. 13) 1°*, 160 (i).

Huron and Ontario Ry Co.'s (B. 14) 1°*, 160 (i).

Kootenay and Arrowhead Ry. Co.'s B. 80 (Mr. Geo. Taylor) in Com., 3414 (ii).

Mexican Land and Irrigation Co.'s (B. 15) 1°*, 160 (i).

National Accident and Guarantee Co. of Canada (B. 103) 1°*, 2318 (ii).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6209 (iv).

PARDEE, Mr. F. F.—*Con.*

Railway Level Crossings, Prevention of Accidents, on prop. Res. (Mr. Lennox) 1231 (i).

PARENT, Mr. G., *Montmorency.*

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3879 (ii).

PATERSON, Hon. Wm., (Minister of Customs), *Brant.*

Associated Press Despatches, Amount collected, Supervision, &c. (Ans.) 332 (i).

Aud. Gen.'s Rep., Vols I. and II. (presented) 12 (i).

—— Vol. II (presented) 1474 (i).

Bacon Curing Industry, Number of Hogs condemned, &c. (Ans.) 342 (i).

Books entering Canada under British Preferential Tariff, &c. (Ans.) 2587 (ii).

Budget, The (remarks) 4598, 4915 (iii).

Canadian Imports, Percentage entering Can. in 1908 (Ans.) 1728 (i).

Canadian Ships docking for Repairs, Res. *re* (Ans.) 3053 (ii).

Chinaware, Customs Duty, &c. (Ans.) 4636 (iii).

Civil Service Salaries, in Com. on Res., 964 (i).

Coasting Trade, O.C. *re* Change of Date (Ans.) 3052 (ii).

Costello Thos., Rep. of Woollen Industry, &c. (Ans.) 1176 (i).

Customs Collector at Bathurst, Leave of Absence (Ans.) 5157 (iii).

Customs Seizures, on Inquiry for Ret., 2773 (ii).

Debt, Net, Present Amount, Increase, &c. (Ans.) 148, 342 (i).

Dominion Loans, Amount Redeemable, &c. (Ans.) 545 (i).

Dominion 4 per cent Loan, Amount of Sinking Fund (Ans.) 545 (i).

See 'Loans', 'Govt. Loans.'

Electric Power exported at Niagara Falls, Names of Licensees, Taxes imposed, &c. (Ans.) 346 (i).

Estimates for 1909-1910 (presented) 327 (i).

Fish caught in Summer, Incomplete Ret. (remarks) 2128 (ii).

Foot and Mouth Disease, Present Condition, Embargo, &c. (Ans.) 334 (i).

Fruit Imports into B.C. from U.S., Quantities, Values, &c. (Ans.) 3250 (ii).

Funded Debt, Redeemable, Sinking Fund, &c. (Ans.) 342 (i).

Govt. Deposits in Banks, Discrimination *re* (Ans.) 246 (i).

Govt. Loans or Advances since Dec. 1908, Purposes, &c. (Ans.) 163 (i).

PATERSON, Hon. Wm.—*Con.*
G.T.P. Total Expenditure *re* Construction of N.T.R. (Ans.) 1182 (i).
Hay, &c., from U. S., Entries at Kingston (Ans.) 1177 (i).
Hickory and Ash Handles, Number imported for 1903 (Ans.) 1210 (i).
Hull Customs Collections, Amount, &c. (Ans.) 1418 (i).
Imports and Exports for 1908 (Ans.) 4288 (iii).
Insurance Commission, Omission of British Actuaries' Evidence (Ans.) 243 (i).
Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6719 (iv).
Loans of Dec., 1907, Sums available for Works (Ans.) 669 (i).
Loan falling Due on 1st Nov. 1908, Disposal of (Ans.) 147 (i).
See 'Dom. Lands.'
Mail Boxes purchased and entered into Canada free of Duty, &c. (Ans.) 547 (i).
Market Garden Produce, Total Imports from 1901-8, Duty collected, &c. (Ans.) 5096 (iii).
Meagher, Mathias, Apptmt. to Customs Staff at Debec, N.B., Salary (Ans.) 3655 (ii).
Mess. from His Ex., Estimates (presented) 327 (i).
Nails, Quantity imported, Prices, &c. (Ans.) 2156 (ii).
National Trans. Ry., Loans *re* Construction of Eastern Div., Rates of Interest, &c. (Ans.) 679 (i).
Oshawa Harbour, Apptmts. by Gov., Payments, &c. (Ans.) 3046 (ii).
Oshawa Customs Collector, Name, &c. (Ans.) 1973 (i), 2373 (ii).
—— Remarks, 2373 (ii).
Passover Bread, Higher Duties, Request *re* (Ans.) 3986 (ii).
Pork, Bacon, &c., Entries at Kingston, &c. (Ans.) 1177 (i).
Port Credit, Customs Revenue, Superannuation of Collector (Ans.) 3049 (ii).
Preston, W. T. R., Emplymt. by Govt., Transfer, &c. (Ans.) 3991 (ii).
Pulp and Paper produced in Canada, Quantity exported, &c. (Ans.) 3048 (ii).
Quebracho Extract, Quantity imported, Pet. *re* Duty, &c. (Ans.) 1179 (i).
Revenue for December, Details of 'Miscellaneous' (Ans.) 149 (i).
Rifles, Swiss and Foreign imported into Canada, Regulations *re* (Ans.) 2382 (ii).
Royal Canadian Mint, Total Cost, Expenditure, &c. (Ans.) 147 (i).
—— Number of Coins manufactured, Purchase of Silver, &c. (Ans.) 244 (i).

PATERSON, Hon. Wm.—*Con.*
Sault Ste. Marie Farm and Garden Imports, Value, &c. (Ans.) 339 (i).
Savings Deposit and Loans, 3 per cents, Amounts, &c. (Ans.) 680 (i).
Securities of Corporations, Amount deposited with Govt., &c. (Ans.) 247 (i).
Shipping Drawbacks, Amounts paid from 1898 to 1908 (Ans.) 167 (i).
Ships repaired in Foreign Countries, Duty *re* (Ans.) 2763 (ii).
Steel Importations from March 31st, 1908, to Jan. 31st, 1909, on M. (Mr. Boyce) 355 (i).
Supply (M.) for Com., 140 (i).
SUPPLY—
Adulteration of Food (fraudulent marking) 455 (i).
Arts, Agriculture, &c. (live stock industry) 5865 (iii).
Civil Govt.—Civil Service Commission (salaries) 390, 705 (i).
Civil Govt.—Customs (Board of Customs) 581; (contingencies) 590 (i).
Civil Govt.—Finance (salaries) 384 (i).
Civil Govt.—Gov. Gen. Sec.'s Office (salaries) 399 (i).
Civil Govt.—Inland Revenue (electrical branch) 445; (salaries) 428, 444; (travelling expenses) 447; (weights and measures) 447 (i).
Civil Govt.—Public Works (contingencies) 3672 (ii).
Customs—(preventive service) 611; (printing and stationery) 609; (travelling expenses) 608 (i).
Excise (inspectors, &c., salaries) 436; (methylated spirits) 448; (tobacco stamps) 437, 447 (i).
Inland Revenue (customs collections) 448; (electric power exports) 455 (i).
Metric System (lectures) 454 (i).
Miscellaneous (patent medicines) 458 (i).
Pensions (N.W. rebellion) 812 (i).
Public Works—Buildings—Que. (Lachute) 1302 (i).
Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2368 (ii).
Weights and Measures (electric light inspection) 452; (intercolonial Bureau) 455 (i).
Telephone and Telegraph Special Com. of 1905, Expenditure, &c. (Ans.) 153 (i).
Trade and Commerce, Part I., (presented) 176 (i).
Trade Relations with Germany, Total Exports, &c. (Ans.) 482 (i).
Ways and Means, (M.) for Com., 149 (i).
Wood Alcohol, Quantity purchased, Price, &c. (Ans.) 1397 (i).
Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4145 (iii).
Woollen Mills, Number, Canadian Wool used, &c. (Ans.) 150 (i).
Wool, Raw, Imported into Canada for 1907, Duty, &c. (Ans.) 150 (i).
Yukon Ordinances (Mr. Oliver) in Com. on Res., 7080 (iv).

PATERSON, Hon. Wm.—*Con.*

'Zaidee' and 'Gladiator' Govt. Strs., Privileges *re* Towing, c. (Ans.) 5631 (iii).

PERLEY, Mr. G. H., *Argenteuil.*

Animals, Health of, Inspection, &c., Expenditure *re* (Ques.) 821 (i).

Budget, The, 4642 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 2572 (ii).

Canadian Northern Ry. Aid B. 186 (Mr. Graham) in Com., 6740 (iv).

Carillon and Grenville Canals, Number of Employees, &c. (Ques.) 1396 (i).

——— (M. for ret.*) 1734 (i).

Cedar Rapids Manufacturing Co.'s B. 94 (Mr. Boyer) in Com., 3404, 3472 (ii).

Civil Service: *See* 'House of Commons.'

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1657 (i).

Govt. Employees, Interference at Elections (remarks) on M. for Sup., 6877 (iv).

Govt. Loans B. 191 (Mr. Fielding) in Com. on Res., 6710 (iv).

Govt. Loans, Amounts and Date prior to 1913, Due, &c. (Ques.) 3654 (ii).

——— Loans of 1874, 4 per cent, Date of first Notice (Ques.) 3654 (ii).

——— Loans falling due prior to 1913 (Ques.) 3704 (ii).

Govt. Piers and Harbours Act Amt. B. 89 (Mr. Brodeur) in Com., 4429 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) on prop. Res., 4091; in Com., 5257, 5331; on M. for 3°, 5614 (amt.) 5616 (iii).

G.T.P. Ry., Total Expenditure to Feb., 1909 *re* Building and Equipment from Winnipeg to Moncton, Estimated Cost, &c. (Ques.) 3704 (ii).

G.T.R. Co., Prior Lien on Assets, Opinion of Law Officers of Crown (Ques.) 4228 (iii).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6117 (iv).

Insurance Act Amt. B. 97 (Mr. Fielding) in Com. on Res., 6699; in Com., 6705 (iv).

Insurance Bill, Inquiry *re* Legislation, 971, 1022 (i).

Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6729 (iv).

Lachute Mills Post Office, Cor. *re* (M. for copies*) 158 (i).

Loans: *See* 'Govt. Loans.'

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1038 (i); in Com., 5306 (iii).

Ottawa Assurance Co.'s (B. 139) 1°*, 4286 (iii).

Ottawa Buildings leased by Govt., Rental, Superficial Area, Taxes, &c. (Ques.) 1556 (i).

PERLEY, Mr. G. H.—*Con.*

Passover Bread, Higher Rate of Duty, Request *re* (Ques.) 3986 (ii).

Political Partizanship: *See* 'Govt. Employees.'

Royal Casualty and Surety Co.'s Bill (Mr. McLean) in Com., 2717 (ii).

Specie Reserve, Date of Last Inspection, &c. (Ques.) 869 (i).

SUPPLY—

Civil Govt.—Agriculture (salaries) 646; Indian Affairs (salaries) 973 (i).

Indians—Man. (St. Peters, removal) 3462 (ii).

Miscellaneous (unprovided items) 3466 (ii).

Post Office (miscellaneous, stamps) 3432 (ii).

Public Works—Buildings—Ottawa (lavatories) 1392; (peat testing) 1389; (steel fittings) 1391 (i).

Public Works—Buildings—Que. (Lachute) 1301 (i).

Railways—I.C.R. (Campbellton) 2951; P. E. I. (Harmony-Elmira) 2958; (Souris) 3419 (ii).

Tercentenary Postage Stamps, Total Amount *re* Sale (Ques.) 3654 (ii).

Thos. L. Smith, Patent Relief B. 71 (Mr. Bickerdike) on M. for 3°, 2950 (ii).

Timber Inspector, Salary, 973 (i).

Tuberculosis Congress, International, Delegates *re* (Ques.) 1186 (i).

Water Carriage of Goods Bill, Discussion *re* (remarks) 6846 (iv).

——— Remarks *re* placing on Govt. Orders, 6186 (iv).

PICKUP, Mr. S. W., *Annapolis.*

SUPPLY—

Public Works—Harbours and Rivers——N.S. (Annapolis ice piers) 2342 (ii).

PORTER, Mr. E. GUSS, *West Hastings.*

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 756 (i).

Belleville and Corbyville Collectors of Inland Revenue, Retirements, Apptmts, &c. Ques. 4893 (iii).

Belleville Drill Hall, Land Site, Officers' Quarters, &c. (Ques.) 673, 817 (i). *See* 'Hastings.'

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on M. (Mr. Henderson) to ref. back to Special Com., 5440 (iii).

Civil Service Act (letter carriers) Amt. B. 137 (Mr. Lemieux) in Com., 6327 (iv).

Extradition Act Amt. B. 149 (Mr. Aylesworth) in Com., 5242 (iii).

Govt. Piers and Harbours Act Amt. B. 89 (Mr. Brodeur) in Com., 4428 (iii).

G.T.P. Loan B. 128 (Mr. Fielding) in Com., 5254 (iii).

PORTER, Mr. E. Guss—*Con.*

Hastings Rifle Battalion, Quarters in Belleville Drill Hall (Ques.) 1076 (i).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., 5227 (iii).

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 743 (i).

Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1120 (i).

Railway Mail Clerks killed or injured, Number (Ques.) 3476 (ii).

Railways Two-Cent Fare, Refund by G. T. Ry. Co. (remarks) on M. for Sup., 2920 (ii).

Rural Mail Delivery in Prince Edward County, Establishment of (Ques.) 1077 (i).

Secret or Illicit Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1124, 1482 (i).

SUPPLY.

Arts, Agriculture and Statistics (Public Works Health Act) 811 (i).

Canals—Trent (construction) 1577; (Holland River) 1580 (i).

Interior (astronomical surveys) 6266 (iv).

Pensions (Fenian raid) 813 (i).

Public Works — Buildings—Ottawa (telephones) 1608 (i).

Yukon Govt. (administration salaries) 6272 (iv).

Trent Canal Fish Slides (remarks) 2672 (ii).

PRICE, Mr. Wm., *West Quebec.*

Canadian Northern Quebec Ry. Co.'s B. 38 (Mr. Dubeau) on Senate Amts., 4594 (iii).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3877 (ii).

Johnston, Capt., Repayment of Moneys from Str. 'Hestia' (remarks) in Com. of Sup., 6889 (iv).

SUPPLY.

Lighthouse and Coast Service (agencies, rents, &c.) 6880; (salaries) 6889 (iv).

Marine—Dredging (plant) 6886 (iv).

Marine—Public Works (piers on St. Lawrence) 6888; (St. Lawrence ship canal) 6877; (Sorel yard property) 6885 (iv).

Public Works—Buildings—B.C. (Victoria immigration) 2085 (ii).

Public Works—Buildings—Dom. (rents) 2453 (ii).

Public Works—Buildings—Ont. (Kingston, R. M. C.) 1383, 1511 (i).

Public Works—Harbours and Rivers—N.S. (generally) 2118; (South Lake, Lakevale) 2483 (ii).

Public Works—Harbours and Rivers—Que. (Lake St. Francis) 2554; (Lévis) 2094; (repairs) 2554; (St. Anne des Monts) 2906; (St. Charles) 2095; (Saguenay dredging) 2809; (Sorel) 2909 (ii).

PROULX, Mr. E., *Prescott.*

Security Life Insurance Co.'s (B. 188) in Com., 6781 (iv).

Submarine Co.'s Patent Relief (B. 77) 1°*, 1479 (i); in Com., 4538 (iii).

PROWSE, Mr. L. E., *Queens, P.E.I.*

SUPPLY.

Railways—P.E.I. (Charlottetown) 2960 (ii).

PUGSLEY, Hon. Wm. (Minister of Public Works) *St. John City and County.*

Allegash River, Diversion of Waters, on M. (Mr. Michaud) for Cor., 3084 (ii).

Assiniboine River, Straightening of (Ans.) 472 (i).

——— Cost per yard for Sept. and Oct. (Ans.) 1239 (i).

Belleville Drill Hall, Officers Quarters *re* (Ans.) 1076 (i).

Boat Harbour, Pictou Co., N.S., Total Expenditure, Completion, &c. (Ans.) 2817 (ii).

Boat Harbour, Skinner's Cove, Yearly Expenditure, Completion, &c. (Ans.) 2817 (ii).

Boivin, Ernest, Emplymt. by Govt. (Ans.) 2759 (ii).

Bonaventure Public Works, Expenditure prior to 1900 on M. (Mr. Lennox) for Ret., 174 (i).

——— on Inquiry for Ret., 1320 (i), 2218, 3004 (ii).

Canadian Economic Lubricant Co., Payments to since 1906 (Ans.) 177 (i).

Cariboo Breakwater, N.S., Expenditure *re* (Ans.) 2153 (ii).

Cassels' Report: *See* 'Investigations.'

Cedar Rapids Mfg. & Power Co.'s B. 94 (Mr. Boyer) in Com., 3404 (amt.) 3409; in Com., 3472; (amt.) 3605 (ii).

Charlottetown Post Office, Sidewalk Construction, Tenders *re* (Ans.) 4228 (iii).

Chesley Post Office, Amount of Vote, &c. (Ans.) 543 (i).

——— Site (remarks) in Com. of Sup., 1360 (i).

Chicoutimi Pulp Co., Sale of Booms (Ans.) 4222, 4891 (iii).

Chicoutimi Wharf, Expropriation of Land, &c. (Ans.) 4222 (iii).

Chilliwack Public Building, Negotiations *re* Site (Ans.) 1073 (i).

Civil Service Salaries, Classification *re* Schedules, &c., on M. for Sup., 2443 (ii).

——— Increases since April, 1908, Names, &c. (Ans.) 1069 (i).

See 'Public Works,' 'Supply,' &c.

Cobourg Harbour Expenditure, Amount of Expenditure for 1908 (Ans.) 3988 (ii).

Courtney Bay, Contracts *re* Dredging, &c. (remarks) in Com. of Sup., 2109 (ii).

See 'St. John,' &c.

Disraeli Wharf, Number of Vessels calling, &c. (Ans.) 2816 (ii).

Dredging Contracts in Ont. and Quebec, for 1907-1908, Renewals, &c. (Ans.) 3050 (ii).

PUGSLEY, Hon. Wm.—*Con.*

Dredging Contract, Recovery of Moneys from McAvity and Mayes, &c. (Ans.) 166 (i).

See 'Mayes,' &c.

Dredges, purchased by Public Works Dept., Tenders, &c. (Ans.) 146 (i).

Dry Docks, Construction under Subsidies Act, Negotiations *re* (Ans.) 478 (i).

Dry Docks Subsidies Act, Annual Expenditure (Ans.) 246 (i).

East Huron Public Works, Expenditure *re* (Ans.) 3477 (ii).

Eatonville Wharf, Expenditure *re* (Ans.) 4638 (iii).

Estimates, Passing of (remarks) 3204 (ii).

Flint Island Fog Alarm, Contract *re*, Wages, &c. (Ans.) 5637 (iii).

Fraser River, Flooding at Delta, Rep. of Mr. Coste, &c. (Ans.) 2587 (ii).

Georgian Bay Ship Canal Rep. (presented) 14 (i).

Girard, Mr. L. P., Emplymt. on Saguenay Dredging Works (stmnt.) in Com. of Sup., 2811 (ii).

Govt. owned Dredge working in N.S., Arrangements *re* Contract (Ans.) 2320 (ii).

Govt. Tenders, Opening and Receiving, on prop. Res. (Mr. Reid) 192, 232, 256 (i).

—— O.C. laid on Table, 171 (i).

See 'Investigations,' &c.

Grand Bend Dock, Approaches, &c. (Ans.) 2586 (ii).

G.T.R. Hotel on Major's Hill Park, Title *re* Land, &c. (Ans.) 147 (i).

Greenwood and Grand Forks Post Office Sites, Options *re* (Ans.) 814 (i).

Grenville-Hawkesbury Bridge, Aid to (Ans.) 1558 (i).

Halifax Customs House, Total Cost, Contracts, &c. (Ans.) 815 (i).

Halifax Post Office, Contract for Reconstruction, &c. (Ans.) 814 (i).

Harbours and Rivers, Piers, &c., Procedure *re* Construction (remarks) in Com. of Sup., 2513 (ii).

Harding, Mr.: *See* 'Investigations,' &c.

Hopper Scows, Construction of (Ans.) 1185

Honora Dock, Manitoulin, Construction, Dimensions, Exependiture, &c. (Ans.) 6408 (iv).

House of Commons, Allotment of New Rooms Instructions *re* (Ans.) 141, 466 (i).

—— Explanations *re* Answer, 170, 177 (i).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6098 (iv).

House of Commons Elevators, 2338 (ii).

—— New Wing, Amount expended for Deptl. Labour (Ans.) 2149 (ii).

See 'Roof Garden.'

PUGSLEY, Hon. Wm.—*Con.*

Icelander River Dredging, Cost of (Ans.) 347 (i).

Indian Point Dredging, Tenders *re*, Prices, &c. (Ans.) 1397 (i), 2763 (ii).

Inverness Harbour Improvements, Purchase of Land, &c. (Ans.) 4637 (ii).

—— Items of Expenditure *re* Vote of 1908-1909 (Ans.) 6404 (iv).

Investigations into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3899 (ii).

Jesus River Dredging, Amount expropriated, Contract, &c. (Ans.) 1069 (i).

Kingston Military Buildings, Correction of Figures (remarks) in Com. of Sup., 2539 (ii).

—— Excessive Expenditure (remarks) on M. for Sup., 2501 (ii).

—— Ques. of Order, 2498 (ii).

—— Tenders, Expenditure, &c. (Ans.) 546 (i).

See 'R. M. C.' &c.,

Kootenay and Arrowhead Ry Co.'s B. 80 (Mr. Geo. Taylor) in Com., 3606 (ii).

Lacas, Emile, Absence from Dept. for 1906-7-8, Pay, &c. (Ans.) 4635 (iii).

Lakefield Wharf (remarks) in Com. of Sup., 3332 (ii).

Lake Manitoba, Rep. *re* Lowering of Water, Pet. *re* (Ans.) 2593 (ii).

Lake Nipissing and Monetteville Canal, Expenditure *re* (Ans.) 1559 (i).

Lake Simcoe Waters, on Inquiry for Ret., 2773 (ii).

Latchford Dam on Montreal River, Contract *re* (Ans.) 543 (i).

—— Cor. with T. N. & O. Ry. Commission (remarks) 3320 (ii).

Levis Graving Dock, Insufficient Capacity, &c. (Ans.) 186 (i).

Lismore Wharf, Construction of, Unpaid Accounts, &c. (Ans.) 1079 (i).

Little Current, Dredging Depth, Amount expended, &c. (Ans.) 7073 (iv).

Little River Wharf, Amount expended, Estimated Cost, &c. (Ans.) 476 (i).

Loggie, W. S. Co., Payments to by Govt. (Ans.) 480 (i).

London and Northwestern Ry. Co.'s B. 102 (Mr. Beattie) in Com., 3846 (ii).

Magnetawan River Improvements, Amount expended, Estimated Cost, &c. (Ans.) 476 (i).

Manitoulin Island, Telephone or Telegraph System, Representations *re* (Ans.) 6407 (iv).

Marine and Fisheries Public Works Depts., Purchase of Supplies, &c. (Ans.) 141 (i).

PUGSLEY, Hon. Wm.—*Con.*

Maritime Dredging Co., Tender *re* St. John Harbour (Ans.) 6787 (iv).

Markham Post Office, Total Cost, &c. (Ans.) 6406 (iv).

Mayes Affidavit, Reading of Original, on Amt. (Mr. Daniel) to Com. of Sup., 4255, 4313; on Ques. of Order, 4257 (iii).

——— (explanation) 4297 (iii).

——— on Ques. of Order (Mr. Daniel) 4315 (iii).

Mayes-McAvity Dredging Contract (remarks) in debate on Govt. Tenders, &c., 205, 232, 256 (i).

——— Conditions, Recovery of Amount, &c. (Ans.) 1174 (i).

See 'Investigation,' 'St. John.'

Michipicoten River Wharf, Expenditure, Estimated Cost, &c. (Ans.) 338 (i).

Military Buildings, on M. (Mr. Edwards) for Original Tenders, 1922 (i).

Militia Expenditures by Public Works Dept. from 1896 to 1909 (Ans.) 2380 (ii).

Mission River Piers, Advertisement for Tenders (remarks) 6920 (iv).

Napanee River Dredging, Surveys, Cost, &c. (Ans.) 333 (i).

——— (remarks) in Com. of Sup., 2094 (ii).

National Art Gallery, Purchase of Pictures, &c. (Ans.) 6087 (iv).

Nation River Drainage, Rep. of Engineer *re* (Ans.) 1178 (i)

N.B. Central Ry. Commissioners Report, on Amt. (Mr. Crothers) to Com. of Sup., 5683 (iii).

——— Ques. of Order, 5658, 5680 (iii).

——— on Ques. of Order (Mr. Speaker) 5647 (iii).

——— Ques. of Priv., &c., 6058 (iv).

——— Rep., Printing, &c. (remarks) 4236 (iii).

New Liskeard Wharf, Construction of (remarks) in Com. of Sup., 2553 (ii).

Newspaper Advertising: *See* 'Whitby.'

New Westminster Dry Dock, Application *re* Govt. Aid (Ans.) 3048 (ii).

Niagara Falls, Amount of Overflow (Ans.) 1074 (i).

Nipigon River Dredging, Appropriations voted in 1908, Payments *re* (Ans.) 3653 (ii). 4223 (iii).

——— Estimated Quantity, &c. (Ans.) 5635 (iii).

'Northumberland,' Dredge, Number of Crew, Names, Emplymt., &c. (Ans.) 2815 (ii).

——— Names on Voters' Lists, on M. for Sup., 2403 (ii).

PUGSLEY, Hon. Wm.—*Con.*

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5970 (iv).

Oromocto Wharf, Total Cost, Completion, &c. (Ans.) 2319 (ii).

Oshawa Harbour, Acquisition by Govt. (Ans.) 1919 (i), 2373 (ii).

——— Expenditures, &c. (Ans.) 3046 (ii).

Otonabee River Dredging, Name of Contractor, Expenditure, &c. (Ans.) 3044 (ii).

——— Total Cost, &c. (Ans.) 4221 (iii).

Ottawa Buildings leased by Govt., Rentals, Superficial Area, Taxes, &c. (Ans.) 1558 (i).

——— Payment of Taxes (remarks) in Com. of Sup., 1610 (i).

Owen Sound Post Office, Original and present Cost, Plans, &c. (Ans.) 248 (i).

Panmure Island Wharf, Purchase of Right-of-way, &c. (Ans.) 6403 (iv).

Peat Fuel Testings, Memorandum of Dr. Haanel read in Com. of Sup., 1493 (i).

Peterborough West, Expenditure *re* Public Works (Ans.) 4637 (iii).

Pneumatic Tubes, Montreal, Quantity and Value of Purchase (Ans.) 1068 (i)

Pointe-aux-Trembles Wharf, Repairs to (Ans.) 1557 (i).

Port Arthur Harbour and Mission River Dredging, Contractors, Inspectors, &c. (Ans.) 5775 (iii).

Port Credit Dredging (remarks) in Com. of Sup., 3329 (ii).

Port Hood Breakwater, Expenditure *re* (Ans.) 4892 (iii).

Port Stanley Pier, Latest Date of Payments to Men (Ans.) 342 (i).

——— (remarks) 4048 (iii).

Public Works, Deptl. Rep. (presented) 464 (i).

——— Deptl. Salaries, O.C. *re* Increases (Ans.) 1074 (i).

——— Expenditure re Byng Inlet, &c. (Ans.) 1178 (i).

Public Works in Middlesex, Expenditure for twenty years (Ans.) 4228 (iii).

Public Works Expenditures, Promises during Elections (remarks) in Com. of Sup., 1357 (i).

——— Expenditure for South Wellington, last 20 years (Ans.) 3655 (ii).

Public Works Supplies, Notice to Agents *re* Purchases, laid on Table, 3650 (ii).

Queens and Sunbury Wharfs Construction, Estimated Cost (Ans.) 2320 (ii).

Quesnel Telegraph Station Supplies, Contract *re* (Ans.) 1919 (i).

Restaurant Com., 2nd Rep. of Com. (M.) 290. 401 (i).

——— Interim Com. (remarks) 402 (i).

PUGSLEY, Hon. Wm.—*Con.*

Returns, on Inquiry for, 2493, 2674, 3110 (ii).
'Richelieu,' Dredge, Removal of Captain (Ans.) 1185 (i).
Richelieu River, Improvement Office (Ans.) 1186 (i).
Roor Garden, New Wing, H. of C. (remarks) 7074 (iv).
R. M. C. Cottages, Cost, Specifications, &c. (Ans.) 1733 (i), 2319 (ii).
Royal Military College Stables, Cost, &c. (Ans.) 1732, 1733 (i).
See 'Kingston,' 'Veterinary,' &c.
Royal Mint, Fencing, O. C. *re* (read) in Com. of Sup.), 1356 (i).
St. Andrew's Lock, Bridge Approaches (Ans.) 2159 (ii).
—— Remarks in Com. of Sup., 3060 (ii).
St. Andrews Rapids Locks, Construction, Number of Employees, &c. (Ans.) 531 (i).
St. Anne de Bellevue Locks, Pet. *re* Dredging (Ans.) 3483 (ii).
St. John, N.B., Dredging, Apptmt. of Supt., &c. (Ans.) 5632 (iii).
—— Date of Beginning of Work, Contracts, &c. (Ans.) 2158 (ii).
—— Payments to G. S. Mayes (Ans.) 1181 (i).
—— Surveys, &c. (Ans.) 1918 (i).
—— on Inquiry for Ret., 3255 (ii).
See 'Courtney.'
St. Johns, P.Q., Richelieu River Improvements, Estimates, &c. (Ans.) 2817 (ii).
St. Joseph's Island Wharfs, Expenditure, &c. (Ans.) 337 (i), 2586 (ii).
St. Lawrence Channel, Amount expended, Continuation of Work (Ans.) 2151 (ii).
St. Williams Landing Pier (remarks) in Com of Sup., 3332 (ii).
Saguenay River Boom, Construction of by Govt. (Ans.) 4222 (iii).
Sandy Cove Breakwater, Amounts owing, Names, &c. (Ans.) 1419, 1728 (i).
Sea Bull Wharf, Amount expended, &c. (Ans.) 338 (i).
Selkirk Post Office, Estimated Cost, Tenders, &c. (Ans.) 348, 530 (i).
Shell River Bridge, Original Estimated Cost, &c. (Ans.) 529 (i).
Sherbroke Drill Hall, Contract *re*, &c. (Ans.) 3478 (ii).
Simcoe and Couchiching Lakes, Expenditure *re* Lowering Waters (Ans.) 543 (i).
Snag Boat at Selkirk, Total Cost (Ans.) 474 (i).
S. A. Patriotic Fund, Names of Beneficiaries (Ans.) 2157 (ii).
Spry Bay Govt. Wharf, Expenditure *re* (Ans.) 4895 (iii).

PUGSLEY, Hon. Wm.—*Con.*

Sturgeon Pier, Tenders, Contract *re* Raising (Ans.) 1241 (i).
Superior and Western Ontario Ry. Co.'s incorp. (B. 78) in Com., 3964 (ii).
SUPPLY—
Canals—Lachine (concrete walls) 1569 (i).
Civil Govt.—Civil Service Commission (salaries) 394; Public Works (contingencies) 3672 (ii); (salaries) 613 (i), 3665 (ii).
Fisheries (international fisheries commission) 3442; Miscellaneous (Cushing & Co.'s claims) 3451 (ii).
Public Works—Buildings—Alberta (Lethbridge) 1551 (i), (Strathcona) 3224 (ii).
Public Works—Buildings—B.C. (Chilliwack) 2090; (Nanaimo) 3224; (Prince Rupert quarantine) 2081; (Vancouver) 2082; (Vernon) 2075; (Victoria immigration) 2082 (ii).
Public Works—Buildings—Dom. (cattle quarantine stations) 1620; (engineers, &c.) 1619; (heating) 1613 (i), 3233 (ii); (lighting) 1616; (power) 1617; (rents) 1617 (i), 2075, 2452, 3673 (ii); (water) 1619 (i).
Public Works—Buildings—Generally (armouries) 1596; (experimental farms) 1598 (i).
Public Works—Buildings—Man. (Dauphin) 1543; (Winnipeg P.O.) 1549 (i).
Public Works—Buildings—N.B. (Grosse Isle) 3211; (Partridge Island, water service) 3206 (ii); (St. John drill hall) 1293 (i); (St. John hospital fitting) 3210 (ii).
Public Works—Buildings—N.S. (Amherst) 1282; (Bridgewater) 1283; (Glace Bay) 1287; (Guysborough) 1288; (Halifax) 1288; (New Glasgow) 1290; (Pictou) 1291; (Shelburne) 1291; (Westville) 1292 (i).
Public Works—Buildings—Ont. (Belleville armoury) 1356; (Cornwall) 1359; (Glencoe) 1361, 1366 (i); (Kingston artillery park) 3223 (ii); (Kingston R. M. C.) 1381, 1507, 1532 (i); (Kingston R.M.C.) in conc., 4049 (iii); (Kingston vet. hospital) 1534; (Leamington) 1386; (Markham) 1386; (Simcoe) 1392; (Toronto, barracks) 1505; (Toronto, drill hall) 1504; (Toronto, observatory) 1505; (Whitby) 1393, 1519, (i).
Public Works—Buildings—Ottawa (additional wing) 1253; (astronomical observatory) 617 (i), (clerk of works) 3225 (ii); (electric lighting) 1600 (i), 3226 (ii); (elevators) 1600 (i), 3228 (ii); (fittings) 1391; (furniture) 1605; (grounds) 1600 (i), 3225 (ii); (heating, &c.) 1601 (i); (House of Commons alterations) 3204 (ii); lavatories) 1392; (Major's Hill) 1601; (museum) 1275 (i), 3215 (ii); (new bldg.) 1250; (peat fuel testings) 1389, 1494; (Rideau Hall) 1604 (i), 3233 (ii); (Rideau Hall grounds) 1611; (Rideau Hall, heating) 1612; (Royal Mint) 1271 (i), 3205 (ii); (telephones) 1605 (i), 3229 (ii).
Public Works—Buildings—P.E.I. (Georgetown) 1232 (i).
Public Works—Buildings—Que. (Cookshire) 1293 (i); (detention hospital) 3221 (ii); (Joliette) 1294; (Knowlton) 1301; (Lachute) 1301 (i); (Montreal, examining

PUGSLEY, Hon. Wm.—*Con.*

SUPPLY—*Con.*

warehouse) 3211 (ii); (Montreal P.O., enlargement) 1317; (Montreal, postal station) 1503 (i); Quebec citadel) 3211 (ii); (Quebec) 1317; (St. Johns) 1317; (Sherbrooke, drill hall) 1317 (i), 3222 (ii); (Three Rivers) 1318 (i).

Public Works — Buildings—Sask. (Prince Albert) 1555 (i).

Public Works—Buildings—Yukon (commissioner's residence) 1592 (i); (Dawson) 3224 (ii); (rents, &c.) 1620 (i).

Public Works—Dredging—Dom. (generally) 6534 (iv); (vessels, repairs) 3338 (ii).

Public Works—Dredging—Mar. Provs. 6553 (iv); (plant) 3339 (ii).

Public Works—Dredging—Ont. (Wingfield) 3347 (ii).

Public Works—Dredging—P. E. I. (Souris) 6555 (iv).

Public Works—Harbours and Rivers—Alta (Old Man River) 3337 (ii).

Public Works—Harbours and Rivers—B. C. (Okanagan) 6544; (Quesnelle) 6544 (iv); (Victoria) 2102; (Lac du Bonnet) 2985; (Lake Dauphin) 2997; (Portage la Prairie) 3001, 3333; (repairs, &c.) 2985; (Roblin bridge) 2996; (St. Andrews rapids) 2097; (Winnipeg Beach) 2986 (ii).

Public Works—Harbours and Rivers—N. B. (Beaver Harbour) 1622; (Buctouche 1623; (Campbellton) 1625; (Campobello) 1646; (Cape Bald) 1625; (Cape Tormentine) 1625; (Cummings Cove) 1625 (i); (Dorchester) 3237 (ii); (Dover) 1625; (Harvey bank) 1626; (Heron island) 1626; (Kouchibougouac) 1626; (Lameque) 1626; (Leonardsville) 1626; (Mill's Point) 1626; (Moncton) 1627; (North Head) 1629; (Pink Rock) 1629; (Pointe du Chene) 1629; (Quaco) 1629; (Richibucto) 1629 (i), 3237 (ii); (Richibucto) conc., 4049 (iii); (St. Andrews) 1645 (i); (St. John) 2109 (ii); (St. John harbour) 1645; (St. John surveys) 1641 (i); (St. John, tidal waters) 3238 (ii); (St. John, tributaries) 1633; (Seal Cove) 1645; (Shippegan) 1645; (Whitehead wharf) 1646 (i).

Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2338; (Arisaig) 3233; (Avonport pier) 2453; (Baddeck) 2453; (Bailey's Brook) 3234; (Bay St. Lawrence) 2455; (Big Bras d'Or) 2455; (Blue Rocks) 2455; (Breton Cove) 2456; (bridges) 2474; (Cheverie) 2456; (Church Point) 2457; (Clark's harbour) 2462; (Cow Bay) 2463; (Digby) 2473; (Glace Bay) 3234; (Grand Etang) 3234; (Little Narrows) 2477; (Little River) 3234; (Middle River) 2477; (Minasville) 2479; (Port Hastings) 2479 (ii); (Port Hood) 6543 (iv); (Portuguese Cove) 2480, 3234 (ii); (repairs, &c.) 6543 (iv); (Sandy Cove) 2475, 3235; (Scotch Cove) 3234; (South Lake, Lakevale) 2480, 3235; (Spry Bay) 2474; (Tangier) 2484; (Upper Prospect) 3235; (Wallace bridge) 2484; (Yarmouth) 2484 (ii).

Public Works—Harbours and Rivers—Ont. (Blanche River) 2966; (Blind River) 3292; (bridges, repairs) 2968; (Brighton) 3314; (Burlington channel) 2966; (Cobourg) 2967; (Collingwood) 3294; (Goderich piers) 2968; (Gravenhurst) 2981; (Lake Nipissing) 3308; (Latchford dam) 3320; (Little Current) 2973, 3302; (McGregor's Creek) 2975; (Magnetawan) 2982; (Meaford) 2984, 3313; (Montreal river) 2975 (ii); (Newcastle) 6544 (iv); (Owen Sound) 3315; (Petewawa) 3308; (Port Arthur, &c.) 2092; (Port Stanley) 2977; (Richard's Landing) 2978; (Rondeau) 2979; (St. Lawrence channel, Kingston) 2979; (Sault Ste. Marie) 2980, 3317; (Silver Centre) 3317; (Southampton) 2980, 3317; (Spanish River, 3324; (Sydenham) 3324; (Tiffin) 2115; (Toronto) 2980, 3317; (Victoria) 2117; (Wolfe Island canal) 3304 (ii).

Public Works—Harbours and Rivers—P.E.I. (bridges) 2507; (creosoted timber) 2511; (Graham's Pond) 2507; (Naufrage pond) 2512, 2508; (Sturgeon pier) 2510; (Tignish) 2510; (Vernon) 2511 (ii).

Public Works—Harbours and Rivers—Que. (Anse à l'Ilot) 2513; (Anse à la Barbe) 2512; (Batiscan) 3274; (Bonaventure) 2559; (Bonaventure River) 3277; (Cap St. Ignace) 2522; (Chicoutimi) 2523; (Clarke City) 2526, 2540, 2887; (Doucet's Landing) 2543; (Douglastown) 2546; (Garthby) 2549; (Gaspé) 2550; (general repairs) 3243; (Lake St. Francis) 2554; (Lake St. John) 2556; (Laprairie ice piers) 2899 (ii); (Laprairie) 3287; (Lévis) 2094; (Magdalen Islands) 2557; (Mistook) 2557; (Nicolet) 3246; (repairs, &c.) 2554; (Richelieu) 2559; (Rimouski) 2558; (Rivière du Loup) 3284; (St. Alphonse de Bagotville) 2902; (Ste. Anne des Monts) 2906, 3287; (St. Charles river) 2095; (St. Francis du Lac) 3285; (St. Francis river) 2898; (St. Fulgence) 2906; (St. Jean des Chaillons) 2906; (St. Maurice) 2900; (St. Michel d'Yamaska) 3247, 3262; (St. Nicholas) 2908; (Saguenay) 3284; (Saguenay dredging) 2802, 2878; (Sorel) 2909, 3289; (Yamaska) 2900, 3291 (ii).

Public Works—Miscellaneous (Julien, Wm. compensation) 3349 (ii); (monuments) 6543 (iv).

Public Works—Telegraph Lines—B.C. (Kamloops) 3348 (ii).

Public Works—Telegraph Lines—Yukon (Ashcroft) 3349; (Ashcroft Dawson) 3349 (ii).

Public Works—Transportation Facilities (Poupore, W. J., claims) 3361 (ii).

Sussex St. Govtl. Buildings, Architect's Plans, &c., Ownership, &c. (Ans.) 4638 (iii).

Tatamagouche Bay Wharf, Expenditure for Oct. and Nov., &c. (Ans.) 185 (i).

Tenby Bay Wharf, Warehouse, Construction, &c. (Ans.) 340 (i).

Thessalon and Northern Ry. Co.'s B. 104 (Mr. Smyth) in Com., 6064 (iv).

Toronto Harbour Works, Delay *re* Payments to Men, &c. (Ans.) 544 (i).

Toronto, New Post Office, Delay in Construction (Ans.) 336 (i).

Transportation Problem (remarks) in Com. of Sup., 2891 (ii).

PUGSLEY, Hon. Wm.—*Con.*

Uxbridge Post Office, Option on Sites, &c. (Ans.) 181, 1731 (i), 6091 (iv).

Tenders: See 'Govt.,' &c.

Veterinary Hospital at Kingston, Dimensions, Contracts, &c. (Ans.) 2150 (ii).

Victoria Harbour, B.C. Improvements (remarks) in Com. of Eup., 2105 (ii).

Wallace Bridge Wharf, Contracts *re* Construction (Ans.) 1916 (i).

Welland, Expenditure *re* Public Works (Ans.) 3990 (ii).

Westport Landing Pier (remarks) in Com. of Sup., 2458 (ii).

——— Amount expended, Estimated Cost, &c. (Ans.) 476 (i).

Westville Post Office, Area of Concrete Walks (Ans.) 6086 (iv)

——— Contract Price, Inspectors, &c. (Ans.) 2755 (ii).

Weymouth River Bridge (remarks) in Com. of Sup., 2362 (ii).

Wharfs, B.C., on Inquiry for Ret., 3004 (ii).

Wharfs on Inland Waters (remarks) in Com. of Sup., 3331 (ii).

Wharfs between Longue-Pointe and Pointe-aux-Trembles (Ans.) 1069 (i).

Wharfs in N.S., N.B., and B.C., Amount expended since 1906 (Ans.) 348 (i).

Wharfs in Queens and Sunbury, Tenders called for in Oct., Estimated Cost, &c. (Ans). 2375 (ii).

Wharfs at St. Zotique, Amounts expended (Ans.) 1401 (i).

Whitby Harbour, Acquisition by Govt. Negotiations *re* (Ans.) 2372 (ii).

Whitby, &c., Public Buildings, Advertisements *re*, List of Papers (read) in Com. of Sup., 1514 (i).

Windsor, N.S., Post Office, Tenders *re* renovating (Ans.) 4289 (iii).

Wingham Post Office Clock, &c. (Ans.) 4637 (iii).

Winnipeg Beach Pier, Removal of Obstructions in Manitou Rapids (Ans.) 335 (i).

Wolfe Island Canal, Maintenance by Govt., &c. (Ans.) 3043 (ii).

RANKIN, Mr. J. P., *North Perth.*

Franklin Montgomery Gray, Patent Relief (B. 132) 1°*, 4221; in Com., 4883, 5028 (iii).

REID, Mr. J. D., *Grenville.*

Agricultural Fertiliers B. 110 (Mr. Templeman) on M. for 1°, 2910 (ii).

Belleville Drill Hall (remarks) *re* Answer to Question, 674 (i).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on M. (Mr. Henderson) to ref. back to Special Com. 5442 (iii).

REID, Mr. J. D.—*Con.*

C.P.R. Stock Issue (remarks) on M. for Sup., 786 (i).

Civil Service Salaries, in Com. on Res., 407 (i).

Commercial Feed Stuffs B. 127 (Mr. Templeman) on M. for 1°, 3937 (ii); in Com., 5211 (iii).

Criminal Code Amt. B. 148 (Mr. Aylesworth) on M. for 1°, 4633 (iii).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1655 (i).

Govt. Employees, Interference at Elections (remarks) in Com. of Sup., 6870 (iv).

Govt. Railways Act (compensation) B. 20 (Mr. Graham) in Com., 780 (i).

Govt. Tenders, Opening and Receiving (prop. Res.) 188 (i).

——— Notice of, 170.

House of Commons Elevator, Repairing and Running (remarks) 2337 (ii).

Montreal Terminal Ry. Co.'s B. 48 (Mr. Geoffrion) on M. for 2°, 1147 (i).

Ontario and Michigan Power Co.'s B. 34 (Mr. Conmee) in Com., 4494, 4530 (iii).

Passenger Ticket Act Amt. (B. 2) 1°*, 91; 2° m., 550 (i).

Preston, W. T. R., Protest from Japan *re* Statements, &c. (Ques.) 186 (i)

——— Transfer to Holland (remarks) in Com of Sup., 6657 (iv).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6200; in Com., 6293 (iv).

Southern Central Pacific Ry. Co.'s B. 36 (Mr. W. McIntyre) on M. for 2°, 778 (i).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4538 (iii).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3968 (ii).

SUPPLY—

Adulteration of Food, (fraudulent marking) 456 (i).

Arts, Agriculture, &c. (archives) 689; (census, &c.) 696; (exhibitions) 729 (i); (live stock industry) 5834 (iii), (Patent Record) 696; (Public Works Health Act) 810 (i).

Canals—Beauharnois (water-power), 1910 (i).

Canals—Chambly (St. John's harbour) 1571; (surveys) 1910 (i).

Canals—Lachine (basin No. 2) 1910; (cement) 1567; (wharfs and basins) 786;

Canals—St. Lawrence (district office) 1572; (Galops collector) 1574 (i).

Canals—Soulanges (slope trimmings) 1569 (i).

Canals—Trent (Holland River) 1578 (i).

Canal—Welland (electric plant) 1903; (Port Colborne) 1903 (i).

Civil Govt.—Customs (board of customs) 585; (contingencies) 602 (i).

Civil Govt.—Inland Revenue (salaries) 445 (i).

REID, Mr. J. D.—*Con.*

SUPPLY—*Con.*

Civil Govt.—Post Office (salaries) 613, 720 (i).
Civil Govt.—Public Works (salaries) 3671
Civil Govt.—Railways and Canals (salaries) 461 (i).
Civil Govt.—Sec. of State (contingencies) 461; (salaries) 459 (i).
Civil Service Commission (salaries) 392, 705 (i).
Customs—Miscellaneous (printing and stationery) 609; Outside Service (salaries 608 (i).
Lighthouse and Coast Service (buoy steamer) 6910 (iv).
Mail Subsidies and SS Subventions (contingent fund) 6655 (iv).
Marine—Public Works—(St. Lawrence ship canal) 6878 (iv).
Militia (gratuities) 2313 (ii); (supplies) 6662 (iv); (warlike stores) 2317 (ii).
Miscellaneous (patent medicines) 458 (i).
Northwest Mounted Police (force) 3660 (ii).
Ocean and River Service (Govt. steamers) 6670; (ice-breaker, Northumberland Straits) 6673; (life saving rewards) 6675; (patrol boats) 6682; (wrecking plant) 6681; (wrecks investigations) 6679 (iv).
Penitentiaries—(supplies) 899; St. Vincent de Paul (supplies) 915 (i).
Printing and Stationery (salaries) 804 (i).
Public Works—Buildings—Dom. (heating) 1614; (rents) 1618 (i).
Public Works—Buildings—Ont. (Whitby) 1521 (i).
Public Works—Buildings—Ottawa (astronomical observatory) 618 (i); (museum) 3215 (ii); (new bldgs.) 1252; (telephones) 1605 (i).
Public Works—Buildings—Que. (detention hospital) 3221; (Quebec citadel) 3213 (ii).
Public Works—Buildings—Yukon, (rents, &c.) 1620 (i).
Public Works—Dredging—Dom. (vessels) 3338 (ii).
Public Works—Harbours and Rivers—Man. (Portage la Prairie) 3333 (ii).
Public Works—Harbours and Rivers—N.S. (Yarmouth) 2485 (ii).
Public Works—Harbours and Rivers—Ont. (Spanish River) 3329; (Toronto) 3320; (Wolfe Island) 3305 (ii).
Public Works—Harbours and Rivers—Que. (Clarke City) 2528, 2541; (Nicolet) 3246; (Saguenay dredging) 2810; (St. Helen's Island) 3245; (St. Michel d'Yamaska) 3247 (ii).
Trade and Commerce (Chinese administration) 6655; (commercial agencies) 6657 (iv).
Weights and Measures (electric light inspection) 452; (Intercolonial Bureau) 455 (i).

Tompkins Hannah Ella, Relief (B. 135) 1°*, 4411 (iii).

RHODES, Mr. E. N., *Cumberland.*

Boat Harbour, Pictou Co., N.S., Total Expenditure, Completion, &c. (Ques.) 2318 (ii).
Eatonville Wharf, Expenditures *re* (Ques.) 4038 (iii).

RHODES, Mr. E. N.—*Con.*

Falconer, Mr. R. S., Emplymt. by Govt., Payments to, &c. (Ques.) 332 (i).
Fort Cumberland Land, Govt. Ownership, Sale, &c. (Ques.) 3481 (ii).
Guysborough County Public Works, Expenditure of Votes, &c. (Ques.) 819 (i).
Indians, Medical Attendance (remarks) in Com. of Sup., 1169 (i).
Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6797 (iv).
I. C. R., Claims for Damages by persons in N. S., Settlement, &c. (M. for ret.*) 3054 (ii).
—— Claims for Damages, Settlement of between June and Dec. 1908 (Ques.) 2157 (ii)
—— Double Tracking, Survey *re* at Amherst, &c. (Ques.) 529 (i).
Lismore Wharf, Construction, Unpaid Accounts, &c. (Ques.) 1079 (i).
McKenzie, Calvin, Employt. on I.C.R., Pay, &c. (Ques.) 2152 (ii).
Malagash, N.S., Mail Contract, Expiry of, Tenders *re* (Ques.) 5639 (iii).
'Minto' and 'Stanley' Strs., Officers off duty on 12th to 17th Feb. 1909, &c. (Ques.) 1975 (i).
Nappan Experimental Farm, Names of Employees, Rate of Pay, &c. (Ques.) 5640 (iii).
'Northumberland' Dredge, Men on Voters' Lists (remarks) on M. for Sup., 2403 (ii).
—— Number of Crew, Names, Emplymt., &c. (Ques.) 2815 (ii).
Pictou County Fishery Overseers, Prosecutions in Salmon Illegal Fishing (Ques.) 5632 (iii).

SUPPLY.

Civil Govt.—Labour Dept. (Labour Gazette) 652 (i).
Indians—N.S. (medical attendance) 998 (i).
Labour Dept. (industrial disputes) 658 (i).
Penitentiaries—Dorchester (electric lighting) 884 (i).
Public Works—Harbours and Rivers—N.B. (St. John) 2115 (ii).
Public Works—Harbours and Rivers—N.S. (Baddeck) 2454; (Big Bras d'Or) 2455; (Breton Cove) 2456; (bridges) 2474; (Cumberland) 2118; (Joggins Mines) 2477; (Little Narrows) 2477; (Portuguese Cove) 2480; (Wallace bridge) 2484 (ii).
Railways—I.C.R. (double tracking) 2753; (Loggieville) 2753 (ii).
Wallace Bridge Wharf, Contracts *re* Construction, &c. (Ques.) 1916 (i).

RIVET, Mr. L. A. A., *Hochelaga.*

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1867 (i).
Investigations into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3791 (ii).

RIVET, Mr. L. A. A.—*Con.*
Montreal Harbour Commissioners B. 154 (Mr. Brodeur) in Com., 6574 (iv).
Montreal Municipal Rights, Par. in 'La Presse' (remarks) 1648 (i).
Royal Guardians (B. 95) M. to consider, 7071 (iv).
Washington R. McCloy, Patent Relief (B 169) 1°*, 5623 (iii).

ROBB, Mr. J. A., *Huntingdon.*
Bills of Lading, Jurisdiction by Ry. Commission (Ques.) 1179 (i).
Foot and Mouth Disease, Present Condition Embargo, &c. (Ques.) 334 (i).
Govt. Employees, Interference at Elections (remarks) on M. for Sup., 6870 (iv).
Hungry Bay Dyke, Repairs, &c. (Ques.) 349 (i).
Insurance Act Amt. B. 97 (Mr. Fielding) in Com., 6811 (iv).
SUPPLY—
Militia (salaries) 2305 (ii).

ROCHE, Mr. W. J., *Marquette.*
Birtle Hospital, Attendance of Dr. Wright *re* Indians (remarks) in Com. of Sup., 1010 (i).
Canadian Medical Association incorp. (B. 134) 1°*, 4221; in Com., 4840 (iii).
Manitoba Boundaries, Legislation *re* (Ques.) 3479 (ii).
—— Memorial *re* (read) 2235 (ii).
——Settlement re Delimitation, &c. (Ques.) 530 (i).
Man. Judicial District, Apptmt. of Judge (Ques.) 341 (i).
Makaroff Postmaster, Salary, &c. (remarks) in Com. of Sup., 1703 (i).
Manitoba Post Office Transfers since Nov. 1908, Names of former Postmasters, &c. (Ques.) 1414 (i).
—— (M. for ret.*) 1922 (i).
Pope Post Office, Pet. *re* (remarks) in Com. of Sup., 1713 (i).
Riding Mountain Timber Reserve, Compensation to Squatters, &c. (Ques.) 530 (i).
Shell River Bridge, Original Estimated Cost, &c. (Ques.) 529 (i).
SUPPLY—
Arts, Agriculture, &c. (census, &c.) 697 (i).
Civil Govt.—Finance (salaries) 385 (i).
Indians—Generally (destitute, &c.) 1010; (general expenses) 1016; (schools) 1015 (i).
Indians—Man. (annuities) 1002; (live stock) 1005; (seed grain) 1004; (surveys) 1015 (i).
Indians—Ont. and Que. (schools) 979 (i).
Militia (annual drill) 3422 (ii).
Miscellaneous (litigation) 1172 (i); (seed grain) 3465 (ii).
Public Works—Buildings—Man. (Dauphin) 1546; (Winnipeg P.O.) 1549 (i).

ROCHE, Mr. W. J.—*Con.*
SUPPLY—*Con.*
Public Works—Buildings—Sask. (Prince Albert) 1555 (i).
Public Works—Harbours and Rivers—Man. (Portage la Prairie) 3001; (repairs) 2985; (Roblin bridge) 2995; (St. Andrews rapids) 2108 (ii).
Telephone Rates in Canada, Control of, on prop. Res. (Mr. Lennox) 1761 (i).

ROSS, Mr. J. A., *Rimouski.*
La Compagnie du chemin de fer International de Rimouski incorp. (B. 50) 1°*, 738 (i).

ROY, Mr. C., *Montmagny.*
Can. Life Assurance Co.'s B. 56 (Mr. A. H. Clarke) in Com., 6020 (iv).
Cap St. Ignace, I.C.R. Tank, Cor. *re* Construction (M. for copies*) 3992 (ii).
Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 859 (i).
I.C.R., St. Ignace Station, Requests *re* Construction (Ques.) 3476 (ii).
—— Construction, &c. (M. for pets.*) 3992 (ii).
Investigations into Deptl. Expenditures, by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3890 (ii).
Laberge, Alphonse, Lease with Govt. (M. for copies) 3992 (ii).

ROY, Mr. E., *Dorchester.*
Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 2860 (ii).
Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 222 (i).
Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3547 (ii)

RUSSELL, Mr. J., *East Toronto.*
Immigrants, Destitute, Par. in Toronto 'Telegram' (remarks) 2335 (ii).
Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com. on Res., 4240 (iii); in Com., 6316 (iv).

RUTAN, Mr. W. W., *Prince Albert.*
C.P. Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com., 3039; (amt.) 3040, 3151 (ii).
Deferred Elections, on prop. Res. (Mr. Burrell) 2848 (ii).
Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3950 (ii); on Sen. Amts., 6079 (iv).

SCHAFFNER, Mr. F. L., *Souris.*
American Immigration Agents, Duties, &c. (remarks) 2243 (ii).
Budget, The (remarks) 4968 (iii).

SCHAFFNER, Mr. F. L.—*Con.*
Civil Service Salaries, in Com. on Res., 410 (i).
Coal Oil Explosions, Evidence, Reps. *re* Explosions in Man. (M. for copies*) 1421 (i).
—— Investigation as to Deaths, &c. (Ques.) 1056 (i).
Elevators at Fort William and Port Arthur, Govt. Operation (prop. res.) 3993 (ii).
Govt. Railways Act (compensation) Amt. B. 20 (Mr. Graham) in Com., 775 (i).
Highways, Removal of Planks, Instructions from Ry. Commissioners (remarks) 1022 (i).
King, Mr. Mackenzie, Total Amount paid to *re* Absence in China, &c. (Ques.) 6406 (iv).
Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6737 (iv).
Railway Act (fires) Amt. B. 7 (Mr. Clarke) on M. for 2°, 377 (i).
Railway Commission Vacancy, Apptmt. of Practical Farmer, &c., on prop. Res. (Mr. Staples) 2630 (ii).
Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2801 (ii).
Souris Postmaster, Dismissal of, &c. (remarks) on M. for Sup., 6847 (iv).
—— Investigation *re* (Ques.) 1915 (i).
SUPPLY—
Arts, Agriculture, &c. (exhibitions) 727 (i).
Civil Service Commission (salaries) 390, 708 (i).
Immigration (deportations) 7022 (iv).
Public Works—Buildings—N.S. (Amherst) 1282; (Bridgewater) 1285; (Shelburne) 1291 (i).
Public Works—Buildings—Ottawa (museum) 1278; (Royal Mint) 1274 (i).
Turtle Mountain Squatters, Removal, Compensation, &c. (Ques.) 1417 (i).
Winnipeg and Northwestern Ry. Co.'s B. 29 Mr. McCraney) in Com., 2134 (ii).

SCHELL, Mr. M. S., *South Oxford.*
Fruit Marks Act, Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3393 (ii).
Ry. Commission Vacancy, Apptmt. of Practical Farmer, on prop. Res. (Mr. Staples) 2661 (ii).
Tilsonburg, Lake Erie and Pacific Ry. Co.'s (B. 41) 1°*, 626 (i).
Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4211 (iii).

SEALEY, Mr. W. O., *Wentworth.*
Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1694 (i).
Fruit Marks Act, Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3402 (ii).

SEALEY, Mr. W. O.—*Con.*
Geodetic Survey Bureau Establishment, on M. (Mr. Maclean) for Cor., 3070 (ii).
Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 278 (i).
SUPPLY—
Arts, Agriculture, &c. (cold storage) 3190 (ii); (Year Book) 705 (i).
Civil Govt.—Mines (salaries) 3681 (ii).
Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4171 (iii).

SEGUIN, Mr. P. A., *L'Assomption.*
Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3931 (ii).
Patent Medicines Act, Apptmt. of Analysts, Salaries, &c. (Ques.) 3476 (ii).

SEXSMITH, Mr. J. A., *East Peterborough.*
Adulteration Act Amt. (B. 100) 1° m., 2217 (ii).
Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4448 (iii).
Birdsall, Landing Wharf, Rice Lake, Cost of, Contract *re* (Ques.) 825 (i).
Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5208 (iii).
Lakefield Wharf, Amount of Expenditure, Completion, &c. (Ques.) 1063 (i).
—— (remarks) in Com. of Sup., 3332 (ii).
Otonabee River Floods, Payments to Property Owners re Damages (M. for ret.*) 1190 (i).
Railway Act Amt. B. 106 (Mr. Graham) in Com., 6228 (iv).
Stellarton Station, I. C. R., Area of Concrete Walks, &c. (Ques.) 5630 (iii).
Stony Lake Property, Damage *re* Floods (Ques.) 825 (i).
Stony Lake Property Owners, Payments *re* Damages by Floods (M. for ret.*) 1190 (i).
—— Wharfs, Number, Cost, &c. (Ques.) 1064 (i).
SUPPLY—
Arts, Agriculture, &c. (cold storage) 3190 (ii); (experimental farm) 5950 (iv); (experimental farm, electric ry.) 3193 (ii); (International Institute) 5883; (live stock industry) 5878 (iii).
Canals—Trent (construction) 3183 (ii).
Immigration (agents, &c.) 7032 (iv).
Post Office (rural mails) 3124 (ii).
Trent Valley Canal Land Damages, Amounts paid *re*, &c. (Ques.) 4641 (iii).
Watson, R. J., Emplymt. by Govt. (Ques.) 2158 (ii)
Westville Post Office, Area of Concrete Walks &c. (Ques.) 6085 (iv).

SHARPE, Mr. S., *North Ontario.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4458, 5203 (iii).

Armouries supplied by Officers, Policy of Govt., &c. (Ques.) 824 (i).

Bank Act (unclaimed balances) Amt. (B. 155) 1° m., 4801 (iii).

Buell, Mr., Emplymt. by Govt. before Ry. Commission (Ques.) 3252 (ii).

——— (remarks) 3002 (ii).

Buildings, Public, erected. Names of Villages, Cost of Maintenance, &c. (M. for ret.*) 3055 (ii).

Campbell, Bush., Emplymt. on Trent Canal (Ques.) 1066 (i).

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4442 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 2573 (ii). 6053 (iv).

——— in Com., 3018; Ques. of Order, 3019 (ii).

——— on M. to ref. back to Com., on Standing Orders, 3041 (ii).

——— on Order for Com. (M.) to ref. back to Com. on Banking, &c., 4164 (iii).

——— on M. (Mr. Henderson) to ref. back to Com., 5443 (iii).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 2058 (ii).

Cattle Guards at Ry. Crossings, Complaints *re* (Ques.) 1724 (i).

Cattle Guards at Ry. Crossings, Complaints to erect, &c. (Ques.) 680, 1409 (i).

Cement Contract to W. G. Hartsanft Cement Co., Quantity, Price, &c. (Ques.) 3985 (ii).

Chartered Banks, Unpaid Balances for five years, &c. (Ques.) 2592 (ii).

See 'Bank Act.'

Civil Service Act, Apntmt. of Officials in 1908, Names, Salaries, &c. (M. for ret.*) 827 (i).

Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5207 (iii).

Foot and Mouth Disease, Precautionary Measures *re* Prevention, Apptmt. of Officials, &c. (M. for ret.*) 521 (i).

Franco-Canadian Treaty, Minimum Tariff on Farm Products (Ques.) 5158 (iii).

Govt. Loans, Expenditure *re* Commissions, &c. (M. for ret.*) 2161 (ii).

——— (Ques.) 1724 (i).

Govt. Savings Banks, Deposits for Oct. 1889, 1896-7-8, Number of Officials, &c. (M. for ret.*) 1924 (i).

——— (Ques.) 1723 (i).

G.T.P., Tenders for Ties *re* N.T. Ry., Advertisements for Tenders, &c. (Ques.) 6091 (iv)

SHARPE, Mr. S.—*Con.*

Holland River Canal, Deputation *re* Construction, Rep. of Engineers, &c. (Ques.) 2153 (ii).

Indians, Medical Relief (remarks) in Com. of Sup., 1169 (i).

Investigations into Deptl. Expenditures by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3774 (ii).

Lakes Simcoe and Couchiching, Lowering of Waters, Expenditures, &c. (M. for ret.*) 685 (i).

——— Inquiry for Ret., 2773 (ii).

See 'Simcoe.'

Loans by Govt., Expenses *re* (Ques.) 1921 (i).

Loan Returns, Expenditures, &c. (remarks) 4124 (iii).

See 'Govt. Loans.'

Marine and Fisheries, Deptl. Supplies, Purchases since Investigation (Ques.) 472 (ii).

Marine Supplies, Amounts paid *re* by Departments of Govt. to Companies, &c. (M. for ret.*) 2597 (ii).

——— (Ques.) 3044 (ii).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3121 (ii).

North and South Ontario Election Expenses, Amounts paid, &c. (Ques.) 2587 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5383 (iii), 5968 (iv).

Plank, Mr. M. W., Emplymt. by Govt., Salary, &c. (Ques.) 3252 (ii).

Post Office and Dom. Govt. Savings Banks, Distinction *re* (Ques.) 4897 (iii).

Post Office Savings Banks, Rate of Interest on Deposits, &c. (Ques.) 1067 (i).

Rama Indians, Trust Funds, Amount held by Govt., &c. (Ques.) 543 (i).

——— Expenditures on Roads and Bridges (Ques.) 677 (i).

Savings Deposits and Loans, 3 per cent, &c., Amounts, &c. (Ques.) 679 (i).

Simcoe and Couchiching Lakes, Expenditure *re* Lowering Waters (Ques.) 543 (i).

See 'Lakes.'

S. A. Bounty Act, Regulations *re* (remarks) 2234 (ii).

SUPPLY—

Arts, Agriculture, &c. (census) 700; (exhibitions) 733 (i).

Canals—Lachine (cement) 801 (i).

Canals—Trent (construction) 1577 (i); 2074, 3179 (ii); (Holland River) 1578, 1587, 1887 (i).

Civil Govt.—Agriculture (salaries) 647 (i).

Civil Govt.—Civil Service Commission (salaries) 706 (i).

Civil Govt.—Customs (Board of Customs) 587; (contingencies) 593 (i).

SHARPE, Mr. S.—*Con.*

SUPPLY—*Con.*

Civil Govt.—Post Office (salaries) 721 (i).
Civil Govt.—Public Works (salaries) 616 (i).
Indians—Generally (inspectors) 1162; Ont. (legal expenses) 996 (i).
Labour Dept. (industrial disputes) 655 (i).
Miscellaneous (litigation) 1172 (i).
Penitentiaries—Generally (supplies) 892 (i).
Public Works—Buildings—N. S. (New Glasgow) 1291; (Westville) 1292 (i).
Public Works—Buildings—Ont. (Cornwall) 1359; (Glencoe) 1361, 1366; (Kingston Vet. Hospital) 1534; (Whitby) 1522 (i).
Public Works—Buildings—Ottawa (astronomical observatory) 618; (Royal Mint) 1280 (i).
Public Works—Buildings—Que. (Joliette) 1294 (i)
Public Works—Harbours and Rivers—Ont. (Lake Nipissing) 3309; (Sault Ste. Marie) 3317; (Silver Centre) 3317; (Sydenham) 3324 (ii).
Railways— G. T. P. (Quebec Bridge) 2052 (ii).
Railways—I.C.R. (Moncton cut-off) 2925 (ii).
Railways—Ry. Commission (litigation) 2057, 2068 (ii).

Uxbridge Post Office, Options *re* Sites, &c. (Ques.) 181, 1731 (i), 6091 (iv).

Wallberg's Claims *re* moneys due him, Fiat &c. (Ques.) 3989 (ii).

SHARPE, Mr. W. H., *Lisgar.*

Budget, The, 4794 (iii).
——— Ques. of Order, 4958 (iii).
——— Remarks, 5062 (iii).
English Oats, Number of Bushels, Purchase Prices paid (M. for ret.*) 1734 (i).
Fisheries in Pembina River, Regulations or Agreements with U.S., Cor., O.Cs., &c. (M. for copies*) 548 (i).
Gretna Quarantine Buildings, Total Cost, Price of Land, &c. (Ques.) 824 (i).
Prince Albert and Hudson Bay Ry. Co.'s incorp. B. 62 (Mr. Neely) in Com., 2535 (ii).
Seed Oats purchased for Alberta and Sask., Complaints *re* (Ques.) 1420 (i).
Seed Wheat, Number of Bushels purchased, Price paid, &c. (M. for ret.*) 1734 (i).
——— (Ques.) 1419 (i).
South African Land Grants, Changes *re* Regulations as to residence, &c. (Ques.) 541 (i).
Swan Lake Indian Reserve, Surrender of Land (remarks) in Com. of Sup., 1010 (i).

SUPPLY—
Arts, Agriculture, &c. (experimental farms) 5956 (iv).
Civil Service Commission (salaries) 710 (i).
Penitentiaries—Stony Mountain (supplies) 923 (i).

SHARPE, Mr. W. H.—*Con.*

SUPPLY—*Con.*

Public Works—Buildings—Man. (Winnipeg P. O.) 1550 (i).
Railways—Hudson Bay (surveys) 2965 (ii).

SIFTON, Hon. C., *Brandon.*

Corporations' Securities, Total Amounts deposited with Govt. (Ques.) 247 (i).
Forests, Waterways and Water-Powers, 3rd rep. (M.) to conc., 6919 (iv).
G.T.P. Ry., Number of Employees, Nationality, &c. (Ques.) 249 (i), 3042 (ii).

SINCLAIR, Mr. J. H., *Guysborough.*

Agriculture and Colonization Com., Documents printed and distributed, Number of (M. for ret.*) 1191 (i).
Canadian Imports, Percentage entering Can. in 1908, &c. (Ques.) 1728 (i).
Fisheries Development, Apptmt. of Sel. Com. (prop. res.) 483 (i).
Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6172 (iv).
I.C.R., Branch Lines, Extension, &c., on prop. Res. (Mr. Emmerson) 2193 (ii).
——— East Bound Traffic, Percentage, &c. (Ques.) 528 (i).
Lobster Packing Licenses granted in N.S. for 1908, Name and Address, &c. (Ques.) 328 (i).
N.S. Weekly Mail Service, Number of (Ques.) 1731 (i).
Shipping Drawbacks, Amounts paid from 1898 to 1908 (Ques.) 167 (i).

SMITH, Mr. A. W., *North Middlesex.*

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4153, 4194 (iii).

SMITH, Mr. R., *Nanaimo.*

Address, The, 94 (i).
——— Ques. of Order, 134 (i).
Budget, The, 4727 (iii).
Burrard, Westminster Boundary Ry. and Nav. Co.'s (B. 61) 1°*, 1116 (i).
Cooperative Societies, on M. for Sup., 2333 (ii).
Deferred Elections, on prop. Res. (Mr. Burrell) to M. for Sup., 2855 (ii).
Deptl. Payments to Companies *re* Marine and Other Supplies (Ques.) 2322 (ii).
Fishery Cruisers, Number owned by Govt., &c. (Ques.) 2769 (ii).
Fisheries Cruiser for Pacific Coast, Tenders, Completion, &c. (Ques.) 2155 (ii).
New Westminster Penitentiary, Warden from 1876 to 1888, Escape of Prisoners, &c. (Ques.) 2769 (ii).
New Westminster Post Office (remarks) in Com. of Sup., 1710 (i).

SMITH, Mr. R.—*Con.*

Orientals in B. C. on Jan. 1, 1909, Number naturalized, &c. (Ques.) 1920 (i).

Ry. Act (hours of labour) Amt. (B. 72) 1°m., 1318 (i).

Vancouver, Westminster and Yukon Ry. Co.'s (B. 58) 1°*, 868 (i).

Victoria and Barkley Sound Ry. Co.'s incorp. (B. 59) 1°*, 868 (i); on Senate Amts., 4445 (iii).

SMYTH, Mr. Wm. R., *East Algoma.*

Fishery Licenses issued to Wikwinikong Indians, Representations *re* (Ques.) 6107 (iv)

Franking Privilege, Abuse of by Members (remarks) in Com. of Sup., 1705 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4128 (iii).

Honora Dock, Manitoulin, Construction, Dimensions, Expenditures, &c. (Ques.) 6408 (iv).

——Yearly Receipts, &c. (Ques.) 7072 (iv).

Howell, H. M., Payments to, Itemized Statement (M. for copy*) 3992 (ii).

Little Current Dredging, Depth, Amount expended, &c. (Ques.) 7072 (iv).

Manitoulin Island Telephone or Telegraph System, Representations *re* (Ques.) 6407 (iv).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 4531 (iii).

Rutherford Bay, Ownership of Islands, Settlement of, &c. (Ques.) 6408 (iv).

SUPPLY—

Indians—Ont. and Que. (schools) 985; (surveys) 990 (i).

Penitentiaries—Kingston (supplies) 887 (i).

Public Works—Harbours and Rivers—Ont. (Blind River) 3293; (Little Current) 2973; (Montreal river) 2975; (Richard's Landing) 2978; (Spanish River) 3325 (ii).

Thessalon and Northern Ry. Co.'s (B. 104) 1°*, 2318 (ii); in Com., 5483, 5574 (iii), 6062 (iv).

SPEAKER, Mr. (Hon. Charles Marcil) *Bonaventure.*

Address, The, Order, Ques. of (ruling) 134 (i).

Belleville Drill Hall (remarks) *re* answer to Question, 674 (i).

Bills, Assent to by Dep. Gov. (Mess. from Senate) 4119 (iii).

—— Com. from Gov. Gen.'s Sec. (read) 4122 (iii).

Bills, Procedure in absence of Promoters (remarks) 4145 (iii).

Budget, The, Members remarks checked, 4874 (iii).

—— on Personal Explanation (Mr. Cowan) Ques. of Order, 4756 (iii).

SPEAKER, Mr.—*Con.*

Budget, The, Ques. of Order (Mr. Campbell) 4957 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) on M. to ref. back to Com. on Banking and Commerce, 3041 (ii).

—— on M. (Mr. S. Sharpe) to ref. back to Banking Com., 4164 (iii).

—— on M. (Mr. Henderson) to refer back to Special Com., 5429 (iii).

—— on Ques. of Order (Mr. Geo. Taylor) 5458 (iii).

Carleton County Electoral Div., Certificate of Election (notification) 1553 (i).

—— Issue of Warrant (notification) 159 (i).

Comox-Atlin, Member Elect., Certificate of (notification) 1234 (i).

—— Resignation of Mr. W. Sloan (notification) 14 (i).

Co-Operative Societies, Members remarks checked, 2326 (ii).

Deferred Elections, on Ques. of Order (Mr. Ames) 2868 (ii).

Disraeli Wharf, Irregularity of Question, 2761 (ii).

Florence Mining Co.'s Appeal *re* Ont. Govt. Legislation, Ques. of Order, 6921 (iv).

Govt. Tenders, &c., on Ques. of Order (Mr. R. L. Borden) 280 (i).

—— Ques. of Order (Mr. Staples) 285 (i).

—— on Ques. of Order (Mr. Crothers) ruling, 573 (i).

G. T. P., Sub-contracts on B. C. Section, Violation of Labour Contracts, Members remarks checked, 3940 (ii).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6109 (iv).

—— Classification (presented) 2493 (ii).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., Irrelevancy of debate, 6168 (iv).

Investigations into Deptl. Expenditures, &c. on Amt. (Mr. Doherty) on Ques. of Order (Mr. Foster) 3849; (ruling) 3855 (ii).

Kingston Military Buildings Expenditure, Ques. of Order, 2496 (ii).

—— on Ques. of Order (Mr. Hughes) 2506

Library of Parlt., Joint Rep. (presented) 12 (i).

Manitoba Fisheries, Depletion of, Members Remarks checked, 6944 (iv).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) on Senate Amts., 6080 (iv).

Manitoba Post Office Transfer Questions (remarks) 1414 (i).

Marine and Fisheries Supplies, on Ques. of Priv. (Mr. Brodeur) Ques. of Order, 4044 (iii).

SPEAKER, Mr.—*Con.*

McAvity-Mayes Dredging Contract, Stmnt. of Minister must be accepted (ruling) 273 (i).

——— on Ques. of Order (Mr. Emmerson)—(ruling) 276 (i).

Mayes Dredging Contract, Correction in Answer (amt.) 1175 (i).

——— Remarks, 153 (i).

Mayes Affidavit, Reading of, Ques. of Order, 4254, 4259; (ruling) 4259, 4297 (iii).

——— on Ques. of Order (Mr. Daniel) 4315 (iii).

——— on Ques. of Order (Mr. Sproule) 'imputing motives,' (ruling) 4408 (iii).

Members, New, Notification of, Comox-Atlin, 1234 (i).

Mess from Senate, 4119 (iii).

Mess. from His Ex., Estimates (read) 2597 (ii), 6092, 7065 (iv).

Mess. from His Ex., Opening (read) 7 (i).

——— (prorogation) 7086 (iv).

Mines and Minerals, on M. to conc. in 3rd Rep., 6919 (iv).

Miner, Bill, on Ques. of Order (Mr. J. D. Taylor) —(ruling) 1823-4 (i).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) on Amt. (Mr. Conmee) to M. for 3°, 6129 (iv).

N. B. Central Ry. Commission's Report, on M. (Mr. Foster) to lay on Table (ruling) 5488, 5624 (iii).

N. B. Central Ry. Commissioners' Report *re* Hon. Mr. Pugsley, on Amt. (Mr. Crothers) to Com. of Sup., Ques. of Order, 5646 (iii).

——— on Ques. of Order (Mr. Pugsley) 5659, 5680 (iii).

Newmarket Canal, Irrelevancy of Debate (remarks) 3141 (ii).

Ontario and Michigan Power Co.'s Bill, on Ques. of Priv. (Mr. Sproule) 1116 (i).

Privilege, Ques. of (Mr. Campbell), Members remarks checked, 6779 (iv).

Privilege, Ques. of (Mr. Conmee) on Ques. of Order (Mr. Foster) 4291 (iii).

Prorogation, Com. from Gov. Gen's Sec. (read) 7074 (iv).

Railway Act (commissioners) Amt. B. 106 (Mr. Graham) on Amt. (Mr. Lancaster) to M. for 3°, (ruling) 6306 (iv).

Ry. Act (sanitary conditions) Amt. B. 111 (Mr. Lewis) on M. for 1°, 3363 (ii).

Ry. Commission, Ques. of Order, 2662 (ii).

Railway Commission Vacancy, Ques. of Order, on prop. Res. (Mr. Staples) 2629 (ii).

Restaurant Com., Mess. from Senate, 378 (i).

SUPPLY—

Civil Govt.—Customs—Members remarks checked, 585 (i).

SPEAKER, Mr.—*Con.*

SUPPLY—*Con.*

House of Commons (debates) 3437; (promotions) 3436 (ii); (salaries) 6775 (iv); (voters' lists) 3436 (ii).

Public Works—Harbours and Rivers—Que. (Bonaventure) 3278 (ii).

Speaker, Election of (remarks) 6 (i).

Speech from Throne (read) 9 (i).

Yukon Electoral District, Certificate of Election (notification) 2120 (ii).

SPEAKER, Mr. Deputy (Mr. G. H. McIntyre) *South Perth.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., Members remarks checked, 4455 (iii).

Budget, The, on Ques. of Order (Mr. Fielding) 5060 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., on Ques. of Order (Mr. S. Sharpe) 3019; (ruling) 3020 (ii).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 2062 (ii).

C. P. Ry. Co.'s B. 79 (Mr. McIntyre) on Amt. (Mr. Rutan) 3041 (ii).

Canadian Northern Ont. Ry. Co.'s B. 75 (Mr. Pardee) in Com., 3410 (ii).

Cedar Rapids Mfg. & Power Co.'s B. 94 (Mr. Boyer) on Amt. (Mr. Pugsley) 3409 (ii).

Civil Service Salaries, Members remarks checked, 407 (i).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) in Com., Irregular Voting (ruling) 568 (i).

Fisheries Development, on Ques. of Order (Mr. Crosby) 519 (i).

Franking Privilege *re* Political Literature, Member remarks checked, 1667 (i).

——— on Ques. of Order (Mr. J. D. Taylor) 1683 (i).

Govt. Policy *re* Public Buildings, Ques. of Order, 2507 (ii).

Govt. Tenders, Opening, &c., on Ques. of Order (Mr. Crothers) 572 (i).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) on Amt. (Mr. Neely) 3949 (ii).

Manitoba Radial Ry. Co.'s B. 141 (Mr. Molloy) on objections (Mr. Clarke) to Com., 5483 (iii).

Miner, Bill, on Ques. of Order (Mr. J. D. Taylor) 950 (i).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., Amt. (read) 5231 (iii).

N. B. Central Ry. Commissioners' Report, on Amt. (Mr. Crothers) to Com. of Sup., Ques. of Order, 5764 (iii).

SPEAKER, Mr. Deputy—*Con.*

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., (ruling) *re* Quoting from Newspapers, 4484 (iii).

——— in Com., Members checked, 5356, 5571 (iii).

——— in Com., on Amt. (Mr. Middlebro) 5972 (iv).

St. Mary's and Western Ontario Ry. Co.'s (B. 70) 1°*, 1318 (i).

SUPPLY.

Arts, &c. (live stock industry), Ques. of Order, 5855 (iii).

Ocean and River Service, Ques. of Order, 6680 (iv).

Public Works—Buildings—Man., Ques. of Order (ruling) 1545 (i).

Public Works—Man.: Member's remarks checked, 2999 (ii).

Public Works—Buildings—Ont. Members remarks checked, 1524 (i).

Public Works—Buildings—Ont., on Ques. of Order (ruling) 1537 (i).

Public Works—Harbours and Rivers,—N.B., on Ques. of Order (ruling) 1635.

Public Works—Harbours and Rivers—N.S. (Sandy Cove) 2475 (ii).

Railways—I.C.R., Members' remarks checked, 2926 (ii).

Weights and Measures, Discussion *re* (remarks) in Com. of Sup., 3687 (ii).

SPROULE, Mr. T. S., *East Grey.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4446 (iii).

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) on M. for 2°, 750; in Com., 756 (i).

Bills of Lading Bill, Discussion *re* (remarks) 6918 (iv).

Bowden, Annie Relief (B. 194) 1° m., 6917 (iv).

Brazilian Electro Steel and Smelting Co.'s B. 10 (Mr. Pardee) in Com., 1023 (i).

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4437 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3036 (ii), 5482 (iii).

——— on M. (Mr. S. Sharpe) to ref. back to Banking Com., 4164 (iii).

——— on M. (Mr. Henderson) to ref. back to Special Com., 5435 (iii).

Canadian Liverpool and Western Ry. Co.'s incorp. B. 44 (Mr. Girard) in Com., 1688 (i).

Canadian Medical Association incorp. B. 134 (Mr. Roche) in Com., 4840 (iii).

Canadian Northern Ontario Ry. Co.'s B. 75 (Mr. Pardee) in Com., 3410 (ii).

Canadian Northern Quebec Ry. Co.'s B. 38 (Mr. Dubeau) on Senate Amts., 4164, 4593 (iii).

SPROULE, Mr. T. S.—*Con.*

C.P.R. Additional Stock, Distribution of, on M. (Mr. Macleau) to Com. of Sup., 426 (i).

——— (remarks) on M. for Sup., 785 (i).

Canadian Western Ry. Co.'s incorp. B. 11 (Mr. Pardee) in Com., 987 (i).

Cassels Report: *See* 'Investigations.'

Catholic Immigration, Instructions to Agents, Par. in Mail and Empire, 2672 (ii).

Cedar Rapids Mfg. & Power Co.'s B. 94 (Mr. Boyer) in Com., 3407 (ii).

Civil Service Act (letter carriers) Amt. B. 137 (Mr. Lemieux) in Com., 6325 (iv).

Civil Service Salaries Increase B. 187 (Mr. Fisher) on M. for Com. on Res., 322; in Com. on Res., 415, 955, 963 (i); in Com., 6347; on M. for 3°, 6830 (iv).

Cold Storage Act Amt. B. 147 (Mr. Fisher) in Com., 6742 (iv).

Cold Storage for Fruit, Amount shipped to G.B. for 1907-8 (M. for ret.*) 3056 (ii).

——— Amount, System, &c. (Ques.) 2817 (ii).

Cold Storage (remarks) on M. for Sup., 6833 (iv).

Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5204 (iii).

Commissions: *See* 'Secret,' &c.

Committees, Special, Ref. to of Deptl. Reps. (remarks) 2026 (ii).

Criminal Code (flogging) Amt. B. 4 (Mr. Bickerdike) in Com., 569 (i).

Debates, Official 1st Rep. of Com., on M. (Mr. Gervais) to conc., 1476 (i).

Dominion Lands Act Amt. (B. 64) 1° m., 1234 (i).

Dom. Lands Act Amt., Memorandum *re* Ques. of Priv., 3002 (ii).

External Affairs Dept., on prop. Res. (Mr. Murphy) 1988 (i).

Florence Mining Co.'s Appeal *re* Ont. Govt. Legislation, on Ques. of Order (Mr. Speaker) 6923 (iv).

Fort Erie and Buffalo Bridge Co.'s incorp. B. 69 (Mr. German) in Com., 3403 (ii).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1670 (i).

French SS. Line: *See* 'Can.-France.'

Fruit Marks Act, Regulations *re* Inspection, on M. (Mr. Burrell) to Com. of Sup., 3409 (ii).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4414 (iii), 5897 (iv).

Govt. Loans B. 191 (Mr. Fielding) in Com. on Res., 6710 (iv).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr Reid) 204 (i).

G. T. P. Loan B. 128 (Mr. Fielding) on prop. Res., 4099; on M. for 2°, 5138; in Com., 5260 (iii).

SPROULE, Mr. T. S.—*Con.*

Great West Permanent Loan Co.'s incorp. B. 40 (Mr. A. Haggart) in Com., 2569 (ii).

Harvey-Salisbury Railroad Co.'s incorp. B. 35 (Mr. Emmerson) on M. for 2°, 777 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) on M. for 2°, 2009 (i).

Imperial Defence; *See* 'Naval.'

Insurance Act Amt. B. 97 (Mr. Fielding) in Com. on Res., 6693; in Com., 6705, 6802 (iv).

Investigations into Depts. by Mr. Justice Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3729 (ii).

King, Mr. Mackenzie, Result of his Mission, &c. (remarks) 4121 (iii).

Kingston Military Buildings, Ques. of Order, 2507 (ii).

Labour Department B. 165 (Sir Wilfrid Laurier) in Com., 6729 (iv).

Lafferty, Dr., Expenses *re* Tuberculosis Convention (remarks) in Com. of Sup., 1013 (i).

Loans: *See* 'Govt. Loans.'

London and Northwestern Ry Co.'s incorp. B. 102 (Mr. Beattie) in Com., 3984 (ii).

Mail Cars, Recommendation of Ry. Commission *re* Changes (Ques.) 3652 (ii).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3954 (ii).

Mayes Affidavit, on Ques. of Order to Amt. (Mr. Daniel) 4258 (iii).

——— on Ques. of Order *re* Reading original document, 4297 (iii).

——— Ques. of Order 'imputing motives,' 4401, 4408 (iii)).

McAvity-Mayes Dredging Contract, ref. to in debate on Govt. Tenders, 205 (i).

Mileage of Ry. Construction (remarks) *re* Question, 1076 (i).

Miner, Bill, Escape from B. C. Penitentiary, on M. (Mr. J. D. Taylor) to Com. of Sup., 1841 (i).

Montreal Harbour Commissioners B. 192 (Mr. Fielding) in Com., 6744 (iv).

Natural Resources Conservation Commission, on prop. Res. (Mr. Fisher) 6371 (iv).

——— on M. (Mr. R. L. Borden) for Sel. Com., 370 (i).

Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3555 (ii).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com. of Sup., 3149 (ii).

Niagara-Welland Power Co.'s B. 33 (Mr. Guthrie) in Com., 2571 (ii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) on M. for 2°, 1030 (i); in Com., 4479, 5303, 5406 (iii).

——— (M.) that Com. rise, 4532 (iii).

——— Ques. of Priv. *re* Speaking, 1115 (i).

SPROULE, Mr. T. S.—*Con.*

Ottawa Buildings, Taxes by Govt. (remarks) in Com. of Sup., 1610 (i).

Ottawa Service Corps, Complaints *re* Padding Pay Lists (Ques.) 6784 (iv).

Penitentiaries and Prison Labour (remarks) in Com. of Sup., 906 (i).

Piers, Wharves, &c., constructed by day labour, Procedure by Govt. (remarks) in Com. of Sup., 2519 (ii).

See 'Govt. Harbours,' &c.

Post Office Act (registered letters) Amt. B. 19 (Mr. Lemieux) in Com., 738 (i).

Private Bills, Refunding of Fees, on M. (Mr. Ethier) 5889 (iv).

Public Health Bureau, Establishment of, on prop. Res. (Mr. Black) 1109 (i).

Railway Act Amt. B. 106 (Mr. Graham) in Com., 6208 (iv).

Ry. Act (electric power) Amt. B. 21 (Mr. Graham) in Com., 1119 (i).

Railways, Two-cent Fares, Refunds by G. T. Ry. Co., on M. (Mr. W. F. Maclean) to Com. of Sup., 2917 (ii).

Salisbury-Harvey Ry. Co.'s B. 35 (Mr. Emmerson) in Com., 1513 (i).

Secret Commissions Prevention B. 31 (Mr. Aylesworth) in Com., 1122 (i).

Senate, Abolition of, on prop. Res. (Mr. Lancaster) 1445 (i).

Souris Postmaster, Dismissal of, &c. (remarks) on Com. of Sup., 6853 (iv).

Steel Cars, Introduction of on I. C. R., &c. (Ques.) 481 (i).

S. A. Bounty Act, Regulations (remarks) 2226 (ii).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4539 (iii).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3963 (ii).

SUPPLY.

Arts, Agriculture, &c., (cold storage for fruit) 6983 (iv); (Gold and Silver Marking Act) 809; (Public Works Health Act) 810 (i); (swine commission) 6984 (iv); (Tracadie Lazaretto) 810 (i).

Canals—Lachine (cement) 797; (wharfs and basins) 786 (i).

Canals—Welland (Port Maitland) 2033 (ii).

Canals—Soulanges (slope trimmings) 1570 (i).

Civil Govt.—Agriculture (experimental farm) 6982 (iv); (salaries) 643 (i).

Civil Govt. (charges of management) 399 (i).

Civil Govt.—Civil Service Commission (salaries) 391 (i).

Civil Govt.—Customs (Board of Customs) 602 (i).

Civil Govt.—Gov. Gen. Sec.'s Office (salaries) 398 (i).

Civil Govt.—Inland Revenue (salaries) 428 (i).

SPROULE, Mr. T. S.—*Con.*

SUPPLY—*Con.*

Civil Govt.—Justice (salaries) 440 (i).
Civil Govt.—Public Works (salaries) 3665 (ii).
Customs—Miscellaneous (printing and stationery) 609 (i).
Immigration (agents, &c.) 7011 (iv).
Indians—B. C. (cleansing orchards) 1160; (destitute) 1139; (schools) 1142; (surveys commission) 1151 (i).
Indians—Generally (grist and saw mills) 1016; (inspectors) 1162; (oil boring) 1170; (triennial clothing) 1014 (i).
Indians—Ont. (legal expenses) 994; (surveys) 989 (i).
Indians—Ont. and Que. (schools) 983, 989 (i).
Indians—P. E. I. (Lennox wharf) 1001 (i).
Indians—Sask. (farm implements) 1002 (i).
Indians—Yukon (schools) 1160 (i).
Interior—Miscellaneous (buffalo herds) 6994 (iv).
Lighthouse and Coast Service (buoy steamer) 6912; (construction) 6904; (ice breaking in Thunder Bay) 6915.
Marine and Fisheries (fisheries conference) 3689 (ii).
Marine—Public Works (St. Lawrence ship canal) 6877 (iv).
Militia (salaries) 2278 (ii).
Miscellaneous (Banff, roads and bridges) 1171; (Banff, water works) 1171 (i).
Northwest Mounted Police (force) 3660 (ii).
Northwest Ter. Govt. (salaries) 1171 (i).
Penitentiaries (supplies) 916 (i).
Post Office (country postmasters) 1703 (i).
Printing and Stationery (salaries) 807 (i).
Public Works—Buildings—Dom. (engineers, &c.) 1619; (heating) 1614; (lighting) 1616 (i).
Public Works—Buildings—Man. (Winnipeg, P. O.) 1549 (i).
Public Works—Buildings—N.S. (Bridgewater) 1284; (Halifax) 1289 (i).
Public Works—Buildings—Ottawa (furniture) 1605; (museum) 1277; (Rideau Hall, grounds) 1611; (Rideau Hall, heating) 1612; (telephones) 1606 (i).
Public Works—Buildings—Yukon (rents, &c.) 1620 (i).
Public Works—Dom. (cattle quarantine stations) 1620 (i).
Public Works—Harbours and Rivers—Mar. Provs. (creosoted timber) 2511 (ii).
Public Works—Harbours and Rivers—N.B. (Beaver) 1622; (Buctouche) 1624; (Moncton) 1628 (i).
Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2343 (ii).
Public Works—Harbours and Rivers—Ont. (Collingwood) 3298 (ii).
Railways—G.T.P. (inspection) 2049 (ii).
Railways—I.C.R. (Aston track scale) 3418 (ii); (board of commissioners) 6989 (iv); (Windsor) 3421 (ii).
Railways—N.T.R. (surveys, &c.) 6985 (iv)
Railways—Ry. Commission (maintenance) 2047 (ii).

Telephones in Canada, Control of Rates, &c., on prop. Res. (Mr. Lennox) 1770 (i).

SPROULE, Mr. T. S.—*Con.*

Tenders: *See* 'Govt. Tenders,' 'Investigations.'
Water Carriage of Goods, Regulations *re* (Ques.) 2764 (ii).
Water Powers leased on Canals (remarks) in Com. of Sup., 2039 (ii).
Weights and Measures, Discussion (remarks) in Com. of Sup., 3684 (ii).
Welland Canal Water Power, Lease to Cataract Power Co. (remarks) in Com. of Sup., 2036 (ii).
Western Canadian Life Assurance Co.'s incorp. B. 37 (Mr. Knowles) in Com., 2564 (ii).
Wharfs: *See* 'Govt. Harbours,' &c.
Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4185 (iii).
Yukon Ordinances (beer tax) on prop. Res. (Mr. Oliver) 5893 (iv).
Yukon Ordinances (Mr. Oliver) in Com. on Res., 7075 (iv).

STANFIELD, Mr. J., *Colchester.*

Canadian Coasting Trade, Number of British or Canadian, &c. (Ques.) 5633 (iii).
Coasting Trade, O.C. *re* Change of Date, &c. (Ques.) 3051 (ii).
Dickie, Alfred, Payments to *re* Damages by Fire (Ques.) 1075 (i).
Dom. Arsenal, Quebec, Names of Bidders, Tenders *re* (Ques.) 3050 (ii).
I.C.R., Classification of Employees, Hours of Labour, &c. (Ques.) 1723 (i), 2156 (ii).
——— Freight Clerks, Betterments, Govtl. Intention (Ques.) 1561 (i).
——— Motor Cars, Cost of Construction, Revenue, &c. (Ques.) 1719 (i).
——— Truro Staff, Number of Employees for Sept., Oct., Nov. and Dec., 1908 (Ans.) 244 (i).
——— number employed, &c. (Ques.) 328 (i).
——— Station at Truro, Erection of (Ques.) 824 (i).
——— Stationery and Printing, Expenditure *re* (Ques.) 2374 (ii).
Londonderry Station to Great Village, Mail Contract, Name, Remuneration, &c. (Ques.) 824 (i).
Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2393 (ii).
Shad Fisheries, Rep. of Prof. Prince, Inquiry for Ret., 3254 (ii).
SUPPLY—
Public Works—Buildings—Dom. (rents) 2453 (ii); (water) 1619 (i).
Public Works—Buildings—N.S. (Westville) 1292 (i).
Public Works—Buildings—Que. (Joliette) 1296 (i).

STANFIELD, Mr. J.—*Con.*

SUPPLY—*Con.*

Public Works—Harbours and Rivers—N.S. (bridges) 2474; (Brule) 2460; (Economy) 2460-(ii); (Tatamagouche) 1621 (i).
Railways—I.C.R. (Truro) 2754 (ii).

Tatamagouche Bay Wharf Expenditure for Oct. and Nov., &c. (Ques.) 185 (i).

Truro Armoury, Apptmt. of Caretaker, &c. (Ques.) 186 (i).

STAPLES, Mr. W. D., *Macdonald*

Assiniboine River Improvements, Cor., Vouchers, &c. (M. for ret.*) 1191 (i).
—— Inquiry for Ret., 3254 (ii).

Brandon City, Exchange of Lands, Issue of Patent, &c. (Ques.) 2322 (ii).

Budget, The (remarks) 5063 (iii).

C.P. Ry. Co.'s B. 79 (Mr. McIntyre) in Com., 3160 (ii).

Election Act (ry. employees) Amt. B. 112 (Mr. Conmee) on M. for 1°, 3472 (ii).

Experimental Farms, Live Stock, &c. (M for ret.*) 1420 (i).
—— (Ques.) 546 (i).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1959 (i).

Govt. Tenders, Ques. of Order, 285 (i).

Patents for Lands of Sections 16, 20 and 22, &c., Payment of Taxes, &c. (Ques.) 4900 (iii).

Ry. Commissioners Board, Pet. *re* Vacancy, &c. (Ques.) 529 (i).
—— Apptmt. of Practical Farmer from N.W. (prop. res.) 2625 (ii).
—— Ques. of Order, 2648 (ii).

Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2802 (ii).

SUPPLY—

Arts, Agriculture, &c. (census, &c.) 696; (Gold and Silver Marking Act) 809 (i); (live stock industry) 5837 (iii); (Public Works Health Act) 810 (i).
Excise (methylated spirits) 449 (i).
Penitentiaries Generally (supplies) 899; St. Vincent de Paul (Supplies) 914 (i).
Public Works—Buildings—Man. (Dauphin) 1543; (Winnipeg P.O.) 1549 (i).
Public Works—Buildings—Ottawa (astronomical observatory) 618 (i)
Public Works—Harbours and Rivers—Man. (Portage la Prairie) 3332 (ii).

Swan Lake Indian Reserve, Purchase by Govt., Sales, &c. (Ques.) 477 (i).

Telephone Rates in Canada, Control of by Govt., on prop. Res. (Mr. Lennox) 1784 (i).

Thompson Municipality Patent, Grant, &c. (remarks) in Com. of Sup., 6280 (iv).

Usury Act, 1908, Prosecutions, Penalties, &c., (Ques.) 451 (i).

STEWART, Mr. T. J., *West Hamilton.*

Budget, The, 5089 (iii).

Criminal Code (concealed weapons) Amt. (B. 101) 1° m., 2217 (ii).

Foresters Insurance Business, Complaints *re* (remarks) 6510 (iv).

Post Office Act (letter carriers) Amt. B. 136 (Mr. Lemieux) in Com., 6321 (iv).

SUPPLY—

Adulteration of Food (fraudulent marking) 456 (i).
Civil Govt.—Inland Revenue (salaries) 429 (i).

STRATTON, Mr. J. R., *West Peterborough.*

I.C.R. (remarks) on Annual Stmnt., 2700 (ii).

SUPPLY—

Canals—Trent (construction) 3178 (ii).

SUTHERLAND, Hon. R. F., *North Essex.*

Budget, The, 4616 (iii).

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6764 (iv).

Florence Mining Co.'s Appeal *re* Ont. Govt. Legislation, on Ques. of Order (Mr. Speaker) 6922 (iv).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6106 (iv).

Mayes Affidavit, on Amt. (Mr. Daniel) to Com. of Sup., 4276 (iii).
—— on Ques. of Order (Mr. Emmerson) 277 (i).

Salvation Army Governing Council incorp. (B. 142) 1°*, 4411 (iii).

SUPPLY—

Public Works—Dredging (generally) 6539 (iv).

TALBOT, Mr. O. E., *Bellechasse.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4469 (iii).

Anglo Canadian and Continental Bank (B. 118) 1°*, 3703 (ii).

Canadian Northern Quebec Ry. Co.'s B. 38 (Mr. Dubeau) on Senate Amts., 4594 (iii).

Experimental Farms, Locations, &c., on prop. Res. (Mr. Lapointe) 1941 (i).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 6127 (iv).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3622 (ii); on M. for 2°, 5153; on Amt. (Mr. Meighen) to M. for 3°, 5618 (iii).

House of Commons Classification, on M. (Sir Wilfrid Laurier) to conc., 6111 (iv).

Immigration to U.S., Repatriation, &c., on M. (Mr. Paquet) for Cor., 855 (i).

Imperial General Staff, Prop. Organization, O.Cs. Cor., &c. (M. for copies) 1420 (i).

TALBOT, Mr. O. E.—*Con.*

Japanese Immigration, Sir P. Lake's Speech at Toronto (Ques.) 1065 (i).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3962 (ii).

Mayes-McAvity Affidavit, on Amt. (Mr. Daniel) Ques. of Order, 4280 (iii).

Proportional Representation, Ques. of Order, 2599 (ii).

SUPPLY—

Militia (salaries) 2282 (ii).

Public Works—Harbours and Rivers—Que. (Saguenay dredging) 2814 (ii).

TAYLOR, Mr. Geo., *Leeds.*

Agricultural Estimates, Delay in Considering (remarks) 4412 (iii).

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4448 (iii).

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 751 (i).

Australian Trade with Canada, Subsidy, &c., on M. (Mr. Turriff) to Com. of Sup., 6473 (iv).

Aylesworth, Geo. Anson, Emplymt. by Govt. (Ques.) 248 (i).

Black Lake Postmaster, Complaints, Investigation, &c. (Ques.) 4896 (iii).

British Columbia Southern Ry. Co.'s (B. 85) 1°*, 1813 (i).

Brockville, Westport and Northwestern Ry. Names of Stockholders, Passenger Rates, Freight, &c. (Ques.) 3473 (ii).

Budget, The, (remarks) 3649 (ii).

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res. 4443 (iii).

Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 5481; on M. (Mr. Henderson) to ref. back to special Com., 5443; Ques. of Order, 5458 (iii).

Canadian Western Ry. Co.'s incorp. B. 11 (Mr. Pardee) in Com., 987 (i).

Carson, Mr. Geo., Emplymt. by P. O. Dept., Absence, &c. (Ques.) 4697 (iii).

Charlottetown Post Office, Sidewalk Construction, Tenders *re* (Ques.) 4228 (iii).

Coal conserved for the Home Market, on prop. Res. (Mr. McKenzie) 3109 (ii).

Coal Strikes in the West, Settlement of (remarks) 4120 (iii).

Commercial Feeding Stuffs B. 127 (Mr. Templeman) in Com., 5208 (iii).

Debates, Official, on M. (Mr. Gervais) to conc. in 1st Rep. of Som., 1478 (i).

Debt of Canada, Jan. 31, 1909, Increase from 1908 (Ques.) 1079 (i).

Easter Adjournment (remarks) 3649 (ii).

External Affairs Dept. B. 90 (Mr. Murphy) in Com., 4436 (iii).

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1657 (i).

TAYLOR, Mr. Geo.—*Con.*

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4423, 4430 (iii), 5907 (iv).

Govt. Tenders, Receiving and Opening, on prop. Res. (Mr. Reid) 284 (i).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3609 (ii); on M. for 2°, 5123; in Com., 5250 (iii).

G.T. Ry., Indebtedness to Canada (M. for O.Cs.*) 3056 (ii).

—— Interest Due, &c. (Ques.) 2759 (ii).

Griffith, Mr. Wm., Apptmt. as Immigration Agent, Salary, &c. (Ques.) 1415 (i).

Higgs, Deportation by Immigration Dept. (Ques.) 147 (i).

House of Commons, Additional Rooms, Allotment, &c. (Ques.) 177, 466 (i).

House of Commons Elevators, Repairing and Running (remarks) 2337 (ii).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6182 (iv).

Insurance Act Amt. Bill, Progress in Senate, 7069 (iv).

I.C.R. Freight Clerks Disputes, Letter of Dep. Min. of Rys. *re* Award of Board (Ques.) 4697 (iii).

Inverness Harbour, C.B. Improvement, Purchase of land, &c. (Ques.) 4637 (iii).

Investigations into Deptl. Expenditures, by Judge Cassels, on Amt. (Mr. Doherty) to Com. of Sup., 3910 (ii).

Kootenay and Arrowhead Ry. Co.'s (B. 80) 1°*, 1648 (i); in Com., 3411, 3605 (ii).

Lacas, Emile, Absence from Dept. for 1906-7-8, Pay, &c. (Ques.) 4635 (iii).

Lansdowne Drill Shed, Tenders, Contract *re* Repairs (Ques.) 5630 (iii).

Margaree Island Lighthouse, Expenditure *re* Road (Ques.) 6090 (iv).

Marine and Fisheries Purchases, &c., on Ques. of Priv. (Mr. Brodeur) 4044 (iii).

Montreal Harbour Commissioners B. 154 (Mr. Brodeur) in Com., 5235 (iii).

Navigable Waters Protection Act Amt. B. 152 (Mr. Brodeur) in Com., 5234 (iii).

Ontario and Michigan Power Co.'s incorp. B. 34 (Mr. Conmee) in Com., 5570 (iii).

Parliament Hill Grounds, Condition of (remarks) 6473 (iv).

Port Hood Breakwater, Expenditures *re* (Ques.) 4892 (iii).

Priv., Ques. of (Mr. Conmee) *re* 'Special Trains,' 4295 (iii).

Public Accounts Com., on M. to ref. Pub. Accounts, &c. to Com., 1479 (i).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2394 (ii).

Sessional Allowance Deduction (remarks) 4119 (iii).

TAYLOR, Mr. Geo.—*Con.*

Sorel Ship Yards, Repairs of Boats owned by Marine Officials, &c. (Ques.) 4702 (iii).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4539 (iii).

SUPPLY—

Arts, Agriculture, &c. (live stock industry) 5833 (iii); (Year-book) 704, 726 (i).

Canals—Galops (collector) 1574 (i).

Canals—Lachine (cement) 1566; (cement testing) 794 (i).

Canals—Trent (Holland River) 1591 (i).

Civil Govt.—Agriculture (salaries) 649 (i).

Civil Govt.—Aud. General (salaries) 383 (i).

Civil Govt (charges of management) 399 (i).

Civil Govt.—Customs (board of customs) 582; (contingencies) 590 (i).

Civil Govt.—Marine and Fisheries (salaries) 383 (i).

Civil Govt.—Public Works (salaries) 613 (i).

Civil Govt.—Post Office (salaries) 720 (i).

Civil Govt—Trade and Commerce (salaries) 385 (i).

Civil Service Commission (salaries) 387, 714 (i).

Customs—Miscellaneous (printing and stationery) 609; (revenue cruisers) 611 (i).

Fisheries (dog fish plant) 6950; (international commission) 6968; (transportation) 6956 (iv).

Immigration (agents, &c.) 7002 (iv).

Indians—B.C. (destitute) 1141; (schools) 1143 (i).

Indians—Generally (legal expenses) 996 (i).

Indians—N. S. (seed grain) 998 (i).

Indians—Ont. (annuities) 998 (i).

Indians—P. E. I. (Lennox wharf) 1000 (i); (medical attendance) 1000 (i).

Marine and Fisheries (biological stations) 6954 (iv); (fisheries conference) 3691 (ii).

Militia (salaries) 2302 (ii).

Mines (geological specimens) 7063 (iv).

Ocean and River Service (ice-breakers) 3437 (ii).

Penitentiaries—Kingston (skis) 7056 (iv); (supplies) 886 (i).

Penitentiaries—St. Vincent de Paul (supplies) 914 (i).

Penitentiaries—Stony Mountain (supplies) 919 (i).

Post Office (miscellaneous) 1716 (i).

Printing and Stationery (salaries) 805 (i).

Public Works—Buildings—Generally (armmouries) 1596 (i).

Public Works—Buildings—Man. (Dauphin) 1548 (i).

Public Works—Buildings—Ont. (Cornwall) 1360; (R. M. College) 1383; (Whitby) 1542 (i).

Public Works—Buildings—Ottawa (additional wing) 1256; (astronomical observatory) 617; (grounds) 1601 (i).

Public Works—Buildings—Que. (St. Johns) 1317 (i).

Public Works—Buildings—Yukon (commissioner's residence) 1592 (i).

Public Works—Dredging (generally) 6539 (iv); Mar. Provs. (plant) 3346 (ii).

TAYLOR, Mr. Geo.—*Con.*

SUPPLY—*Con.*

Public Works—Harbours and Rivers—Man. (Lake Dauphin) 2997; (Portage la Prairie) 3333 (ii).

Public Works—Harbours and Rivers—Ont. (Blanche river) 2966; (bridges, repairs) 2972; (Burlington piers) 2967; (Collingwood) 3294; (Goderich) 2968; (Gravenhurst) 2981; (Kingston channel) 2979; (Lake Nipissing) 3309; (Little Current) 2974; (McGregor's Creek) 2974; (Magnetawan) 2983; (Meaford) 2984; (Richard's Landing) 2978; (Sault Ste. Marie) 2980; (Southampton) 3317; (Spanish River) 3328; (Toronto) 2980; (Wolfe Island canal) 3304 (ii).

Public Works—Harbours and Rivers—Que. (Batiscan) 3276; (Bonaventure) 2559, 3282; (Cap St. Ignace) 2523; (Lake St. Francis) 2555; (Laprairie ice piers) 2899; (Saguenay dredging) 2805; (St. Alphonse de Bagotville) 2962; (St. Francis river) 2898; (St. Francis du Lac) 3286; (St. Jean des Chaillons) 2908; (St. Nicholas) 2909 (ii).

Public Works—Miscellaneous (monuments) 6543 (iv).

Public Works—Telegraph Lines—Yukon (Ashcroft-Dawson) 3349 (ii).

Quarantine ('Challenger') 5884 (iii).

Railways—I. C. R. (working expenses) 3421 (ii).

Railways—P.E. I. (Charlottetown) 2960; (Harmony-Elmira) 2957 (ii).

Wharfs: *See* 'Govt. Harbours,' &c.

Wire Fencing. Advertisements for Tenders, &c. (M. for ret.*) 354 (i).

——— Inquiry for Ret., 1321 (i).

Wire Fencing purchased in 1908, Tenders, Quantity, &c. (Ques.) 245 (i).

TAYLOR, Mr. J. D., *New Westminster*

Address, The, 120 (i).

Animals Contagious Diseases Act Amt. B. 18 (Mr. Fisher) in Com., 762 (i).

Bourke, Mr., Retirement of: *See* 'Miner, Bill.'

B.C. Penitentiary, Escape of Convict Bill Miner, Rep. *re* Investigation (Ques.) 350 (i)

B. C. Timber Lands, Leases granted since 1896, Names, Addresses, &c. (M. for ret.*) 1923 (i)

Budget, The, on Ques. of Order (Mr. Fielding) 5060 (iii).

Cable between Vancouver and Mainland, Application *re* (Ques.) 1073 (i).

Chilliwack Post Office Site, Plans, Tenders, &c. (Ques.) 1414 (i).

Chilliwack Public Building, Negotiations *re* Purchase of Property (Ques.) 1073 (i).

Fisheries in B. C., Depletion by American Fishermen, on M. for Sup., 6500 (iv).

Fisheries Regulations *re* International Commission (remarks) in Com. of Sup., 6967 (iv).

TAYLOR, Mr. J. D.—*Con.*

Franking Privilege and Political Literature (remarks) in Com. of Sup., 1663 (i).

——— Ques. of Order, 1683 (i).

Fraser River, Flooding at Delta, Rep. of Mr. Coste, &c. (Ques.) 2587 (ii).

Gillis, Angus, Claims *re* Compensation for Injuries on I. C. R. (Ques.) 6089 (iv).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 5905 (iv).

G. T. P., Siberian Labourers (Ques.) 4898 (iii).

——— Information *re* Answer to Question, 4989 (iii).

G. T. P. Loan B. 128 (Mr. Fielding) in Com., 5328 (iii)

G. T. P., Sub-contractors on B. C. Section, Importation of Labour, &c. (remarks) 3959 (ii).

——— Unpaid Wages, Claims of Stationmen, &c., Payments *re* (Ques.) 5629 (iii).

Hickman, Mr. W. A., Emplymt. by Govt., Payments to, &c. (Ques.) 3054 (ii).

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3921 (ii).

Labour Hours for Working Men, Restriction, &c., on M. (Mr .Verville) to Com. of Sup., 5944 (iv).

Mail Contracts, Fair Wage Clause (remarks) in Com. of Sup., 3430 (ii).

Miner, Bill, Escape from B.C. Penitentiary (remarks) in Com. of Sup., 925 (i), 7035 (iv).

——— Ques. of Order, 950 (i).

——— Cor. Reps., &c. (M. for ret.) 1192 (i).

Miner, Bill, Escape from B.C. Penitentiary, Investigation *re*, on M. for Sup., 1813 (i).

——— Ques. of Order, 1821 (i).

——— Letter *re* Visit of Alex. D. McIntyre, &c. (Ques.) 2595 (ii).

——— Moneys received previous to escape from Penitentiary (Ques.) 4898 (iii).

See 'B.C.,' &c.

New Westminster Dry Dock, Application for Govt. Aid (Ques.) 3048 (ii).

New Westminster Post Office, Free Mail Delivery (remarks) in Com. of Sup., 1709 (i).

Nickel Ore, Export Duty *re* (Ques.) 5634 (iii).

Oriental Immigration into B.C., Res. *re* Royal Commission (Ques.) 1242 (i).

——— Inaccurate Answer, 1248 (i).

Piers, Wharfs, &c., constructed by Day Labour, Procedure *re* (remarks) in Com of Sup., 2521 (ii)

Political Weekly Letter, Franking and Distribution by Govt. (Ques.) 1920 (i).

TAYLOR, Mr. J. D.—*Con.*

Postal Law Violation, Number of Prosecutions, Penalties, &c. (M. for ret.*) 1924 (i).

Railway Belt, B.C., Litigation between Dom. and B.C. (Ques.) 3043 (ii).

Registered Stock, Arrangements *re* Importation from U.S., Regulations *re* (Ques.) 2379 (ii).

Richmond Rifle Range, Protection *re* Shooting (Ques.) 1722 (i).

SUPPLY—

Arts, Agriculture, &c. (exhibitions) 729 (i); (experimental farm) 5940 (iv); (live stock industry) 5875 (iii).

Civil Govt.—Post Office (salaries) 724 (i).

Fisheries (biological stations) 3438; (international fisheries commission) 3439 (ii); 6967 (iv).

Indians—B.C. (surveys commission) 1144 (i).

Militia (ordnance) 2310 (ii).

Penitentiaries (B.C.) 7035 (iv); (retirements) 924 (i).

Post Office (rural mails) 3430 (ii).

Public Works—Buildings—B. C. (Chilliwack) 2090; (Victoria immigration) 2086; (Williams Head) 2090 (ii).

Public Works—Buildings—Generally (experimental farms) 1598 (i).

Public Works—Buildings—Ottawa (astronomical observatory) 623; (Major's Hill) 1601 (i).

Public Works—Dredging (generally) 6540 (iv).

Public Works—Harbours and Rivers—B.C. (Okanagan) 6549 (iv).

Public Works—Harbours and Rivers—Man. (St. Andrews rapids) 2108 (ii).

Public Works—Harbours and Rivers—N.B. (St. Andrews) 1645; (St. John tributaries) 1639; (Welchpool Campobello) 1646 (i).

Public Works—Harbour and Rivers—N.S. (Cow Bay) 2471; (generally) 2118 (ii).

Vancouver, Fraser Valley and Southern Ry. Co.'s (B. 57) 1°*, 868 (i).

TEMPLEMAN, Hon. Wm. (Minister of Inland Revenue) *Comox-Atlin.*

Agricultural Fertilizers (B. 110) 1°m, 2910 (ii); in Com., 4446, 5202 (iii).

Belleville and Corbyville, Retirements and Apptmts. (Ans.) 4894 (iii).

Commercial Feeding Stuffs (B. 127) 1°m, 3936 (ii); in Com., 5204 (iii); on Senate Amts., 6743 (iv).

Deferred Elections, on prop. Res. (Mr. Burrell) 2846 (ii).

Inland Revenue Seizures, on Inquiry for, 2773 (ii).

James Bay and Labrador, Exploratory Party (Ans.) 4697 (iii).

Kelly, Douglas Co.: *See* 'Supply—Pub. Works,' &c.

Patent Medicines Act, Apptmts. of Analysts, &c. (Ans.) 3476 (ii).

TEMPLEMAN, Hon. Wm.—*Con*

SUPPLY—

Civil Govt.—Mines (salaries) 3673 (ii).
Mines (assay office, B.C.) 7063; (geological specimens) 7063: (ore tests) 7063 (iv).
Public Works—Telegraph Lines—Yukon (Ashcroft-Dawson) 3355 (ii).

Weights and Measures *re* Ve sels, Owners and Rvs. (remarks) in Com. of Sup., 3683 (ii).

THOBURN, Mr. W., *North Lanark.*

Insurance Act Amt. B. 97 (Mr. Fielding) in Com. on Res., 6703 (iv).

SUPPLY—

Arts, Agriculture, &c. (exhibitions) 734 (i).
Penitentiaries—Generally (supplies) 912; Dorchester (supplies) 917; St. Vincent de Paul (supplies) 916; Stony Mountain (supplies) 923 (i).
Public Works—Dredging (generally) 6540 6554 (iv).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4140 (iii).

THORNTON, Mr. C. J., *Durham.*

Cobourg Harbour Expenditure for 1908, Contracts, &c. (Ques.) 3988 (ii).
Meteorological Station at Port Hope, Situation, &c. (Ques.) 3985 (ii).
Meteorological Stations in Ont., Number erected in 1908, Expenditure, &c. (Ques.) 3195 (ii).
Rural Free Mail Delivery, on M. (Mr. Armstrong) to Com. of Sup., 2782 (ii).

SUPPLY

Public Works—Harbours and Rivers—Ont. (Newcastle) 6543 (iv).

TOBIN, Mr. E. W., *Richmond and Wolfe.*

SUPPLY—

Public Works—Harbours and Rivers—N.S. (Annapolis ice piers) 2356 (ii).

TODD, Mr. W. F., *Charlotte.*

Address, The, in Ans. to His Ex.'s Speech (moved) 15 (iv).

SUPPLY—

Public Works—Buildings—Ottawa (peat testing) 1391 (i).

TOLMIE, Mr. J., *North Bruce.*

Parsons, Frank, Relief (B. 130) 1°*, 4286 (iii).

TURCOTTE, Mr. G. A., *Nicolet.*

Address, The, in Ans. to His Ex.'s Speech (seconded) 20 (i).
Canadian Liverpool and Western Ry. Co.'s B. 44 (Mr. Girard) in Com., 1859 (i).
Experimental Farms, Location, &c., on prop. Res. (Mr. Lapointe) 1947 (i).

TURCOTTE, Mr. G. A.—*Con.*

Labour Hours for Working Men, Restriction, on M. (Mr. Verville) to Com. of Sup., 5925 (iv).
Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3540 (ii).
Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4543 (iii).

TURCOTTE, Mr. J. P., *Quebec County.*

Investigations into Deptl. Expenditures, on Amt. (Mr. Doherty) to Com. of Sup., 3932 (ii).

SUPPLY—

Public Works—Harbours and Rivers—Que. (docks, &c.) 2896 (ii).

Woollen Industry and Tariff Changes, on M. (Mr. Lennox) 4214 (iii).

TURGEON, Mr. O., *Gloucester.*

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 6127 (iv).
I.C.R. Branch Lines Extension, on prop. Res. (Mr. Emmerson) 2209 (ii).
N.B. Central Ry. Commissioners' Report, on Amt. (Mr. Crothers) to Com. of Sup., 5825 (iii).
Senate, Abolition of, on prop. Res. (Mr. Lancaster) 1442 (i).

TURRIFF, Mr. J. G., *Assiniboia.*

American Silver, Exportation of (remarks) 6780 (iv).
Athabaska Northern Ry. Co.'s (B. 84) 1°*, 1813 (i).
Australian Trade Direct for Eastern Canada, on M. for Sup., 6469 (iv).
Blackhall, Victor Eccles Relief (B. 115) 1°*, 3651 (ii).
Brandon Transfer Ry. Co.'s (B. 9) 1°*, 159 (i).
British Colonial Fire Insurance Co.'s incorp. (B. 114) 1°*, 3651 (ii).
Canada Life Assurance Co.'s B. 56 (Mr. Clarke) in Com., 3005 (ii), 5481 (iii), 6047 (iv).
—— on Amt. (Mr. Lennox) 5448 (iii).
C.P. Ry. Co.'s B. 79 (Mr. W. McIntyre) in Com. (amt.) 3041 ; in Com., 3155 (ii).
C.P.R. and G.T.P. Joint Section at Fort William Co.'s (B. 25) 1°*, 290; in Com., 1718 (i).
C.P.R., New Stock, Closing of Law Suit (remarks) on M. for Sup., 2920 (ii).
—— on M. (Mr. W. F. Maclean) to Com. of Sup., 1334 (i).
Civil Service, Names and Positions of those receiving no Increases (Ques.) 1558 (i).
Civil Service Salaries, Increase B. 187 (Mr. Fisher) in Com. on Res., 406 (i); in Com. 6346 (iv).

TURRIFF, Mr. J. G.—*Con.*

Coltman, Anne Louisa Relief (B. 116) 1°*, 3651 (ii).

Cowan, John Christopher, Relief (B. 184) 1°*, 5997 (iv).

Franking Privilege *re* Political Literature (remarks) in Com. of Sup., 1665 (i).

Grenville-Hawkesbury Provl. Bridge, Bonus *re* (Ques.) 1558 (i).

G.T.P. Lake Superior Branch Subsidy (B. 30) 1°*, 290; 2° m., 666, 1024, 1364 (i).

G.T.P. Loan B. 128 (Mr. Fielding) in Com. on Res., 3644 (ii).

Manitoba and Northwestern Ry. Co.'s B. 81 (Mr. Cash) in Com., 3951 (ii); on Sen. Amts., 6075 (iv).

Markham Post Office, Total Cost, &c. (Ques.) 6406 (iv).

Mexican Northwestern Ry. Co.'s (B. 168) 1°*, 5623 (iii).

Railway Act (construction) Amt. (B. 65) 1° m., 1236 (i).

Railway Act (fires) Amt. B. 7 (Mr. Clarke) on M. for 2°, 377 (i).

Superior and Western Ontario Ry. Co.'s incorp. B. 78 (Mr. Conmee) in Com., 3971 (ii).

SUPPLY—

Civil Govt.—Civil Service Commission (salaries) 395 (i).

Immigration (agents, &c.) 7006 (iv).

Railways—I.C.R. (original construction) 2926 (ii).

Toronto, Niagara and Western Ry. Co.'s B. 42 (Mr. Calvert) in Com., 2064 (ii).

Union Station, G.T.P. &c. at Portage la Prairie (B. 28) 1°*, 290 (i).

Winnipeg and Northwestern Ry. Co.'s B 29 (Mr. McCraney) in Com., 2139 (ii).

VERVILLE, Mr. A., *Maisonneuve.*

Budget, The, 4757 (iii).

Immigration Bonuses, Abolition of, Restrictions, &c. (Ques.) 3704 (ii).

Labour Hours for Working Men, Restrictions, &c., on M. for Sup., 5913 (iv).

Public Works, Hours of Labour (B. 22) 1°*, 240 (i).

Public Works, Hours of Labour (B. 35) M. to dischg. from Order Paper, 4990 (iii).

WALLACE, Mr. T. G., *Centre York, Ont.*

Blood Indian Reserve, Lease, &c. (Ques.) 6784 (iv).

Budget, The, 4970 (iii).

———Remarks, 4855 (iii).

Chinaware, Customs Duty, &c. (Ques.) 4636 (iii).

Etobicoke Postmaster, Apptmt. of, Salary, &c. (Ques.), 671 (i).

WALLACE, Mr. T. G.—*Con.*

Holland (Newmarket) Canal, Expenditure *re* Contracts, &c. (Ques.) 1915 (i).

Lowndes, Charles Bowerbank, Relief (B. 144) 1°*, 4411 (iii).

Market Garden Produce, Total Imports 1901-1908, Duty collected (Ques.) 5096 (iii).

Milk River, Mackie Lease, Particulars *re* (Ques.) 6405 (iv).

Moore, Isaac Relief (B. 145) 1°*, 4411 (iii).

Newmarket Canal, Holland River, (amt.) to Com. of Sup., 112; Amt. Neg. (Y. 71; N. 112) 3176 (ii).

Newmarket Canal to Lake Wilcox, Construction, Surveys, &c. (Ques.) 5157 (iii).

Post Office Payments in Newmarket and Aurora, to Mail Carriers, &c. (Ques.) 1560 (i).

Somerville, Thos., Payments to by Post Office Dept. (Ques.) 1559 (i).

S.A. Patriotic Fund, Names of Beneficiaries (Ques.) 2157 (ii).

SUPPLY—

Canals—Trent (Holland River) 1590, 1886 (i).

Public Works—Buildings—Ont. (Markham) 1386 (i).

WARBURTON, Mr. A. B., *Queens, P.E.I.*

Budget, The, 4923 (iii).

Govt. Tenders, Receiving and Opening, on Amt. (Mr. Guthrie) to prop. Res. (Mr. Reid) 218 (i).

Ice-breaking Steamers, Superannuation of Officers, Reps. (M. for copies) 1469 (i).

Naval Defence of Canada, Aid to G. B., on prop. Res. (Mr. Foster) 3534 (ii).

P.E.I. Winter Communication with the Mainland, (M. for ret.) 6448 (iv).

SUPPLY—

Civil Service Commission (salaries) 710 (i).

Railways—P.E.I. (Harmony-Elmira) 2956 (ii).

WHITE, Mr. G. V., *North Renfrew.*

Graham Post Office, Pet. *re* (remarks) in Com. of Sup., 1713 (i).

Natural Resources Conservation Commission B. 159 (Mr. Fisher) in Com., 6382 (iv).

Petewawa Camp, Number of Permanent Force, Date of Opening, &c. (Ques.) 5639 (iii).

SUPPLY—

Canals—Welland (Port Colborne) 1908 (i).

Militia (ordnance) 2309; (properties) 2316 (ii).

Penitentiaries—Generally (supplies) 896 (i).

Post Office (ry. clerks) 1699 (i).

Public Works—Buildings—Ottawa (furniture) 1605 (i); Harbours and Rivers—Ont. (Petewawa) 3307 (ii).

WHITE, Mr. W. H., *Victoria, Alberta.*

Campbell, Aaron Wm. Morley Relief (B. 183) 1°*, 5997 (iv).

Deferred Elections, on prop. Res. (Mr. Burrell) 2866 (ii).

WILSON, Mr. C. A., *Laval*

Budget, The, 4792 (iii).

Cobalt Lake Act, Disallowance of, on M. (Mr. Clarke) for Cor., 1740 (i).

Jesus River Dredging, Amount of Expropriation, Contract, &c. (Ques.) 1069 (i).

Pointe-aux-Trembles Wharf, Repairs to, &c. (Ques.) 1557 (i).

St. Vincent de Paul Penitentiary, Insufficient Number of Guards, &c. (Ques.) 1417 (i).

SUPPLY—

Canals—Lachine (wharfs and basins) 791 (i).

Civil Govt.—Civil Service Commission (salaries) 398 (i).

Wharfs between Longue Pointe and Pointe-aux-Trembles, Pets. *re* (Ques.) 1068 (i).

WILSON, Mr. U., *Lennox and Addington.*

Agriculture Committee's Rep. of 1908, Printing and Distribution (remarks) 3938 (ii).

Dorland and U. E. Loyalist Mail Route, Mail Carrier, Remuneration, &c. (Ques.) 334 (i).

Immigration Act Amt. B. 17 (Mr. Oliver) in Com., 6181 (iv).

Immigration Agents, Names, Addresses, Salaries, &c. (Ques.) 1405 (i).

Immigration, Printing and Advertising, Amount expended for 1908-9 (Ques.) 2381 (ii).

——— (M. for ret.*) 2597 (ii).

Interior, Deptl. Rep., Inquiry for, 876 (i).

Miller, Mr. N. B., Immigration Agent, Fraudulent Returns (remarks) in Com. of Sup., 6994 (iv).

Napanee River Dredging (remarks) in Com. of Sup., 2093 (ii).

——— Surveys, Cost, &c. (Ques.) 333 (i).

Roblin and Forest Mills Mail Route, Carrier, Remuneration, &c. (Ques.) 333 (i).

Sillsville and The Pines Mail Route, Carrier, Remuneration, &c. (Ques.) 333 (i).

SUPPLY—

Arts, Agriculture, &c. (cold storage) 3189; (fruit transportation) 3187 (ii); (Year Book) 703 (i), 3186 (ii).

Immigration (agents' salaries) 6994; (deportations) 7021 (iv).

Penitentiaries—Dorchester (supplies) 917; Generally (supplies) 910 (i).

WILSON, Mr. U.—*Con.*

SUPPLY—*Con.*

Public Works—Buildings—Ont. (Port Arthur) 2093 (ii); (Toronto drill hall) 1504 (i).

Public Works—Buildings—Que. (Quebec citadel) 3211 (ii).

WORTHINGTON, Mr. A. N., *Sherbrooke.*

Annual Drill, Discontinuance of, &c. (Ques.) 343 (i).

Bisley Team, Use of Ross Rifle (Ques.) 5642 (iii).

Brewster, Mr., Emplymt. by Govt., *re* Immigration (Ques.) 3483 (ii).

Costello, Thos., Rep. *re* Woollen Industry, &c. (Ques.) 1176 (i).

Eastern Townships Cavalry Brigade, Site for &c. (Ques.) 5644 (iii).

Militia Camps in Eastern Townships, Selection of Site, &c. (Ques.) 343 (i).

Navy of Canada or G.B., Contributions *re* (M. for cor.*) 1191 (i).

Quebec Camps of Instruction, Date of Regiments attending, &c. (Ques.) 5641 (iii).

Returns, Inquiry for, 3258 (ii).

Rifles, Swiss and Foreign imported, Regulations *re* (Ques.) 2381 (ii).

Ross Rifle, Authority *re* Adoption by Can. Govt. (Ques.) 1072 (i).

——— Bayonet Contracts, Cost, &c. (Ques.) 344 (i).

——— Bisley Competitions, Description of (Ques.) 343 (i).

——— Factory Bayonets, Instalment of Machinery, &c. (Ques.) 670 (i).

——— Mark I and Mark II, used by Canada at Bisley, Description, &c. (M. for ret.*) 684 (i).

——— Rep. of Small Arms Com., Date of last Contract (Ques.) 471 (i).

——— Reps. *re* Merit or Demerit, Cor., &c. (M. for ret.) 1189 (i).

Sherbrooke Armoury, Completion of, Total Cost, &c. (Ques.) 5643 (iii).

Sherbrooke New Regiment, Construction, Appropriations *re* Band (Ques.) 5643 (iii).

S.A. Bounty Act, Regulations *re* (remarks) 2232 (ii).

SUPPLY—

Civil Service Commission (salaries) 714 (i).

Militia (ordnance) 2308; (salaries) 2289 (ii).

WRIGHT, Mr. WM., *Muskoka.*

Agricultural Fertilizers B. 110 (Mr. Templeman) in Com., 4451 (iii).

Budget, The, 5007 (iii).

Canada-France SS. Subsidy B. 146 (Mr. Brodeur) in Com. on Res., 4438 (iii).

Criminal Code Amt. B. 148 (Mr. Aylesworth) in Com., 6393 (iv).

WRIGHT, Mr. Wm.—*Con.*

Dom. Elections, Payments to Officials, &c. (Ques.) 1067 (i).

Georgian Islands, Sale of, Advertisements *re* (Ques.) 3991 (ii).

Govt. Harbours and Piers Act Amt. B. 89 (Mr. Brodeur) in Com., 4417, 4431 (iii).

G.T.P. Loan, B. 128 (Mr. Fielding) in Com on Res., 3631 (ii).

——— on M. for 3° (remarks) 5550 (iii).

Natural Resources Conservation B. 159 (Mr. Fisher) on prop. Res., 6377; in Com., 6383 (iv).

Newmarket Canal, Holland River, on Amt. (Mr. Wallace) to Com., of Sup., 3126 (ii).

Ry. Act (level crossings) Amt. B. 106 (Mr. Graham) in Com. on Res., 2392 (ii); in Com., 6224 (iv).

Submarine Co.'s Patent Relief B. 77 (Mr. Proulx) in Com., 4540 (iii).

SUPPLY—

Arts, Agriculture, &c. (census, &c.) 700 (i); (experimental farm electric ry.) 3192; (Patent Record) 3186 (ii).

Canals—Grenville (macadamizing road) 2029; (St. Anne's locks) 2029 (ii).

Canals—Trent (Holland River) 1578, 1895 (i); (construction) 3177 (ii).

Canals—Welland (Port Colborne) 1908 (i); (Port Maitland) 2031 (ii)

Civil Govt.—Customs (board of customs) 586 (i).

Fisheries (commissions) 6957; (dog fish plant) 6950; (protection cruiser) 6947 (iv).

WRIGHT, Mr. Wm.—*Con.*

SUPPLY—*Con.*

Immigration (deportations) 7021; (St. Boniface hospital) 7035 (iv).

Indians—B. C. (surveys commission) 1152 (i).

Indians—Generally (inspectors travelling expenses) 1161; (timber inspectors) 1161 (i).

Interior (St. Mary's and Milk River diversions) 6270 (iv).

Marine and Fisheries (hospitals) 6946 (iv).

Public Works—Buildings—N. S. (Bridgewater) 1286 (i).

Public Works—Buildings—Ont. (Markham) 1386; (Whitby) 1393 (i).

Public Works—Buildings—Ottawa (astronomical observatory) 620; (Major's Hill) 1601 (i).

Public Works—Harbours and Rivers—Ont. (Gravenhurst) 2980; (Montreal River) 2977; (Tiffin) 2115; (Toronto) 2980; (Victoria) 2117 (ii).

Railways—I. C. R. (Sackville) 2935 (ii).

Railways—Miscellaneous (unforeseen items) 2054 (ii).

Sussex Street Govtl. Buildings, Architects Plans, Ownership, &c. (Ques.) 4638 (iii).

Welland Canal, Lease to Cataract Power Co. (remarks) in Com. of Sup., 2037 (ii).

Wharfs on Inland Waters (remarks) in Com of Sup., 3331 (ii).

Winnipeg and Northwestern Ry. Co.'s B. 29 (Mr. McCraney) in Com., 2140 (ii).

Yukon Ordnances (Mr. Oliver) in Com. on Res., 7076 (iv).

INDEX—SUBJECTS

Abitibi and Hudson Bay Ry. Co.: *See* 'B. No. 66.'

Address, The, in Ans. to His Ex.'s Speech: M. (Sir Wilfrid Laurier) 12; Moved (Mr. Todd) 15; Seconded (Mr. Turcotte) 20 (i).

Debate:—(Mr. R. L. Borden 23; (Sir Wilfrid Laurier) 33; (Mr. Foster) 46; (Mr. Cowan) 57; (Mr. Brodeur) 63; (Mr. Barnard) 70; (Mr. Burrell) 72; (Mr. Lemieux) 81; (Mr. R. Smith) 94; (Mr. Goodeve) 111; (Mr. J. D. Taylor) 120; (Mr. Lewis) 128; (Mr. Campbell) 132 (i)

—— Ques. of Order (Mr. R. Smith) 134; Ruling (Mr. Speaker) 134 (i).

Adulteration Act: *See* 'B. No. 107.'

Adulteration of Food, Fraudulent Marking: in Com. of Sup., 455 (i).

Aerial Navigation, Experiments by Canadians, Govt. Aid to: Ques. (Mr. Hughes) 2383 (ii).

Agricultural Fertilizers: *See* 'B. No. 110.'

AGRICULTURE.

Agriculture, Deptl. Rep.: Presented (Mr. Fisher) 12 (i).

—— Deptl. Employees, Name, Position, Salary, Increases, &c.: Ques. (Mr. Foster) 1058 (i).

——Expenditure *re* Employees: Ques. (Mr. Armstrong) 2756 (ii).

—— Expenditure *re* Farms, &c.: Ques. (Mr. Edwards) 1070 (i).

—— French Translation of Documents: Ques. (Mr. Paquet) 2762 (ii).

—— Outside Service at Ottawa, Names, Position, Increases, &c.: Ques., (Mr. Foster) 823, 1409 (i).

—— Salaries: in Com. of Sup., 673, 688, 809 (i).

Agricultural Estimates, Delay in Considering: Remarks (Mr. Geo. Taylor) 4112 (ii).

Agricultural Industry, Number of Farmers, &c.: Ques. (Mr. Lennox) 151 (i).

Animals, Health of, Inspection, &c., Expenditure *re*: Ques. (Mr. Perley) 821 (i).

Bacon Curing Industry for 1907-8, Number of Hogs condemned, &c.: Ques. (Mr. Beattie) 342 (i).

Cold Storage, &c.: Remarks (Mr. Sproule) 6833 (iv).

See main heading.

Dairy and Fruit Industries, Cold Storage, &c.: in Com. of Sup., 3187 (ii).

Experimental Farms: in Com. of Sup., 5947 (iv).

AGRICULTURE—*Con.*

Experimental Farms or Stations, Establishment of since Jan., 1908, &c.: Ques. (Mr. Paquet) 156 (i).

Experimental Farms, Live Stock, Number, Estimated Cost, &c.: Ques. (Mr. Staples) 546 (i).

—— M. for Ret.* (Mr. Staples) 1420 (i).

Experimental Farms, Locations in Eastern Canada, &c.: Prop. Res. (Mr. Lapointe) 1925 (i).

'Farm Weeds,' Number distributed, Names, &c.: Ques. (Mr. Goodeve) 2757 (ii).

Foot and Mouth Disease, States quarantined, Prevention, &c.: M. for Ret.* (Mr. T. Chisholm) 684 (i).

Fruit Imports into B.C. from U.S., Value, Quantity, &c.: (Mr. Burrell) 3850 (ii).

Fruit Marks Act, Number of Inspectors, &c.: Ques. (Mr. Armstrong) 3477 (ii).

Hogs killed from Nov., 1907, to Nov., 1908, Condemnation of, &c.: M. for Ret.* (Mr. Beattie) 684 (i).

Hogs, Dressed, Inspection of, &c.: Ques. (Mr. McCoig) 2758 (ii).

Holstein Cattle at Experimental Farm, &c.: Ques. (Mr. Armstrong) 2756 (ii).

Live Stock Industry: in Com. of Sup., 5833 (ii).

Nappan Experimental Farm, Names of Employees, Rate of Pay, &c.: Ques. (Mr. Rhodes) 5640 (iii).

Potatoes sold in Bags, Statue *re* Measurements: Ques. (Mr. Macdonell) 351 (i).

Registered Stock, Arrangements *re* Importation from U. S., Regulations *re*: Ques. (Mr. J. D. Taylor) 2379 (ii).

Stork, W. W., Inspector of Animals, Details *re* Travelling Expenses: Ques. (Mr. Barr) 6092 (iv).

Tobacco, Canadian, Encouragement of: in Com. of Sup., 5881 (iii).

Aids to Navigation, Light System, &c.: in Com. of Sup., 6904 (iv).

Aids to Navigation on N. S. Coast, Applications *re* Personal Inspections, &c.: Ques. (Mr. Jameson) 5640 (iii).

Alberta Central Ry. Co.: *See* 'B. No. 23'

Alberta and Saskatchewan Annual Allowance, Amount paid, &c.: Ques. (Mr. Herron) 2588 (ii).

Algoma Central and Hudson Bay Ry. Co.: *See* 'B. No. 125.'
Algoma Rifles, 97th Reg., Removal from Sault Ste. Marie to Sudbury: Ques. (Mr. Boyce) 1411 (i).
Algoma Steel Co., N. T. R. Contracts *re* Rails, &c.: Ques. (Mr. Boyce) 336 (i).
Alien Labour Act, Proposed Amts.: Ques. (Mr. Lennox) 166 (i).
Allegash River, Diversion of Waters, Reps., &c.: M. for Copy (Mr. Michaud) 3082 (ii).
All-Red Line, Negotiations *re*, Progress, &c.: Ques. (Mr. R. L. Borden) 148 (i).
—— Cor. *re*: M. for Copies* (Mr. R. L. Borden) 158 (i).
—— Information *re*: Remarks (Mr. Foster) 7070 (iv).
Alsek and Yukon Ry. Co.: *See* 'B. No. 67.'
American Bar-Lock Co.: *See* 'B. No. 123.'
American Fishing Vessels; Seizures, Courts of Trial Procedure, &c.: M. for Ret.* (Mr. Macdonell) 172 (i).
American Immigration Agents, Interference with Canadians: Remarks (Mr. Lalor) 2242 (ii).
American Silver, Exportation of: Remarks (Mr. Turriff) 6780 (iv).
American Tariff, Consideration of: Remarks (Mr. R. L. Borden) 5103 (iii).
Amherst Public Building, Improvements: in Com. of Sup., 1282 (i).
Ammonal Explosives (1908) Ltd.: *See* 'B. No. 93.'
Anglo-Canadian and Continental Bank: *See* 'B. No. 118.'
Animals Contagious Diseases Act : *See* 'B. No. 18.
Animals, Health of, Inspection, &c., Expenditure *re*: Ques. (Mr. Perley) 821 (i).
Annapolis Ice Piers, Construction: in Com. of Sup., 2338 (ii).
Annual Drill: in Com. of Sup., 2311, 3422 (ii).
Annual Drill, Discontinuance of, &c.: Ques. (Mr. Worthington) 343 (i).
Annuities Act, Number of Applicants, Amount &c.: Ques. (Mr. J. Haggart) 3477 (ii).
Annuities and Administration Treaty of Indians: in Com. of Sup., 998 (i).
Annuities for Old Age, Administration, &c.: in Com. of Sup., 6660 (iv).
See 'Old Age,' 'Pensions,' &c.
Anse a la Barbe Breakwater: in Com. of Sup., 2512 (ii).
Anse a l'Ilot: in Com. of Sup., 2513 (ii).
'Anticosti' Str., Amount of Work, Tenders *re*, &c.: Ques. (Mr. Crosby) 671 (i).
Archives: in Com. of Sup., 688 (i).
Arisaig Harbour Wharf: in Com. of Sup., 3233 (ii).
Armouries built since 1896, Number, Cost, &c.: M. for Ret.* (Mr. Foster) 157 (i).
—— Incomplete, &c.: Remarks (Mr. Foster) 2128, 3937 (ii).
Armouries, Generally: in Com. of Sup., 1596 (i).
Armouries supplied by Officers, Policy of Govt.: Ques. (Mr. S. Sharpe) 824 (i).
Arnprior and Pontiac Ry. Co.: *See* 'B. No 87.'
Ashcroft-Dawson Telegraph Lines, Supplies, &c.: in Com. of Sup., 3349 (ii)
Ash Wednesday Adjournment: M. (Sir Wilfrid Laurier) 1320 (i).
Asiatic Exclusion in B.C., Tel. of Mr. Borden: Read (Sir Wilfrid Laurier) in debate on Address, 39 (i).
—— Denial (Mr. R. L. Borden) 39 (i).
—— Telegram to Victoria Colonist: Ques. of Priv. (Mr. R. L. Borden) 290 (i).
—— Memorandum from Bishop of Columbia: Read (Mr. R. L. Borden) 1394 (i).
—— Telegraphic Rep. of Toronto 'News'; Ques. of Priv. (Sir Wilfrid Laurier) 664 (i).
Assaults against the Person: *See* 'B. No. 88.'
Assay Office, Vancouver, B.C.: in Com. of Sup., 7063 (iv).
Assets of Canada in Detail for Dec. 31st, 1908: M. for Ret.* (Mr. Ames) 172 (i).
Assiniboine River Improvements: in Com. of Sup., 3332 (ii).
—— Cor., Vouchers, &c.: M. for Ret.* (Mr. Staples) 1191 (i).
—— Inquiry for Ret. (Mr. Staples) 3254 (ii).
Assiniboine River, Pets., &c., *re* Straightening of: Ques. (Mr. Meighen) 472 (i).
Assiniboine River Works, Cost per yard for Sept. and Oct.: Ques. (Mr. Meighen) 1239 (i).
Associated Press Despatches, Amount contributed, Supervision, &c.: Ques. (Mr. Lennox) 331 (i).
Aston Junction Track Scale: in Com. of Sup., 3415 (ii).
Astronomical Observatory, Boundaries, &c.: in Com. of Sup., 6263 (iv).
Astronomical Observatory, Surveys, &c.: in Com. of Sup., 6263 (iv).
Athabasca Ry. Co.: *See* 'B. No. 68'
Athabaska Northern Ry. Co.: *See* 'B. No. 84.'
Aud. Gen.'s Office, Extra Clerks: in Com. of Sup., 3434 (ii).
Aud. Gen.'s Rep., Vols. 1 and 3: Presented (Mr. Paterson) 12 (i).
—— Part O.: Presented (Mr. Fielding) 1393 (i).
—— Vol. II.: Presented (Mr. Paterson) 1474
Aud. Gen.'s Rep. Inquiry for (Mr. R. L. Borden) 140, 876, 1250 (i).

Australian Trade Direct with Canada, &c.: on M. for Sup. (Mr. Turriff) 6469 (iv)

Automobile Accidents: *See* 'B. No. 60.'

Avonport Piers, Repairs: in Com. of Sup., 2453 (ii).

Aylen, Mr. J., Emplymt. by Transcontinental Ry: Ques. (Mr. Lennox) 5096 (ii).

Aylesworth, Geo. Anson, Emplymt. by Govt.: Ques. (Mr. Taylor) 248 (i).

Aylwin, F. P.; Grant of Land *re* Irrigation Purposes, Cor. Reps., &c.: M. for Ret.* (Mr. Magrath) 1190 (i).

Bacon Curing Industry for 1907-8, Number of Hogs condemned, &c.: Ques. (Mr. Beattie) 342 (i).

Baddeck Wharf Improvements: in Com. of Sup., 2453 (ii).

Bailey's Brook Harbour Improvements: in Com. of Sup., 3234 (ii).

Bait Freezers, Cold Storage, &c.: in Com. of Sup., 6950 (iv).

Band of 36th Regiment, Payments to: Ques. (Mr. Barr) 4892 (iii).
See 'Militia.'

Banff Fish Hatchery, Establishment of, Representations *re*, &c.: Ques. (Mr. McCarthy) 871 (i).

Banff Roads and Bridges: in Com. of Sup. 1171 (i).

Banff Water Works, Repairs, &c.: in Com. of Sup., 1171 (i).

Banfield Creek Life Boat, Cost, Wreck, &c.: Ques. (Mr. Barnard) 1730 (i).

Bank Act Amt., Legislation *re*: Ques. (Mr. Macdonell) 1732 (i).

Bank Act Amt.: *See* 'B. No. 155.'

Bar-Lock Patent: *See* 'B. No. 123.'

Batiscan Dredging Channel: in Com. of Sup., 3274 (ii).

Bay St. Lawrence Harbour: in Com. of Sup., 2455 (ii).

Beauharnois Water Power Leases: in Com. of Sup., 1910 (i).

Beaver Harbour Wharf: in Com. of Sup., 1622 (i).

Beet Sugar Refineries, Duty *re* Preferential Tariff: Ques. (Mr. Hughes) 3047 (ii).

Bell, Charles F., Conditions of Dismissal, &c.: Ques. (Mr. Foster) 2322 (ii).

Belleville Armoury: in Com. of Sup., 1356 (i).

Belleville and Corbyville, Collectors of Inland Revenue, Retirements, Apptmts, &c.: Ques. (Mr. Porter) 4893 (iii).

Belleville Drill Hall, Land Site, Officers' Quarters: Ques. (Mr. Porter) 673, 817 (i).

—— Quarters for Officers of 40th Hastings Rifles: Ques. (Mr. Porter) 1076 (i).

Bérubé, Rev. E. P., Emplymt. by Immigration Dept.: Ques. (Mr. Paquet) 3986 (ii).

Bibbington, Thos., Concellation of Pilotage Certificate: M. for Cor.* (Mr. Barnard) 3991 (ii).

Big Bras d'Or Wharf: in Com. of Sup., 2455 (ii).

Big Grass Marsh Swamp Lands, Transfer of, &c.: M. for Cor.* (Mr. Molloy) 3056 (ii).

Bills of Lading, Discussion *re* Bill: Remarks (Mr. Sproule) 6918 (iv).

—— Jurisdiction by Ry. Commission: Ques. (Mr. Robb) 1179 (i).

Bills, Procedure *re* in absence of Promotors: Remarks (Mr. Speaker) 4445 (iii).

Bills, Royal Assent, 4122 (iii), 7086 (iv).

BILLS:

Bill (No. 1) Respecting the Administration of Oaths of Office.—(Sir Wilfrid Laurier).
1°*, 9 (i).

Bill (No. 2) To amend the Passenger Tickets Act.—(Mr. Reid, Grenville).
1°*, 91; 2°m., 550 (i).

Bill (No. 3) To amend the Railway Act.—(Mr. Bickerdike).
1°, 91; on Order for 2°, 555 (i).

Bill (No. 4) To amend the Criminal Code.—(Mr. Bickerdike).
1°, 92; 2°m., 556; in Com., 567 (i).

Bill (No. 5) To amend the Naturalization Act.—(Mr. Murphy).
1°, 93; dschgd., 378 (i).

Bill (No. 6) To amend the Railway Act.—(Mr. Lancaster).
1°, 93; 2°, 374; in Com., 375; 3°m., 521; 3°*, 876 (i).

Bill (No. 7) To amend the Railway Act.—(Mr. Clarke, Essex).
1°, 94; 2°, 375 (i).

Bill (No. 8) To amend the Dominion Lands Act.—(Mr. Oliver).
1°, 94; 2° and in Com., 379; 3°*, 402 (i); Sen. Amts., 2911 (ii).

Bill (No. 9) Respecting the Brandon Transfer Railway Company.—(Mr. Turriff).
1°*, 159; 2°*, 327; in Com., and 3°*, 989 (i).

Bill (No. 10) Respecting the Brazilian Electro Steel and Smelting Company, Limited.—(Mr. Pardee).
1°*, 159; 2°*, 327; in Com., 1023; 3°*, 1024 (i).

Bill (No. 11) To incorporate the Canadian Western Railway Company.—(Mr. Pardee).
1°*, 159; 2°*, 327; in Com., 986; 3°*, 988 (i).

Bill (No. 12) Respecting the Collingwood Southern Railway Company.—(Mr. Pardee).
1°*, 159; 2°*, 327; in Com., and 3°*, 989 (i).

BILLS—*Con.*

Bill (No. 13) Respecting the Grand Trunk Railway Company of Canada.—(Mr. Pardee).
1°*, 160; 2°*, 327; in Com., and 3°*, 1364 (i).

Bill (No. 14) Respecting the Huron and Ontario Railway Company.—(Mr. Pardee).
1°*, 160; 2°*, 327; in Com., and 3°*, 989 (i).

Bill (No. 15) Respecting the Mexican Land and Irrigation Company, Limited.—(Mr. Pardee).
1°*, 160; 2°, 1024 (i).

Bill (No. 16) To amend the Dominion Elections Act.—(Mr. Macdonell).
1°, 160 (i).

Bill (No. 17) Respecting Immigration.—(Mr. Oliver).
1°*, 240; 2°m., 2009 (i), 4413, 5217 (iii); in Com., 6129 (iv).

Bill (No. 18) To amend the Animals Contagious Diseases Act.—(Mr. Fisher).
1°, 240; 2°m., 749; in Com., 750; 3°, 770 (i).

Bill (No. 19) To amend the Post Office Act.—(Mr. Lemieux).
1°, 241; 2° and in Com., 738; 3°*, 882 (i).

Bill (No. 20) To amend the Government Railways Act.—(Mr. Graham).
1°, 241; 2°, 770; in Com., 779; 3°*, 780 (i).

Bill (No. 21) To amend the Railway Act.—(Mr. Graham).
1°, 242; 2° and in Com., 1117; 3°*, 1122 (i).

Bill (No. 22) Respecting the Hours of Labour on Public Works.—(Mr. Verville).
1°*, 240 (i).

Bill (No. 23) Respecting the Alberta Central Railway Company.—(Mr. McIntyre, Strathcona).
1°, 290; 2°*, 437; in Com., and 3°*, 1696 (i).

Bill (No. 24) Respecting the Edmonton and Slave Lake Railway Company.—(Mr. McIntyre, Strathcona).
1°, 290; 2°*, 438; in Com., and 3°, 1363 (i).

Bill (No. 25) Respecting the Joint Section of the Canadian Pacific Railway Company and the Grand Trunk Pacific Railway Company, at Fort William, Ontario.—(Mr. Turiff).
1°*, 290; 2°*, 438; in Com., 1718; 3°*, 1718 (i).

Bill (No. 26) Respecting the Kootenay Central Railway Company.—(Mr. Goodeve).
1°*, 290; 2°*, 438; in Com., and 3°*, 1364 (i).

Bill (No. 27) To incorporate the London and Lancashire Plate Glass and Indemnity Company of Canada.—(Mr. Macdonell).
1°*, 290; 2°*, 438 (i); in Com., 2146; 3°*, 2147 (ii).

BILLS—*Con.*

Bill (No. 28) Respecting the Union Station and other joint facilities of the Grand Trunk Pacific Railway Company and the Midland Railway of Manitoba, at Portage la Prairie.—(Mr. Turriff).
1°*, 290; 2°*, 438; in Com., and 3°*, 1696 (i).

Bill (No. 29) Respecting the Winnipeg and Northwestern Railway Company.—(Mr. McCraney).
1°*, 290; 2°*, 438 (i); in Com., 2067, 2130; 3°*, 2146 (ii).

Bill (No. 30) Respecting the Subsidy from the Ontario Government to Lake Superior Branch of G. T. Pacific Railway.—(Mr. Turriff).
1°*, 290; 2° m., 66, 1364 (i); in Com., and 3°*, 3415 (ii).

Bill (No. 31) To prevent the payment or acceptance of illicit or secret commissions, and other like practices.—(Mr. Aylesworth).
1°, 325; 2° and in Com., 1122; in Com., 1479; 3°*, 1490 (i); Sen. Amt., 4412 (iii).

Bill (No. 32) To amend the Railway Act.—(Mr. Barr).
1°, 326; 2°, 876 (i).

Bill (No. 33) Respecting the Niagara-Welland Power Company.—(Mr. Guthrie).
1°*, 465; 2°*, 779 (i), in Com., 2571; 3°*, 2571 (ii).

Bill (No. 34) To incorporate the Ontario and Michigan Power Company.—(Mr. Conmee).
1°*, 465; 2°, 1026 (i); in Com., 4472, 4593, 5296, 5352, 5559 (iii), 5958, 6000; 3° m., 6001 (iv).

Bill (No. 35) To incorporate the Salisbury and Harvey Railroad Company.—(Mr. Emmerson).
1°*, 465; 2°, 775; in Com., 1363, 1513; 3°, 1513 (i).

Bill (No. 36) Respecting the Southern Central Pacific Railway Company.—(Mr. McIntyre, Strathcona).
1°*, 465; 2°, 778 (i); in Com., and 3°*, 2067 (ii).

Bill (No. 37) To incorporate the Western Canadian Life Assurance Company.—(Mr. Knowles).
1°*, 465; 2°, 778 (i); in Com., 2564; 3°*, 2569 (ii).

Bill (No. 38) Respecting the Canadian Northern Quebec Railway Company.—(Mr. Dubeau).
1°*, 465; 2°*, 779; in Com., and 3°*, 1696 (i); Sen. Amts., 4164, 4593, 5486 (iii).

Bill (No. 39) To amend the Railway Act.—(Mr. Northrup).
1°, 465 (i).

Bill (No. 40) To incorporate the Great West Permanent Loan Company.—(Mr. Haggart, Winnipeg).
1°*, 626; 2°*, 1366 (i); in Com., 2569; in Com., and 3°*, 2578 (ii).

BILLS—*Con.*

Bill (No. 41) Respecting the Tilsonburg, Lake Erie and Pacific Railway Company.—(Mr. Schell).

1°*, 626; 2°*, 988; in Com., and 3°*, 1696 (i).

Bill (No. 42) Respecting the Toronto, Niagara and Western Railway Company.—(Mr. Calvert).

1°*, 626; 2°*, 988 (i); in Com., 2063; 3°*, 2037 (ii).

Bill (No. 43) Respecting the Hudson Bay and Pacific Railway Company.—(Mr. Cash).

1°*, 626; 2°*, 988 (i); in Com., 2067; 3°*, 2067 (ii).

Bill (No. 44) To incorporate the Canadian Liverpool and Western Railway Company.—(Mr. Girard).

1°*, 626; 2°*, 988; in Com., 1685, 1719, 1858 (i), 2058, 2129; 3°*, 2129 (ii).

Bill (No. 45) Respecting Load Lines on Ships.—(Mr. Lewis).

1°, 663 (i).

Bill (No. 46) Respecting the Crawford Bay and St. Mary's Railway Company, and to change its name to 'British Columbia, Alberta, Saskatchewan and Manitoba Railway Company.'—(Mr. McIntyre, Strathcona).

1°*, 738; 2°*, 988; in Com., and 3°*, 1719 (i).

Bill (No. 47) Respecting the Guelph and Goderich Railway Company.—(Mr. Lewis).

1°*, 738; 2°*, 988 (i); in Com., and 3°*, 2067 (ii).

Bill (No. 48) Respecting the Montreal Terminal Railway Company.—(Mr. Geoffrion).

1°*, 738; 2° m., 1147; 2°*, 1366 (i); in Com., and 3°*, 2951 (ii).

Bill (No. 49) Respecting the Ottawa, Northern and Western Railway Company.—(Mr. Devlin).

1°*, 738; 2°*, 988 (i); in Com., and 3°*, 2539 (ii).

Bill (No. 50) To incorporate La Compagnie du Chemin de fer International de Rimouski.—(Mr. Ross).

1°*, 738; 2°*, 1366 (i); in Com., and 3°*, 2539 (ii).

Bill (No. 51) To incorporate the Royal Casualty and Surety Company of Canada.—(Mr. McLean, Sunbury and Queens).

1°*, 738; 2°*, 988 (i); in Com., 2575, 2717; 3°*, 2720 (ii).

Bill (No. 52) Respecting the Bank of Vancouver.—(Mr. Cowan).

1°*, 738; 2°*, 989 (i); in Com., 2147; 3°*, 2148 (ii).

Bill (No. 53) Respecting the Walkerton and Lucknow Railway Company.—(Mr. Donnelly).

1°*, 738; 2°*, 989 (i); in Com., 2147; 3°*, 2068 (ii).

BILLS—*Con.*

Bill (No. 54) To amend the Railway Act.—(Mr. Nantel).

1°, 813 (i).

Bill (No. 55) To incorporate the British Columbia Life Assurance Company.—(Mr. Cowan).

1°*, 868; 2° m., 1147; 2°*, 1366 (i); in Com., and 3°*, 2578 (ii).

Bill (No. 56) Respecting the Canada Life Assurance Company.—(Mr. Clarke, Essex).

1°*, 868; on Order for 2°, 1147; 2°*, 1366 (i); in Com., 2571, 3004, 3041, 3411 (ii), 4164, 4472, 5093, 5429, 5480 (iii), 5995, 6006; 3°*, 6058 (iv).

Bill (No. 57) Respecting the Vancouver, Fraser Valley and Southern Railway Company.—(Mr. Taylor, New Westminster).

1°*, 868; 2°*, 1055 (i); in Com., and 3°*, 2148 (ii).

Bill (No. 58) Respecting the Vancouver, Westminster and Yukon Railway Company.—(Mr. Smith, Nanaimo).

1°*, 868; 2°*, 1055 (i); in Com., and 3°*, 2148 (ii); Sen. Amt., 4445 (iii).

Bill (No. 59) To incorporate the Victoria and Barkley Sound Railway Company—(Mr. R. Smith).

1°*, 868; 2°*, 1366 (i); in Com and 3°*, 2539 (ii).

Bill (No. 60) To amend the Criminal Code respecting injuries to Persons due to Motor Vehicles.—(Mr. Lewis).

1°, 952 (i).

Bill (No. 61) Respecting the Burrard Westminster Boundary Railway and Navigation Company.—(Mr. Smith, Nanaimo).

1°*, 1116; 2°*, 1366 (i); in Com., and 3°*, 2539 (ii).

Bill (No. 62) To incorporate the Prince Albert and Hudson Bay Railway Company.—(Mr. Neely).

1°*, 1116; 2°*, 1366 (i); in Com., 2530; in Com., and 3°*, 2578 (ii).

Bill (No. 63) To incorporate the Royal Canadian Accident Insurance Company.—(Mr. Ames).

1°*, 1116; 2°*, 1366 (i); in Com., and 3°*, 2720 (ii); Sen. Amts., 6788 (iv).

Bill (No. 64) To amend the Dominion Lands Act.—(Mr. Sproule).

1°, 1234 (i).

Bill (No. 65) To amend the Railway Act.—(Mr. Turriff).

1°, 1236 (i).

Bill (No. 66) Respecting the Abitibi and Hudson Bay Railway Company.—(Mr. Gordon, Nipissing).

1°*, 1318; 2°*, 1513 (i); in Com., and 3°*, 2951 (ii).

BILLS—*Con.*

Bill (No. 67) Respecting the Alsek and Yukon Railway Company.—(Mr. McIntyre, Strathcona).
1°*, 1318; 2°*, 1513 (i); in Com., and 3°*, 2951 (ii).

Bill (No. 68) Respecting the Athabasca Railway Company.—(Mr. McIntyre, Strathcona).
1°*, 1318; 2°*, 1513 (i); in Com., and 3°*, 2951 (ii).

Bill (No. 69) To incorporate the Fort Erie and Buffalo Bridge Company.—(Mr. German).
1°*, 1318 (i); 2°*, 2579; in Com., 3403; 3°*, 3404 (ii).

Bill (No. 70) Respecting the St. Mary's and Western Ontario Railway Company.—(Mr. McIntyre, Perth).
1°*, 1318; 2°*, 1513 (i); in Com., and 3°*, 2951 (ii).

Bill (No. 71) Respecting a Patent of Thomas L. Smith.—(Mr. Bickerdike).
1°*, 1318; 2°*, 1513 (i); in Com., 2578; 3° m., 2578, 2950 (ii).

Bill (No. 72) To amend the Railway Act.—(Mr. Smith, Nanaimo).
1°, 1318 (i).

Bill (No. 73) To provide for the Government Inspection of Vessels.—(Mr. Lewis.)
1°, 1319 (i).

Bill (No. 74) Respecting Wireless Telegraphy on Ships.—(Mr. Lewis.)
1°, 1393 (i).

Bill (No. 75) Respecting the Canadian Northern Ontario Railway Company.—Mr. Pardee.)
1°*, 1479 (i); 2°*, 2148; in Com., 3409; 3°*, 3984 (ii).

Bill (No. 76) To incorporate the Canadian National Fire Insurance Company.—(Mr. Haggart, Winnipeg.)
1°*, 1479; 2°*, 1719 (i); in Com., 2578; 3°, 2578 (ii).

Bill (No. 77) Respecting a Patent of the Submarine Company.—(Mr. Proulx.)
1°*, 1479 (i); 2°*, 2148 (ii); in Com., 4538; 3° m., 4544, 4592; 3°*, 4826 (iii).

Bill (No. 78) To incorporate the Superior and Western Ontario Railway Company.—(Mr. Conmee.)
1°*, 1479 (i); 2°*, 2257; in Com., 3845, 3963; 3°*, 3983 (ii).

Bill (No. 79) Respecting the Canadian Pacific Railway Company.—(Mr. McIntyre, Strathcona.)
1°* 1648 (i); 2°*, 2148; in Com., 3039, 3151; 3°*, 3162 (ii).

Bill (No. 80) Respecting the Kootenay and Arrowhead Railway Company.—(Mr. Taylor, Leeds.)
1°*, 1648 (i); 2°*, 2148; in Com., 3411, 3472, 3605; 3°*, 3606 (ii).

BILLS—*Con.*

Bill (No. 81) Respecting the Manitoba and Northwestern Railway Company of Canada.—(Mr. Cash.)
1°*, 1648 (i); 2°*, 2148; in Com., 3844, 3942; 3°*, 3963 (ii); Sen. Amt., 5486 (iii), 6073 (iv).

Bill (No. 82) Respecting the Monarch Fire Insurance Company.—(Mr. Beattie.)
1°*, 1648 (i); 2°*, 2148 (ii); in Com., and 3°*, 4545 (iii).

Bill (No. 83) To amend the Criminal Code respecting offensive Weapons and Capital Offences.—(Mr. Lewis.)
1°, 1716 (i).

Bill (No. 84) Respecting the Athabaska Northern Railway Company.—(Mr. Turriff.)
1°*, 1813 (i); 2°*, 2148; in Com., and 3°*, 3984 (ii).

Bill (No. 85) Respecting the British Columbia Southern Railway Company.—(Mr. Taylor, Leeds.)
1°*, 1813 (i); 2°*, 2148; in Com., and 3°*, 3984 (ii).

Bill (No. 86) Respecting the Cobalt Range Railway Company.—(Mr. Hodgins).
1°*, 1813 (i); 2°*, 2148; in Com. and 3°* 3847 (ii).

Bill (No. 87) To incorporate the Arnprior & Pontiac Railway Company.—(Mr. Hodgins.)
1°*, 1970 (i); 2°*, 2148 (ii); in Com., and 3°*, 4839 (iii).

Bill (No. 88) Respecting Assaults and Offences against the Person.—(Mr. Lewis).
1°, 1971 (i).

Bill (No. 89) To amend the Government Harbour and Piers Act.—(Mr. Brodeur).
1°*, 1972 (i); 2° and in Com., 4414 (iii), 5896, 6123; 3°*, 6128 (iv).

Bill (No. 90) To create a Department of External Affairs.—(Mr. Murphy).
Res. prop., 1813; M. for Com. on Res., 1978; in Com. on Res., 1996; 1°* of B. 2008 (i); 2° and in Com., 4436, 4470; 3°*, 4471 (iii).

Bill (No. 91) To incorporate the Prudential Trust Company, Limited.—(Mr. Macdonell.)
1°*, 2019; 2°*, 2579 (ii); in Com., 5484 (iii); 3°*, 6068 (iv).

Bill (No. 92) Respecting Patents of the Hart-Otis Car Company, Limited.—(Mr. Geoffrion.)
1°*, 2019; 2°*, 2267 (ii).

Bill (No. 93) Respecting Patents of Ammonal Explosives (1908), Limited.—(Mr. Macdonell.)
1°*, 2120; 2° m., 2579, 2720 (ii).

BILLS—*Con.*

Bill (No. 94) Respecting the Cedar Rapids Manufacturing and Power Company.—(Mr. Boyer.)
1°*, 2120; 2°*, 2579; in Com., 3404, 3472, 3605; 3°*, 3605 (ii).

Bill (No. 95) To incorporate the Royal Guardians.—(Mr. Lachance.)
1°*, 2120; 2°*, 2579 (ii); in Com., and 3°*, 4545 (iii).

Bill (No. 96) Respecting the Kettle River Valley Railway Company.—(Mr. Burrell).
1°*, 2120; 2°*, 2579; in Com., and 3°*, 3847 (ii).

Bill (No. 97) Respecting Insurance.—(Mr. Fielding).
1°, 2121; 2°, 2564 (ii); Res. prop., 6687; in Com., 6704, 6788; 3°*, 6822 (iv).

Bill (No. 98) To amend the Exchequer Court Act.—(Mr. Aylesworth).
1°, 2127 (ii); 2° and in Com., 5349; 3°*, 5350 (iii).

Bill (No. 99) To amend the Railway Act.—(Mr. Conmee).
1°, 2127 (ii).

Bill (No. 100) To amend the Adulteration Act.—(Mr. Sexsmith).
1°, 2217 (ii).

Bill (No. 101) To amend the Criminal Code.—(Mr. Stewart).
1°, 2217 (ii).

Bill (No. 102) To incorporate the London and Northwestern Railway Company.—(Mr. Beattie).
1°*, 2318; 2°*, 2579; in Com., 3846, 3983; 3°*, 3984 (ii).

Bill (No. 103) Respecting the National Accident and Guarantee Company of Canada.—(Mr. Pardee).
1°*, 2318; 2°*, 2579 (ii); in Com., and 3°*, 6624 (iv).

Bill (No. 104) Respecting the Thessalon and Northern Railway Company.—(Mr. Smyth).
1°*, 2318; 2°*, 2579 (ii); in Com., 5483, 5574 (iii), 6062; 3°*, 6068 (iv).

Bill (No. 105, from the Senate) Relating to the Water Carriage of Goods.—(Mr. Miller).
1°*, 2670 (ii); 2°, 6774; in Com., 6774 (iv).

Bill (No. 106) To amend the Railway Act.—(Mr. Graham).
Res. prop., 2323; in Com. on Res., 2384; 1°* of B., 2402 (ii); 2°, 6186; in Com., 6200, 6293; 3° m., 6302; 3°*, 6313; Sen. Amt., 7068 (iv).

Bill (No. 107) To amend the Adulteration Act.—(Mr. Currie, Simcoe).
1°, 2490 (ii).

BILLS—*Con.*

Bill (No. 108) Respecting the Saving of Daylight.—(Mr. Lewis).
1°, 2491; 2°, 3468 (ii).

Bill (No. 109, from the Senate) To amend the Government Annuities Act, 1908.—(Mr. Fielding).
1°*, 2670 (ii); 2°, 6773; in Com., and 3°*, 6774 (iv).

Bill (No. 110) Respecting Agricultural Fertilizers.—(Mr. Templeman).
1°, 2910 (ii); 2° and in Com., 4445, 5202; 3°*, 5217 (iii).

Bill (No. 111) To amend the Railway Act.—(Mr. Lewis).
1°, 3362 (ii).

Bill (No. 112) To amend the Dominion Elections Act.—(Mr. Conmee).
1°, 3468 (ii).

Bill (No. 113) To amend the Industrial Disputes Investigation Act, 1907.—(Mr. Macdonell).
1°, 3565 (ii).

Bill (No. 114, from the Senate) To incorporate the British Colonial Fire Insurance Company.—(Mr. Turriff).
1°*, 3651; 2°*, 3847 (ii); in Com., and 3°*, 4545 (iii).

Bill (No. 115, from the Senate) For the relief of Victor Eccles Blackhall.—(Mr. Sutherland).
1°*, 3651; 2°*, 3847 (ii); in Com., and 3°*, 4545 (iii).

Bill (No. 116, from the Senate) For the relief of Annie Louise Coltman.—(Mr. Turriff).
1°*, 3651; 2°*, 3847 (ii); in Com., and 3°*, 4545 (iii).

Bill (No. 117) For granting to His Majesty certain sums of money for the Public Service of the financial years ending respectively March 31, 1909, and March 31, 1910.—(Mr. Fielding).
In Com. of Ways and Means, 4051; 1°, 2°*, in Com., and 3°*, 4051 (iii).

Bill (No. 118, from the Senate) Respecting the Anglo-Canadian and Continental Bank.—(Mr. Gervais).
1°*, 3703; 2°*, 3848 (ii); in Com., and 3°*, 4545 (iii).

Bill (No. 119, from the Senate) Respecting the Quinze and Blanche River Railway Company.—(Mr. McGiverin).
1°*, 3703; 2°*, 3848 (ii); in Com., and 3°*, 4839 (iii).

Bill (No. 120, from the Senate) Respecting the Windsor, Essex and Lake Shore Rapid Railway Company.—(Mr. Clarke, Essex).
1°*, 3802; 2°*, 3984 (ii); in Com., and 3°*, 4839 (iii).

BILLS—*Con.*

Bill (No. 121, from the Senate) For the relief of John Grant Ridout.—(Mr. Guthrie).
1°*, 3802; 2°*, 3984 (ii); in Com., and 3°*, 4839 (iii).

Bill (No. 122) To incorporate the Cabano Railway Company.—(Mr. Gauvreau).
1°*, 3802 (ii); 2°*, 4067; in Com., 4839; 3°*, 4840 (iii).

Bill (No. 123, from the Senate) Respecting certain Letter Patent of the American Bar-Lock Company.—(Mr. Macdonell).
1°*, 4041; 2°*, 4165; in Com., and 3°*, 5429 (iii).

Bill (No. 124, from the Senate) Respecting the Ontario, Hudson Bay and Western Railway Company.—(Mr. Schell).
1°*, 4041; 2°*, 4165; in Com., and 3°*, 5487 (iii).

Bill (No. 125, from the Senate) Respecting the Algoma Central and Hudson Bay Railway Company (Mr. Schell).
1°*, 4041; 2°*, 4165; in Com., and 3°*, 5487 (iii).

Bill (No. 126, from the Senate) Respecting the Joliette and Lake Manuan Colonization Railway Company.—(Mr. Dubeau).
1°*, 4041; 2°*, 4165; in Com., 4836; 3°*, 4839 (iii).

Bill (No. 127) Respecting Commercial Feeding Stuffs.—(Mr. Templeman).
1°, 3936 (ii); 2°, and in Com., 5204; 3°, 5213 (iii); Sen. Amts., 6743 (iv).

Bill (No. 128) To authorize a Loan to the Grand Trunk Pacific Railway Company.—(Mr. Fielding).
Res. prop., 2670; M. for Com. on Res., 3569, 3606 (ii), 4052; 1°* of B., 4118; 2° m., 5103, 5159; in Com., 5250, 5309, 5488; 3° m., 5496, 5575; 3°*, 5621 (iii).

Bill (No. 129, from the Senate) For the relief of Evelyn Martha Keller.—(Mr. Pardee).
2°*, 4445; in Com., and 3°*, 4839 (iii).

Bill (No. 130, from the Senate) For the relief of Frank Parsons.—(Mr. Tolmie).
1°*, 4286; 2°*, 4445; in Com., and 3°*, 4839 (iii).

Bill (No. 131) To amend the Canada Shipping Act.—(Mr. Brodeur).
1°, 4124; 2° and in Com., 5218; 3°*, 5218 (iii).

Bill (No. 132, from the Senate) Respecting certain Letters Patent of Franklin Montgomery Gray.—(Mr. Rankin).
1°*, 4221; 2°*, 4445; in Com., 4883, 5028; 3°*, 5028 (iii).

Bill (No. 133. from the Senate) To incorporate the Kootenay and Alberta Railway Company.—(Mr. Knowles).
1°*, 4286; 2°*, 4445; in Com., and 3°*, 4839 (iii)

BILLS—*Con.*

Bill (No. 134, from the Senate) To incorporate the Canadian Medical Association.—(Mr. Roche).
1°*, 4221; 2°*, 4445; in Com., 4840; 3°*, 4891 (iii).

Bill (No. 135, from the Senate) For the relief of Hannah Ella Tomkins.—(Mr. Reid, Grenville).
1°*, 4411; 2°*, 4891 (iii); in Com., and 3°*, 6068 (iv).

Bill (No. 136) To amend the Post Office Act.—(Mr. Lemieux).
Res. prop., 3802 (ii); in Com. on Res., 4237; 1°* of B., 4253 (iii); 2° and in Com., 6313; 3°*, 6324 (iv).

Bill (No. 137) To amend the Civil Service Act.—(Mr. Lemieux).
Res. prop., 3802 (ii); in Com. on Res., 4237; 1°* of B., 4253 (iii); 2° and in Com., 6324; 3°*, 6330 (iv).

Bill (No. 138, from the Senate) Respecting the Quebec Oriental Railway Company.—(Mr. Geoffrion).
1°*, 4286; 2°*, 4445; in Com., and 3°*, 5487 (iii).

Bill (No. 139, from the Senate) Respecting the Ottawa Fire Insurance Company, and to change its name to Ottawa Assurance Company.—(Mr. Perley).
1°*, 4286; 2°*, 4445; in Com., and 3°*, 4594 (iii).

Bill (No. 140, from the Senate) Respecting the Grand Trunk Pacific Branch Lines Company.—(Mr. Miller).
1°*, 4411; 2°*, 4545; in Com., and 3°*, 5487 (iii).

Bill (No. 141, from the Senate) Respecting the Manitoba Radial Railway Company.—(Mr. Harris).
1°*, 4411; 2°*, 4545; in Com., 5483; 3°*,5483 (iii).

Bill (No. 142, from the Senate) To incorporate the Governing Council of the Salvation Army in Canada.—(Mr. Miller).
1°*, 4411; 2°*, 4545 (iii); in Com., 6068; 3°*, 6070 (iv).

Bill (No. 143, from the Senate) For the relief of Mildred Gwendolyn Platt Patterson.—(Mr. Harris).
1°*, 4411; 2°*, 4545; in Com., and 3°*, 4891 (iii).

Bill (No. 144, from the Senate) For the relief of Charles Bowerbank Lowndes.—(Mr. Wallace).
1°*, 4411; 2°*, 4545; in Com., and 3°*, 4891 (iii).

Bill (No. 145) from the Senate), For the relief of Isaac Moore.—(Mr. Wallace).
1°*, 4411; 2°*, 4545; in Com., and 3°*, 4891 (iii).

BILLS—*Con.*

Bill (No. 146) To amend the Act relating to Ocean Steamship Subsidies.—Mr. Brodeur).

Res. prop., 2017 (ii); in Com. on Res., 4436; 1°* of B., 4445; 2° and in Com., 5219; 3°*, 5249 (iii).

Bill (No. 147) To amend the Cold Storage Act.—(Mr. Fisher).

1°, 4471 (iii); 2° and in Com., 6742; 3°, 6742 (iv).

Bill (No. 148) To amend the Criminal Code.—(Mr. Aylesworth).

1°, 4631 (iii); 2° m., 6383; in Com., 6391, 6756; 3°*, 6769; Sen. Amt., 7084 (iv).

Bill (No. 149) To amend the Extradition Act.—(Mr. Aylesworth).

1°*, 4634; 2° and in Com., 5236; 3°*, 5249 (iii).

Bill (No. 150) To amend the Navigable Waters' Protection Act.—(Mr. Conmee).

1°, 4690 (iii).

Bill (No. 151) To amend the Exchequer Court Act.—(Mr. Aylesworth).

1°, 4695 (iii); 2° and in Com., 6744; 3°*, 6756 (iv).

Bill (No. 152) To amend the Navigable Waters' Protection Act.—(Mr. Brodeur).

1°, 4797; 2° and in Com., 5225 (iii); 3°, 6128 (iv).

Bill (No. 153) Respecting the National Transcontinental Railway.—(Mr. Graham).

1°, 4798; 2° and in Com., 5235; 3°*, 5235 (iii).

Bill (No. 154) Respecting the Harbour Commissioners of Montreal.—(Mr. Brodeur).

1°, 4798; 2° m., 5234 (iii); in Com., 6559; 3°*, 6583 (iv).

Bill (No. 155) To amend the Bank Act.—(Mr. Sharpe, Ontario).

1°, 4801 (iii).

Bill (No. 156) To amend the Yukon Act.—(Mr. Aylesworth).

1°, 4882; 2° and in Com., 5235; 3°*, 5236 (iii).

Bill (No. 157, from the Senate) For the relief of John Denison Smith.—(Mr. McLean, Lunenburg).

1°*, 4988; 2°*, 5487 (iii); in Com., 6070; 3°*, 6073 (iv).

Bill (No. 158, from the Senate) Respecting the Bank of Winnipeg.—(Mr. Molloy).

1°*, 4988; 2°*, 5487 (iii); in Com., and 3°*, 6624 (iv).

Bill (No. 159) To establish a Commission for the Conservation of Natural Resources.—(Mr. Fisher).

Res. prop., 5249 (iii); in Com. on Res., 6362; 1°, 4988; in Com., 6381; 3°*, 6383 (iv).

BILLS—*Con.*

Bill (No. 160, from the Senate) to incorporate the Canadian Red Cross Society.—(Mr. Macdonell).

1°, 4988; 2°*, 5487 (iii); in Com., and 3°*, 6068 (iv).

Bill (No. 161, from the Senate) To incorporate the Equity Fire Insurance Company.—(Mr. Macdonell).

1°, 4988; 2°*, 5487 (iii); in Com., 6625; 3°*, 6628 (iv).

Bill (No. 162) To amend the Customs' Tariff (Mr. Fielding).

Res. prop., 4584; in Com. on Ways and Means, 5099; 1° of B., 5103; 2° and in Com., 5103; 3°*, 5103 (iii).

Bill (No. 163, from the Senate), To incorporate the Prairie Provinces Trust Company.—(Mr. Sutherland)

1°*, 5248 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 164) To amend the Intercolonial and Prince Edward Island Railways Employees' Provident Act.—(Mr. Graham).

1°, 5248 (iii); 2° and in Com., 6740; 3°*, 6741 (iv).

Bill (No. 165) To establish the Department of Labour as a separate Department of the Government of Canada.—(Sir Wilfrid Laurier).

In Com. on Res., 5350, 1°* of B., 5350 (iii); 2° m., 6712; in Com., 6717; 3°, 6738 (iv).

Bill (No. 166, from the Senate), Respecting the Central Railway Company of Canada.—(Mr. Ethier).

1°*, 5623 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 167, from the Senate) To incorporate the Board of Elders of the Canadian District of the Moravian Church in America.—(Mr. McIntyre, Strathcona).

1°*, 5623 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 168, from the Senate) Respecting Mexican Transportation Company, Limited, and to change its name to Mexican Northwestern Railway Company.—(Mr. Sutherland).

1°*, 5623 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 169, from the Senate) Respecting the Patents of Washington R. McCloy.—(Mr. Rivet.)

1°*, 5623 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 170 from the Senate, Respecting the Brockville, Westport and Northwestern Railway Company.—(Mr. Marshall.)

1°*, 5623 (iii); 2°*, 6247; in Com., and 3°*, 6624 (iv).

BILLS—*Con.*

Bill (No. 171, from the Senate) Respecting the Quebec and New Brunswick Railway Company.—(Mr. Michaud.)
1°*, 5623 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 172) To amend the Railway Act.—(Mr. Currie, Simcoe.)
1°, 5625 (iii).

Bill (No. 173) To amend the Manitoba Grain Act.—(Mr. Currie, Simcoe.)
1°, 5626 (iii).

Bill (No. 174) To correct a Clerical error in Chapter 63 of the Statutes of 1908, respecting Railway Subsidies.—(Mr. Graham.)
1°, 5628 (iii); 2° and in Com., 6741; 3°*, 6742 (iv).

Bill (No. 175, from the Senate), Further to amend Chapter 92 of the Statutes of 1901, respecting the Canadian Patriotic Fund Association.—(Sir Frederick Borden).
1°*, 5887 (iii); 2°*, in Com., and 3°*, 6739 (iv).

Bill (No. 176, from the Senate) To incorporate the St. Maurice and Eastern Railway Company.—(Mr. Geoffrion.)
1°*, 5777 (iii); 2°, 6083; in Com., and 3°*, 6624 (iv).

Bill (No. 177, from the Senate) Respecting the Royal Victoria Life Insurance Company, and to change its name to the Royal Victoria Life Insurance Company of Canada.—(Mr. Sutherland).
1°, 5885 (iii); 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 178, from the Senate) For the relief of John Wake.—(Mr. McCraney.)
1°*, 5886 (iii); 2°, 6081; in Com., and 3°*, 6624 (iv).

Bill (No. 179) To amend the Canada Shipping Act.—(Mr. Edwards.)
1°*, 5889 (iv).

Bill (No. 180, from the Senate) Respecting the Montreal Bridge and Terminal Company.—(Mr. Ecrement.)
1°*, 5997; 2°*, 6082; in Com., 6628; 3°*, 6630; Amts., 6917 (iv).

Bill (No. 181, from the Senate) For the relief of Laura McQuoid.—(Mr. Nesbitt.)
1°*, 5997; 2°*, 6082; in Com., and 3°*, 6624 (iv).

Bill (No. 182, from the Senate) For the relief of Fleetwood Howard Ward.—(Mr Lewis).
1°*, 5997; 2°*, 6083; in Com., and 3°*, 6624 (iv).

Bill (No. 183, from the Senate) For the relief of Aaron William Morley Campbell.—(Mr. White, Alberta.)
1°*, 5997; 2°*, 6083; in Com., and 3°*, 6624 (iv).

BILLS—*Con.*

Bill No. 184, from the Senate) For the relief of John Christopher Cowan.—(Mr. Turriff.)
1°*, 5997; 2°*, 6083; in Com., and 3°*, 6624 (iv).

Bill (No. 185, from the Senate) To incorporate the Catholic Church Extension Society of Canada.—(Mr. Parent.)
1°*, 6083; 2°*, 6247; in Com., and 3°*, 6624 (iv).

Bill (No. 186) Respecting certain Aid for the extension of the Canadian Northern Railway.—(Mr. Graham.)
1°*, 6292; 2°, and in Com., 6739; 3°*, 6740 (iv).

Bill (No. 187) To authorize certain increases of Salaries to Members of the Civil Service. Inside Service.—(Mr. Fisher).
Res. prop., 160, 292; in Com. on Res., 324, 403, 953, 1135 (i); 1°*, 6330; 2 m., 6330; in Com., 6346; 3° m., 6822; Sen. Amts., 7068 (iv).

Bill (No. 188, from the Senate) Respecting the Prudential Life Insurance Company of Canada, and to change its name to the Security Life Insurance Company of Canada.—(Mr. Proulx).
1°*, 6402; 2°*, 6625; in Com., 6781; 3°*, 6784 (iv).

Bill (No. 189, from the Senate) To incorporate the Commerce Insurance Company.—(Mr. Geoffrion).
1°*, 6403; 2°*, 6625; in Com., and 3°*, 6788 (iv).

Bill (No. 190, from the Senate) Respecting the Fidelity Life Insurance Company of Canada.—(Mr. McCraney).
1°*, 6403; 2°*, 6625; in Com., and 3°*, 6788 (iv).

Bill (No. 191) To authorize the raising, by way of loan, of certain sums of money for the public service.—(Mr. Fielding).
Res. prop., 6292; in Com. on Res., 6708; 1°* of B., 6711; 2° and in Com., 6711; 3°*, 6822 (iv).

Bill (No. 192) To provide for further advances to the Harbour Commissioners of Montreal.—(Mr. Brodeur).
Res. prop., 3197 (ii); in Com. on Res., 6743; 1°* of B., 6744; 2° and in Com., 6744; 3°*, 6744 (iv).

Bill (No. 193) To amend the Judges' Act.—(Mr. Aylesworth).
Res. prop., 6122; in Com. on Res., 6769; 1°*, 2°*, in Com., and 3°*, 6773 (iv).

Bill (No. 194, from the Senate) For the relief of Annie Bowden.—(Mr. Wallace).
1°, 6917; 2° and in Com., 6918; 3°*, 6985 (iv).

Bill (No. 195) For granting to His Majesty certain sums of money for the public service of Canada for the year ending 31st March, 1909, and the year ending 31st March, 1910.—(Mr. Fielding).
In Com. of Ways and Means, 7080; 1°*, 2°*, in Com., 7081; 3°*, 7084 (iv).

Biological Stations and Investigations: in Com. of Sup., 6953 (iv).
Biological Stations, Marine: in Com. of Sup., 3438 (ii).
Birdsall Landing Wharf, Rice Lake, Cost of Contract *re*: Ques. (Mr. Sexsmith) 825 (i).
Birtle Agency, Purchase of Live Stock: Statement (Mr. Oliver) in Com. of Sup., 1168 (i).
Birtle Hospital, Attendance of Dr. Wright *re* Indians: Remarks (Mr. Roche) in Com. of Sup., 1010 (i).
Bisley Team, Use of Ross Rifle: Ques. (Mr. Worthington) 5642 (iii).
—— Remarks (Mr. Hughes) 5644 (iii).
Blackhall, Victor Eccles, Relief of: *See* 'B. No. 115.'
Black Lake Postmaster, Complaints, Investigation, &c.: Ques. (Mr. Geo. Taylor) 4896
Blanche River, Improvements : in Com. of Sup., 2966 (ii).
Blankets for Indians: in Com. of Sup., 976 (i). *See* 'Indians.'
Blind River Wharf in Com. of Sup., 3292 (ii).
Blood Indian Reserve, Lease *re*: Ques. (Mr. Wallace) 6784 (iv).
—— Sale of Land: Remarks (Mr. Margrath) in Com. of Sup., 1006 (i).
Blue Rocks Harbour Improvements: in Com. of Sup., 2455 (ii).
Boat Harbour, Pictou Co., N.S., Total Expenditure, Completion, &c.: Ques. (Mr. Rhodes) 2318 (ii).
Boat Harbour, Skinner's Cove, Yearly Expenditure, Completion, &c.: Ques. (Mr. Maddin) 2817 (ii).
Boivin, Ernest, Emplymt. by Govt.: Ques. (Mr. Monk) 2759 (ii).
Bonaventure Public Works, Amount expended prior to 1900, &c.: M. for Ret.* (Mr. Lennox) 173, 353 (i).
—— Inquiry (Mr. Lennox) for Ret., 1320 (i), 2218, 3004 (ii).
Bonaventure River Training Pier: in Com. of Sup., 2559, 3277 (ii).
Bonin, Jos., Emplymt. by Govt.: Ques. (Mr. Monk) 3930 (ii).
Bonuses and Subsidies overdue, &c.: Ques. (Mr J. A. Currie) 2763 (ii).
Books entering Canada under British Preference Tariff, &c.: Ques. (Mr. Armstrong) 2586 (ii).
Bounty on Steel Shipbuilding, Delegation *re*: Ques. (Mr. Crosby) 6090 (iv).
Bourke, Retirement of: *See* 'Miner, Bill.'
Bowden, Annie, Relief of: *See* 'B. No. 194.'
Brandon City, Exchange of Lands, &c.: Ques. (Mr. Staples) 2522 (ii).
Brandon Transfer Co.: *See* 'B. No. 9.'
Brazilian Electro Steel and Smelting Co., Ltd.: *See* 'B. No. 10.'
Breton Cove Breakwater Extension: in Com. of Sup., 2456 (ii).
Brewster, Mr., Emplymt. by Govt., *re* Immigration: Ques. (Mr. Worthington) 3483 (ii).
Bridgewater Public Building: in Com. of Sup., 1283 (i).
Brighton and Campbellford Mail Route, Increase in Contract Price: Remarks (Mr. Owen) 3479, 3655 (ii).
Brighton Wharf: Remarks (Mr. Owen) in Com. of Sup., 3314 (ii).
British Canadian Accident Insurance Co : *See* 'B. No. 63.'
British Colonial Fire Insurance Co.: *See* 'B. No. 114.'
B. C. Life Assurance Co.: *See* 'B. No. 55.'
B. C. Penitentiary, Retirements, &c.: in Com. of Sup., 924 (i).
—— Escape of Convict Bill Miner, Rep. *re* Investigation: Ques. (Mr. J. D. Taylor) 350 (i).
See 'Miner,' &c.
B. C. Ry. Belt Lands, Settlers Titles, &c.: Ques. (Mr. Goodeve) 1727 (i).
B. C. Southern Ry. Co.: *See* 'B. No. 85.'
B.C. Subsidy in B.C., Promises *re*: Ref to in debate on Address (Sir Wilfrid Laurier) 41 (i)
B. C. Timber Lands; Leases granted since 1896, Names, Addresses, &c.: M. for ret.* (Mr. J. D. Taylor) 1924 (i).
B. C. Wharfs: Inquiry for Ret (Mr. Barnard) 3004 (ii).
See 'Public Works.'
Brockville, Westport and Northwestern Ry. Co.: *See* 'B. No. 170.'
Brockville, Westport and Northwestern Ry., Names of Stockholders, Passenger Rates, &c.: (Mr. Geo. Taylor) 3473 (ii).
Brophy's Post Office, Name of Postmaster, Changes *re*: Ques. (Mr. Maddin) 1186 (i).
Brule Wharf: Remarks (Mr. Stanfield) in Com. of Sup., 2460 (ii).
Buctouche Channel: in Com. of Sup., 1623 (i).
Budget Speech: Annoucement (Mr. Fielding) 4220 (iii).
Budget, The,—Financial Statement (Mr. Fielding) 4546 ; Reply (Mr. Foster) 4585, 4595 ; (Mr. Sutherland) 4616; (Mr. Perley) 4642 ; (Mr. Harris) 4653; (Mr. Ames) 4663; (Mr. M. Clark) 4687, 4703; (Mr. Jameson) 4717; (Mr. Ralph Smith) 4727; (Mr. Cowan) 4751; (Mr. Verville) 4757; (Mr. Edwards) 4760; (Mr. Gladu) 4774; (Mr. Nantel) 4780; (Mr. C. A. Wilson) 4792; (Mr. W. H. Sharpe) 4794; (Mr. Nesbitt) 4804; (Mr. Henderson) 4814; (Mr. Miller) 4845; (Mr. Wallace) 4855; (Mr. Campbell) 4866; (Mr. M. Y. McLean) 4901; (Mr. Armstrong) 4910; (Mr. Paterson, remarks) 4915; (Mr. Warburton) 4923; (Mr. Maddin)

Budget, The.—*Con.*
4936; (Mr. Neely) 4951; (Speaker, Mr.) Ques. of Order (ruling) 4957; (Mr. Schaffner) 4968; (Mr. Wallace) 4970; (Mr. Loggie) 4974; (Mr. Fraser) 4980; (Mr. Macdonald) 4991; (Mr. Wright) 5007; (Mr. McKenzie) 5021; (Mr. Bradbury) 5044; (Mr. Molloy) 5059; (Mr. Fielding) Ques. of Order, 5060; (Mr. Staples) 5063; (Mr. Lake) 5079; (Mr. A. W. Chisholm) 5085; (Mr. T. J. Stewart) 5089 (iii).

Budget Speech, 1898, Statement *re* Finances; M. for Ret.* (Mr. Ames) 173 (i).

—— Inquiry for Statement (Mr. Ames) 1321 (i).

Budget, The: Remarks (Mr. Foster) 1813 (i), 4125 (iii).

—— Remarks (Mr. Geo. Taylor) 3649 (ii).

—— Remarks (Mr. R. L. Borden) 3111 (ii).

Buell, Mr., Emplymt. by Govt. before Ry. Commission: Ques. (Mr. S. Sharpe) 3252 (ii).

—— Remarks (Mr. S. Sharpe) 3002 (ii).

Buffalo Herds in N. W. Parks: in Com. of Sup., 6991 (iv).

Buildings, Public; erected in Villages, &c., Names, Cost of Maintenance, &c.: M. for Ret.* (Mr. S. Sharpe) 3055 (ii).
See 'Pub. Works.'

Burks Falls and Trout Creek Mail Routes, Contract, Tenders, &c.: Ques. (Mr. Arthurs) 3196 (ii).

Burlington Channel Piers Construction: in Com. of Sup., 2966 (ii).

Burrard, Westminster Boundary Ry. and Nav. Co.: *See* 'B. No. 61.'

Burrows, T. A., Permit *re* Sections in Twps. 30 and 31: Ques. (Mr. Campbell) 2592 (ii).

Business of the House, Adjournment for Easter: Remarks re Assent to Bills (Mr. Fielding) 4119 (iii).
See 'Govt Business.'

By Elections, Comox-Atlin and Carleton, Discrepancy in Answers: Remarks (Mr. Burrell) 825 (i).
See 'Carleton,' &c.

Cabano Ry. Co.: *See* 'B. No. 122.'

Cable between Vancouver and Mainland, Application *re*: Ques. (Mr. J. D. Taylor) 1073 (i).

Caledonia and Liverpool Ry. Lines, Construction, &c.: M. for Cor.* (Mr. R. L. Borden) 1734 (i).

Calgary Electoral District, Dep. Returning Officers, Scrutineers, &c.: M. for Ret.* (Mr. McCarthy) 685 (i).

—— Voters Lists, Copy, &c.: M. for Copies* (Mr. McCarthy) 685 (i).

Campbell, Aaron William Morley, Relief of: *See* 'B. No. 183.'

Campbell, Bush, Emplymt. on Trent Canal: Ques. (Mr. S. Sharpe) 1066 (i).

Campbellford and Brighton Mail Contract, &c.: Ques. (Mr. Owen) 3479, 3655 (ii).

Campbellton Deep Water Wharf: in Com. of Sup., 1625 (i).

Campbellton Improvements, I.C.R.: in Com. of Sup., 2951 (ii).

Canada Eastern Railway, Original Price, Expenditure *re* Repairs, Valve, &c.: Ques. (Mr. Ames) 2149, 2579 (ii).

—— Corrected Answer (Mr. Graham) 3363 (ii).

Canada and G.B. SS. Subsidy: in Com. of Sup., 3437 (ii), 6650 (iv).

Can. Life Assurance Co.: *See* 'B. No. 56.'

Canada Line SS. Service with Germany, Negotiations *re*: Ques. (Mr. Fowke) 2589 (ii).

Canada and Mexico SS. Subvention: in Com. of Sup., 6650; Conc., 7074 (iv).

Canada and Newfoundland SS. Subvention: in Com. of Sup., 6651 (iv).

Canada and New Zealand: in Com. of Sup., 6651 (iv).

'Canada Posten,' Winnipeg, Amounts received from Govt.: M. for Ret.* (Mr. Bradbury) 3992 (ii).

Canada and South Africa SS. Subvention: in Com. of Sup., 6651 (iv).

Canada and W. Indies Trade Relations, Commission *re*: in Com. of Sup., 6556 (iv).

Canadian Coasting Trade, Number of British and Canadians, &c.: Ques. (Mr. Stanfield) 5633 (iii).

Canadian Economic Lubricant Co., Payments to: Ques. (Mr. Foster) 176, 188 (i).

Canadian Imports, Percentage entering Can. in 1908 via Can. Ports: Ques. (Mr. Sinclair) 1728 (i).

Canadian Liverpool and Western Ry. Co.: *See* 'B. No. 44.'

Can. Medical Association: *See* 'B. No. 134.'

Can. National Fire Insurance Co.: *See* 'B. No. 76.'

Can. Northern Ry., Aid to: *See* 'B. No. 186.'

Can. Northern Ont. Ry. Co.: *See* 'B. No. 75.'

Can Northern Quebec Ry. Co.: *See* 'B. No. 38.'

C. P. R., Extensions of: *See* 'B. No. 79.'

C. P. R. and G. T. P. at Ft. William: *See* 'B. No. 25.'

C. P. R., Additional Stock, Distribution of: Remarks (Mr. W. F. Maclean) on M. for Sup., 416 (i).

—— Increase, O. Cs. *re*: M. for Copy* (Mr. F. Maclean, 685 (i).

—— Ref. to Courts, &c.: Remarks (Mr. W F. Maclean) 882 (i).

—— O. Cs., &c.: Read (Mr. W. F. Maclean) 780 (i).

C. P. R., New Stock, O. Cs.: on M. for Sup. (Mr. W. F. Maclean) 1321 (i).
C. P. R., New Stock, Closing of Law Suit: Remarks (Mr. Turriff) on M. for Sup., 2920 (ii).
——— Gimli Branch Subsidy: Remarks (Mr. Bradbury) in Com. of Sup., 2965 (ii).
Can. Patriotic Fund Association: *See* 'B. No. 175.'
Canadian Railways, Improved Service, &c.: Remarks (Mr. W. F. Maclean) on M. for Sup., 626 (i).
Can. Red Cross Society: *See* 'B. No. 160.'
Can. Shipping Act: *See* 'B. No. 131 and 179.'
Canadian Ships, Docking for Repairs, Res. *re*: Ques. (Mr. J. A. Currie) 3053 (ii).
Canadian Ships repaired in Foreign Countries, Duties *re*: Ques. (Mr. J. A. Currie) 2762 (ii).
Canadian Western Ry. Co.: *See* 'B. No. 11.'

CANALS :
Beauharnois Water Power Leases: in Com. of Sup., 1910 (i).
Canal Staff and Repairs: in Com. of Sup., 2071 (ii).
Carillon Canal, Macadamizing Road: in Com. of Sup., 2029 (ii).
Carillon Dam, Repairs to Gap: in Com. of Sup., 3420 (ii).
——— Water Power, Lease of, &c.: Ques. (Mr. Boyer) 1557 (i).
Carillon and Grenville Canals, Number of Employees from July to Oct., 1907-8: Ques. (Mr. Perley) 1396 (i).
——— Number of Employees, Expenditure, &c.: M. for Ret.* (Mr. Perley) 1734 (i).
——— Repairs: in Com. of Sup., 2029 (ii).
Cement Testing, Lachine Canal: in Com. of Sup., 791 (i).
Chambly Canal, St. Johns' Harbour: in Com. of Sup., 1571 (i).
——— Surveys, Boundaries, &c.: in Com. of Sup., 1910 (i).
Cornwall Canal, Repairs to North Bank: in Com. of Sup., 2029 (ii).
——— Repairs to Washout in Banks: in Com. of Sup., 2029 (ii).
Galops Canal, Bridges : in Com. of Sup., 2029 (ii).
——— Toll Collector: in Com. of Sup., 1574 (i).
Georgian Bay Canal, Pet. *re* Expenditure: Remarks (Mr. J. A. Currie) 6415 (iv).
Georgian Bay Canal and Welland Canal Enlargements: Statement (Mr. Graham) in Com. of Sup., 1565 (i).
Lachine Canal, Basin No. 2: in Com. of Sup., 1910 (i).
——— Cement Contracts: Explanation (Mr. Graham) in Com. of Sup., 1564 (i).

CANALS—*Con.*
Lachine Canal, Concrete Walls: in Com. of Sup., 1569 (i).
——— Slope Trimmings: in Com. of Sup., 1569 (i).
——— Slope Walls: in Com. of Sup., 3420 (ii).
——— Wharfs and Basins: in Com. of Sup., 786, 1563 (i).
Lake Nipissing and Monetteville Canal, Expenditure *re*: Ques. (Mr. Geo. Gordon) 1559 (i).
Sault Ste. Marie, Construction: in Com. of Sup., 3420 (ii).
——— Jones' Falls Bridge: in Com. of Sup., 2030 (ii).
St. Anne's Lock, Renewing Bridges: in Com. of Sup., 2029 (ii).
St. Lawrence Canals: in Com. of Sup., 1572 (i).
Sault Ste. Marie Construction: in Com. of Sup., 1909 (i).
Soulanges Canal, Amount expended for Repairs, Suspension of Mr. A. Sauve: Ques. (Mr. Lortie) 1404 (i).
——— Fire Proof Building: in Com. of Sup., 1569 (i).
——— Number of Employees, Names, Salaries, &c.: Ques. (Mr. Boyer) 869 (i).
——— Slope Trimmings: in Com. of Sup., 1569 (i).
Trent Canal: in Com. of Sup., 1886 (i).
——— Campbell, Bush, Emplymt.: Ques. Mr. S. Sharpe) 1066 (i).
——— Construction: in Com. of Sup., 1577 (i), 2074 (ii).
——— Damages in Peterborough County: Inquiry for Stmnt. (Mr. R. L. Borden) 5777 (iii).
——— Fenelon Falls Lockmaster, Payments to, Allowances, Duties, &c.: Ques. (Mr. Hughes) 1067 (i).
——— Fish Slides: Remarks (Mr. Porter) 2672 (ii).
——— Holland River, Amt. (Mr. Wallace) to Com. of Sup., 3112; Neg. (Y. 71; N. 112), 3176 (ii).
——— Holland River Canal, Deputation *re* Construction, Rep. Expenditures, &c: Ques. (Mr. S. Sharpe) 2153 (ii).
——— Holland River Canal, Land Valuations, Remuneration *re*: Ques. (Mr. Lennox) 2591 (ii).
——— Holland River Canal, Newmarket: in Com. of Sup., 1578, 1587, 1886 (i).
——— Holland River at Newmarket, Rep. *re* Flow of Water: Ques. (Mr. J. A. Currie) 472 (i).
——— Holland River Canal, Newmarket, Tenders for section 1, &c.: Ques. (Mr. Lennox) 3253 (ii).

CANALS—*Con.*
Trent Canal, Holland River Canal, Expenditure *re* Contracts, &c.: Ques. (Mr. Wallace) 1915 (i).
——— Improvements: in Com. of Sup., 2030 (ii).
Lake Simcoe and Newmarket Canal, Cor. *re* Construction, &c.: M. for Ret.* (Mr. Foster) 172 (i).
——— Land Damages, Amounts paid *re*: Ques. (Mr. Sexsmith) 4641 (iii).
——— Land Values, Expropriations, &c.: in Com. of Sup., 3177 (ii).
Newmarket Canal to Lake Wilcox, Construction, Surveys, &c.: Ques. (Mr. Wallace) 5157 (iii).
Welland Canal, Electric Power Plant: in Com. of Sup., 1903 (i).
——— Employees, Number for Sept. and Oct.: Ques. (Mr. Lancaster) 470 (i).
——— Feeder Bridges: in Com. of Sup., 2036 (ii).
——— Number of Employees, Total Salaries, Revenue, &c: Ques. (Mr. Lalor) 815 (i).
——— Port Maitland Piers: in Com. of Sup., 2030 (ii).
——— Repairs: in Com. of Sup., 2034 (ii).
——— Steel Gate Lifter: in Com. of Sup., 2036 (ii).
——— Surveys: in Com. of Sup., 1909 (i).
——— Total Cost, Tonnage, &c.: Ques. (Mr. McCall) 2154 (ii).
——— Widening: in Com. of Sup., 1903 (i).
Water Power Leases on Canadian Canals: Remarks in Com. of Sup., 2037 (ii).
Canned Meats, Contract called for by G. B.: Ques. (Mr. Hughes) 1238 (i).
Canning Factories, Numbers, Salaries: Ques. Cape Breton South, Election Payments to (Mr. Marshall) 822 (i).
Cape Bald Breakwater: in Com. of Sup., 1625 (i).
Cape Breton South, Election Payments to Returning Officers, &c.: Ques. (Mr. Maddin) 5636 (iii).
Cape Tormentine Breakwater: in Com. of Sup., 1625 (i).
Capital Supply Co., and Govt. Patronage, Names of Promoters, &c.: Ques. (Mr. Monk) 683 (i).
Cap St. Ignace Station, Construction, Pets., Cor., &c.: M. for Copies* (Mr. C. Roy) 3992 (ii).
——— Tank, Construction, &c.: M. for Cor.* (Mr. C. Roy) 3992 (ii).
Cap St. Ignace Wharf: in Com. of Sup., 2522 (ii).
See 'I.C.R.'
Cariboo Breakwater or Causeway, Yearly Expenditure, &c.: Ques. (Mr. Crosby) 2152 (ii).
Cariboo Mail Service, Payments *re*: Ques. (Mr. Burrell) 1731 (i).
——— Remarks (Mr. Burrell) in Com. of Sup., 3424 (ii).
Carillon and Grenville Canal, Number of Employees, Expenditure, &c.: M. for Ret.* (Mr. Perley) 1734 (i).
——— Repairs: in Com. of Sup., 2029 (ii).
Carillon Canal Dam, Repairs to Gap: in Com. of Sup., 3420 (ii).
——— Water Power, Lease of, &c.: Ques. (Mr. Boyer) 1557 (i).
Carillon Canal, Macadamizing Road: in Com. of Sup., 2029 (ii).
Carleton and Comox-Atlin, Issue of Writ: Remarks (Sir Wilfrid Laurier) 401 (i).
Carleton Electoral Division, Resignation of Member: Notification (Mr. R. L. Borden) 94 (i).
——— Issue of Writ: Notification (Mr. Speaker) 159 (i).
——— Notification (Mr. Speaker) 1556 (i).
Carson, Mr. Geo., Emplymt. by Govt., Absences of: Ques. (Mr. Geo. Taylor) 4697 (iii).
Carter, Mr. Edward S., Emplymt. as Sessional Clerk: Ques. (Mr. Daniel) 5094 (iii).
Cassels, Judge, Investigation *re* Marine, Action of Govt. *re* Report: Remarks (Mr. R. L. Borden) 2218, 3003, 3249, 3568 (ii).
See 'Depts. of Govt.' 'Govt. Tenders,' 'Patronage.'
Cataract Water Power Supply, Leases on Welland Canal: Remarks in Com. of Sup., 2036 (ii).
Catholic Church Extension Society of Canada: *See* 'B. No. 185.'
Catholic Immigration, Par. in 'Mail and Empire' *re* Limitations: Remarks (Mr. Sproule) 2672 (ii).
Cattle Guards at Ry. Crossings, Complaints *re*: Ques. (Mr. S. Sharpe) 1724 (i).
Cattle Guards, Killing of Live Stock, &c.: Ques. (Mr. S. Sharpe) 680 (i).
Cattle Guards on Rys., Failure of Rys. to erect, &c.: Ques. (Mr. S. Sharpe) 1409 (i).
Cattle Quarantine Station Buildings: in Com. of Sup., 1620 (i).
Caughnawaga Indian Reserve, Grants to Churches: Ques. (Mr. Boyce) 1410 (i).
——— Return of Fines, &c.: Ques. (Mr. Boyce) 1410 (i).
Cedar Rapids Manufacturing and Power Co.: *See* 'B. No. 94.'
Cement, Contract to W. G. Hartsanft Cement Co., Quantity, Price, &c.: Ques. (Mr. S. Sharpe) 3985 (ii).
Cement Testing, Lachine Canal: in Com. of Sup., 791 (i).
Census and Statistics Bulletins, French Translation: Ques. (Mr. Boyer) 1404 (i).

Census, Statistics, &c.: in Com. of Sup., 696 (i).
Census Vote for 1910, Intention *re*: Ques. (Mr. Boyer) 531 (i).
Central Bank of Canada, Liquidation, &c. Ques. (Mr. Donnelly) 2151 (ii).
Central Park, B.C., Mail Delivery, Pet. *re*: Ques. (Mr. Cowan) 2590 (ii).
Central Ry. Co. of Can.: *See* 'B. No. 166.'
Central Ry. of N.B., Rep. of Commission *re*: Remarks (Mr. Foster) 4125 (iii).
See 'N. B. Central,' &c.
Chambly Canal, St. Johns Harbour: in Com. of Sup., 1571 (i).
——— Surveys, Boundaries, &c.: in Com. of Sup., 1910 (i).
See 'Canals.'
Charlottetown, Increased Accommodation, I.C.R.: in Com. of Sup., 2959 (ii).
Charlottetown Post Office, Sidewalk Construction, Tenders *re*: Ques. (Mr. Geo. Taylor) 4228 (iii).
Chartered Banks, Unpaid Balances for five years, &c.: Ques. (Mr. S. Sharpe) 2592 (ii).
Charters of Rys., Mileage, Construction: *See* 'B. No. 65.'
Chatham, Diversion of Line, I.C.R.: in Com. of Sup., 2946 (ii).
Chesley Post Office, Amount of Vote *re*: Ques. (Mr. Donnelly) 543 (i).
Chesley Post Office Site: Remarks (Mr. Donnelly) in Com. of Sup., 1359 (i).
Cheverie Breakwater Extension: in Com. of Sup., 2456 (ii).
Chicoutimi Harbour Improvements: in Com. of Sup., 2523 (ii).
Chicoutimi Pier, Contract of T. Desbiens, Reps., &c.: M. for Copies* (Mr. Ames) 2161 (ii).
Chicoutimi Pulp Co., Amount due by Govt. *re* Booms: Ques. (Mr. Girard) 4222 (iii).
——— Sale of Booms: Ques. (Mr. Girard) 4891 (iii).
Chicoutimi Wharf, Expropriation of Land, Prices paid, &c.: Ques. (Mr .Girard) 4222 (iii).
Chilliwack Post Office Site, Plans, Tenders, &c.: Ques. (Mr. J. D. Taylor) 1414 (i).
Chilliwack Public Buildings: in Com. of Sup., 2090 (ii).
——— Negotiations *re* Purchase of Property: Ques. (Mr. J. D. Taylor) 1073 (i).
Chinaware, Customs Duties, &c.: Ques. (Mr. Wallace) 4636 (iii).
Chinese Immigration Act, Administration, &c.: in Com. of Sup., 6655 (iv).
Chinese Seizures in Nova Scotia, Legal Expenditure: in Com. of Sup., 3466 (ii).
Church Point Wharf Repairs: in Com. of Sup., 2457 (ii).
Cigarette Prohibition, Legislation *re*: Ques. (Mr. Blain) 246 (i).
Civil Service Salaries: *See* 'B. Nos. 137, 187.'
Civil Service Res., Conc. before Easter Adjournment: Remarks (Mr. Foster) 3702 (ii).
Civil Service Act, Apptmt. of Officials in 1908, Names, Salaries, &c.: M. for Ret.* (Mr. S. Sharpe) 827 (i).
——— Delay *re* Schedule, Blocking, &c.: Remarks (Mr. Foster) 5895 (iv).
Civil Service Act, Promotions, Transfers, Apptmts. under: M. for Ret.* (Mr. Foster) 352 (i).
Civil Service, Apptmts. since July, 1908, Salaries, &c.: Ques. (Mr. Foster) 142 (i).
——— since Sept., 1908: Ques. (Mr. Foster) 143 (i).
Civil Service Commissioners, O. Cs. Deptl. Orders, Regulations, &c. *re*: M. for Copies* (Mr. R. L. Borden) 158 (i).
——— Printing: in Com. of Sup., 7065 (iv).
——— Rep.: Inquiry for (Mr. Foster) 874, 1022 (i), 2241 (ii).
——— Salaries: in Com. of Sup., 705 (i).
Civil Service Bill, Preparation of Schedules: Remarks (Mr. Foster) 5998 (iv).
——— Classification : Papers laid on Table (Sir Wilfrid Laurier) 325 (i).
——— Classification *re* Schedules, &c.: on M. for Sup. (Mr. Foster) 2404 (ii).
——— Inquiry for (Mr. R. L. Borden) 3254 (ii).
Civil Service Examiners Rep.: Inquiry for (Mr. Foster) 4047 (iii).
Civil Service Increases since April, 1908, Names, &c.: Ques. (Mr. Foster) 1069 (i).
——— O.C. *re* Increase: Remarks (Mr. Foster) 1395 (i).
——— Defective Ret.: Remarks (Mr. Foster) 1562 (i).
Civil Service, Inside Employees, Total Payments to in 1896: Ques. (Mr. Foster) 1913 (i).
Civil Service Salaries, Names of those receiving no Increases, &c.: Ques. (Mr. Foster) 1726 (i).
——— Ques. (Mr. Turriff) 1558 (i).
Civil Service, Payments in 1896 and 1908-10: Ques. (Mr. Foster) 2148 (ii).
———Reoranization, Temporary Clerks, &c.: Ques. (Mr. Foster) 142 (i).
——— Schedules: Inquiry for (Mr. Foster) 2336 (ii).
——— Schedules of Senate: Remarks (Mr Foster) 6061 (iv).
Civil Service Temporary Clerks, Classification under sec. 7, of C.S. Act, Salaries, &c.: M. for Ret.* (Mr. Foster) 354 (i).
Clarke City, Seven Islands Wharf Improvements: in Com. of Sup., 2526, 2540, 2887

Clark's Harbour Protection Works: in Com. of Sup., 2462 (ii).
Clarke, Mrs. A. G., Compensation *re* death of her son: in Com. of Sup., 6981 (iv).
Coal Conserving for the Home Market: Prop. Res. (Mr. D. D. McKenzie) 3087 (ii).
Coal Oil Explosions, Investigation as to Deaths, &c.: Ques. (Mr. Schaffner) 1056 (i).
——— Evidence, Rep., &c.: M. for Copies* (Mr. Schaffner) 1421 (i).
Coal Royalties, Total Amount paid to March 31, 1908: Ques. (Mr. Herron) 2588 (ii).
Coal Strikes in the West, Settlement of: Remarks (Mr. Geo. Taylor) 4120 (iii).
——— Remarks (Mr. McCarthy) 5351 (iii).
Coal and Timber Lands, Owned or Leased by Private Individuals, Corporations, &c. Revenue collected, &c.: M. for Ret.* (Mr. A. Haggart) 1420 (i).
——— Ques. (Mr. Lake) 1185 (i).
——— Inquiry for Ret. (Mr. Lake) 1978 (i).
Coasting Trade, O. C. *re* Change of Date, &c.: Ques. (Mr. Stanfield) 3051 (ii).
——— O. C. *re* Privileges to Foreign Ships: Remarks (Mr. Crosby) 6123 (iv).
Coast Line and Seaports Protection: Prop. Res. (Mr. Foster) Remarks, 549 (i).
See 'Naval Defence,' 'Imperial Defence.'
Cobalt Lake Act, Disallowance of by Dom. Govt. Cor., &c.: M. for Papers (Mr. A. H. Clarke) 1735 (i).
Cobalt Range Ry. Co.: *See* 'B. No. 86.'
Cobourg Breakwater Extension: in Com. of Sup., 2967 (ii).
Cobourg Harbour Expenditure for 1908, Contracts, &c.: Ques. (Mr. Thornton) 3988 (ii).
Cochrane Town Site, G.T.P., Interference *re*: Ques. (Mr. Armstrong) 2586 (ii).
Coinage at Canadian Mint, Date of, Circulation, Profit, &c.: Ques. (Mr. Macdonell) 1401 (i).
Colclaugh, F. W., Cor., Pets., &c., *re* Fishery Operations with Commercial Companies: M. for Copies* (Mr. Bradbury) 1191 (i).
——— Return: Inquiry for (Mr. Bradbury) 2674, 3655 (ii).
Cold Storage Act: *See* 'B. No. 147.'
Cold Storage for Apples: Remarks (Mr. D. A. Gordon) in Com. of Sup., 3187 (ii).
Cold Storage in Halifax, Res. of Commercial Committee *re* Establishment: Remarks (Mr. Crosby) 3567 (ii).
Cold Storage Plant, Govt. Assistance to: Ques. (Mr. Armstrong) 2756 (ii).
Cold Storage Shipments of Fruit, Amount, &c.: Ques. (Mr. Sproule) 2817.
——— Amount shipped to G.B. for 1907-8: M. for Ret.* (Mr. Sproule) 3056 (ii).
Cold Storage for Fruit, Experiments, &c.: in Com. of Sup., 6983 (iv).
Cold Storage, &c.: Remarks (Mr. Sproule) 6833 (iv).
Collingwood Harbour, Improvements: in Com. of Sup., 3294 (ii).
——— Payments to Mr. Battle: in Com. of Sup., 3294 (ii).
Collingwood Southern Ry. Co.: *See* 'B. No. 12.'
Colonization and Repatriation Society, Lake St. John, Detailed Statements, &c.: M. for Ret.* (Mr. Girard) 3991 (ii).
Coltman, Annie Louise, Relief of: *See* 'B. No. 116.'
Commerce Insurance Co.: *See* 'B. No. 189.'
Commercial Feeding Stuffs: *See* 'B. No. 127.'
Commissions, Illicit or Secret: *See* 'B. No. 31.'
Committees, Sel. Standing: M. to Prepare List (Sir Wilfrid Laurier) 12 (i).
——— Rep. presented (Sir Wilfrid Laurier) 325 (i).
——— M. (Sir Wilfrid Laurier) to add Names, 664 (i).
——— Change of Names: M. (Sir Wilfrid Laurier) 2217 (ii).
Committees Standing, Change of Rules *re* Prop. Res. (Mr. Brodeur) 1319 (i).
Committees, Reference of Reports to, &c.: Remarks (Mr. R. L. Borden) 2024 (ii).
Comox-Atlin Electoral District, Resignation of Mr. W. Sloan: Notification (Mr. Speaker) 14 (i).
Comox-Atlin and Carleton, Writs for Election, Issue of: Remarks (Mr. R. L. Borden) 327 (i).
Comox-Atlin Election, Issue of Writ for 11th Parlt., Date of Nomination, Instructions to Officers, &c.: Ques. (Mr. Burrell) 682 (i).
——— Correction *re*: Remarks (Sir Wilfrid Laurier) 874 (i).
——— Certificate of Election (Mr. Speaker) 1234 (i).
Concealed Weapons: *See* 'B. Nos. 83 and 101.'
Conservation of Natural Resources: *See* 'B. No. 159.'
See 'Natural Resources,' &c.
Conservation Commission: in Com. of Sup., 7064 (iv).
Contagious Diseases Act: *See* 'B. No. 18.'
Cookshire Post Office Building: in Com. of Sup., 1293 (i).
Co-operative Societies: Remarks (Mr. Monk) on M. for Sup., 2323 (ii).
Cornwall Canal, Repairs to Washout in Banks: in Com. of Sup., 2029 (ii).
See 'Canals.'
Cornwall Public Building: in Com. of Sup., 1359 (i).
Corporation Securities, Total Amount deposited with Govt.: Ques. (Mr. Sifton) 247 (i).

Costello, Thos., Rep. *re* Woollen Industry, &c.: Ques. (Mr. Worthington) 1176 (i).
Country Postmasters' Salaries: in Com. of Sup., 1700 (i).
Courtenay Bay, Dredging Contracts: in Com. of Sup., 2109 (ii).
See 'St. John.'
Cowan, John Christopher, Relief of: *See* 'B. No. 184.'
Cow Bay Run and Osbornes: in Com. of Sup., 2473 (i).
Cow Bay, Port Morien Harbour Improvements: in Com. of Sup., 2463 (ii).
Crawford Bay and St. Mary's Ry. Co.: *See* 'B. No. 46.'
Creosoted Timber Purchases in Mar. Provs: in Com. of Sup., 2511 (ii).
Cribbin's Point Wharf: in Com. of Sup., 2473 (ii).
Criminal Code: *See* 'B. Nos. 4, 60, 83, 88, 101 and 148.
Criminal Code (general amts.): *See* 'B. No. 148.'
Crossings of Rys.: See 'B. Nos. 3, 6, 106.
Cummings Cove, Deer Island Wharf: in Com. of Sup., 1625 (i).
Cushing & Co., Claims *re* Seizures of Schooner 'Evolution': in Com. of Sup., 3450 (i).
Customs Tariff: *See* 'B. No. 162.'
CUSTOMS—
Beet Sugar Refineries, Duty *re* Preferential Tariff: Ques. (Mr. Hughes) 3047 (ii).
Books entering Canada under British Preference Tariff, &c.: Ques. (Mr. Armstrong) 2586 (ii).
Canadian Imports, Percentage entering Can. in 1908 via Can. Ports: Ques. (Mr. Sinclair) 1728 (i).
Canadian Ships repaired in Foreign Countries, Duties *re*: Ques. (Mr. J. A. Currie) 2762 (ii).
Chinaware, Customs Duties, &c.: Ques. (Mr. Wallace) 4636 (iii).
Chinese Seizures in Nova Scotia, Legal Expenditure: in Com. of Sup., 3466 (ii).
Customs, Board, Salaries: in Com. of Sup., 581 (i).
——— Collection, Inland Rev.: in Com. of Sup., 448 (i).
——— Collector at Bathurst, N. B., Leave of Absence: Ques. (Mr. Crocket) 5157 (iii).
——— Contingencies: in Com. of Sup., 590 (i).
——— Inspectors' Travelling Expenses: in Com. of Sup., 608 (i).
——— Printing and Stationery: in Com. of Sup., 609 (i).
——— Revenue Cruisers: in Com. of Sup., 611 (i).
CUSTOMS—*Con.*
Customs Seizures for 1904-5-6-7-8, Number Dates, Sale of, &c.: M. for Ret.* (Mr. Barr) 826 (i).
Farm and Garden Produce, Quantity imported into Sault Ste Marie, &c.: Ques. (Mr. Boyce) 339 (i).
Hay from U. S., Entries at Kingston, &c.: Ques. (Mr. Edwards) 1177 (i).
Hickory and Ash Handles for Farm Implements, Number imported for 1908: Ques. (Mr. Elson) 1239 (i).
Hull Customs Duties, Amount collected: Ques. (Mr. Devlin) 1418 (i).
Imports and Exports of Merchandise for 1908, &c.: Ques. (Mr. Foster) 4288 (iii).
Market Garden Produce, Total Imports from 1901-8, Duty collected: Ques. (Mr. Wallace) 5096 (iii).
Meagher, Mathias, Apptmt. to Customs Staff at Debec, N. B., Salary, &c.: Ques. (Mr. Crocket) 3655 (ii).
Nails, Quantity imported, Price, &c.: Ques. (Mr. Lalor) 2156 (ii).
Oshawa Customs Collector, &c.: Ques. (Mr. Hughes) 1972 (i), 2372 (ii).
——— Remarks (Mr. Hughes) 2672 (ii).
Passover Bread, Higher Rate of Duty, Request *re*: Ques. (Mr. Perley) 3986 (ii).
Pork, Bacon, &c., from U. S., Entries at Kingston, &c.: Ques. (Mr. Edwards) 1176 (i).
Port Credit Customs Revenue, Superannuation of Collector, &c.: Ques. (Mr. Blain) 3049 (ii).
Quebracho Extract, Quantity imported, Pet. *re* Duty: Ques. (Mr. Arthurs) 1178 (i).
Sault Ste. Marie Farm and Garden Imports, Value, &c.: Ques. (Mr. Boyce) 339 (i).
Steel Importations from 31st March, 1908 to Jan. 31st, 1909: M. for Ret. (Mr. Boyce) 355 (i).
Woollen Industry and Tariff Changes: M. (Mr. Lennox) 4126 (iii).
Wool, Raw, Quantity imported into Canada for 1907, Duty, &c.: Ques. (Mr. Lennox) 149 (i).
Dairy and Fruit Industries, Cold Storage, &c.: in Com. of Sup., 3187 (ii).
Dartmouth Post Office, Insufficient Accommodation: Remarks (Mr. R. L. Borden) 3255 (ii).
Dauphin Public Building: in Com. of Sup., 1543 (i).
Daylight Saving Act: *See* 'B. No. 108.'
Daylight Savings Bill, Request to place on Govt. Orders (Mr. Lewis) 3203 (ii).
Death Penalty Commutations, Number for the last 25 years: Ques. (Mr. Beauparlant) 670 (i).

Debates, Official: in Com. of Sup., 3437 (ii).

Debates, Official, 1st Rep. of Com.: M. (Mr. Gervais) to conc., 1474 (i).

Debates, Official, Cost of Printing, &c.: Ques. (Mr. Boyer) 1720 (i).

——— French Translation Staff, Salaries, &c.: Ques. (Mr. Boyer) 1722 (i).

Debt of Canada, Jan. 31, 1909, Increase from 1908: Ques. (Mr. Geo. Taylor) 1079 (i).
See 'Finance.'

Deferred Elections, Amt. (Mr. Burrell) to Com. of Sup., 2818; Neg. (Y. 69; N. 115) 2876 (ii).

——— Notice of Motion (Mr. Burrell) 2815; Prop. Res., 2818 (ii).

Delisle River Fishway, Reps. Cor., &c.: M. (Mr. Boyer) for Copies, 1733 (i).

Departments of Govt., Investigation by Mr. Justice Cassels: Amt. (Mr. Doherty) to Com. of Sup., 3706; Neg. (Y. 54; N. 94) 3934 (ii).

——— Ques. of Order (Mr. Foster) *re* 'trust funds,' 3849 (ii).

Debate (Mr. Brodeur) 3706; (Mr. Sproule) 3729; (Mr. Maddin) 3736; (Mr. Kyte) 3746; (Mr. Crothers) 3756; (Mr. Ecrement) 3771; (Mr. S. Sharpe) 3774; (Mr. Rivet) 3791; (Mr. Meighen) 3798, 3803; (Mr. A. K. Maclean) 3808; (Mr. Foster) 3832; (Sir Wilfrid Laurier) 3848; on Ques. of Order (Mr. Foster) *re* 'Manipulation of Trust Funds,' 3849; (Mr. Speaker) 3849; Ruling, 3855; (Mr. Conmee) 3850; (Mr. R. L. Borden) on Ques. of Order, 3852; (Mr. R. L. Borden) on Amt., 3863; (Sir Frederick Borlen) 3866; (Mr. Devlin) 3871; (Mr. Price) 3877; (Mr. Parent) 3879; (Mr. Boyce) 3883; (Mr. C. Roy) 3890; (Mr. Jos. Demers) 3893; (Mr. Lanctot) 3896; (Mr. Pugsley) 3899; (Mr. Daniel) 3907; (Mr. Geo. Taylor) 3910; (Mr. Lemieux) 3917; (Mr. J. D. Taylor) 3921; (Mr. Gladu) 3925; (Mr. Edwards) 3927; (Mr. Séguin) 3931; (Mr. J. P. Turcotte) 3932 (ii).

See 'Cassels,' &c.

Deptl. Payments to Companies *re* Marine and other Supplies: Ques. (Mr. Ralph Smith) 2322 (ii).

Deptl. Statistical Publications: Inquiry for Ret. (Mr. Foster) 4612 (iii).

Desjardins, Capt., Employment by Marine Dept., Dismissal, &c.: Ques. (Mr. Lachance) 4696 (iii).

Destitute Indians: in Com. of Sup., 1010 (i).

Dickie, Alfred, Payments to *re* Damages by Fire: Ques. (Mr. Stanfield) 1075 (i).

Digby Harbour Improvements: in Com. of Sup., 2473 (ii).

Disraeli Wharf, Number of Vessels calling at: Ques. (Mr. Lennox) 2761, 2816 (ii).

——— Remarks (Mr. Blain) in Com. of Sup., 2350 (ii).

Divorce: *See* 'B. Nos. 115, 121, 129, 130, 135, 143, 144, 145, 157, 178, 181, 182, 183, 184 and 194.'

Dixon's Entrance, Prince Rupert, Rep. from Imp. Govt., *re*: Ques. (Mr. Cowan) 2590 (ii).

Dog-Fish Reduction Plants, Cost of Construction, Maintenance, &c.: M. for Ret.* (Mr. R. L. Borden) 158 (i).

——— Inquiry for Ret. (Mr. R. L. Borden) 3254 (ii).

——— Maintenance, &c.: in Com. of Sup., 6950 (iv).

Dokis Indian Reserve, Payment for Berths, &c. Ques. (Mr. Geo. Gordon) 542 (i).

Dom. Arsenal, Quebec, Names of Bidders, Tenders, *re*: Ques. (Mr. Stanfield) 3050 (ii).

Dominion Atlantic Ry., Examination by Govt.: Remarks (Mr. Black) in Com. of Sup., 2927 (ii).

——— Interview with Manager: Remarks (Mr. Black) 3003 (ii).

Dominion Buildings, Heating: in Com. of Sup., 1613 (i).

——— Lighting: in Com. of Sup., 1616 (i).

——— Rents, &c.: in Com. of Sup., 1617 (i), 2075, 2452 (ii).
See 'Public Works.'

Dom. Buildings, Stamp Cancelling Machines, Power, &c.: in Com. of Sup., 1617 (i).

Dom. Public Buildings, Engineers Salaries: in Com. of Sup., 1619 (i).

——— Water Powers: in Com. of Sup., 1619 (i).

Dom. Elections Act: *See* 'B. Nos. 16, 112.'

Dom. Elections, Payments to Ret. Officers, &c.: Ques. (Mr. Wright) 1067 (i).

Dom. Lands Act: *See* 'B. Nos. 8, 64.'

Dom. Lands Act, Memorandum *re*: Ques. of Priv. (Mr. Sproule) 3002 (ii).

——— French Translation, &c.: Ques. (Mr. Boyer) 532 (i).

Dom. Lands Advertising, Printing, &c.: in Com. of Sup., 6285 (iv).

Dom. Lands, Expenditures charged to Capital Account: M. for Ret.* (Mr. Ames) 173 (i).

Dom. Lands Maps: in Com. of Sup., 6289 (iv).

Dom. Lands, Surveys, &c.: in Com. of Sup., 3463 (iii), 6273 (iv).

Dominion Loans, Amount Redeemable, &c.: Ques. (Mr. Ames) 545 (i).

Dominion 4 per cent Loan, Amount of Sinking Fund: Ques. (Mr. Ames) 545 (i).
See 'Govt. Loans,' &c.

Dorchester Penitentiary, Electric Lighting Plant: in Com. of Sup., 884 (i).

——— Supplies: in Com. of Sup., 916 (i).

Dorchester Wharf Addition: in Com. of Sup., 3237 (ii).

Dorland and U. E. Loyalist Mail Route, Mail Carrier, Remuneration, &c.: Ques. (Mr. U. Wilson) 334 (i).

Doucet's Landing Pile Wharf: in Com. of Sup., 2543 (ii).

Douglastown Pier Addition: in Com. of Sup., 2546 (ii).

Dover Wharfs on Petitcodiac River: in Com. of Sup., 1625 (i).

Dredge, Govt.-owned employed in N.S. under Contracts, Arrangements, &c.: Ques. (Mr. Foster) 2320 (ii).

Dredges owned by Govt., Number, Construction, Price, &c.: M. (Mr. German) for Ret.* 2596 (ii).

Dredge on Lake Winnipeg, Expense *re* moving Str. 'Mikado' from Sand Bar, &c.: Ques. (Mr. Bradbury) 869 (i).

Dredges purchased by Public Works Dept., Tenders, &c.: Ques. (Mr. Foster) 145 (i).

Dredging Contract of McAvity-Mayes, Recovery of mounts, &c.: Ques. (Mr. Lennox) 166 (i). *See* 'Mayes,' &c.

Dredging Contracts in Ontario and Quebec for 1907-8, Renewals, &c.: Ques. (Mr. Macdonell) 3049 (ii).

Dredging Contracts: Inquiry for O.C. (Mr. Foster) 255 (i).

Dredging, Generally: in Com. of Sup., 6534 (iv).

Dredging Mar. Provs. Generally: in Com. of Sup., 6553 (iv).

——— Plants, Contracts, &c.: in Com. of Sup., 3339 (ii).

Dredging Plant for St. Lawrence River: in Com. of Sup., 6885 (iv).

Dredging Vessels, Repairs, &c.: in Com. of Sup., 3338 (ii).

Drummondville Improvements: in Com. of Sup., 2949 (ii).

Dry Docks, Construction under Subsidies Act, Negotiations, &c.: Ques. (Mr. Lennox) 478(i).

Dry Docks, Montreal and Quebec: Remarks (Mr. Turcotte) in Com. of Sup., 2896 (ii).

Dry Dock Subsidies Act, Annual Expenditure, &c.: Ques. (Mr. Lennox) 246 (i).

Dumping Clause, Orders from Treasury Board *re*: Remarks (Mr. J. A. Currie) 4412 (iii).

'Duty of the Hour' Pamphlet, Distribution of, ref. to in debate on Address (Mr. R. L. Borden) 25 (i).

Easter Adjournment: Remarks (Mr. Geo. Taylor) 3649 (ii).

——— M. (Sir Wilfrid Laurier) 3705 (ii).

Eastern Townships Cavalry Brigade, Site of: Ques. (Mr. Worthington) 5644 (iii).

East Huron Public Works, Expenditure during 20 years: Ques. (Mr. T. Chisholm) 3477 (ii).

East Point Lighthouse keepers, Resignation of L. McDonald, &c.: Ques. (Mr. Fraser) 3194 (ii).

Eastville Subway Crossing: in Com. of Sup., 2951 (ii).

Eatonville Wharf, Expenditure *re*: Ques. (Mr. Rhodes) 4638 (iii).

Economy Wharf: Remarks (Mr. Stanfield) in Com. of Sup., 2460 (ii).

Edmonton and Slave Lake Ry. Co.: *See* 'B. No. 24.'

Edmonton and Slave Lake Ry. Co.'s Bill: Remarks (Mr. W. McIntyre) in Com., 1362 (i).

Election Expenses in North and South Ontario, Expenditure *re*: Ques. (Mr. S. Sharpe) 2587 (ii).

Electrical Engineers' Branch, Salaries: in Com. of Sup., 445 (i).

Electric Light Inspection: in Com. of Sup., 452 (i).

Electric Power exported at Niagara Falls, Names of Licensees, Taxation, &c.: Ques. (Mr. Macdonell) 345 (i).

Electric Power Export: in Com. of Sup., 455 (i).

Elevators, &c., Ottawa Buildings: in Com. of Sup., 3228 (ii).

See 'House of Commons.'

Elevators at Port Arthur and Fort William, Govt. Operation: Prop. Res. (Mr. Schaffner) 3993 (ii).

Debate (Mr. Lake) 4011; (Mr. Neely) 4017; (Mr. Bradbury) 4024; (Mr. W. M. Martin) 4034; (Mr. Herron) 4035 (ii).

Elmira Branch and Harmony Ry., P.E.I., Contract *re* Construction: Ques. (Mr. Fraser) 1243 (i), 6787 (iv).

English Oats, Number of Bushels purchased, Prices paid: M. for Ret.* (Mr. W. H. Sharpe) 1734 (i).

Envelopes, Complaints *re* Mutilation through Mails: Ques. (Mr. Armstrong) 349 (i).

Equity Fire Insurance Co.: *See* 'B. No. 161.'

Esquimalt Garrison: Remarks (Mr. Barnard) in Com. of Sup., 2298 (ii).

Esquimalt Naval Fortifications, Expenditure by Imp. Govt.: Ques. (Mr. Barnard) 474 (i).

——— Maintenance by Imp. Govt.: Ques. (Mr. Barnard) 349 (i).

Esquimalt Permanent Corps, Inspection, Total Cost: Ques. (Mr. Barnard) 2764 (ii).

Estimates (1909-10): Presented (Mr. Paterson) 327 (i).

——— (1908-9): Presented (Mr. Fielding) 2597 (ii).

Estimates, Passing of: Remarks (Mr. Foster) 3203 (ii).

——— Suppl. (1909): Presented (Mr. Fielding) 6092 (iv).

——— Suppl. (1910): Presented (Mr. Fielding) 7065 (iv).

Estimates, Inquiry for (Mr. R. L. Borden) 140 (i).

Etobicoke Postmaster. Apptmt. of, Salary, &c.: Ques. (Mr. Crosby) 671 (i).
Ewart, Mr. J. S., Emplymt. by Govt. *re* Hague Tribunal: Remarks (Mr .Foster) in Com. of Sup., 7059 (iv).
——— Emplymt. *re* Newfoundland Fisheries : Ques. (Mr. Lake) 5629 (iii).
Exchequer Court Act (appeal) Amt.: *See* 'B. No. 151.'
Exchequer Court Act (registrar) Amt.: *See* 'B. No. 98.'
Excise Inspectors' Salaries: in Com. of Sup., 436 (i).
Excise Travelling Expenses : in Com. of Sup., 437 (i).
Exhibitions: in Com. of Sup., 727 (i).
Exhibitions subsidized by Dom. Govt., Amounts, Officials, &c: Ques. (Mr. Paquet) 544 (i).
Expenditures and Receipts of Dom. for 1908-9, N.T.R., &c.: Ques. (Mr. Foster) 4288 (iii).
Experimental Farms : in Com. of Sup., 5947 (iv).
——— Buildings: in Com. of Sup., 1598 (i).
Experimental Farms, Live Stock, Number of Cattle, &c.: M. for Ret.* (Mr. Staples) 1420 (i).
——— Ques. (Mr. Staples) 546 (i).
Experimental Farms, Locations in Eastern Canada, &c.: Prop. Res. (Mr. Lapointe) 1925 (i).
Experimental Farm, Ottawa, Electric Ry.: in Com. of Sup., 3192 (ii).
——— Salaries, &c.: in Com. of Sup., 6982 (iv).
Experimental Farms or Stations, Establishment of since Jan., 1908, &c.: Ques. (Mr. Paquet) 156 (i).
Experimental Farming Stations, Establishment of : Ques. (Mr. Lapointe) 823 (i).
Expropriation of Ry. Lands, Complaints *re* Remarks (Mr. Mackenzie) 4802 (iii).
External Affairs, Dept. of: *See* 'B. No. 90.'
External Affairs, Deptl. Salaries: in Com. of Sup., 7064 (iv).
Extradition Act Amt.: *See* 'B. No. 149.'
Fagin, Thos., Employee of Marine Dept., Salary, &c.: Ques. (Mr. Monk) 2154 (ii).
Fairy Lake Indian Reserve, N. S., Conditions of Lease, Revenue, &c., Ques. (Mr. Jameson) 2816 (ii).
'Falcon' and 'Fearless' Strs., Purchase of, Capacity, &c.: Ques. (Mr. Foster) 187 (i).
Falconer, Mr. K., Total Payments to *re* Marine Bookkeeping: Ques. (Mr. Lennox) 1729 (i).
Falconer, Mr. R. S., Emplymt. by Govt., Payments to: Ques. (Mr. Rhodes) 332 (i).
Farm Crossings over Rys.: *See* 'B. No. 54.'
Farm and Garden Produce, Quantity imported into Sault Ste Marie, &c.: Ques. (Mr. Boyce) 339 (i).
Farm Implements and Tools, Indians: in Com. of Sup., 1002 (i).
'Farm Weeds,' Pamphlet, Number distributed, Names, &c.: Ques. (Mr. Goodeve) 2757 (ii).
Father Point Wharf Repairs: in Com. of Sup., 2548 (ii).
Feeding Stuffs: *See* 'B. No. 127.'
Fenelon Falls Lockmaster, Payments to, Allowances, Duties, &c.: Ques. (Mr. Hughes) 1067 (i).
Fenian Raid Pensions: in Com. of Sup., 812 (i).
Fenian Raid Veterans, Legislation *re* Bounty: Ques. (Mr. Middlebro) 3478 (ii).
——— Remarks (Mr. Foster) 6277 (iv).
Fertilizers re Agriculture: *See* 'B. No. 110.'
Fidelity Life Insurance Co. of Can.: *See* 'B. No. 190.'
File Indian Agency, Resignation of Mr. Godfrey, Charges against Inspector, &c.: Ques. (Mr. Campbell) 3045 (ii).
Financial Statement—The Budget (Mr. Fielding) 4546; Reply (Mr. Foster) 4585 (ii).
See 'Budget.'
FINANCE—
American Silver, Exportation of: Remarks (Mr. Turriff) 6780 (iv).
Assets of Canada in Detail for Dec. 31, 1908: M. for Ret.* (Mr. Ames) 172 (i).
Bank Act Amt., Legislation *re*: Ques. (Mr. Macdonell) 1732 (i).
Bank of Montreal, Commissions *re* Debt: Remarks (Sir Wilfrid Laurier) 399 (i).
Central Bank of Canada, Liquidation, &c.: Ques. (Mr. Donnelly) 2151 (ii).
Chartered Banks, Unpaid Balances for five years, &c.: Ques. (Mr. Sharpe) 2592 (ii).
Coinage at Canadian Mint, Date of, Circulation, Profit, &c.: Ques. (Mr. Macdonell) 1401 (i).
Corporation Securities, Total Amount deposited with Govt.: Ques. (Mr. Sifton) 247 (i).
Debt of Canada, Jan. 31, 1909, Increase from 1908: Ques. (Mr. Geo. Taylor) 1079 (i).
Finance, Deptl. Contingencies: in Com. of Sup., 3436 (ii).
Funded Debt, Redeemable, Total Sinking Fund: Ques. (Mr. Ames) 342 (i).
Govt. Credit, Cash on Deposit, &c.: M. for Ret.* (Mr. Ames) 173 (i).
Govt. Deposits in Banks, Discrimination *re*: Ques. (Mr. Macdonell) 245 (i).
Govt. Loans, Amount Redeemable, &c., Ques. (Mr. Ames) 545 (i).

FINANCE—*Con.*

Govt. Loans, Amount and Dates falling due prior to 1913; Ques. (Mr. Perley) 3654 (ii).

——— Loans or Advances since Dec., 1908, Purposes for, &c.: Ques. (Mr. Foster) 163 (i).

——— Loans, Expenditure *re* Negotiations: Ques. (Mr. S. Sharpe) 1724, 1921 (i).

——— M. for Ret.* (Mr. S. Sharpe) 2161 (ii).

——— 4 per cent Loan, Amount of Sinking Fund: Ques. (Mr. Ames) 545 (i).

——— Loan of 1874, 4 per cent, Date of First Notice: Ques. (Mr. Perley) 3654 (ii).

——— Loans from July, 1896, Amounts, Conditions, &c.: M. for Ret.* (Mr. Foster) 172 (i).

——— Loans negotiated from 1st Jan., 1907, O.Cs., Cor., &c.: M. for Ret.* (Mr. Foster) 685 (i).

——— Loan of Dec., 1907, &c., Sums available for Public Works, &c. Ques. (Mr. Ames) 669 (i).

——— Loan falling Due on Nov. 1, 1908, Disposition of: Ques. (Mr. Foster) 147 (i).

——— Loans of Dec., 1907, and Oct., 1908, Information *re*: Ques. (Mr. Ames) 1075 (i).

——— Loans of Jan., 1909, Expenditure *re*, &c.: Ques. (Mr. Ames) 2596 (ii).

——— Loans falling due prior to 1913: Ques. (Mr. Perley) 3704 (ii).

——— Temporary Loans, Details of $20,606,333 for Jan., 1909: Ques. (Mr. Foster) 1408 (i).

——— Temporary Loans, Interest for 12 and a quarter years, &c.: Ques. (Mr. Ames) 4898 (iii).

——— Temporary Loans, Liabilities between April, 1907 and Dec., 1908: M. for Ret.* (Mr. Ames) 172 (i).

Govt. Savings Banks, Amounts of Deposits on Oct., 1889, 1896, 1897, 1898: Ques. (Mr. S. Sharpe) 1723 (i).

——— M. for Ret.* (Mr. S. Sharpe) 1924 (i).

Liabilities, Contingent or Nominal on 1st Jan., 1909: M. for Ret.* (Mr. Ames) 173 (i).

National Trans. Ry., Loans *re* Construction, Eastern Div., Rates of Interest: Ques. (Mr. Ames) 679 (i).

Net Debt of Canada, Present Amount, Increase of: Ques.: (Mr. R. L. Borden) 147 (i).

Revenue Details *re* Amount of $699,235.52 in December, 1908: M. for Ret.* (Mr. Ames) 158 (i).

Savings Bank Deposits, Increase of Interest: Ques. (Mr. T. Chisholm) 1396 (i).

FINANCE—*Con.*

Savings Deposits and Loans, 3 per cent, &c., Amounts, &c.: Ques. (Mr. S. Sharpe) 679 (i).

Silver Currency coined in Canada for 1905-6-7-8, Profits, U. S. Silver circulated in Can., &c.: Ques. (Mr. Beattie) 868 (i).

Specie Reserve, Date of Last Inspection, &c.: Ques. (Mr. Perley) 869 (i).

Usury Act, 1908, Prosecutions, Penalties, &c.: Ques. (Mr. Staples) 481 (i).

Fires caused by Locomotives: *See* 'B. No. 7.'

Fish Island Lightkeeper, Apptmt. of: Ques. (Mr. Fraser) 6786 (iv).

FISHERIES—

American Fishing Vessels, Seizures, Courts of Trial, Procedure, &c.: M. for Ret.* (Mr. Macdonell) 172 (i).

Bait Freezers, Cold Storage, &c.: in Com. of Sup., 6950 (iv).

Banff Hatchery, Establishment of, Representations *re*, &c.: Ques. (Mr. McCarthy) 871 (i).

B.C.: *See* 'Manitoba.'

Bounties, Delay in sending Forms: Remarks (Mr. R. L. Borden) 1187 (i).

——— Remarks (Mr. Crosby) 1249 (i).

——— Bounties, Payments to in Liverpool County: M. for Ret.* (Mr. Crosby) 3992 (ii).

Colclaugh, F. W., Cor., Pets., &c., *re* Fishery Operations with Commercial Companies: M. for Copies* (Mr. Bradbury) 1191 (i).

Commissions: in Com. of Sup., 6957 (iv).

Commission, International: in Com. of Sup., 6960 (iv).

——— Names, Regulations, &c.: Ques. (Mr. R. L. Borden) 1073 (i).

——— Regulations *re*: Remarks (Mr. Brodeur) in Com. of Sup., 6963 (iv).

——— Regulations, Adoption of: Remarks (Mr. J. A. Currie) 6411 (iv).

Conference, Prof. Prince's Salary, &c.: in Com. of Sup., 3688 (ii).

Convention, Ref. to the Hague Tribunal: Remarks (Mr. A. K. Maclean) 1395 (i).

Cruisers: in Com. of Sup., 6947 (iv).

——— Number owned by Govt.: Ques. (Mr. R. Smith) 2769 (ii).

——— for Pacific Coast, Tenders accepted, &c.: Ques. (Mr. R. Smith) 2155 (ii).

Customs Officers, Payments *re* Licenses: in Com. of Sup., 6958 (iv).

Deslisle River Fishway, Reps., Cor., &c.: M. (Mr. Boyer) for Copies, 1733 (i).

Dog Fish Reduction Plant, Maintenance, &c.: in Com. of Sup., 6950 (iv).

——— M. for Ret.* (Mr. R. L. Borden) 158 (i).

FISHERIES—*Con.*

Ewart, J. S., Emplymt. *re* Newfoundland Fisheries: Ques. (Mr. Lake) 5629 (iii).

Fish-Breeding Establishments, &c.: in Com. of Sup., 6946 (iv).

Fish-Curing Establishments, Maintenance, &c.: in Com. of Sup., 6952 (iv).

Fisheries Contingencies: in Com. of Sup., 6980 (iv).

Fisheries Convention, Ref. to the Hague Tribunal: Remarks (Mr. A. K. Maclean) 1395 (i).

Fisheries Development and Protection, Apptmt. of Sel. Com.: Prop. Res. (Mr. Sinclair) 483 (i).

Fisheries Jurisdiction with Provs., Negotiations *re*: Remarks (Mr. R. L. Borden) 2018 (ii).

Fisheries of Man., Cor. with J. H. Davis, Cor., Pets., &c.: M. for Ret.* (Mr. Bradbury) 1190 (i).

Fisheries in Pembina River, Regulations, &c., with U.S., Cor., O.Cs., &c.: M. for Copies* (Mr. W. H. Sharpe) 548 (i).

Fisheries Regulations with U.S., Action of Ontario Govt.: Remarks (Mr. Brodeur) 6519 (iv).

Fishermen's Union of N.S., Documents, &c.: M. for Cor.* (Mr. R. L. Borden) 2161 (ii).

Fishing in Lake Winnipegosis, Pet. *re* Summer Closing: Ques. (Mr. Campbell) 2381 (ii).

Fish Transportation, Conservation, &c.: in Com. of Sup., 6955 (iv).

Hatcheries, Number in Canada: Ques. (Mr. Edwards) 3479 (ii).

Hatchery, Establishment at Sault Ste. Marie, &c.: Ques. (Mr. Boyce) 337 (i).

Hatchery, Lake Winnipegosis, Amount expendel, Qualifications of Inspector: Ques. (Mr. Campbell) 820 (i).

Inspectors for Cape Breton Island, Apptmt. of Successor to A.C. Bertram: Ques. (Mr. Maddin) 5631 (iii).

Lac du Bonnet, Opening for Summer Fishing: Ques. (Mr. Campbell) 1728 (i).

Lake Ontario Fishing Industry, Regulations, &c.: Remarks (Mr. Henderson) in Com. of Sup., 381 (i).

Lake Winnipeg, White Fishing, Extension of Close Season, &c.: Ques. (Mr. Bradbury) 340 (i).

Leases on Nelson River, &c., Cancellation of: Ques. (Mr. Bradbury) 340 (i).

Leases in Northwest, Cancellation of: M. for Ret.* (Mr. Bradbury) 354 (i).

LeBlanc, O. J., Dismissal as Fishery Overseer, Complaints, Investigation, &c.: Ques. (Mr. Crocket) 2595 (ii).

FISHERIES—*Con.*

Licenses issued to Wikwinikong Indians, Representations *re*: Ques. (Mr. Smyth) 6407 (iv).

Lobster Licenses in P.E.I., Number issued, Pets. *re*: Ques. (Mr. Fraser) 1076 (i).

——— M. for Ret.* (Mr. Fraser) 2160 (ii).

Lobster Fisheries, Violation of Act, Par. in St. John Standard: Remarks (Mr. Daniel) 3705 (ii).

Lobster Packing Licenses granted in N.S. for 1908, Names and Addresses, &c.: Ques. (Mr. Sinclair) 328 (i).

Manitoba Fisheries, Apptmt. of Icelander *re* Commission: Remarks (Mr. Bradbury) 3255 (ii).

——— Depletion of by American Fishermen: on M. for Sup., (Mr. Bradbury) 6942, 6475 (iv).

——— Depletion in B.C. (Mr. J. D. Taylor) 6500 (iv).

Northwest Fish Company's Leases, &c.: Remarks (Mr. Campbell) 6776 (iv).

Officers at Port Joli, N.S., Apptmt. of: Ques. (Mr. Jameson) 4697 (iii).

Pictou County Fishery Overseers, Prosecutions of Salmon Illegal Fishing: Ques. (Mr. Rhodes) 5632 (iii).

Seasons and Leases, Extensions, &c.: Ques. (Mr. Foster) 169 (i).

Seine Licenses, Number on Pacific Coast: Ques. (Mr. Cowan) 3482 (ii).

——— M. for Ret.* (Mr. Cowan) 3992 (ii).

Settlement with Provs., Rep. of Mr. Bastedo: Ques. (Mr. R. L. Borden) 327 (i).

Shad Fisheries, N.S., Rep. of Prof. Prince Inquiry for (Mr. Stanfield) 3254 (ii).

Sturgeon Breeding in Lac du Bonnet, Sale of Fish, &c.: Ques. (Mr. Bradbury) 531 (i).

Wardens in Victoria County N.S., Salaries, &c.: Ques. (Mr. Maddin) 5637 (iii).

Warships discarded by G. B., Offer to Fisheries Protection Service: Ques. (Mr. Barnard) 2379 (ii).

Weirs in Passamaquoddy Bay, Investigations *re* Ownership: Ques. (Mr. Daniel) 6088 (iv).

Whitefish Spawn for Lake Winnipegosis, Contract *re*: Ques. (Mr. Campbell) 1403.

Whitefish, Sturgeon, Winter and Summer, Quantity caught, &c.: M. for Ret.* (Mr. Bradbury) 826 (i).

Winnipegosis Hatchery, Total Expenditure, &c.: Ques. (Mr. Campbell) 1402 (i).

Young, W. S., Payment *re* Collection of Whitefish Eggs: in Com. of Sup., 6982 (iv).

Flint Island Fog Alarm, Contract *re*: Ques. (Mr. Maddin) 5636 (iii).

Florence Mining Co.'s Appeal *re* Ontario Legislation: on M. for Sup. (Mr. Lennox) 6920; Ques. of Order (Mr. Speaker) 6921 (iv).

Foley, T. P., Emplymt. in Interior Dept.: Ques (Mr. Lake) 2320 (ii).

Foot and Mouth Disease, Precautionary Measures *re* Prevention, Apptmt. of Officials, &c.: M. for Ret.* (Mr. Sharpe) 521 (i).

—— Present Conditions, Embargo, &c.: Ques. (Mr. Robb) 334 (i).

—— States quarantined, Prevention, &c.: M. for Ret.* (Mr. T. Chisholm) 684 (i).

Foran, Mr. Wm., Apptmt. of Successor: Remarks (Mr. R. L. Borden) 3363 (ii).

Foreign Correspondence, Number of Letters, &c.: Ques. (Mr. Currie) 3986 (ii).

Forests, Waters, &c.: 3rd Rep. of Com.: M. (Mr. Sifton) to conc., 6919 (iv).

Foret, Land Lease of N. A. Bourbonnais, Conditions *re*: Ques. (Mr. Lortie) 2591 (ii).

Fort Cumberland Land, Govt. Ownership, Sales, &c.: Ques. (Mr. Rhodes) 3481 (ii).

Fort Erie and Buffalo Bridge Co.: *See* 'B. No. 69.'

Fort Malden, Representations *re* Sale of: Ques. (Mr. J. A. Currie) 6087 (iv).

France and Canada Commercial Treaty, Present Condition: Ques. (Mr. Macdonell) 4896 (iii).

—— Announcement *re* Signing: Remarks (Mr. R. L. Borden), 140 (i).

—— Approval of Convention by France: (Mr. R. L. Borden) 148 (i).

—— Delay *re* Approval by France: Ques. (Mr. R. L. Borden) 166 (i).

—— Inquiry for (Mr. R. L. Borden) 3254 (ii).

—— Inquiry for (Mr. Foster) 1977 (i), 7070 (iv).

Franco-Canadian Treaty, Minimum Tariff on Farm Products: Ques. (Mr. S. Sharpe) 5158 (iii).

—— O. Cs., Cor. between G. B. and France: M. for Copies* (Mr. R. L. Borden) 157 (i).

—— Supplementary Rep., Mess from His Ex- Presented (Mr. Fielding) 2148 (ii).

Franking Privilege, Abuse of by Member: Remarks (Mr. Smyth) in Com. of Sup., 1705 (i).

Franking Privilege *re* Campaign Literature, Names of Minister, &c.: Ques. (Mr. Foster) 2585 (ii).

Franking Privilege *re* Political Literature: Remarks in Com. of Sup., 1653 (i).

Fraser River, Flooding at Delta, Rep. of Mr. Coste, &c.: (Mr. J. D. Taylor) 2587 (ii).

Free Mail Delivery in Cities, Names, Mail Routes, &c.: Ques. (Mr. Armstrong) 2585 (ii).

'Free Press,' Man.: Inquiry for Ret. (Mr. Herron) 1978 (i).
See 'Winnipeg.'

French Language on Govt. Works, Govtl. Intention *re*: Ques. (Mr. Paquet) 249 (i).

French Language used by Ry. Cos., Telephone Cos., &s.: M. for Cor.* (Mr. Paquet) 1421 (i).

French SS. Subsidy: *See* 'B. No. 146.'

French Translators, Number, Amount of Work &c.: M. for Ret.* (Mr. Boyer) 1733 (i).

Fruit, Cold Storage: *See* 'B. No. 147.'

Fruit Imports into B. C. from U. S., Values, Quantity, &c.: Ques. (Mr. Burrell) 3250 (ii).

Fruit Marks Act, Number of Inspectors, &c.: Ques. (Mr. Armstrong) 3477 (ii).

—— Regulations *re* Inspection: M. (Mr. Burrell) on M. for Sup., 3364 (ii).

Fumigating Stations: in Com. of Sup., 809 (i).

Funded Debt, Redeemable, Total Sinking Fund: Ques. (Mr. Ames) 342 (i).
See 'Debt,' &c.

Gabriel, Capt., Payment *re* Recruiting for 1908: Ques. (Mr. Barr) 4893 (iii).

Galops Canals, Bridges: in Com. of Sup., 2029 (ii).

—— Toll Collector: in Com. of Sup., 1574 (i).

Garrison Common, Transfer of Property to Exhibition Association, Delays, &c.: Ques. (Mr. Macdonell) 182 (i).
See 'Toronto.'

Garthby Wharf, Lake Aylmer: in Com. of Sup., 2549 (ii).

Gaspé Deep Water Wharf: in Com. of Sup., 2550 (ii).

Gaspé and Gulf of St. Lawrence Schooner Service: in Com. of Sup., 6651 (iv).

Gaspé-Percé Mail Contract, Expiration of: Ques. (Mr. Ames) 2596 (ii).

Geodetic Survey Bureau, Establishment of: M. for Cor. (Mr. A. K. Maclean) 3056 (ii).

Geological Specimens, Purchase of: in Com. of Sup., 7063 (iv).

Georgetown Marine Agent, Name, Remuneration, &c.: Ques. (Mr. Fraser) 3194 (ii).

Georgetown Public Building, P.E.I.: in Com., of Sup., 1292 (i).

Georgian Bay Ship Canal, Rep.: Presented (Mr. Pugsley) 14 (i).

Georgian Bay Canal and Welland Canal Enlargements: Statement (Mr. Graham) in Com. of Sup., 1565 (i).

Georgian Bay Canal, Pet. *re* Expenditure: Remarks (Mr. J. A. Currie) 6415 (iv).

Georgian Bay Islands, Sale of, Advertisements *re*: Ques. (Mr. Wright) 3991 (i).

Germany and Canadian Treaty Negotiations: Remarks (Mr. Monk) 4125 (iii).

Gerrymander, &c., Ref. to in Debate on Address (Mr. R. L. Borden) 24 (i).

Gibson Siding I.C.R., Passenger Cars: in Com. of Sup., 3418 (ii).

Gillis Angus, Claims *re* Compensation for Injuries on I.C.R.: Ques. (Mr. J. D. Taylor) 6089 (iv).

Gimli, Hiransa, &c.: Placing of Lights, &c.: Ques. (Mr. Bradbury) 1403 (i).
Girard, Mr. L. P., Emplymt on Saguenay Dredging Works: Stmnt. in Com. of Sup., (Mr. Pugsley) 2811 (ii).
Glace Bay Harbour Improvements: in Com. of Sup., 3234 (ii).
Glace Bay Mails, Contract for collecting: Ques. (Mr. Maddin) 5775 (iii).
Glace Bay Post Office, Inspector, Salary, &c.: Ques. (Mr. Maddin) 5635 (iii).
Glace Bay Public Bulding: in Com. of Sup., 1287 (i).
Glace Bay Range Lightkeeper, Applicants, Salary, &c.: Ques. (Mr. Maddin) 5636 (iii).
Glencoe Public Building: in Com. of Sup., 1361, 1366 (i).
'Glimpses of Northeastern Canada,' Copies circulated, Payments *re* &c.: Ques. (Mr. Ames) 4640 (iii).
Goderich Harbour, Repairs to Piers: in Com. of Sup., 2968 (ii).
Godin, Dr., Payments to *re* Land Damages: Ques. (Mr. Monk) 3990 (ii).
Gold and Silver Marking Act: in Com. of Sup., 809 (i).
Gorman, L. F., Remuneration *re* Meteorological Service: in Com. of Sup., 6982 (iv).
Govt. Annuities Act: *See* 'B. No. 109.'
Govt. Business: M. to take in Mondays (Sir Wilfrid Laurier) 4041 (iii).
—— Remarks (Mr. Foster) 3938 (ii).
—— M. (Sir Wilfrid Laurier) to take in Wednesdays, 2017 (ii).
Govt. Credit, Cash on Deposit, &c.: M. for Ret.* (Mr. Ames) 173 (i).
Govt. Deposits in Banks, Discrimination *re*: Ques. (Mr. Macdonell) 245 (i).
Govt. Employees, Interference in Elections: Remarks (Mr. Lake) on M. for Sup., 6867 (iv).
Gov. Gen's Office, Contingencies: in Com. of Sup., 3434 (ii).
Govt. Harbours and Piers: *See* 'B. No. 89.'
Govt. Liabilities Return: Inquiry for: Remarks (Mr. Ames) 4119 (iii).
Govt. Loans, Expenditure *re* Negotiations: Purposes for, &c.: Ques. (Mr. Foster) 163 (i).
Govt. Loans, Amounts and Dates falling due prior to 1913: Ques. (Mr. Perley) 3654, 3704 (ii).
Govt. Loans Expenditure *re* Negotiations: Ques. (Mr. S. Sharpe) 1724 (i).
—— M. for Ret.* (Mr. S. Sharpe) 2161 (ii).
Govt. Loans from July 1896, Amounts, Conditions, &c.: M. for Ret.* (Mr. Foster) 172 (i).
Govt. Loans: *See* 'Loans,' &c.
Govt. Policy *re* Buildings: Remarks (Mr. Owen) on M. for Sup., 2507 (ii).
Govt. Rys. Act: *See* 'B. No. 20.'
Govt. Railways: *See* 'I.C.R.' &c.
Govt. Savings, Amounts of Deposits on Oct., 1889, 1896, 1897, 1898, &c.: Ques. (Mr. S. Sharpe) 1723 (i).
—— M. for Ret.* (Mr. S. Sharpe) 1924 (i).
Govt. Ships purchased from G. B. since 1896, Expenditure *re* Repairs, &c.: Ques. (Mr. J. A. Currie) 3195 (ii).
Government Steamers, Maintenance, &c.: in Com. of Sup., 6670 (iv).
Govt. Temporary Loans, Liabilities between April, 1907, to Dec., 1908: M. for Ret.* (Mr. Ames) 172 (i).
Govt. Tenders, Receiving and Opening: Prop. Res. (Mr. Reid) 188; Amt. (Mr. Guthrie) 199 (i).
—— Notice of Prop. Res. (Mr. J. D. Reid) 170 (i).
Govt. Tenders, Opening, &c., resmg. adjnd. debate (Mr. Miller) 571 (i).
—— Ques. of Order (Mr. Crothers) 571, Ruling (Mr. Speaker) 573 (i).
—— Amt. (Mr. Guthrie) Agreed to (Y. 118; N. 76) 580 (i).
See 'Depts.' &c.
Govt. Tenders, O. C. *re* Opening, &c.: Laid on Table (Mr. Pugsley) 171 (i).
Gowganda Postal Facilities: Remarks (Mr. R. L. Borden) 1395 (i).
—— Remarks (Mr. W. F. Maclean) in Com. of Sup., 1703 (i).
Graham's Pond, P. E. I.: in Com. of Sup., 2507 (ii).
Graham Post Office, Pet. *re*: Remarks (Mr. G. V. White) in Com. of Sup., 1713 (i).
Grain Elevator at Vancouver, Construction of: Ques. (Mr. Cowan) 2590 (ii).
Grain Weights, &c.: *See* 'B. No. 173.'
Grand Bend Dock, Approaches, &c.: Ques. (Mr. Armstrong) 2586 (ii).
Grand Etang Channel, Protection Works: in Com. of Sup., 3234 (ii).
G. T. P. Branch Lines Co.: *See* 'B. No. 140.'
G. T. P. and C. P. R. at Ft. William: *See* 'B. No. 25.'
G. T. P., Lake Superior Branch Subsidy: *See* 'B. No. 30.'
G. T. P. Ry., Loan to: *See* 'B. No. 128.'
G. T. P. Loan B. 128 (Mr. Fielding) Prop. Res. 2670, 3569 (ii), 4109; 1°*, 4118 (iii); (Mr. R. L. Borden) 3583; (Mr. Hughes) 3577; (Mr. Ames) 3578; (Mr. J. Haggart) 3579; (Mr. Northrup) 3579, 3614; (Mr. Pardee) 3599; (Mr. Geo. Taylor) 3609; (Mr. W. F. Maclean) 3612; (Mr. Talbot) 3622; (Mr. W. M. Martin) 3629; (Mr. Maddin) 3636; (Mr. Turriff) 3644 (ii); (Mr. Ames) 4052; (Mr. Middlebro) 4075; (Mr. Donnelly) 4089; (Mr. Perley) 4091; (Mr. T. Chisholm)

G. T. P. Loan Bill—*Con.*
4094; (Mr. Foster) 4104; (Mr. Sproule) 4113 (iii).
Debate on 2° (Mr. Fielding) 5103; in Com., 5189; (Mr. R. L. Borden) 5103; (Mr. Graham) 5117; (Mr. Lennox) 5118; (Mr. Ames) 5190; (Mr. Northrup) 5120; (Mr. Geo. Taylor) 5123; (Mr. Sproule) 5138; (Mr. J. Haggart) 5141; (Mr. Monk) 5147; (Mr. Nantel) 5152, 5159; (Mr. Talbot) 5153; (Mr. Ethier) 5154; (Mr. McCall) 5168; (Mr. Burrell) 5173; (Mr. Lancaster) 5185; (Mr. Geo. Taylor) 5250; (Mr. Fielding) 5251; (Mr. Lalor) 5252; (Mr. Porter) 5254; (Mr. Armstrong) 5255; (Mr. J. Haggart) 5256; (Mr. Sproule) 5260; (Mr. R. L. Borden) 5261, 5309; (Mr. W. F. Maclean) 5265, 5277, 5326; (Mr. Middlebro) 5265, 5322; (Mr. Crothers) 5266; (Mr. Perley) 5267, 5331; (Mr. Northrup) 5269; (Mr. Blain) 5270; (Mr. Lancaster) 5272; (Mr. Goodeve) 5276; (Mr. Foster) 5283, 5323; (Mr. Lennox) 5291, 5317; (Mr. Graham) 5291, 5309; (Mr. Hughes) 5294; (Mr. Burrell) 5327; (Mr. J. D. Taylor) 5328; (Mr. Armstrong) 5329; (Mr. Lake) 5330; (Mr. Fielding) 5323; (Mr. Perley) 5331; (Sir Wilfrid Laurier) 5337; (Mr. R. L. Borden) 5345; (Mr. Foster) 5488, 5496, (Mr. Fielding) 5489; (Mr. Blain) 5493; (Mr. J. Haggart) 5495 (iii).
Debate on 3° (Mr. Foster) 5496; (Sir Wilfrid Laurier) 5513; (Mr. Crothers) 5530; (Mr. R. L. Borden) 5537; (amt.) 5544, neg. (Y. 70; N. 106) 5592; (Mr. Conmee) 5546; (Mr. E. M. Macdonald) 5556, 5575; (Mr. Carvell) 5579; (Mr. Crosby) 5585; (Mr. Loggie) 5588; (Mr. Ames) 5593, (amt.) 5597; (Mr. Fielding) 5597; (Mr. Barker) 5602; (Mr. Middlebro) Amt., 5604; (Mr. Fielding) 5611; (Mr. Perley) Amt., 5614; (Mr. Meighen) Amt., 5616 (iii).
G. T. P. and Midland Ry. of Manitoba: *See* 'B. No. 28.'
G. T. P. Ry.: *See* 'National Transcontinental Ry.
G. T. R. Co.: *See* 'B. No. 13.'
GRAND TRUNK PACIFIC RAILWAY—
Alleged Over-classification, Action by Govt.: Ques. (Mr. Lennox) 178 (i).
Amount of Guaranteed Bonds of N. T. R. Western Div.: Ques. (Mr. R. L. Borden) 1398 (i).
Bonds guaranteed by Govt., Available for Prairie Section: Ques. (Mr. Foster) 2589 (ii).
Branch Lines, Plans *re* Orillia Branch: Ques. (Mr. Ames) 1077 (i).
Brunet, A., Emplymt. of: in Com. of Sup., 2042 (ii).
Cochrane Town Site, Interference *re*: Ques. (Mr. Armstrong) 2586 (ii).
Commissioners, Revised Stmt. as to Cost: Ques. (Mr. Ames) 1056 (i).
Construction Commission, Names of Employees, Residences, Salaries, &c.: M. for Ret.* (Mr. Gervais) 826 (i).
Contracts for North Bay Sections, Estimated Cost per Mile: Ques. (Mr. Ames) 819 (i).
GRAND TRUNK PACIFIC RAILWAY—*Con.*
Cost per Mile: Remarks (Mr. Owen) 2494 (ii).
Cost of N. B. Section: Ques. (Mr. Owen) 2383 (ii).
Dismissal of Engineers, Names, &c.: Ques. (Mr. Geo. Gordon) 817 (i).
Disputes with N. T. R. *re* Classifications, &c.: Ques. (Mr. Lennox) 2321 (ii).
Eastern Div., Expenditures *re* Loans, &c.: Ques. (Mr. Foster) 4634 (iii).
Employees, Total Number, Nationality, &c.: Ques. (Mr. Sifton) 249 (i), 3042 (ii).
G. T. P. Ry. Co., and Transcontinental Ry., Classification, &c.: M. for Ret.* (Mr. Lennox) 3055 (ii).
G. T. P. and N. T. R. Classification, Reference *re*: Ques. (Mr. Lennox) 4899 (iii).
Inspection: in Com. of Sup., 2048 (ii).
Lake Superior Branch, Number of Miles completed, Subsidies, &c.: Ques. (Mr. Middlebro) 4286 (iii).
Lands sold along Route, Price, Names, &c.: M. for Ret.* (Mr. Foster) 352 (i).
Lands sold for Stations, Town Sites, &c.: Ques. (Mr. Foster) 143 (i).
Legislation: Remarks (Mr. R. L. Borden) 2219 (ii).
Loans, Cor., Reps., &c.: Remarks (Mr. R. L. Borden) 2771, 3111 (ii).
——— Security: Remarks (Mr. Ames) 3258 (ii).
Mileage Construction of N. T. Ry., Average Cost per Mile: Ques. (Mr. R. L. Borden) 1184 (i).
Miles of Western Division completed, &c.: Ques. (Mr. R. L. Borden) 1398 (i).
Montreal Branch, Agreement, Conditions, &c.: Ques. (Mr. Gervais) 816 (i).
N. T. Ry., Eastern Div., Quantity of Work executed, &c.: M. for Ret.* (Mr. Lennox) 1923 (i).
See 'Transcontinental.'
Negotiations *re* Proposed Loan prior to Oct., 1908: Ques. (Mr. Middlebro) 4290 (iii).
Number of Miles of Western Division completed, &c.: Ques. (Mr. R. L. Borden) 1398 (i).
Prairie Section Contracts, Names of Contractors, &c.: Ques. (Mr. J. A. Currie) 3987 (ii).
Prairie Section and Mountain Section, Detailed Stmnt. of Expenditure: Remarks (Mr. R. L. Borden) 3256 (ii).
Pusher Grades, Information *re*: Remarks (Mr. R. L. Borden) 4883 (iii).
Resignation of Mr. Morse, Action of Govt. *re*: Ques. (Mr. Armstrong) 344 (i).

GRAND TRUNK PACIFIC RAILWAY—*Con.*
Siberian Labourers: Ques. (Mr. J. D. Taylor) 4898 (iii).
—— Remarks (Mr. J. D. Taylor) 4989 (iii).
Sub-contractors on B. C. Section, Importation of Labour, &c.: Remarks (Mr. J. D Taylor) 3939 (ii).
Tenders, Advertisements *re* Ties: Ques (Mr. S. Sharpe) 6091 (iv).
Tenders: Inquiry for Ret. (Mr. Lennox) 4801 (iii).
Terminal Town Sites Ret.: Remarks (Mr. Oliver) 2194 (ii).
Total Expenditure to Feb., 1909, *re* Building and Equipment of Winnipeg-Moncton Section: Ques. (Mr. Perley) 3704 (ii).
Total Expenditure *re* Construction of N. T. Ry.: Ques. (Mr. R. L. Borden) 1181 (i).
Unpaid Wages, Claims of Stationmen, &c., Payments *re*: Ques. (Mr. J. D. Taylor) 5629 (iii).
Wainwright, Mr., Statement *re* Inception: Ques. (Mr. Lennox) 1560 (i).
Winnipeg Terminal Site, Negotiations *re* Purchase: Ques. (Mr. A. Haggart) 1070
—— Purchase by Rothwell & Co. from Kern & Matthews, Cor., &c.: M. for Copy* (Mr. Bradbury) 1081 (i).
G. T. Ry., Indebtedness to Canada, Payments made, &c.: Ques. (Mr. Cowan) 3046 (ii).
—— Indebtedness to Canada: M. for O. Cs. (Mr. Geo. Taylor) 3056 (ii).
—— Prior Lien on G. T. P. Assets, Opinion of Law Officers of Crown: Ques. (Mr. Perley) 4228 (iii).
—— Stock Outstanding, Total Liabilities, &c: Ques. (Mr. Middlebro) 3651 (ii).
Gravenhurst Wharf Repairs: Remarks (Mr. Wright) in Com. of Sup., 2980 (ii).
Gray, Franklin Montgomery, Patent of: *See* 'B. No. 132.'
Grazing Leases, Total Area, Annual Rentals, &c.: Ques. (Mr. Herron) 3703 (ii).
G. B. and Her Colonies: *See* 'Imperial Partnership.'
Great West Permanent Loan Co.: *See* 'B. No. 40.'
Greenfield, P.E.I., Post Office, Removal of: Ques. (Mr. Fraser) 5776 (iii).
Greenwood and Grand Forks, Post Office Sites, Options *re*: Ques. (Mr. Burrell) 814 (i).
Grenville-Hawkesbury, Provl. Bridge, Govt. Aid to: Ques. (Mr. Turriff) 1558 (i).
Gretna Quarantine Building, Total Cost, Price of Land, &c.: Ques. (Mr. Wm. H. Sharpe) 824 (i).
Grey, Earl, Extension of Time as Governor General: Remarks (Sir Wilfrid Laurier) 5351 (iii).
Griffith, Mr. W., Apptmnt. as Immigration Agent, Salary, &c.: Ques. (Mr. Geo. Taylor) 1415 (i).
Grist and Sawmills for Indians: in Com. of Sup., 1016 (i).
Grosse Isle, Disinfecting Apparatus: in Com. of Sup., 3210 (ii).
Guelph and Goderich Ry. Co.: *See* 'B. No. 47.'
Guysborough County Public Works, Expenditure of Votes, &c.: Ques. (Mr. Rhodes) 819 (i).
Guysborough Public Building, Improvements: in Com. of Sup., 1288 (i).
Hague Tribunal, Apptmts., &c.: in Com. of Sup., 7057 (iv).
See 'Ewart,' &c.
Half-Breeds living in U.S., Allotment of Scrip, &c.: M. for Ret.* (Mr. Bradbury) 1735 (i).
Halifax and Canso SS. Subvention: in Com. of Sup., 6651 (iv).
Halifax Customs House, Total Cost, Contract, &c.: Ques. (Mr. Crosby) 815 (i).
Halifax Dom. Buildings, Repairs, &c.: in Com. of Sup., 1288 (i).
Halifax Increased Accommodation, I C. R.: in Com. of Sup., 2935 (ii).
Halifax Militia, Delay in Overdue Pay: Remarks (Mr. Crosby) 2672 (ii).
Halifax and Newfoundland SS. Subvention: in Com. of Sup., 6651 (iv).
Halifax Post Office, Contract *re* Reconstruction, &c.: Ques. (Mr. Crosby) 814 (i).
Halifax and Southwestern Ry. Subsidy, Negotiations *re* Construction, &c.: Ques. (Mr. Graham) 1561 (i).
Halifax and Spry Bay SS. Subvention: in Com. of Sup., 6652 (iv).
Hand Hills, Alberta, Post Office, Applications, Reps., &c.: M. for Copies* (Mr. Magrath) 2162 (ii).
Harbours, Rivers and Bridges, Man.: in Com. of Sup., 2985 (ii).
—— N.S., Repairs, &c.: in Com. of Sup., 1621 (i), 2118, 2474 (ii).
Harbour, Rivers and Bridges, General Repairs: in Com. of Sup., 3302 (ii).
—— Ont., General Repairs: in Com. of Sup., 2968 (ii).
—— P. E. I., General Improvements: in Com. of Sup., 2507 (ii).
See 'Public Works.'
Harbours and River Works, Piers, &c., Govt. Procedure *re* Construction by Day Labour: Remarks (Mr. Foster) in Com. of Sup., 2513 (ii).
Harmony-Elmira Branch of P. E. I. Ry., Tenders *re* Construction: Ques. (Mr. Fraser) 1243 (i), 6787 (iv).
Hart-Otis Car Co., Ltd.: *See* 'B. No. 92.'
Harvey Bank Wharf: in Com. of Sup., 1626 (i).

Hay from U. S., Entries at Kingston, &c.: Ques. (Mr. Edwards) 1177 (i).
Hazel Ridge Post Office, Application *re*: Remarks (Mr. Bradbury) in Com. of Sup., 1710 (i).
Heating, &c., Dom. Buildings: in Com. of Sup., 3233 (ii).
Hecate Straits, Status, &c., Cor. with U. S. Govt.: Remarks (Mr. R. L. Borden) 4882. 4990 (iii).
Heron Island Wharf: in Com. of Sup., 1626 (i).
Hickman, Mr. W. A., Emplymt. by Govt., Payments to, &c.: Ques. (Mr. J. D. Taylor) 3054 (ii).
Hickory and Ash Handles for Farm Implements, Number imported for 1908: Ques. (Mr. Elson) 1239 (i).
Higgs, Deportation of by Immigration Dept.: Ques. (Mr. Taylor) 147 (i).
Highways, Removal of Planks, Instructions from Ry. Commissioners: Remarks (Mr. Schaffner) 1022 (i).
Hoffman, Mr., Emplymt. by Marine Dept.: Ques. (Mr. Lachance) 4696 (iii).
Hogs killed from Nov., 1907, to Nov., 1908, Condemnation of, &c.: M. for Ret.* (Mr. Beattie) 684 (i).
Hogs Dressed, Inspection of, &c.: Ques. (Mr. McCoig) 2758 (ii).
Hog Tariff from U.S. to Canada, Increase of: Ques. (Mr. Blain) 821 (i).
Holland River Canal, Newmarket: in Com. of Sup., 1578, 1587, 1886 (i).
Holland (Newmarket) River Canal, Expenditure *re* Contracts, &c.: Ques. (Mr. Wallace) 1915 (i).
——— Deputation *re* Construction, Rep., Expenditures, &c.: Ques. (Mr. S. Sharpe) 2153 (ii).
——— Land Valuators, Remuneration *re*: M. for Ret.* (Mr. Lennox) 3055 (ii).
——— Land Valuations, Remuneration *re*: Ques. (Mr. Lennox) 2591 (ii)
——— Rep. *re* Flow of Water: Ques. (Mr. J. A. Currie) 472 (i).
——— Tenders for Section 1, &c.: Ques. (Mr. Lennox) 3253 (ii).
See 'Newmarket,' 'Canals,' &c.
Holstein Cattle at Experimental Farm, &c.: Ques. (Mr. Armstrong) 2756 (ii).
Homestead and Pre-emptions in Man., &c., Number of Acres, &c.: Ques. (Mr. Hughes) 1180 (i).
Homestead and Pre-emptions, Total Acreage sold, Moneys received, &c.: Ques. (Mr. Ames) 482 (i)
Homesteads for Volunteers, Duties performed by Substitutes: Ques. (Mr. Herron) 1078 (i).
See 'S. A.,' &c.
Homesteads West of Lake Winnipeg, Rep. *re* Unfitness for Settlement: Ques. (Mr. Bradbury) 3251 (ii).
Honora Dock, Manitoulin, Construction, Dimensions, &c., Expenditure *re*: Ques. (Mr Smyth) 6408 (iv)
——— Yearly Receipts, &c.: Ques. (Mr. Smyth) 7072 (iv).
Hopper Scows, Construction of: Ques. (Mr. Monk) 1185 (i).
HOUSE OF COMMONS:
Additional Wing to Building, Cost of Construction, Disposal of Rooms, &c.: Ques. (Mr. Foster) 140 (i).
Additional Rooms, Allotments, &c.: Ques. (Mr. Taylor) 177, 466 (i).
——— Remarks *re* Answer to Question (Mr Foster) 170 (i).
Additional Wing: in Com. of Sup., 1253 (i).
Alterations, &c.: in Com. of Sup., 3204, (ii).
Carter, Mr. Edward S., Emplymt. as Sessional Clerk: Ques. (Mr. Daniel) 5094 (iii).
Debates, Official: in Com. of Sup., 3437 (ii).
——— Cost of Printing, &c.: Ques. (Mr. Boyer) 1720 (i).
——— French Translation Staff, Salaries, &c.: Ques. (Mr. Boyer) 1722 (i).
Elevators, Repairs, Running, &c.: Remarks (Mr. Taylor) 2337 (ii).
Franking Privilege, Abuse of by Member: Remarks (Mr. Smyth) in Com. of Sup., 1705 (i).
French Translators, Number, Amount of Work, &c.: M. for Ret.* (Mr. Boyer) 1733 (i).
House of Commons, New Wing, Payments to Deptl. Staff: Ques. (Mr. Foster) 2149 (ii)
——— Promotions, Salaries, &c.: in Com. of Sup., 3436 (ii), 6775 (iv).
——— Staff Classification: Presented (Mr. Speaker) 2493 (ii).
——— on M. (Sir Wilfrid Laurier) to conc., 6094 (iv).
Internal Economy Commission, Mess. from His Ex.: Presented (Sir Wilfrid Laurier) 160 (i).
Members Indemnity *re* Absences: in Com. of Sup., 7065 (iv).
Morning Sittings: M. (Sir Wilfrid Laurier) 5159 (iii).
Representation: *See* 'Proportional.'
Restaurant Committee. 2nd Rep. of Joint Com.: M. (Mr. Pugsley) to adopt 290. 401 (i).
——— Interim Rep.: Remarks (Mr. Foster) 402 (i).
——— Mess. from Senate (Mr. Speaker) 378 (i).

HOUSE OF COMMONS—*Con.*

Roof Garden, New Wing, H. of C.: Remarks (Mr. Lennox) 7074 (iv).

Saturday Sittings: M. (Sir Wilfrid Laurier) 5644 (iii).

Sessional Allowances: Remarks (Mr. Taylor) 4119 (iii).

Sessional Messengers appointed or dismissed since 1880: M. for Ret.* (Mr. Paquet) 521 (i).

Statutes, French Translation, Designation of Titles: Remarks (Mr. Paquet) on M. for Sup., 2020 (ii).

Ventilation and Fire Escapes of New H. of C. Wing: Remarks (Mr. Hughes) 6781 (iv).

Howell, H. M., Payments to, Itemized Statement: M. for Copy* (Mr. Smyth) 3992 (ii).

Hudson Bay and Pacific Ry. Co.: *See* 'B. No. 43.'

Hudson Bay Lands, Number of Acres Homesteaded, Pre-empted, &c.: M. for Ret.* (Mr. Hughes) 1421 (i).

Hudson Bay Ry. Surveys: in Com. of Sup., 2960 (ii).

——— M. for Ret. (Mr. Meighen) 685 (i).

Hudson Bay Ry., Total Expenditure, Number of Employees: Ques. (Mr. Meighen) 1055 (i).

Hull Customs Duties, Amount collected: Ques. (Mr. Devlin) 1418 (i).

Humboldt Election Officials, Payments to: Ques. (Mr. Lake) 1731 (i).

Hungry Bay Dike, Repairs, &c.: Ques. (Mr. Robb) 349 (i).

Huron and Ontario Ry. Co.: *See* 'B. No. 14.'

Hydrographic Surveys: in Com. of Sup., 6284, 6916 (iv).

Ice-Breaker for Northumberland Straits, Contract with Messrs. Vickers, Sons & Maxim: M. for Cor.* (Mr. J. A. Currie) 3056 (ii).

——— Ques. (Mr. Fraser) 674 (i).

——— in Com. of Sup., 3437 (ii), 6673 (iv).

Ice-Breaking Steamers, Superannuation of Officers and Crews: M. for Reps., &c. (Mr. Warburton) 1469 (i).

Icelander River Dredging, Total Cost: Ques. (Mr. Bradbury) 347 (i).

Immigration Act: *See* 'B. No. 17.'

IMMIGRATION—

Agents, Apptmts. in France since 1908, Names, Salaries, &c.: Ques. (Mr. Paquet) 678 (i).

——— Bonus Commissions: Ques. (Mr. T. Chisholm) 1407 (i).

Agents in Can. locating Immigrants, Names, Salaries, &c.: M. for Ret.* (Mr. Macdonell) 2160 (ii).

Agents in France, Number, Reps., Resignation of J. E. Cyr: Ques. (Mr. Ecrément) 1414 (i).

IMMIGRATION—*Con.*

Agents in G. B., &c., Contingencies: in Com. of Sup., 7014 (iv).

Agents, Names, Addresses, Salaries, &c.: Ques. (Mr. U. Wilson) 1405 (i).

——— Resident in Canada: Ques. (Mr. Paquet) 3989 (ii).

——— Salaries, &c.: in Com. of Sup., 6994 (iv).

American Agents, Interference with Canadians: Remarks (Mr. Lalor) 2242 (ii).

Asiatic Exclusion in B.C., Tel. of Mr. Borden: Read (Sir Wilfrid Laurier) in debate on Address, 39 (i).

——— Denial (Mr. R. L. Borden) 39 (i).

——— Ques. of Priv. (Mr. R. L. Borden) 290 (i).

——— Rep. of Toronto 'News': Ques. of Priv. (Sir Wilfrid Laurier) 664 (i).

——— Forged Telegram, Memorandum from Bishop of Columbia: Read (Mr. R. L. Borden) 1394 (i).

Berube, Rev. E. P., Emplymt. by Immigration Dept.: Ques. (Mr. Paquet) 3986 (ii).

——— Bonuses, Abolition of, Restrictions, &c.: Ques. (Mr. Verville) 3704 (ii).

Bonuses to Societies, Names, Amounts, &c.: Ques. (Mr. Lancaster) 1406 (i).

——— Bounties for 1907-8, Amount, &c.: Ques. (Mr. Paquet) 678 (i).

Brewster, Mr., Emplymt. by Govt. *re* Immigration: Ques. (Mr. Worthington) 3483(ii).

Catholic Immigration, Par. in 'Mail and Empire' *re* Limitations: Remarks (Mr. Sproule) 2672 (ii).

Deportations: in Com. of Sup., 7021 (iv).

——— Amount of Expenditure *re*: Ques. Monk) 1975 (i).

Destitute Immigrants, in Toronto: Par. in 'Toronto Telegram' (Mr. Russell) 2335 (ii).

Griffith, Mr. W., Apptmt. as Immigration Agent, Salary, &c.: Ques. (Mr. Geo. Taylor) 1415 (i).

Higgs, Deportation of by Immigration Dept.: Ques. (Mr. Taylor) 147 (i)

Immigrants, Arrivals for present year, Names, Addresses of Agents in Canada: Ques. (Mr. Macdonell) 1404 (i)

Immigrants, British Subjects, prevented entering Canada, &c.: Ques. (Mr. Lennox) 478 (i).

Immigrants from G. B. to Canada direct Number, &c.: Ques. (Mr. Lennox) 1919 (i).

Immigrants prevented from landing in Canada, Nationality, &c.: Ques. (Mr Lennox) 478 (i).

Immigrants rejected and deported, Number, &c.: Ques. (Mr. Paquet) 677 (i).

IMMIGRATION—*Con.*

Immigrants for 1907-8, Number from U.S., G.B. and France and Belgium, Amount of Expenditure, &c.: Ques. (Mr. Paquet) 678 (i).

Immigration of Uudesirables into Canada, Payments *re*: Ques. (Mr. Herron) 1406 (i)

Immigration to U.S., and Repatriation, Cor. with Dept. of Interior and Colonization Societies: M. for Copy (Mr. Paquet) 827 (i).

Immigration Supply, Absence of Ministers: Remarks (Mr. Foster) 5832 (iii).

Inspectors, Names, Addresses, Salaries, &c.: Ques. (Mr. Herron) 1406 (i).

——— M. for Ret.* (Mr. Herron) 2160 (ii).

Japanese Immigration, Sir P. Lake's Speech at Toronto: Ques. (Mr. Talbot) 1065 (i).

Miller, Mr. N. B., Immigration Agent, Fraudulent Returns: Cor. read (Mr. Wilson) in Com. of Sup., 6994 (iv).

Orientals in B. C. on Jan. 1, 1909, Number naturalized, &c.: Ques. (Mr. R. Smith) 1920 (i).

Oriental Immigration into B.C., Res. *re* Royal Commission: Ques. (Mr. J. D. Taylor) 1242 (i).

——— Inaccurate Answer: Remarks (Mr. J. D. Taylor) 1248 (i).

——— Corrected Answer (Sir Wilfrid Laurier) 1976 (i)

Printing and Advertising, Amount expended for 1908-9: Ques. (Mr. U. Wilson) 2381 (ii).

——— M. for Ret.* (Mr. U. Wilson) 2597 (ii).

Quebec Detention Hospital in Savard Park: in Com. of Sup., 3221 (ii).

Regulations, O.Cs., Application of, &c: Ques. (Mr. Lennox) 250 (i).

St. Boniface Immigration Hospital: in Com. of Sup., 7035 (iv).

Imperial Defence, Conference *re*: Action of Govt.: Remarks (Mr. R. L. Borden) 6942 (iv).

——— Cor. laid on Table: (Sir Wilfrid Laurier) 7069 (iv).

Imperial Defence: Remarks (Mr. Foster) on M. for 3° of Supply Bill, 7081 (iv).

See 'Naval.'

Imperial General Staff, Prop. Organization, O.Cs., Cor.: M. for Copies (Mr. Talbot) 1420 (i).

Imperial Partnership with G.B. and Her Colonies: Amt. (Mr. Hughes) to Com. of Sup., 6417 (iv).

Imports and Exports of Merchandise for 1908, &c.: Ques. (Mr. Foster) 4288 (iii).

Indian Point Dredging, Total Cost, &c.: Ques. (Mr. Crocket) 1397 (i); 2763 (ii).

INDIANS—

Agency Inspectors: in Com. of Sup., 1162 (i).

INDIANS—*Con.*

Agricultural Grants to Indians: in Com. of Sup., 993 (i).

Annuities and Administration Treaty for Indians: in Com. of Sup., 998 (i).

Annuities: Man. in Com. of Sup., 1002 (i).

Birtle Agency, Purchase of Live Stock: Stmnt. (Mr. Oliver) in Com. of Sup., 1168 (i).

Blankets for Indians: in Com. of Sup. 976 (i).

Blood Indian Reserve, Lease *re*: Ques. (Mr. Wallace)6784 (iv).

B. C., Cleansing Orchards: in Com. of Sup., 1160 (i).

——— Relief of Destitutes: in Com. of Sup., 1139 (i).

——— Schools: in Com. of Sup., 1141 (i).

——— Surveys Commission: in Com. of Sup., 1144 (i).

Caughnawaga Indian Reserve, Grants to Churches: Ques. (Mr. Boyce) 1410 (i).

Caughnawaga-Iroquois Indian Reserve, Returns of Fines, &c.: Ques. (Mr. Boyce) 1410 (i).

Destitute Indians: in Com. of Sup., 1010 (i).

Dokis Indian Reserve, Payment for Berths, Lapses, &c.: Ques. (Mr. Geo. Gordon) 542 (i).

Fairy Lake Indian Reserve, N.S., Conditions of Lease, Revenue, &c.: Ques. (Mr. Jameson) 2816 (ii).

Farm Implements and Tools, Indians: in Com. of Sup., 1002 (i).

File Indian Agency, Resignation of Mr. Godfrey, Charges against Inspector, &c.: Ques. (Mr. Campbell) 3045 (ii).

General Expenses: in Com. of Sup., 1016 (i).

Grist and Sawmills for Indians: in Com. of Sup., 1016 (i).

Indian Affairs, Deptl. Rep.: Presented (Mr. Oliver) 14 (i).

——— Salaries: in Com. of Sup., 971 (i).

Inspectors of Timber: in Com. of Sup., 1161 (i).

Jacobs, F. Macdonald, Complaints *re* Fines collected from Caughnawaga Indians: M. for Cor.* (Mr. Boyce) 1420 (i).

Kitsilano Indian Reserve, Tel. to Mr. McInnis *re* Transfer to City of Vancouver: Ques. (Mr. Cowan) 1973 (i).

Legal Expenses: in Com. of Sup., 993 (i).

Lennox Wharf for Indians, P.E.I.: in Som. of Sup., 1000 (i).

Litigation Expenses: in Com. of Sup., 1172 (i).

Live Stock for Indians, Man.: in Com. of Sup., 1005 (i).

Man. Annuities: in Com. of Sup., 1002 (i).

Man. Seed Grain, &c.: in Com. of Sup., 1004 (i).

INDIANS—*Con.*
Medical Attendance: Remarks (Mr. Rhodes) in Com. of Sup., 1169 (i).
Medical Relief, N.B.: in Com. of Sup., 3462 (ii).
——— N.S.: in Com. of Sup., 998 (i), 3462 (ii).
——— Ont. and Que.: in Com. of Sup., 976 (i).
——— P. E. I.: in Com. of Sup., 1000 (i).
——— Que.: in Com. of Sup., 3461 (ii).
Nipissing Indian Reserve, Open for Settlement: Ques. (Mr. Geo. Gordon) 684 (i).
Oil Borings: in Com. of Sup., 1170 (i).
Rama Indians Trust Fund, Amount held by Govt., &c.: Ques. (Mr. S. Sharpe) 543 (i).
Rand, Dr. F. A., Payments *re* Indians: Stmnt. (Mr. Oliver) in Com. of Sup., 1168 (i).
Reserves, Reduction, &c.: M. for Cor.* (Mr. Barnard) 1734 (i).
St. Nicholas Indian Island, Disposal of by Govt.: Ques. (Mr. Boyce) 1410 (i).
St. Peters Reserve, Patents *re* Surrender: M. for Ret.* (Mr. Bradbury) 1191 (i).
——— Instructions of Mr. Vaughan, Cor., &c.: M. for Copies* (Mr. Bradbury) 354 (i).
——— Instructions, &c.: M. for Copies* (Mr. Bradbury) 1421 (i).
——— Removal to Fisher's Lake: in Com. of Sup., 3462 (ii).
Schools: in Com. of Sup., 976, 1015 (i).
Seed Grain, Relief, &c.: in Com. of Sup., 998 (i).
Seed Grain, &c., Man.: in Com. of Sup., 1004 (i).
Steamers on Lake Winnipeg for Indian Dept., Lease, Cost, &c.: Ques. (Mr. Bradbury) 1403 (i).
Surveys: in Com. of Sup., 989 (i).
Surveys Commission, B. C.: in Com. of Sup., 1144 (i).
Surveys, Man.: in Com. of Sup., 1015 (i).
Swan Lake Indian Reserve, Purchase by Govt., Sales, &c.: Ques. (Mr. Staples) 477 (i).
——— Remarks (Mr. W. H. Sharpe) in Com. of Sup., 1010 (i).
Indian Timber Inspectors: in Com. of Sup., 1161 (i).
Timber Lands, Sale of: List read in Com. of Sup. (Mr. Oliver) 1165 (i).
Triennial Clothing: in Com .of Sup., 1014 (i).
Yukon. Schools: in Com. of Sup., 1160 (i).
Industrial Disputes: *See* 'B. No. 113.'
Industrial Disputes Act, Discussion *re*: Remarks (Mr. Macdonell) 4641 (iii).
——— Statistics *re* Strike, &c.: Ques. (Mr. Macdonell) 154 (i).
Industrial Disputes Investigation Act: in Com. of Sup., 655 (i).
Inspection of Ships: *See* 'B. No. 73.'
Insurance Act Amt.: *See* 'B. No. 97.'
Insurance Bill, Addresses, Reps., &c., made to Com. of 1907-8: M. (Mr. Miller) to lay on Table, 2489 (ii).
——— M. to ref. to Special Com. on Banking and Commerce, 2490 (ii).
Insurance Bill, Discussion *re*: Remarks (Mr. Monk) 6290 (iv).
——— Inquiry *re* Legislation (Mr. Percy) 971, 1022 (i).
——— Progress in Senate: Remarks (Mr. Foster) 7069 (iv).
Insurance Commission, Omission of Evidence of British Actuaries, &c.: Ques. (Mr. Macdonell) 243 (i).
Intercolonial Bureau of Weights and Measures: in Com. of Sup., 455 (i).
Intercolonial Railway: *See* 'B. No. 20.'
I.C.R. and P.E.I. Rys. Provident Fund: *See* 'B. No. 164.'
See 'Govt. Rys.' &c.
INTERCOLONIAL RAILWAY—
Annual Statement, on M. for Sup. (Mr. Graham) 2675; Reply (Mr. J. Haggart) 2709 (ii).
Apptmts. by Commission since its creation, Places, Salaries, &c.: M. for Ret.* (Mr. Foster) 172 (i).
Aston Junction Track Scale: in Com. of Sup., 3415 (ii).
Board of Management, Apptmt. of: Remarks (Mr. Emmerson) 4803 (iii).
——— Rules, &c.: Remarks (Mr. Foster) in Com. of Sup., 6986 (iv).
Branch Lines, Acquisition of by Govt.: Prop. Res. (Mr. Emmerson) 2162 (ii).
——— Rep. *re* Conditions, &c.: Ques. (Mr. Emmerson) 351 (i).
——— M. for Copy (Mr. Emmerson) 882 (i).
——— Inquiry for Rep. (Mr. Emmerson) 664, 875, 1718 (i).
Bridge Strengthening: in Com. of Sup., 2931 (ii).
Campbellton Improvements: in Com. of Sup., 2951 (ii).
Cap St. Ignace Station, Requests *re* Repairs, &c.: Ques. (Mr. C. Roy) 3476 (ii).
——— Cor., &c.: M. for Copies* (Mr. Roy) 3992 (ii).
——— Tank, Construction, &c.: M. for Cor.* (Mr. Roy) 3992 (ii).
Chatham, Diversion of Line: in Com. of Sup., 2946 (ii).
Claims for Damages, Settlement of, &c.: Ques. (Mr. Rhodes) 2157 (ii).
——— M. for Ret.* (Mr. Rhodes) 3054 (ii).

INTERCOLONIAL RAILWAY—*Con.*

Classification of Employees, Hours of Labour, &c.: Ques. (Mr. Stanfield) 1723 (i), 2156 (ii).

Double Tracking: in Com. of Sup., 2753 (ii).

——— Survey *re* at Amherst, &c.: Ques. (Mr. Rhodes) 529 (i).

Drummondville Improvements: in Com. of Sup., 2949 (ii).

Earnings from Freight Shipments, Ticket Revenue, &c.: Ques. (Mr. Maddin) 5632 (iii).

Employees, Dismissed or Suspended for 1908, Names, Dates, &c.: M. for Ret.* (Mr. Foster) 3055 (ii).

Employees at Moncton, Number, &c.: Ques. (Mr. Emmerson) 330 (i).

Employees, Settlement *re* Conciliation Act: Remarks (Mr. R. L. Borden) 6686 (iv).

Employees Strikes Disputes, Rep. of Commissioners: Remarks (Mr. Foster) 289 (i).

Extensions, &c.: in Com. of Sup., 6557 (iv).

Facilities and Accommodation: in Com. of Sup., 2947 (ii).

Frauds, Suspension of Officials: Remarks (Mr. Blain) 2673 (ii).

Freight Clerks, Betterments, Govtl. Intentions: Ques. (Mr. Stanfield) 1561 (i).

——— Dismissal of: Remarks (Mr. Crosby) 3568 (ii).

——— Conciliation Board Rep.: M. for Copy* (Mr. Crosby) 2597 (ii).

——— Settlement by Arbitration: Remarks (Mr. Crosby) 2127 (ii).

Freight Clerks, Settlement of Labour Dispute: Remarks (Mr. R. L. Borden) on M. for Sup., 3258 (ii).

——— Letter from Dep. Min. of Rys. *re* Award: Ques. (Mr. Geo. Taylor) 4697; Cor. &c. read (Mr. Graham) 4698 (iii).

——— Settlement of: Ques. (Mr. Macdonell) 246 (i).

Gibson Siding for Passenger Cars: in Com. of Sup., 3418 (ii).

Gillis, Angus, Claims *re* Compensation for Injuries: Ques. (Mr. J. D. Taylor) 6089 (iv).

Halifax, Increased Accommodation: in Com. of Sup., 2935 (ii).

I.C.R. and P.E.I. Rys., Earnings and Working Expenses, Monthly: Ques. (Mr. Foster) 162 (i).

——— Earnings and Expenditures for Oct., 1907 and the year 1908: Ques. (Mr. Ames) 1415 (i).

——— Total Working Expenditures and Receipts, Amount of Capital Expenditure: Ques. (Mr. Foster) 5641 (iii).

I.C.R. and P.E.I. Employees, Number for each month, 1908: Ques. (Mr. R. L. Borden) 1173 (i).

INTERCOLONIAL RAILWAY—*Con.*

I.C.R., &c., Employees, Permanent and Temporary, Salaries, &c.: Ques. (Mr. R. L. Borden) 243 (i).

I.C.R. and P.E.I. Rys., Items in Public Accounts, &c.: M. for Ret.* (Mr. Ames) 173 (i).

Leasing, Proposal *re*, &c.: Ques. (Mr. R. L. Borden) 164 (i).

Lebel, Mr. Achille, Application for Pet. of Right *re* I.C.R.: Ques. (Mr. Gauvreau) 3253 (ii).

Loggieville Improvements: in Com. of Sup., 2753 (ii).

Machinery for Shops: in Com. of Sup., 2952 (ii).

——— Purchase of, &c.: M. for Ret.* (Mr. Clare) 1191 (i).

Moncton Cut-off: in Com. of Sup., 2921 (ii).

Moncton Locomotive and Car Shops: in Com. of Sup., 2946 (ii).

Motor Cars, Cost of Construction, Revenue, &c.: Ques. (Mr. Stanfield) 1719 (i).

Officials: Inquiry for Ret. (Mr. Foster) 4641 (iii).

Original Construction: in Com. of Sup., 2925 (ii).

Percentage of East Bound Traffic: Ques. (Mr. Sinclair) 528 (i).

P.E.I. Ry.: *See* main heading.

Rolling Stock: in Com. of Sup., 2952 (ii).

Running Privileges, Applications *re*: Ques. (Mr. Emmerson) 351 (i).

Ste. Rosalie Improvements: in Com. of Sup., 2948 (ii).

Sackville Improvements: in Com. of Sup., 2934 (ii).

Speed of Special Mail Trains, Instructions *re*, &c.: Ques. (Mr. Emmerson) 872 (i).

Stationery and Printing, Expenditure *re*: Ques. (Mr. Stanfield) 2374 (ii).

Steel Cars, Introduction of, &c.: Ques. (Mr. Sproule) 481 (i).

Stellarton Station, Area of Concrete Walks, &c.: Ques. (Mr. Sexsmith) 5630 (iii).

Sydney Mines, Diversion of Line: in Com. of Sup., 2936 (ii).

Truro, Increased Accommodation: in Com. of Sup., 2754 (ii).

——— Staff, Number employed, &c.: Ques. (Mr. Stanfield) 244, 328 (i).

——— Station, Erection of: Ques. (Mr. Stanfield) 824 (i).

Wallberg Contract, Total Cost, &c.: Ques. (Mr. Crocket) 3475 (ii).

Water Supply: in Com. of Sup., 2947 (ii).

Williams, Thos., Emplymt. at Moncton, Superannuation, &c.: Ques. (Mr. Emmerson) 330 (i).

Windsor Branch, Maintenance: in Com. of Sup., 3421 (ii).

INTERCOLONIAL RAILWAY—*Con.*

Wire Fencing: Inquiry for Ret. (Mr. Taylor) 1321 (i).

Working Expenses: in Com. of Sup., 3421 (ii), 6985 (iv).

INTERIOR—

Aylesworth, Geo. Anson, Emplymt. by Govt.: Ques. (Mr. Taylor) 248 (i).

Brandon City, Exchange of Lands, &c.: Ques (Mr. Staples) 2322 (ii).

B.C. Ry. Belt Lands, Settlers' Titles, &c.: Ques. (Mr. Goodeve) 1727 (i).

B.C. Timber Lands; Leases granted since 1896, Names, Addresses, &c.: M. for Ret.* (Mr. J. D. Taylor) 1924 (i).

Foley, T. P., Emplymt. in Interior Dept.: Ques. (Mr. Lake) 2320 (ii).

Homestead and Pre-emptions, Total Acreage sold, Moneys received, &c.: Ques. (Mr. Ames) 482 (i).

Hudson Bay Lands, Number of Acres Homesteaded, Pre-empted, &c.: M. for Ret.* (Mr. Hughes) 1421 (i).

Interior Clerks, Outside and Temporary, Increases, Resignations, &c.: Ques. (Mr. Foster) 532, 1064 (i).

Interior Deptl. Rep.: Inquiry for (Mr. U. Wilson) 876 (i).

—— Presented (Mr. Oliver) 1021 (i).

Interior, Deptl. Salaries, Promotions, &c.: in Com. of Sup., 6247 (iv).

—— Salaries for Outside Service: in Com. of Sup., 6284 (iv).

Interior Officials, Dismissals Charges, &c.: Ques. (Mr. Blain) 2380 (ii).

Lands in Man. and N.W., Undisposed of by Govt.: Ques. (Mr. T. Chisholm) 2374 (ii).

School Lands, Alberta, Total Area, Fund, Payments, &c.: Ques. (Mr. McCarthy) 7072 (iv).

Turtle Mountain Squatters, Removal, Compensation, &c.: Ques. (Mr. Schaffner) 1417 (i).

Internal Economy Commission: Mess. from His Ex.: Presented (Sir Wilfrid Laurier) 160 (i).

International Fisheries Commission: in Com. of Sup., 3439 (ii).

—— Names, Regulations, &c.: Ques. (Mr. R. L. Borden) 1073 (i).

International Institute, Aid to: in Com. of Sup., 5882 (iii).

International Waterways Commission: on M for Sup. (Mr. Lancaster) 6630 (iv).
See 'Waterways.'

International Waterways Treaty, Despatch from Col. Sec. Earl of Crewe: Read (Sir Wilfrid Laurier) 550 (i).

—— Inquiry for (Mr. R. L. Borden) 2019 (ii).

Inverness Harbour, C.B., Improvement, Purchase of Land, &c.: Ques. (Mr. Geo. Taylor) 4637 (iii).

Inverness Harbour, Item of Expenditure of 1908-9 Vote, &c.: Ques. (Mr. Maddin) 6404 (iv).

Investigations, &c.: *See* 'Departments of Govt.'

Irrigation, Investigation *re* Water Supply: Remarks (Mr. McCarthy) in Com. of Sup., 6282 (iv).

Irrigation Propositions for Land by Percy Aylwin, &c.: Ques. (Mr. Campbell) 2380 (ii).

Jacobs, F. Macdonald, Complaints *re* Fines collected from Caughnawaga Indians: M. for Cor.* (Mr. Boyce) 1420 (i).
See 'Indians.'

James Bay and Labrador Exploratory Party: Ques. (Mr. Ames) 4696 (iii).

Japanese Immigration, Sir P. Lake's Speech at Toronto: Ques. (Mr. Talbot) 1065 (i).

Japanese Treaty with G. B., Date of Effect, Notice of Termination: Ques. (Mr. R. L. Borden) 2152 (ii).

Japanese Treaty, Ref. to in debate on Address (Mr. Foster) 46 (i).
See 'Asiatic.'

Jesus River Dredging, Amount of Expropriation, Contract, &c.: Ques. (Mr. C. A. Wilson) 1069 (i).

Joggins Mines Wharf: in Com. of Sup., 2477 (ii).

Johnston, Capt., Repayment of Moneys *re* Str. '*Hestia*': Remarks (Mr. Price) in Com. of Sup., 6889 (iv).

Joliette Armoury: in Com. of Sup., 1293 (i)

Joliette and Lake Manuan Colonization Ry. Co.: *See* 'B. No. 126.'

Judges Act (Ont. and Alta.) Amt.: *See* 'B. No. 193.'

Judges Salaries, Correction of Error in Statutes of 1905: Remarks (Mr. Nantel) 6474 (iv).

Judge, H. A., Emplymt. as Detective by Govt.: Ques. (Mr. Beattie) 1399 (i).

Justice, Deptl. Salaries: in Com. of Sup., 440 (i).

Kamloops and Okanagan Telegraphs: in Com. of Sup., 3348 (ii).

Keller, Evelyn Martha, Relief of: *See* 'B. No. 129.'

Kettle River Valley Ry. Co. *See* 'B. No. 96.'

King, Mr. Mackenzie, Total Amount paid *re* Opium Commission: Ques. (Mr. Schaffner) 6406 (iv).

—— Result of his Mission, &c.: Remarks (Mr. Sproule) 4121 (iii).
See 'Opium.'

Kingston Artillery Park, Gun Shed: in Com. of Sup., 3223 (ii).
Kingston Batteries, Tenders *re* Groceries: Ques. (Mr. Edwards) 4225 (iii).
Kingston Military Buildings, Correction of Figures (Mr. Pugsley) in Com. of Sup., 2539 (ii).
——— Excessive Expenditures: Remarks (Mr. Edwards) on M. for Sup., 2495 (ii).
——— Military College Buildings: in Com. of Sup., 1507 (i); M. in Conc. to reduce Vote (Mr. Pugsley) 4049 (iii).
Kingston Military Buildings, Tenders, Expenditure, &c. (Mr. Edwards) 546 (i).
Kingston Penitentiary, Dep. Warden's Residence, Plans, &c.: Ques. (Mr. Edwards) 2589 (ii).
——— Manufacture of Skis: Remarks (Mr. Geo. Taylor) in Com. of Sup., 7056 (iv).
——— Number of Prisoners, Guards, Salaries, &c.: Ques. (Mr. Edwards) 4226 (iii).
——— Revenue from Sales, &c.: M. for Ret.* (Mr. Barnard) 1190 (i).
——— Receipts: Inquiry for Ret. (Mr. Barnard) 3255 (ii).
——— Supplies: in Com. of Sup., 886 (i).
——— Tenders *re* Coal, &c.: Ques. (Mr. Edwards) 4226 (iii).
——— Tenders *re* Potatoes: Ques. (Mr. Edwards) 4227 (iii).
Kingston Veterinary Hospital: in Com. of Sup., 1534 (i).
——— Dimensions, Tenders for Construction, &c.: Ques. (Mr. Edwards) 2149 (ii).
See 'Royal Military College.'
Kitsilano Indian Reserve, Tel. to McInnes *re* Transfer to City of Vancouver: Ques. (Mr. Cowan) 1973 (i).
Knowlton Public Building: in Com. of Sup., 1301 (i).
Kootenay and Alberta Ry. Co.: *See* 'B. No. 133.'
Kootenay and Arrowhead Ry. Co.: *See* 'B. No. 80.'
Kootenay Central Ry. Co.: *See* 'B. No. 26.'
Kouchibougouac Harbour Improvements: in Com. of Sup., 1626 (i).
Laberge, Alphonse, Lease with Govt.: M. for Copy* (Mr. C. Roy) 3992 (ii).
Labour, Dept. of: *See* 'B. No. 165.'
Labour Dept., Appointment of Minister, &c.: Ques. (Mr. Paquet) 186 (i).
Labour Dept., Opium Conference: in Com., of Sup., 3433 (ii).
Labour Deptl. Salaries: in Com. of Sup., 651 (i).
Labour Gazette: in Com. of Sup., 652 (i).
Labour Hours for Working Men, Restriction, &c.: (Mr. Verville) to Com. of Sup., 5913 (iv).
Labour Hours: *See* 'B. No. 22.'
Lacas, Emile, Absence from Dept. of Public Works, for 1906-7-8, Pay, &c.: Ques. (Mr. Geo. Taylor) 4635 (iii).
Lac du Bonnet, Opening for Summer Fishing: (Mr. Campbell) 1728 (i).
Lac du Bonnet Bridge: Remarks (Mr. Bradbury) in Com. of Sup., 2116, 2985 (ii).
See 'Sturgeon.'
Lachine Canal, Basin No. 2.: in Com. of Sup., 1910 (i).
——— Cement Contracts: Explanation (Mr. Graham) in Com. of Sup., 1564 (i).
——— Concrete Walls: in Com. of Sup., 1569 (i).
——— Slope Trimmings: in Com. of Sup., 1569 (i), 3420 (ii).
——— Wharfs and Basins: in Com. of Sup., 786, 1563 (i).
Lachute Mills Post Office, Cor. *re*: M. for Copies* (Mr. Perley) 158 (i).
Lachute Public Building: in Com. of Sup., 1301 (i).
La Compagnie du Chemin de fer International de Rimouski: *See* 'B. No. 50.'
'Lady Evelyn' Str., Purchase Price, Repairs, &c.: Ques. (Mr. Foster) 144 (i).
Lafferty, Dr., Expenses *re* Tuberculosis Convention: Remarks (Mr. Sproule) in Com. of Sup., 1013 (i).
Laffin, R. L., Increase of Salary, &c.: Remarks (Mr. Maddin) in Com. of Sup., 6915 (iv).
Lake Dauphin, Mossy River Obstruction: in Com. of Sup., 2997 (ii).
Lakefield Wharf, Amount of Expenditure, Completion, &c.: Ques. (Mr. Sexsmith) 1063 (i).
——— Remarks (Mr. Sexsmith) in Com. of Sup., 3332 (ii).
Lake Manitoba, Rep. *re* Lowering of Waters, Pet. from Settlers, &c.: Ques. (Mr. Campbell) 2593 (ii).
Lake Nipissing Floods, Claims of Settlers, &c.: Ques. (Mr. Geo. Gordon) 817 (i).
——— Improvement of Narrows to Monnetteville: in Com. of Sup., 3308 (ii).
Lake Nipissing and Monetville Canal, Expenditure *re*: Ques. (Mr. Geo. Gordon) 1559 (i).
Lake St. Francis (Beauce) Wharfs: in Com. of Sup., 2554 (ii).
Lake St. John Dredging: in Com. of Sup., 2556 (ii).
Lake St. John Ry., Colonization Subsidy Grant &c.: Ques. (Mr. Paquet) 678 (i).
Lakes Simcoe and Couchiching, Lowering of Waters, Expenditure, &c.: M. for Ret.* (Mr. S. Sharpe) 685 (i).
——— Inquiry for Ret. (Mr. S. Sharpe) 2773 (ii).

Lake Simcoe and Newmarket Canal, Cor. *re* Construction, &c.: M. for Ret.* (Mr. Foster) 172 (i).

Lake Transportation : Remarks (Mr. J. A. Currie) in Com. of Sup., 3295 (ii).

Lake Winnipeg White Fish, Extension of close Season, &c.: Ques. (Mr. Bradbury) 340 (i).

Lameque Wharf Improvements: in Com. of Sup., 1626 (i).

Land Grants to Early Settlers: Remarks (Mr. Herron) in Com. of Sup., 6274 (iv).

Lands in Man. and N. W., Undisposed of by Govt.: Ques. (Mr. T. Chisholm) 2374 (ii).

Land Patents of Section 16, 20 and 22, Payments of Taxes, &c.: Ques. (Mr. Staples) 4900 (iii).

Lansdowne Drill Shed, Tenders, Contract *re* Repairs, &c.: Ques. (Mr. Geo. Taylor) 5630 (iii).

Laprairie Ice Piers: in Com. of Sup., 2899 (ii).

'La Region du Lac Saint Jean, Guides des Colons,' Distribution in Quebec, &c.: Ques. (Mr. Paquet) 678 (i).

Latchford Dam, Cor. with T. N. & O. Ry. Commission *re* Sale of Lots: Remarks (Mr. Geo. Gordon) in Com. of Sup., 3320 (ii).

Latchford Dam on Montreal River, Contract *re*, &c.: Ques, (Mr. Geo. Gordon) 543 (i).

Latitude and Longitude in Canadian Cities, Record of: Ques. (Mr. Paquet) 2378 (ii).

Leamington Public Building: in Com. of Sup., 1386 (i).

Lebel, Mr. Achille, Application for Pet. of Right *re* I.C.R.: Ques. (Mr. Gauvreau) 3253 (ii).

LeBlanc, O. J., Dismissal as Fishery Overseer, Complaints, Investigation, &c.: Ques. (Mr. Crocket) 2595 (ii).

Lee-Enfield Rifle, Issue of New Barrels, &c.: Ques. (Mr. J. A. Currie) 6088 (iv).

Lennox Wharf for Indians, P.E.I.: in Com. of Sup., 1000 (i).

Leonardsville, Deer Island Wharf: in Com. of Sup., 1626 (i).

Lethbridge Public Building: in Com. of Sup., 1551 (i).

Letter Carriers, &c.: in Com. of Sup., 1653, 1697, 1712 (i).

Letter Carriers' Salaries: *See* 'B. No. 136.'

Letter Carriers Salaries at St. Thomas: Remarks (Mr. Crothers) in Com. of Sup., 3428 (ii).

Letter Carriers' System in Cities, Regulations *re* Apptmt.: Ques. (Mr. Foster) 5158 (iii).

Level Crossings of Railways: *See* 'B. Nos. 3, 6, 106.'

Level Crossing Accident Ret., Par. in Ottawa 'Citizen': Remarks (Mr. Lennox) 1116 (i)

Level Crossings on Rys., Number of Accidents: Inquiry for Ret. (Mr. Lennox) 548, 1320 (i).
See 'Rys.'

Level Crossings, Orders of Ry. Com. of Privy Council: Inquiry for (Mr. R. L. Borden) 549 (i).

Levis Graving Dock, Insufficient Capacity, &c.: Ques. (Mr. Paquet) 186 (i).

Levis Harbour Deep Water Wharf: in Com. of Sup., 2094 (ii).

Levis Postmastership, Apptmt. of Successor to Mr. A Lefrançois: Ques. (Mr. Monk) 4636 (iii).

Liabilities, Contingent or Nominal on 1st Jan., 1909: M. for Ret.* (Mr. Ames) 173 (i).

Library of Parlt., Joint Rep.: Presented (Mr. Speaker) 12 (i).

Life-Saving Rewards, Boats, &c.: in Com. of Sup., 6675 (iv).

Lighthouse Agencies, &c.: in Com. of Sup., 6889 (iv).

Lighthouse Board, Re-organization of: Ques. (Mr. Cowan) 1974 (i).

Lighthouse Buoy Steamer, &c.: in Com. of Sup., 6910 (iv).

Lighthouses, Construction, &c.: in Com. of Sup., 6904 (iv).

Lightkeepers, Lake Huron, Increases to: Ques. (Mr. Boyce) 336 (i).

Lightkeepers' Salaries, &c.: in Com. of Sup., 6889, 6981 (iv)

Lighthouses, Maintenance, Repairs, Supplies, &c.: in Com. of Sup., 6902 (iv).
See 'Marine.'

Lighting, &c., Ottawa Buildings: in Com. of Sup., 3226 (ii).

Lindsay Block, Ottawa, Negotiations *re* Purchase: Ques. (Mr. Monk) 681 (i).

Lismore Wharf, Construction, Unpaid Accounts, &c.: Ques. (Mr. Rhodes) 1079 (i).

Litigation Expenses *re* Railways and Canals: in Com. of Sup., 2055 (ii).

Little Current Dredging, Depth, Amount expended, &c.: Ques. (Mr. Smyth) 7072 (iv).

——— Improvement of Northern Channel: in Com. of Sup., 2973, 3302 (ii).

Little Narrows Wharf: in Com. of Sup., 2477 (ii).

Little River Harbour Wharf: in Com. of Sup., 3234 (ii).

——— Amount expended, Estimated Cost: Ques. (Mr. Jameson) 476 (i).

Live Stock for Indians, Man.: in Com. of Sup., 1005 (i).

Live Stock Industry: in Com. of Sup., 5833 (iii).

Load Lines on Ships: *See* 'B. No. 45.'

Loans, Government: *See* 'B. Nos. 128, 186 and 191.'
Loan falling Due on Nov. 1, 1908, Disposition of: Ques. (Mr. Foster) 147 (i).
Loans by Govt., Expenses *re*: Ques. (Mr. S. Sharpe) 1921 (i).
Loan Returns, Inquiry for (Mr. S. Sharpe) 4124 (iii).
Loan of 1874, 4 per cent, Date of First Notice: Ques. (Mr. Perley) 3654 (ii).
Loan of Dec., 1907, &c., Sums available for Public Works, &c.: Ques. (Mr. Ames) 669 (i).
Loans of Dec., 1907, and Oct., 1908, Information *re*: Ques. (Mr. Ames) 1075 (i).
Loans of Jan., 1909, Expenditure *re*, &c.: Ques. (Mr. Ames) 2596 (ii).
Loans negotiated from 1st Jan., 1907, O.Cs., Cor., &c.: M. for Ret.* (Mr. Foster) 685 (i).
——— Inquiry for Ret. (Mr. Foster) 4125 (iii).
Loans: Inquiry for Ret. (Mr. Foster) 1561 (i), 2674, 3937 (ii).
Loans, Temporary, Interest for 12 and a quarter years, &c.: Ques. (Mr. Ames) 4898 (iii).
——— Details of $20,606,333 for Jan., 1909: Ques. (Mr. Foster) 1408 (i).
See 'Govt. Temporary Loans,' &c.
Lobster Fisheries, Violation of Act, Par. in St. John 'Standard': Remarks (Mr. Daniel) 3705 (ii).
Lobster or Fishing Licenses issued in P.E.I. since Jan., 1904, Pets., &c.: M. for Ret.* (Mr. Fraser) 2160 (ii).
——— Ques. (Mr. Fraser) 1076 (i).
Lobster Licenses, Refusal to W. C. Henley, Cor., &c.: Inquiry for (Mr. R. L. Borden) 4803 (iii).
Lobster Packing Licenses granted in N. S. for 1908, Names and Addresses, &c.: Ques. (Mr. Sinclair) 328 (i).
Logberg Printing Co., Payments to by Govt.: M. for Ret.* (Mr. Bradbury) 1191 (i).
——— Inquiry for Ret. (Mr. Bradbury) 2674, 3255, 3938 (ii).
——— Suppl. Ret.: Presented (Mr. Murphy) 4041 (iii).
Loggie, W. S. Co., Payments for 1906-7-8 by Govt., Dates, &c.: Ques. (Mr. Boyce) 479 (i).
——— Payments to *re* Ry. Contracts: Ques. (Mr. Boyce) 668 (i).
Loggieville Improvements, I.C.R.: in Com. of Sup., 2753 (ii).
London and Lancashire Plate Glass and Indemnity Co.: *See* 'B. No. 77'.
London and Northwestern Ry. Co.: *See* 'B. No. 102.'
Londonderry Station to Great Village Mail Contract, Name, Remuneration, &c.: Ques. (Mr. Stanfield) 824 (i).
Lorne Valley, P.E.I., Tenders *re* Mail Contract: Ques. (Mr. Fraser) 5776 (iii).
Lorneville Breakwater Wharf: in Com. of Sup., 1626 (i).
Lowndes, Charles Bowerbank, Relief of: *See* 'B. No. 144.'
Lussier, J. A., Payments to by Ry. Dept.: Ques. (Mr. Monk) 3990 (ii).
——— Returning Officer at St. Johns-Iberville, Payments to: Ques. (Mr. Monk) 2767 (ii).
Mackey's Station Post Office, Complaints *re* Management: Ques. (Mr. Armstrong) 545 (i).
Macleod Post Office, Complaints *re*: Remarks (Mr. Herron) in Com. of Sup., 1711 (i).
McAvity-Mayes Dredging Contract: *See* 'Govt. Tenders.'
——— Recovery of Moneys, &c.: Ques. (Mr. Lennox) 153 (i).
See 'Mayes.'
McCloy, Washington R., Patent of: *See* 'B. No. 169.'
McDonald, Lachlin, Resignation as Lightkeeper for East Point, P.E.I.: Ques. (Mr. Fraser) 3194 (ii).
McGregor's Creek Bank Protection: in Com. of Sup., 2974 (ii).
McKenzie, Calvin, Emplymt. by Govt.: Ques. (Mr. Rhodes) 2152 (ii).
McKenzie, Mr. D., Resignation as Postmaster of Three Brooks, Apptmt. of a Successor: Ques. (Mr. Arthurs) 4640 (iii).
McLeod, Oswald L., Salary: in Com. of Sup., 3436 (ii).
McPhaiden, Capt. D., Resignation as Shipping Master, Application *re* Position: Ques. (Mr. Cowan) 1973 (i).
McQuoid, Laura, Relief of: *See* 'B. No. 181.'
Machinery for I.C.R. Shops: in Com. of Sup, 2952 (ii).
Madoc-Eldorado Branch Ry., G.T. Bonus, &c.: Ques. (Mr. Northrup) 245 (i).
See 'Bills 39 and 106.'
Magdalen Islands and Mainland SS. Subvention: in Com. of Sup., 6652 (iv).
Magnetawan River Improvements, Amount expended, Estimated Cost: Ques. (Mr. Arthurs) 476 (i).
Magnetawan Wharf, Parry Sound: Remarks (Mr. Arthurs) in Com. of Sup., 2981 (ii).
Mail Boxes purchased and entered into Canada free of Duty: Ques. (Mr. Armstrong) 547 (i).
Mail Clerks, Number killed or injured in past two years: Ques. (Mr. Porter) 3476 (ii).
See 'Post Office,' Railways,' &c.
Mail Contracts expiring on 1st April, 1909, Renewals, Tenders, &c.: M. for Ret.* (Mr. Armstrong) 685 (i).
——— Inquiry for Ret. (Mr. Armstrong) 4801 (iii).

Mail Contracts, Fair Wage Clause: Remarks (Mr. J. D. Taylor) in Com. of Sup., 3430 ii).
—— Renewals in April, 1909, without Tenders: Ques. (Mr. Armstrong) 477 (i).
Mail delivered in Towns, &c., Rural Free Delivery, &c.: M. for Ret.* (Mr. R. L. Borden) 157 (i).
Mail Service from Hyde Park Post Office, &c., Middlesex County: Ques. (Mr. Elson) 3251 (ii).
Mail and Stage Routes, Total Number of Miles, &c.: Ques. (Mr. Armstrong) 481, 817 (i).
Mail Subsidies and SS. Subventions: in Com 6650 (iv)
Major's Hill Park Hotel, Title *re* Land, &c.: Ques. (Mr. Foster) 147 (i).
See 'G. T. R.' &c.
Major's Hill Park: in Com. of Sup., 1601 (i).
Makaroff Postmaster's Salary: Remarks (Mr. Meighen) in Com. of Sup., 1702 (i).
Malagash, N.S., Mail Contract, Expiry of, Tenders *re*: Ques. (Mr. Rhodes) 5639 (iii).
Manitoba Boundaries Extension, Memorial *re*: Read (Mr. Roche) 2235 (ii).
—— Legislation *re*: Ques. (Mr. Roche) 3479 (ii).
—— Notice of Discussion (Mr. Campbell) 3802 (ii).
—— Settlement *re* Delimitation, &c.: Ques. (Mr. Roche) 530 (i).
Manitoba County Court Judge, Apptmt. of: Ques. (Mr. Roche) 341 (i).
Manitoba Fisheries, Apptmt. of Icelander *re* Commission: Remarks (Mr. Bradbury) 3255 (ii).
Manitoba Fisheries, Depletion of by American Fishermen: on M. for Sup. (Mr. Bradbury) 6475, 6942 (iv).
—— Depletion in B.C. (Mr. J. D. Taylor) 6500 (iv).
Man. Grain Act: *See* 'B. No. 173.'
Man. and Northwestern Ry. Co.: *See* 'B. No. 81.'
Manitoba Post Office, Transfers since Nov. 1908, Names of former Postmasters, Ques. (Mr. Roche) 1414 (i).
—— M. for Ret.* (Mr. Roche) 1922 (i).
Manitoba Radial Ry. Co.: *See* 'B. No. 141.'
Manitoulin Island Telephone or Telegraph System, Representations *re*: Ques. (Mr. Smyth) 6407 (iv).
Manufacturing Industries, Number of Employees, &c.: Ques. (Mr. Lennox) 152 (i).
Maps of Dom. and N. W. Ters., Engraving, &c.: in Com. of Sup., 3466 (ii).
Marconi Stations, Construction, Maintenance, Amounts Paid, &c.: Ques. (Mr. Foster) 177 (i).
Marconi Stations between Montreal and Quebec, Pets. *re*: Ques. (Mr. Ecrement) 2762 (ii).
Margaree Island Lighthouse, Expenditure *re* Roads to, &c.: Ques. (Mr. Geo. Taylor) 6090 (iv).

MARINE:
Aids to Navigation, Light System, &c.: in Com. of Sup., 6904 (iv).
Aids to Navigation on N. S. Coast, Applications *re* Personal Inspections, &c. Ques. (Mr. Jameson) 5640 (iii).
'Anticosti' Str., Amount of Work, Tenders, *re*, &c.: Ques. (Mr. Crosby) 671 (i).
Banfield Creek Life Boat, Cost, Wreck, &c.: Ques. (Mr. Barnard) 1730 (i).
Bibbington, Thos., Cancellation of Pilotage Certificate: M. for Cor.* (Mr. Barnard) 3991 (ii).
—— Remarks in Com. of Sup., 6855 (iv).
Cassels, Judge, Investigation *re* Marine Dept., Action of Govt. *re* Report: Remarks (Mr. R. L. Borden) 2218, 3249, 3568 (ii).
See 'Marine.'
Desjardins, Capt., Emplymt. by Marine Dept. Dismissal, &c.: Ques. (Mr. Lachance) 4696 (ii).
East Point Lighthouse Keeper, Resignation of L. McDonald, &c., Ques. (Mr. Fraser) 3194 (ii).
Fagin, Thos., Employee of Marine Dept., Salary, &c.: Ques. (Mr. Monk) 2154 (ii).
Falconer, Mr. K., Total Payments to *re* Marine Bookkeeping: Ques. (Mr. Lennox) 1729 (i).
'Falcon' and 'Fearless' Strs., Purchase of, Capacity, &c.: Ques. (Mr. Foster) 187 (i).
Fish Island Lightkeeper, Apptmt. of: Ques. (Mr. Fraser) 6786 (iv).
Flint Island Fog Alarm, Contract *re*: Ques. (Mr. Maddin) 5636 (iii).
Georgetown Marine Agent, Name, Remuneration, &c.: Ques. (Mr. Fraser) 3194 (ii).
Gimli, Hiransa, &c., Placing of Lights, &c.: Ques. (Mr. Bradbury) 1403 (i).
Glace Bay Range Lightkeeper, Applicants, Salary, &c.: Ques. (Mr. Maddin) 5636 (iii).
Gorman, L. F., Remuneration *re* Meteorological Service: in Com. of Sup., 6982 (iv).
Government Steamers, Maintenance, &c.: in Com. of Sup., 6670 (iv).
Hoffman, Mr., Emplymt. by Marine Dept.: Ques. (Mr. Lachance) 4696 (iii).
Hydrographic Surveys: in Com. of Sup., 6284 (iv).
Ice-Breaker for Northumberland Straits: in Com. of Sup., 3437 (ii), 6673 (iv).
——Contract with Messrs Vickers, Sons & Maxim: M. for Cor.* (Mr. J. A. Currie) 3056 (ii).
—— Name of Contractor, Price, &c.: Ques. (Mr. Fraser) 674 (i).

MARINE—*Con.*

Ice-Breaking Steamers, Superannuation of Officers and Crews: M. for Reps., &c. (Mr. Warburton) 1469 (i).

Life-Saving Rewards, Boats, &c.: in Com. of Sup., 6675 (iv).

Lighthouse Agencies, &c.: in Com. of Sup., 6889 (iv).

Lighthouse Board, Re-organization of: Ques. (Mr. Cowan) 1974 (i).

Lighthouse Buoy Steamer, &c.: in Com. of Sup., 6910 (iv).

Lighthouses, Construction, &c.: in Com. of Sup., 6904 (iv).

Lighthouse Keepers, Lake Huron, Increases to: Ques. (Mr. Boyce) 336 (i).

Lighthouses, Maintenance, Repairs, Supplies, &c.: in Com. of Sup., 6902 (iv).

Lightkeepers Salaries, &c.: in Com. of Sup., 6889, 6981 (iv).

McDonald, Lachlin, Resignation as Lightkeeper for East Point, P. E. I.: Ques. (Mr. Fraser) 3194 (ii).

McPhaiden, Capt. D., Resignation as Shipping Master, Application *re* Portion: Ques. (Mr. Cowan) 1973 (i).

Marconi Stations, Construction, Maintenance, Amount paid, &c.: Ques. (Mr. Foster) 177 (i).

Marconi Stations between Montreal and Quebec, Pets. *re*: Ques. (Mr. Ecrément) 2762 (ii).

Marine and Fisheries Book-Keeping, Result of Change: Ques. (Mr. Lennox) 1919 (i).

Marine and Fisheries, Contingencies: in Com. of Sup., 3702 (ii).

—— Deptl. Rep.: Presented (Mr. Brodeur) 738 (i).

—— Salaries: in Com. of Sup., 380 (i).

Marine Dept., Halifax County, Number of Employes: Ques. (Mr. R. L. Borden) 667 (i).

—— Incorrect Answer: Remarks (Mr. R. L. Borden) 875 (i).

—— Answer (Mr. Brodeur) 1080 (i).

Marine Hospitals: in Com. of Sup., 6946 (iv).

—— Care of Sick Seamen: in Com. of Sup., 3438 (ii).

Marine and Fisheries Investigation: in Com. of Sup., 3450 (ii).

Marine and Fisheries Investigation, Inquiry for Evidence: (Mr. R. L. Borden) 402, 549 (i).

—— Inquiry for Evidence (Mr. Monk) 662 (i).

—— Remarks (Mr. R. L. Borden) on M. for Sup., 632 (i).

—— Inquiry for Rep. (Mr. R. L. Borden) 6 (i).

MARINE—*Con.*

Marine Investigation, Rep.: Presented (Mr. Brodeur) 14 (i).

Marine Investigation by Judge Cassels, Legal Expenditure, &c.: Ques. (Mr. Foster) 167 (i).

—— Prosecutions *re* Judge Cassels Rep.: Ques. (Mr. Lennox) 152 (i)

Marine and other Supplies, Deptl. Payments to Companies *re*: Ques. (Mr. Ralph Smith) 2322 (ii).

Marine and Fisheries Supplies, Purchase of, Names of Individuals, &c.: Ques. (Mr. S. Sharpe) 3014, 3472 (ii).

—— M. for Ret.* (Mr. S. Sharpe) 2597 (ii).

Marine and Fisheries Supplies, Purchase by Tender, &c.: Ques. (Mr. Foster) 168 (i).

—— Inquiry for Ret. (Mr. Foster) 2818 (ii).

—— Ques. of Priv. (Mr. Brodeur) 4041 (iii).

—— System of Purchase: Ques. (Mr. Cowan) 1974 (i).

'Minto' and 'Stanley' Strs., Officers off Duty from 12th to 17th Feb., 1909: Ques. (Mr. Rhodes) 1975 (i).

'Montcalm' Icebreaker, Number of Crew, Daily Expenditure, &c.: Ques. (Mr. Paquet) 167 (i).

—— Res. of Chamber of Commerce, Quebec, &c.: Ques. (Mr. Paquet) 328 (i).

—— Total Cost of Repairs, &c.: Ques. (Mr. Foster) 168 (i).

Montreal Harbour Dues, Increase of, Interest due Govt., &c.: Ques. (Mr. Ames) 1416 (i).

Ocean and River Service: in Com. of Sup., 6670 (iv).

Oyster Culture: in Com. of Sup., 6949 (iv).

Pilotage Rates, Scale of Charges for B.C.: Ques. (Mr. Barnard) 3476 (ii).

Pilots, Pension to F. X. Lamarre: in Com. of Sup., 3437 (ii).

Plaster Mines Lighthouse, Dismissal of Hector McRae, &c.: Ques. (Mr. Maddin) 6784 (iv).

Police Patrol Boats in Northern Waters: in Com. of Sup., 6682 (iv).

Robertson, Thos., Suspension by Pilotage Board, B.C.: Remarks (Mr. Barnard) on M. for Sup., 6855 (iv).

St. John Lighthouse, Purchase of Land, &c.: in Com. of Sup., 6915 (iv).

St. Joseph's Hospital, Victoria, B.C., Arrangements for Sick Mariners, &c.: Ques. (Mr. Barnard) 3197 (ii).

St. Lawrence Ship Canal: in Com. of Sup., 6877 (iv).

St. Lawrence Channel, Expenditure *re* Dredging, Continuation of Work, &c.: Ques. (Mr. Ecrement) 2150 (ii)

MARINE—*Con.*

Sault Ste. Marie Channels, Contracts *re* Buoys, Competition, &c.: Ques. (Mr. Boyce) 3482 (ii).

'Stanley' and 'Minto' Strs., Names and Residences of Officers: Ques. (Mr. Fraser) 674 (i).

Supplies for Marine and Public Works Depts., Purchase by Tender, &c.: Ques. (Mr. Foster) 141 (i).

Tadousac and Rivière du Loup Winter Navigation: Ques. (Mr. Gauvreau) 344 (i).

Telephone Stations between Montreal and Quebec *re* Navigation: Ques. (Mr. Ecrement 2594 (ii).

Thunder Bay, Ice Breaking Steamer: in Com. of Sup., 6915 (iv).

West Coast Trail on Vancouver Island: in Com. of Sup., 6981 (iv).

Wrecks, Investigations: in Com. of Sup., 6679 (iv).

Wrecking Plant Subsidy, &c.: in Com. of Sup., 6680 (iv).

Maritime Dredging Co., Tenders *re* St. John Harbour: Ques. (Mr. Daniels) 6787 (iv).

Market Garden Produce, Total Imports from 1901-8, Duty collected: Ques. (Mr. Wallace) 5096 (iii).

Markham Post Office, Total Cost *re*: Ques. (Mr. Wallace) 6406 (iv).

Markham Public Building: in Com. of Sup., 1386 (i).

Martel, Hormidas, Emplymt. by Govt.: Ques. (Mr. Monk) 3990 (ii).

Mayes Affidavit *re* Mr. Pugsley, Original Document, &c., Amt. (Mr. Daniel) to Com. of Sup., 4253; Affidavit (read) 4301; (amt.) 4311 (iii).

Debate:—Order, Ques. of (Mr. Speaker) 4254; (Mr. Pugsley) on Ques. of Order, 4255; (Mr. Foster) on Ques. of Order, 4260; (Sir Wilfrid Laurier) on Ques. of Order, 4262; (Mr. Hughes) on Ques. of Order, 4263; (Mr. Lennox) on Ques. of Order, 4263; (Mr. Conmee) Ques. of Order, 4268; (Mr. Northrup) on Ques. of Order, 4269; (Mr. Devlin) on Ques. of Order, 4272; (Mr. Sproule) 4273; (Mr. Crocket) 4273; (Mr. R. F. Sutherland) on Ques. of Order, 4276; (Mr. Lancaster) on Ques. of Order, 4277; (Sir Wilfrid Laurier) on Amt., 4281; (Mr. J. Haggart) on Ques. of Order, 4283; (Mr. Pugsley) 4313; (Mr. Daniel) Ques. of Order, 4319; Ruling (Mr. Speaker) 4297, 4324; (Mr. Crocket) on Amt., 4347; (Mr. Carvell) 4359; (Mr. Northrup) 4369; (Mr. M. Clark) 4381; (Sir Wilfrid Laurier) 4386; (Mr. Foster) 4390; (Mr. Fielding) 4400; Amt. neg. (Y. 60; N. 100) 4409 (iii).

——— on Ques of Order *re* Reading Original Document, 4297; Ruling (Mr. Speaker) 4297; Ques. of Order (Mr. Daniel) 4313; Amt. neg. (Y. 60; N. 100) 4409 (iii).

Mayes Dredging Contract at St. John Harbour, Condition, Recovery of Amount of: Ques. (Mr. Lennox) 1174 (i).

Meaford Harbour Improvements: in Com. of Sup., 3313 (ii).

——— Remarks (Mr. Middlebro) in Com. of Sup., 2983 (ii).

Meagher, Mathias, Apptmt. to Customs Staff at Debec, N.B., Salary, &c.: Ques. (Mr. Crocket) 3655 (ii).

Meat and Canned Foods Act, Application *re* Exemptions, Instructions, &c.: Ques. (Mr. A. H. Clarke) 156 (i).

Medical Association: *See* 'B. No. 134.'

Members Indemnity *re* Absences: in Com. of Sup., 7065 (iv).

Members introduced, 1234, 1813 (i).

Mess. from Senate, *re* Assent to Bills (Mr. Speaker) 4119 (iii).

——— Estimates, 1909-10: Read (Mr. Speaker) 327 (i).

——— Suppl. Estimates: Read (Mr. Speaker) 2597 (ii).

——— Suppl. Estimates, 1910: Read (Mr. Speaker) 7065 (iv).

Meteorological Service: in Com. of Sup., 6915 (iv).

Meteorological Stations in Ont. erected in 1908: Ques. (Mr. Thornton) 3195 (ii).

Meteorological Station at Port Hope, Situation, &c.: Ques. (Mr. Thornton) 3985 (ii).

Methylated Spirits, Excise: in Com. of Sup., 448 (i).

Metric System: in Com. of Sup., 454 (i).

Mexican Land and Irrigation Co., Ltd.: *See* 'B. No. 15.'

Mexico Northwestern Ry. Co.: *See* 'B. No. 168.'

Mexican Transportation Co., Ltd.: *See* 'B. No. 168.'

Michipicoten Wharf Expenditures, Estimated Cost, &c.: Ques. (Mr. Boyce) 338 (i).

Middle River Shear Dam: in Com. of Sup., 2477 (ii).

Mileage of Ry. Construction from 1888 to 1908, Authorized by Charters: Ques. (Mr. Middlebro) 1076 (i).

MILITIA:

Algoma Rifles, 97th Reg., Removal from Sault Ste. Marie to Sudbury: Ques. (Mr. Boyce) 1411 (i).

Annual Drill: in Com. of Sup., 2311, 3422 (i).

——— Completion of Plans, &c.: Ques. (Mr. Hughes) 682 (i).

——— Discontinuance of, &c.: Ques. (Mr. Worthington) 343 (i).

MILITIA—*Con.*

Armouries built since 1896 Number, Cost, &c.: M. for Ret.* (Mr. Foster) 157 (i).

—— Incomplete Ret., &c.: Remarks (Mr. Foster) 2128 (ii).

Armouries Generally: in Com. of Sup., 1596 (i).

Armouries supplied by Officers, Policy of Govt.: Ques. (Mr. S. Sharpe) 824 (i).

Arsenal, Quebec, Names of Bidders, Tenders *re*: Ques. (Mr. Stanfield) 3050 (ii).

Belleville Drill Hall, Land Site, Officers' Quarters: Ques. (Mr. Porter) 673, 817 (i).

Belleville Drill Hall, Quarters for Officers of 40th Hasting Rifles: Ques. (Mr. Porter) 1076 (i).

Bisley Team, Use of Ross Rifle: Ques. (Mr. Worthington) 5642 (iii).

—— Remarks (Mr. Hughes) 5644 (iii).

Camp in Eastern Townships, Selection of Site, &c.: Ques. (Mr. Worthington) 343 (i).

Camps of Instruction, Quebec, Date of, Regiments attending, &c.: Ques. (Mr. Worthington) 5641 (iii).

Capital Account, Expenditure *re* since 1895: M. for Ret.* (Mr. Ames) 158 (i).

Eastern Townships Cavalry Brigade, Site of: Ques. (Mr. Worthington) 5644 (iii).

Esquimalt Garrison: Remarks (Mr. Barnard) in Com. of Sup., 2298 (ii).

Esquimalt Naval Station, Maintenance, &c., by Imp. Govt.: Ques. (Mr. Barnard) 349, 474 (i).

Esquimalt Permanent Corps, Inspection, Total Cost: Ques. (Mr. Barnard) 2764 (ii).

Gabriel, Capt., Payment *re* Recruiting for 1908: Ques. (Mr. Barr) 4893 (iii).

Garrison Common, Transfer of Property to Exhibition Assn, Delays, &c.: Ques. (Mr. Macdonell) 182 (i).

Gratuities: in Com. of Sup., 2313 (ii).

Halifax Militia, Delay in Overdue Pay: Remarks (Mr. Crosby) 2672, 2773 (ii).

Imperial General Staff, Prop. Organization, O.Cs., Cor.: M. for Copies (Mr. Talbot) 1420 (i).

Kingston Artillery Park, Gun shed: in Com. of Sup., 3223 (ii).

Kingston Batteries, Tenders *re* Groceries: Ques. (Mr. Edwards) 4225 (iii).

Kingston Land purchased, Name of Agent, &c.: Ques. (Mr. Edwards) 546 (i).

Kingston Military Buildings: M. for Original Tenders (Mr. Edwards) 1922 (i).

Kingston R.M.C. Buildings, Excessive Expenditures: Remarks (Mr. Edwards) on M. for Sup., 2495 (ii).

—— Correction of Figures (Mr. Pugsley) in Com. of Sup., 2539 (ii).

MILITIA—*Con.*

Kingston R.M.C.: in Com. of Sup., 3423 (ii).

—— Commandant: Remarks (Mr. Lancaster) in Com., 6660 (iv).

—— Water Supply, Defects, &c.: Ques. (Mr. Hughes) 682 (i).

Lee-Enfield Rifle, Issue of New Barrels, &c.: Ques. (Mr. J. A. Currie) 6088 (iv).

Militia, Contingencies: in Com. of Sup., 2307 (ii).

Militia Estimates: Annual Statement (Sir Frederick Borden) 2244 (ii).

Militia Expenditures, Details of Estimate Items: Ques. (Mr. Middleboro) 4634 (iii).

Militia and Defence, Expenditure *re* Capital Account since 1895: M. for Ret.* (Mr. Ames) 158 (i).

Militia Expenditures by Public Works Dept. from 1896 to 1909: Ques. (Mr. Foster) 2379 (ii)

Militia Salary of Priv. Sec.: Conc., 4049 (iii).

Militia Supplies, Contracts, &c.: in Com. of Sup., 6661 (iv).

Military Properties: in Com. of Sup., 2314 (ii).

Miniature Rifles, Supplies, &c., Extending to Colleges, &c.: Ques. (Mr. Hughes) 681

Mulloy, Pte., Pension *re*: Remarks (Mr. J. D. Reid) in Com. of Sup., 2313 (ii).

Ordnance and Arms: in Com. of Sup., 2307 (ii)

Permanent Force: in Com. of Sup., 3422 (ii).

—— Winter Equipment, &c.: Ques. (Mr. Hughes) 2376 (ii).

Petewawa Camp, Number of Permanent Force, Date of Opening, &c.: Ques. (Mr. G. V. White) 5639 (iii).

Properties: in Com. of Sup., 2314 (ii).

Quebec Citadel, Refurnishing, &c., for Tercentenary: in Com. of Sup., 3211 (ii).

Quebec Tercentenary, Amount subscribed, Expenditure, &c.: Ques. (Mr. Foster) 1721 (i).

Richmond Rifle Range, Protection *re* Target Shooting: Ques. (Mr. J. D. Taylor) 1722 (i).

Rifles, Swiss and Foreign Regulations *re* Importation into Canada: Ques. (Mr Worthington) 2381 (i).

Ross Rifle, Authority *re* Adoption by Can. Govt.: Ques. (Mr. Worthington) 1072 (i).

—— Bayonet Contracts, Cost of, &c.: Ques. (Mr. Worthington) 344 (i).

—— Bisley Competitions, Description of: Ques. (Mr. Worthington) 343 (i).

—— Claims for Damages *re* Accidents, &c.: Remarks *re* former Answer (Sir Frederick Borden) 548 (i).

MILITIA—*Con.*

Ross Rifle Factory, Bayonets, Installments of Machinery, &c.: Ques. (Mr. Worthington) 670 (i).

——— Number of Employees, Inspection *re* Standards: Ques. (Mr. Northrup) 1411 (i).

Ross Rifles, Mark I., and Mark II, used by Canada at Bisley, Description, &c.: M. for Ret.* (Mr. Worthington) 684 (i).

——— Number accepted and rejected by Militia Dept.: Ques. (Mr. Northrup) 245, 329, (i).

——— Reps. *re* Merits and Demerits, Cor., &c.: M. for Ret.* (Mr. Worthington) 1189 (i).

——— Rep. of Small Arms Com., Date of last Contract: Ques. (Mr. Worthington) 471 (i).

——— Weight, Length, Diameter, &c.: Ques. (Mr. J. A. Currie) 4891 (iii).

Royal Canadian Dragoons, Contract *re* Supplies: Ques. (Mr. Monk) 2767 (ii).

St. Johns Military Buildings, Lease, Rental, &c.: Ques. (Mr. Monk) 672 (i).

Sherbrooke New Regiment, Construction, Appropriations *re* Band: Ques. (Mr. Worthington) 5643 (iii).

Snider Rifles, Disposition of Old Ones: Ques. (Mr. Worthington) 2381 (ii).

Supplies, Contracts, &c.: in Com. of Sup., 6661 (iv).

Thirty-Sixth Regiment, Payments for Storage of Arms: Ques. (Mr. Barr) 4894 (iii).

——— Band, Payments to: Ques. (Mr. Barr) 4892 (iii).

Transport: in Com. of Sup., 3423 (ii).

Truro Armoury, Apptmt. of Caretaker, &c.: Ques. (Mr. Stanfield) 186 (i).

University Drill Corps, Establishment of, &c.: Ques. (Mr. Hughes) 683 (i).

Warlike Stores: in Com. of Sup., 2317 (ii).

Woodstock Armoury, Bowling Alley Operations: Ques. (Mr. Crocket) 5157 (iii).

Milk River, Mackie Lease, Particulars re: Ques. (Mr. Wallace) 6405 (iv).
See 'Waterways,' &c.

Miller, Mr. N. B., Immigration Agent, Fraudulent Returns: Cor. read (Mr. Wilson) in Com. of Sup., 6994 (iv).

Mill's Point Wharf: in Com. of Sup., 1626 (i).

Minasville Wharf: in Com. of Sup., 2479 (ii).

Minerals, Investigations *re* Tests: in Com. of Sup., 7062 (iv).

Mines, Deptl. Salaries: in Com. of Sup., 3673 (ii).

Mines and Minerals, 3rd Rep. of Com.: M. (Mr. Congdon) to conc., 6919 (iv).

Mine Owners and Miners, Percentage of British Origin: Remarks (Mr. Hughes) 4121 (iii).

Miner, Bill, Escape from B. C. Penitentiary: Remarks (Mr. J. D. Tavlor) in Com. of Sup., 925 (i).

——— Admission of Detectives, &c.: Ques. (Mr. Meighen) 1182 (i).

——— Cor., Reps., &c.: M. for Ret. (Mr. J. D. Taylor) 1192 (i).

——— Cor., &c.: Read (Mr. J. D. Taylor) in Com. of Sup., 7035 (iv).

——— Letter *re* Visit of Mr. A. D. McIntyre: Ques. (Mr. J. D. Taylor) 2595 (ii).

——— Moneys received in Penitentiary previous to escape: Ques. (Mr. J. D. Taylor) 4898 (iii).

——— Remarks on M. for Sup., 1813 (i).

Miniature Rifles, Supplies, &c., Extending to Colleges, &c.: Ques. (Mr. Hughes) 681 (i).

Minister of Inland Revenue, Information *re* Election: Remarks (Mr. Foster) 13 (i).

'Minto' and 'Stanley' Strs., Officers off Duty on 12th to 17th Feb., 1909: Ques. (Mr. Rhodes) 1975 (i).

Mint, Royal, O.C. *re* Fence: Read (Mr. Pugsley) in Com. of Sup., 1356 (i).

Mission River Piers, Advertisement for Tenders: Remarks (Mr. R. L. Borden) 6919 (iv).

Mistook Wharf Repairs: in Com. of Sup., 2557 (ii).

Monarch Fire Insurance Co.: *See* 'B. No. 82.'

Moncton Cut-off Line, I.C.R.: in Com. of Sup., 2921 (ii).

Moncton Locomotive and Car Shops: in Com. of Sup., 2946 (ii).

Moncton Wharf, Enlargement: in Com. of Sup., 1627 (i).

Montague Branch, P.E.I. Ry., Land Claims: in Com. of Sup., 3420 (ii).

Montcalm Electoral District, Votes polled, spoiled Ballots, &c.: M. for Ret.* (Mr. Ames) 2597 (ii).

'Montcalm' Ice-breaker, Number of Crew, Daily Expenditure, &c.: Ques. (Mr. Paquet) 167 (i).

——— Name of Engineer *re* Investigations: Ques. (Mr. Paquet) 548 (i).

——— Res. of Chamber of Commerce, Quebec, &c.: Ques. (Mr. Paquet) 328 (i).

——— Total Cost of Repairs, &c.: Ques. (Mr. Foster) 168 (i).

Montreal Bridge and Terminal Co.: *See* 'B. No. 180.'

Montreal Eastern Postal Station: in Com. of Sup., 1303 (i).

Montreal Examining Warehouse: in Com. of Sup., 3211 (ii).

Montreal as a Free Port, Recommendation of Royal Commission: Remarks (Mr. Monk) 4802 (iii).

Montreal Harbour Commissioners: *See* 'B. No. 154.'

Montreal Harbour Commissioners, Dismissal of Employees: Ques. (Mr. Gervais) 874 (i).
—— Interest, Loans, &c.: M. for Cor.* (Mr. Ames) 1734 (i).
—— Promise *re* Wharfage Dues, &c.: Ques. (Mr. Gervais) 874 (i).
Montreal Harbour Dues, Increase of, Interest due Govt., &c.: Ques. (Mr. Ames) 1416 (i).
Montreal Harbour Improvements, Claims of W. J. Poupore: in Com. of Sup., 3361 (ii).
Montreal Municipal Rights: Par. in 'La Presse' (Mr. Rivet) 1648 (i).
Montreal River, Improvements at Latchford: in Com. of Sup., 2975 (ii).
Montreal Terminal Ry. Co.: *See* 'B. No. 48.'
Montreal Woollen Mills, Closing *re* Tariff Laws: Ques. (Mr. Lennox) 2591 (ii).
Monuments, &c.: in Com. of Sup., 6543 (iv).
Moore, Isaac, Relief of: *See* 'B. No. 145.'
Moravian Church in Canada: *See* 'B. No. 167.'
Morning Sittings: M. (Sir Wilfrid Laurier) 5159 (iii).
Mossy River Dredging, Expenditure of Appropriation, Delays, &c.: Ques. (Mr. Campbell) 816 (i).
Motor Vehicles Accidents: *See* 'B. No. 60.'
Mount Pleasant Post Office: Remarks (Mr. Blain) in Com. of Sup., 3423 (ii).
Muir Memorial Fund, Request for Govt. Aid: Ques. (Mr. Macdonell) 5095 (iii).
Mulloy, Pension *re*, Remarks (Mr. J. D. Reid) in Com. of Sup., 2313 (ii).
Museum, Victoria Memorial: in Com. of Sup., 1275 (i).
Nails, Quantity imported, Price, &c.: Ques. (Mr. Lalor) 2156 (ii).
Nanaimo Public Building: in Com. of Sup., 3224 (ii).
Napanee River Dredging, Surveys, Cost, &c.: (Mr. U. Wilson) 333 (i).
Nappan Experimental Farm, Names of Employees, Rate of Pay, &c.: Ques. (Mr. Rhodes) 5640 (iii).
National Accident and Guarantee Co. of Can.: *See* 'B. No. 103.'
National Art Gallery, Expenditures *re* Pictures: Ques. (Mr. Boyce) 6087 (iv).
National Transcontinental Ry.: *See* 'B. No. 153.'
N. T. Ry., Employees, &c., Incomplete Ret.: Remarks (Mr. Foster) 4801 (iii), 6919 (iv).
—— Eastern Div., Tenders *re* Construction: Inquiry for Ret. (Mr. Lennox) 4990 (iii).
—— Loans *re* Construction, Eastern Div., Rates of Interest: Ques. (Mr. Ames) 679 (i).
—— Surveys, Construction, &c.: in Com. of Sup., 6985 (iv).
See 'G.T.P.,' 'Transcontinental.'
Nation River Drainage, Cor., O.Cs., &c.: M. for Ret. (Mr. Broder) 686 (i).
Nation River Drainage, Rep. of Engineer *re*: Ques. (Mr. Broder) 1178 (i).
Naturalization Act: *See* 'B. No. 5.'
Naturalization Act Amt. Bill: Remarks (Mr. R. L. Borden) 971 (i).
Natural Resources of Canada, Conservation of, Apptmt. of Sel. Com.: M. (Mr. R. L. Borden) 355 (i).
Natural Resources Com., on Order for rsmd. debate: Remarks (Sir Wilfrid Laurier) 688 (i).
—— Special Com.: M. (Sir Wilfrid Laurier) 1556 (i).
Natural Resources, Lands, &c., Details of Money received, &c.: M. for Ret.* (Mr. McCarthy) 685 (i).
Natural Resources: *See* 'Conservation of,' &c.
Naufrage Pond: in Com. of Sup., 2508, 2512 (ii).
—— Protection Works: Remarks (Mr. Fraser) in Com. of Sup., 2461 (ii).
Naval Defence of Canada: Notice of Motion (Mr. Foster) 3203 (ii).
—— Aid to G. B.: Prop. Res. (Mr. Foster) 3484 (ii).
See 'Imperial,' &c.
Naval Defence of Sea Coast, Interpretation of Res. in House: Ques. (Mr. Foster) 4289 (iii).
Naval Militia and Training Cruiser: in Com. of Sup., 6683 (iv).
Navigable Waters Protection Act: *See* 'B. Nos. 150 and 152.'
Navy of Canada or G. B., Contributions to: M. for Cor.* (Mr. Worthington) 1191 (i).
Net Debt of Canada, Present Amount, Increase of,: Ques. (Mr. R. L. Borden) 147 (i).
N. B. Central Ry. Commissioners Rep. and Hon. Mr. Pugsley: Amt. (Mr. Crothers) to Com. of Sup., 5645; Neg. (Y. 63; N. 90) 5830 (iii).
—— Question of Order (Mr. Speaker) 5646; Questions of Order (Mr. Pugsley) 5658, 5680; Ruling (Mr. Speaker) 5659, 5690; (Mr. Crocket) 5756, 5777; (Mr. Turgeon) 5825 (iii).
—— Ques. of Priv. (Mr. Pugsley) 6058 (iv).
N. B. Central Commission, &c., Vote *re*: Ques. of Privilege (Mr. Blain) 6409 (iv).
—— Ques. of Priv. (Mr. Calvert) 6412 (iv).
N. B. Central Ry. Commissioners' Report, O. Cs., &c. M. (Mr. Foster) to lay on Table, 5624 (iii).
—— Rep., Printing: Remarks (Mr. Foster) 4236 (iii).
—— Statement *re*: Remarks (Mr. Foster) 4296 (iii).
N. B. Supreme Court Vacancies, &c.: Remarks (Mr. Crocket) 6686 (iv).
Newcastle Harbour Dredging: Remarks (Mr. Thornton) in Com. of Sup., 6543 (iv).

New Glasgow Public Building Improvement: in Com. of Sup., 1290 (i).
New Liskeard Wharf, Construction *re*: Remarks (Mr. Geo. Gordon) in Com. of Sup., 2553 (ii).
Newmarket Canal, Holland River, Amt. (Mr. Wallace) to Com. of Sup., 3112; Neg. (Y. 71; N. 112) 3176 (ii).
Newmarket Canal, to Lake Wilcox, Construction, Surveys, &c.: Ques. (Mr. Wallace) 5157 (iii).
See 'Holland.'
New Westminster Dry Dock, Application for Govt. Aid: Ques. (Mr. J. D. Taylor) 3048 (ii).
New Westminster Penitentiary, Warden from 1876 to 1888, Escapes, &c.: Ques. (Mr. R. Smith) 2769 (ii).
New Westminster Post Office, Free Mail Delivery: Remarks (Mr. J. D. Taylor) in Com. of Sup., 1709 (i).
New York Lubricant Co., Payments to: Ques. (Mr. Foster) 188 (i).
Niagara-Welland Power Co.: *See* 'B. No. 33.'
Niagara Ice Jam, Assistance of Dom. Govt.: Remarks (Mr. Lancaster) 4703 (iii).
Niagara River Falls, Amount of Overflow: Ques. (Mr. Magrath) 1074 (i).
Nickel Ore, Export Duty *re*: Ques. (Mr. J. D. Taylor) 5634 (iii).
Nicolet Harbour, Repairs to Jetty: in Com. of Sup., 3246 (ii).
Nipigon River Dredging, Appropriation voted in 1908, Payments *re*: Ques. (Mr. Boyce) 3653 (ii), 4223 (iii).
—— Estimated Quantity, &c.: Ques. (Mr. Boyce) 5635 (iii).
Nipissing Indian Reserve, Open for Settlement: Ques. (Mr. Geo. Gordon) 684 (i).
North Atlantic Trading Co., Payments to since Cancellation of Contract, &c: Ques. (Mr. McCarthy) 1071 (i).
North Bay Post Office, Inspector, Apptmt. of: Ques. (Mr. Geo. Gordon) 1558 (i).
North Head, Grand Manan Breakwater Wharf: in Com. of Sup., 1629 (i).
North Saskatchewan River Surveys, Average Cost per Mile: Ques. (Mr. McCarthy) 870 (i).
'Northumberland Dredge,' Men on Voters' Lists: Remarks (Mr. Rhodes) 2403 (ii).
—— Number of Crew, Names, Emplymt. &c.: Ques. (Mr. Rhodes) 2815 (ii).
Northwest Fish Company's Leases, &c.: Remarks (Mr. Campbell) 6776 (iv).
N.W. Mounted Police Force, Compensations: in Com. of Sup., 3064 (ii).
—— Land Scrip, Refusal of Grants: Ques. (Mr. Hughes) 1066 (i).
N.W.M.P., Maintenance, &c.: in Com. of Sup., 3656 (ii).
—— Yukon: in Com. of Sup., 3659 (ii).
N.W. Rebellion, 1885, Grants to N.W.M.P., &c.: Ques. (Mr. Macdonell) 184 (i).
N.W. Ter. Govt. Salaries: in Com. of Sup., 1171 (i).
N.S. Weekly Mail Service, Number, &c.: Ques. (Mr. Sinclair) 1731 (i).
Oaths of Office. *See* 'B. No. 1.'
Oats: *See* 'English,' 'Seed.'
Obstructions in Navigable Rivers, Removal &c.: in Com. of Sup., 6679 (iv).
Ocean and River Service: in Com. of Sup., 6670 (iv).
Oil Gas, &c., Borings, Details of Expenditure of $35,000, Cor., &c.: M. for Ret.* (Mr. Armstrong) 684 (i).
Okanagan River Improvements: in Com. of Sup., 6544 (iv).
Old Age Annuities, Number of Employees, Expenditure, &c.: Ques. (Mr. Foster) 141 (i).
Old Age Pensions: *See* 'B. No. 109.'
Old Man River Improvements: Remarks (Mr. Herron) in Com. of Sup., 3336 (ii).
Olin, Chas., Total Payments *re* Visits to Sweden: Ques. (Mr. Goodeve) 871 (i).
—— M. for Copy* (Mr. Goodeve) 881 (i).
Ontario Act, Disallowance of, O.C., *re*: (Mr. R. L. Borden) 4882 (iii).
Ontario, Hudson Bay and Western Ry. Co.: *See* 'B. No. 124.'
Ontario and Man. Boundaries, Decision *re* Ques. (Mr. Macdonell) 1074 (i).
Ontario and Michigan Power Co. *See* 'B. No. 34.'
Ontario and Michigan Power Co.'s Bill: Ques. of Priv. (Mr. Sproule) 1115 (i).
Opening of Parliament., Mess from His Ex.: Read (Mr. Speaker) 7 (i).
Opium Conference, Mr. King's Expenses: in Com. of Sup., 3433 (ii).
'Opportunities in Canada,' Names of Publisher: Ques. (Mr. McCarthy) 2158 (ii).
—— Number of Copies distributed, &c.: Ques. (Mr. McCarthy) 676 (i).
Ordnance and Arms: in Com. of Sup., 2307 (ii).
Oriental Immigration into B.C., Res. *re* Royal Com.: Ques. (Mr. J. D. Taylor) 1242 (i).
—— Inaccurate Answer: Remarks (Mr. J. D. Taylor) 1248 (i).
—— Corrected Answer (Sir Wilfrid Laurier) 1976 (i).
See 'Asiatic.'

Orientals in B.C. on Jan. 1, 1909, Number naturalized, &c.: Ques. (Mr. R. Smith) 1920 (i).
Oromocto Wharf, Total Cost, Completion, &c.: Ques. (Mr. Crocket) 2319 (ii).
Oshawa Collector, &c.: Ques. (Mr. Hughes) 1972 (i), 2372, 3046 (ii).
——— Remarks (Mr. Hughes) 2672 (ii).
Oshawa Harbour, Negotiations *re* Acquisition by Govt.: Ques. (Mr. Hughes) 1918 (i), 2372 (ii).
Otonabee River Dredging, Amounts paid, Quantity done, &c.: Ques. (Mr. Bradbury) 3044 (ii), 4221 (iii).
Otonabee River Floods, Payments to Property Owners *re* Damages: M. for Ret.* (Mr. Sexsmith) 1190 (i).
Ottawa Assurance Co.: *See* 'B. No. 139.'
Ottawa Buildings: in Com. of Sup., 617, 1389, 1494 (i).
Ottawa Buildings, Electric Lighting: in Com. of Sup., 1600 (i).
——— Elevators: in Com. of Sup., 1599 (i).
——— Grounds, &c.: in Com. of Sup., 3225 (ii).
——— Heating, &c.: in Com. of Sup., 1601 (i).
——— Heating, Salaries to Engineers, &c.: in Com. of Sup., 3226 (ii).
——— Lavatories, Repairs, &c.: in Com. of Sup., 1392 (i).
Ottawa Buildings, leased by Govt., Rentals, Superficial Area, Taxes, &c.: Ques. (Mr. Perley) 1556 (i).
Ottawa Fire Insurance Co.: *See* 'B. No. 139.'
Ottawa Buildings, Museum: Remarks (Mr. J. D. Reid) in Com. of Sup., 3215 (ii).
——— New Deptl. Buildings: in Com. of Sup., 1250 (i).
——— Staff Salaries: in Com. of Sup., 3225 (ii).
——— Steel Fittings, &c.: in Com. of Sup., 1391 (i).
——— Taxes paid by Govt.: Remarks (Mr. Blain) 1609 (i).
——— Telephones: in Com. of Sup., 1605 (i).
Ottawa, Northern and Western Ry. Co.: *See* 'B. No. 49.'
Ottawa Public Grounds: in Com. of Sup., 1600 (i).
Ottawa Service Corps, Complaints *re* Padding Pay Lists, &c.: Ques. (Mr. Sproule) 6784 (iv).
Owen Sound Harbour Dredging and Protection Works: in Com. of Sup., 3315 (ii).
Owen Sound Mail Delivery: Remarks (Mr. Middlebro) in Com. of Sup., 1705 (i).
Owen Sound Post Office, Original and Present Cost, Change of Plans, &c.: Ques. (Mr. Middlebro) 247 (i).
Oyster Culture: in Com. of Sup., 6949 (iv).
Panmure Island Wharf, Purchase of Right-of-Way, &c.: Ques. (Mr. Fraser) 6403 (iv).
Park Reservations: in Com. of Sup., 6991 (iv).
Parliamentary Guide: in Com. of Sup., 7064 (iv).
Parliament Hill Grounds, Condition of: Remarks (Mr. Geo. Taylor) 6473 (iv).
Parsons, Frank, Relief of: *See* 'B. No. 130.'
Passenger Tickets: *See* 'B. No. 2.'
Passover Bread, Higher Rate of Duty, Request *re*: Ques. (Mr. Perley) 3986 (ii).
Patent Bills: *See* Bills Nos. 71, 77, 92, 93, 123, 132 and 169.
Patent Medicines Act, Apptmt. of Analysts, Salaries, &c.: Ques. (Mr. Seguin) 3476 (ii).
Patent Medicines: in Com. of Sup., 458 (i).
'Patent Record,' in Com. of Sup., 696 (i), 3186 (ii).
Patriotic Fund: *See* 'B. No. 175.'
Patronage List, Abolition of, Com. to Judge Cassels: Remarks (Mr. Foster) 876 (i).
Patterson, Mildred Gwendolyn Platt, Relief of: *See* 'B. No. 143.'
Payne, J. Lambert, Duties, Salary, Hours of Work, &c.: (Mr. McKenzie) 1726 (i).
Peat Fuel Testing Building: in Com. of Sup., 1389 (i).
——— Memorandum of Dr. Haanel: Read in Com. of Sup., 1494 (i).
Peigan Indian Agency, Surrender of Land: Remarks (Mr. Herron) in Com. of Sup., 1010 (i).
Pembroke Ry. Crossing, Cost of Protection by Public Works Dept.: Ques. (Mr. Lennox) 2159 (ii).
Penitentiaries: in Com. of Sup., 884 (i), 7035 (iv).
——— Generally, Supplies: in Com. of Sup., 887 (i).
Penitentiaries and Prison Labour: Remarks (Sir Wilfrid Laurier) in Com. of Sup., 903 (i).
Pensions: *See* 'B. No. 109.'
Pensions, Mrs. Wilmot, N.W.M.P.: in Com. of Sup., 883 (i).
Pensions, N.W. Rebellion: in Com. of Sup., 812 (i).
Peswick Wharf: in Com .of Sup., 2474 (ii).
Peterborough West, Expenditure *re* Public Works for twenty Years: Ques. (Mr. T. Chisholm) 4636 (iii).
Petewawa Camp, Number of Permanent Force, Date of Opening, &c.: Ques. (Mr. G. V. White) 5639 (iii).
Petewawa Dock: Remarks (Mr. G. V. White) in Com. of Sup., 3307 (ii).
Pictou County Fishery Overseers, Prosecutions in Salmon illegal Fishing: Ques. (Mr. Rhodes) 5632 (iii).
Pictou and Magdalen Island Mail Services, Contract, Tenders, &c.: Ques. (Mr. Fraser)

Pictou Public Buildings, Renewals, &c.: in Com. of Sup., 1291 (i).
Piers on Lake St. Peter, &c.: in Com. of Sup., 6887 (iv).
Pilots, Pension to F. X. Lamarre: in Com. of Sup., 3437 (ii).
Pilotage Rates, Scale of Charges for B. C.: Ques. (Mr. Barnard) 3476 (ii).
Pincher Creek Post Office, Complaints re Accommodation: Remarks (Mr. Herron) in Com. of Sup., 1711 (i).
Pink Rock Wharf, Shepody Bay: in Com. of Sup., 1629 (i).
Plank, Mr. M. W., Emplymt. by Govt.: Ques. (Mr. S. Sharpe) 3252 (ii).
Plaster Mines Lighthouse, Dismissal of Hector McRae, &c.: Ques. (Mr. Maddin) 6784 (iv).
Pneumatic Tubes, Montreal, Quantity and Value of Purchase, &c.: Ques. (Mr. Ames) 1068 (i).
Pointe-aux-Trembles Wharf, Contract Price, Extras, &c.: Ques. (Mr. Monk) 818 (i).
—— Repairs to, &c.: Ques. (Mr. C. A. Wilson) 1557 (i).
Pointe du Chene Breakwater Repairs: in Com. of Sup., 1629 (i).
Pointe Tupper Improvements: in Com. of Sup., 2951 (ii).
Police Patrol Boats in Northern Waters: in Com. of Sup., 6682 (iv).
Political Partizanship: *See* 'Govt. Employees.'
Political Weekly Letter, Franking and Distribution by Govt.: Ques. (Mr. J. D. Taylor) 1922 (i).
Polling Booths in Ont., Payments for Rents, &c.: Ques. (Mr. Elson) 3251 (ii).
Pope Post Office, Pet. *re*: Remarks (Mr. Roche) in Com. of Sup., 1713 (i).
Pork, Bacon, &c., from U.S., Entries at Kingston, &c.: Ques. (Mr. Edwards) 1176 (i).
Portage la Prairie Improvements: in Com. of Sup., 3001, 3332 (ii).
Port Arthur and Fort William Harbour Improvements: in Com. of Sup., 2091 (ii).
Port Arthur Harbour and Mission River Dredging, Contractors, Inspectors, &c. Ques. (Mr. Boyce) 5775 (iii).
Port Bruce Harbour, Amount of Expenditure, &c.: Ques. (Mr. Marshall) 818 (i).
—— Remarks (Mr. Marshall) in Com. of Sup., 3331 (ii).
Port Colborne Elevators, &c.: in Com. of Sup., 1903 (i).
Port Credit Customs Revenue, Superannuation of Collector, &c.: Ques. (Mr. Blain) 3049 (ii).
Port Credit Dredging: Remarks (Mr. Blain) in Com. of Sup., 3329 (ii).
Port Hastings Wharf: in Com. of Sup., 2479 (ii).
Port Hood Breakwater, Expenditure *re*: Ques. (Mr. Geo. Taylor) 4892 (iii).
Port Hood Improvements: in Com. of Sup., 6543 (iv).
Port Stanley Groynes: in Com. of Sup., 2977 (ii).
Port Stanley Pier, Delay in Paying Labourers Wages: Remarks (Mr. Crothers) 4047 (iii).
—— Ques. (Mr. Marshall) 342 (i).
Portuguese Cove Breakwater: in Com. of Sup., 2479, 3234 (ii).
Postal Law Violations, Number of Prosecutions, Penalties, &c.: M. for Ret.* (Mr. J. D. Taylor) 1924 (i).
Post Office Act Amt.: *See* 'B. Nos. 19 and 136.'
POST OFFICE :
Black Lake Postmaster, Complaints, Investigation, &c.: Ques. (Mr. Geo. Taylor) 4896 (iii).
Brophy's Post Office, Name of Postmaster, Changes *re*: Ques. (Mr. Maddin) 1186 (i).
Burks Falls and Trout Creek Mail Routes, Contractor, Tenders, &c.: Ques. (Mr. Arthurs) 3196 (ii).
Campbellford and Brighton Mail Contract, &c.: Ques. (Mr. Owen) 3479 (ii).
—— Remarks (Mr. Owen) 3655 (ii).
Cariboo Mail Service, Payments *re*: Ques. (Mr. Burrell) 1731 (i).
—— Remarks (Mr. Burrell) in Com. of Sup., 3124 (ii).
Central Park, B.C., Mail Delivery, Pet. *re*: Ques. (Mr. Cowan) 2590 (ii).
Country Postmasters' Salaries: in Com. of Sup., 1700 (i).
Dorland and U. E. Loyalist Mail Route, Mail Carrier, Remuneration, &c.: Ques. (Mr. U. Wilson) 334 (i).
East Elgin Postmasters Salaries: Remarks (Mr. Marshall) in Com. of Sup., 3429 (ii).
Envelopes, Complaints *re* Mutilation through Mails: Ques. (Mr. Armstrong) 349 (i).
Etobicoke Postmaster, Apptmt. of Salary, &c. Ques. (Mr. Crosby) 671 (i).
Franking Privilege *re* Campaign Literature, Names of Ministers, &c.: Ques. (Mr Foster) 2585 (ii).
—— Remarks in Com. of Sup., 1653 (i).
Free Mail Delivery in Cities, Names, Mail Routes, &c.: Ques. (Mr. Armstrong) 2585 (ii).
Gaspé-Perce Mail Contract, Expiration of : Ques. (Mr. Ames) 2596 (ii).
Glace Bay Mails, Contract for collecting: Ques. (Mr. Maddin) 5775 (iii).
Glace Bay Post Office, Inspector, Salary, &c.: Ques. (Mr. Maddin) 5635 (iii).

POST OFFICE—*Con.*

Gowganda Mail Facilities: Remarks (Mr. R. L. Borden) 1395 (i).

—— Remarks (Mr. W. F. Maclean) in Com. of Sup., 1703 (i).

Graham Post Office, Pet. *re*: Remarks (Mr G. V. White) in Com. of Sup., 1713 (i).

Greenfield, P.E.I., Post Office, Removal of: Ques. (Mr. Fraser) 5776 (iii).

Hand Hills, Alberta Post Office, Applications, Reps., &c., *re*: M. for Copies* (Mr. Magrath) 2162 (ii).

Hazel Ridge Post Office, Application *re*: Remarks (Mr. Bradbury) in Com. of Sup., 1710 (i).

Lachute Mills Post Office, Cor. *re*: M. for Copies* (Mr. Perley) 158 (i).

Letter Carriers, &c.: in Com. of Sup., 1653, 1697 (i).

—— Salaries at St. Thomas: Remarks (Mr. Crothers) in Com. of Sup., 3428 (ii).

—— System in Cities, Regulations *re* Apptmt.: Ques. (Mr. Foster) 5158 (iii).

Lévis Postmastership, Apptmt. of Successor to Mr. A. Lafancois: Ques. (Mr. Monk) 4636 (iii).

Londonderry Station to Great Village Mail Contract, Name, Remuneration, &c.: Ques. (Mr. Stanfield) 824 (i).

Lorne Valley, P.E.I., Tenders *re* Mail Contract: Ques. (Mr. Fraser) 5776 (iii).

Mackey's Station Post Office, Complaints *re* Management: Ques. (Mr. Armstrong) 545 (i).

Macleod Post Office, Complaints *re*: Remarks (Mr. Herron) in Com. of Sup., 1711 (i).

McKenzie, Mr. D., Resignation as Postmaster of Three Brooks, Apptmt. of a Successor: Ques. (Mr. Arthurs) 4640 (iii).

Mail Boxes purchased and entered into Canada free of Duty: Ques. (Mr. Armstrong) 517 (i).

Mail Carriers, Post Office Payments in Newmarket and Aurora to, &c.: Ques. (Mr. Wallace) 1560 (i).

Mail Contracts, Fair Wage Clause: Remarks (Mr. J. D. Taylor) in Com. of Sup., 3430 (ii).

Mail Contracts, Renewals in April, 1909, without Tenders: Ques. (Mr. Armstrong) 477 (i).

—— M. for Ret.* (Mr. Armstrong) 685 (i).

—— Inquiry for Ret. (Mr. Armstrong) 4801 (iii).

Mail delivered in Towns, &c., Rural Free Mail Delivery, &c.: M. for Ret.* (Mr. R. L. Borden) 157 (i).

Mail Service from Hyde Park Post Office, &c., Middlesex County: Ques. (Mr. Elson) 3251 (ii).

POST OFFICE—*Con.*

Mail and Stage Routes, Total Number of Miles, &c.: Ques. (Mr. Armstrong) 481, 813 (i).

Makaroff Postmaster's Salary: Remarks (Mr. Meighen) in Com. of Sup., 1702 (i).

Malagash, N.S., Mail Contract, Expiry of, Tenders *re*: Ques. (Mr. Rhodes) 5639 (iii).

Manitoba Post Office, Transfers since Nov. 1908, Names of former Postmasters, Ques. (Mr. Roche) 1414 (i).

—— M. for Ret.* (Mr. Roche) 1922 (i).

Montreal Eastern Postal Station: in Com. of Sup., 1303 (i).

Mount Pleasant Post Office: Remarks (Mr. Blain) in Com. of Sup., 3423 (ii).

New Westminster Post Office, Free Mail Delivery: Remarks (Mr. J. D. Taylor) in Com. of Sup., 1709 (i).

North Bay Post Office Inspector, Apptmt. of: Ques. (Mr. Geo. Gordon) 1558 (i).

N. S. Weekly Mail Service, Number, &c.: Ques. (Mr. Sinclair) 1731 (i).

Owen Sound Mail Delivery: Remarks (Mr. Middlebro) in Com. of Sup., 1705 (i).

Pictou and Magdalen Island Mail Services, Contract, Tenders, &c.: Ques. (Mr. Fraser) 3047 (ii).

Pincher Creek Post Office, Complaints *re* Accommodation: Remarks (Mr. Herron) in Com. of Sup., 1711 (i).

Political Weekly Letter, Franking and Distribution by Govt.: Ques. (Mr. J. D. Taylor) 1922 (i).

Pope Post Office, Pet., *re*: Remarks (Mr. Roche) in Com. of Sup., 1713 (i).

Postal Law Violations, Number of Prosecutions, Penalties, &c.: M. for Ret.* (Mr. J. D. Taylor) 1924 (i).

Postmaster General's Rep.: Presented (Mr. Lemieux) 12 (i).

Postmasters' Salaries in East Elgin: Remarks (Mr. Marshall) in Com. of Sup., 3429 (ii).

Post Office Apptmts., Incorrect Ret.: Remarks (Mr. Foster) 1023 (i).

Post Office Contingencies: in Com. of Sup., 725 (i).

Post Office Deptl. Salaries: in Com. of Sup., 613, 720 (i).

Post Office Deposits and Interest Credits in Pass Books: Ques. (Mr. Macdonell) 4896 (iii).

See 'Savings'

Post Office Inspectors, Travelling Expenses, &c.: in Com. of Sup., 3431 (ii).

Post Office Inspectors' Salaries: in Com. of Sup., 1649 (i).

Post Office Miscellaneous Items: in Com. of Sup., 1716 (i).

POST OFFICE—*Con.*

Post Office Orders and Postal Notes, Total Number issued, Payable in G. B.: Ques. (Mr. Macdonell) 1242 (i).

Post Offices in Peel County, Number, &c.: Ques. (Mr. Blain) 3046 (ii).

Post Office Revenue at Kingston, Brantford, Sherbrooke and Quebec, Salaries of Postmasters, &c.: Ques. (Mr. Edwards) 5633 (iii).

Quebec Post Office, Elevators, &c.: in Com. of Sup., 1317 (i).

Queens and Sunbury Mail Service, Established in Oct., 1908: Ques. (Mr. Crocket) 2375 (ii).

Railway Mail Clerks: in Com. of Sup., 1699 (i), 3432 (ii).

——— Increases, &c.: Ques. (Mr. Macdonell) 336 (i).

——— Increase of Salaries: Ques. (Mr. Boyce) 4223 (iii).

Railway Mail Clerks, Furois, Dorais and Wathen, Dates of Examination for Promotions, &c.: Ques. (Mr. Gauvreau) 3253 (ii).

Railway Mail Clerks, Number killed or Injured in past two years: Ques. (Mr. Porter) 3476 (ii).

Roblin and Forest Mills Mail Route, Carrier, Remuneration, &c.: Ques. (Mr. U. Wilson) 333 (i).

Rural Mail : in Com. of Sup., 1714 (i), 3423 (ii).

Rural Mail Delivery : on M. for Sup. (Mr. Armstrong) 2774 (ii).

——— East Northumberland, &c.: Ques. (Mr. Owen) 3480 (ii).

——— Establishment of in Grey County : Ques. (Mr. Middlebro) 671 (i).

——— Location of Routes, Non-Delivery, &c.: Ques. (Mr. Armstrong) 347 (i).

——— Number of Routes, &c.: Ques. (Mr. Armstrong) 6408 (iv).

——— Prince Edward County, Establishment of : Ques. (Mr. Porter) 1077 (i).

——— Purchase of Boxes, Duty, &c.: Ques. (Mr. Armstrong) 179 (i).

——— System, &c.: Ques. (Mr. R. L. Borden) 148 (i).

——— Total Expenditure on Routes : Ques. (Mr. Armstrong) 179 (i).

Rural Mail Boxes, Number delivered in Dufferin County: Ques. (Mr. Barr) 341 (i).

St. John Postmaster, Superannuation of, Apptmt. of Successor, &c.: Ques. (Mr. Daniel) 871 (i).

St. Justine Mail Delivery, Complaints *re* : Ques. (Mr. Boyer) 3480 (ii).

Ste. Philomene Mail Contract, Annual Cost, &c.: Ques. (Mr. S. Sharpe) 2770 (ii).

POST OFFICE—*Con.*

St. Polycarpe Post Office, Complaints *re* Officials, Change of Site, &c.: Ques. (Mr. Lortie) 4894 (iii).

Savings Banks Deposits, Rates of Interest, &c.: Ques. (Mr. S. Sharpe) 1067 (i), 4897.

Sillsville and the Pines Mail Route, Carrier, Remuneration, &c.: Ques. (Mr. U. Wilson) 333 (i).

Somerville, Thos., Payments to by P.O. Dept.: Ques. (Mr. Wallace) 1559 (i).

Souris Postmaster, Dismissal of Mr. J. Dolmage, Investigation *re* : Ques. (Mr. Schaffner) 1915 (i).

——— Remarks (Mr. Schaffner) on M. for Sup., 6847 (iv).

Sydney Free Mail Delivery : Remarks (Mr. Maddin) in Com. of Sup., 1706 (i).

Tercentenary Postage Stamps, Total Amount *re* Sale : Ques. (Mr. Perley) 3654 (ii).

Thedford, Arkona and Fort Frank Rural Mail Delivery, Delays in Establishing : Ques. (Mr. Armstrong) 476 (i).

Victoria Post Office. Pet. from Letter Carriers: Remarks (Mr. Barnard) in Com. of Sup., 1712 (i).

Wingham Post Office Clock, Completion of : Ques. (Mr. T. Chisholm) 4637 (iii).

Winnipeg P.O. and Ry. Station Mail Contract, Tenders, Changes, &c.: Ques. (Mr. Bradbury) 869 (i).

Potatoes sold in Bags, Statute *re* Measurements: Ques. (Mr. Macdonell) 351 (i).

Prairie Fires, Govt. Relief : Remarks (Mr. Knowles) 6411 (iv).

Prairie Provinces Trust Co.: *See* 'B. No. 163.'

Preston, W. T. R., Complaints from Japan *re* Work, &c.: Ques. (Mr. German) 480 (i).

——— Emplymt. by Govt., Transfer, &c.: Ques. (Mr. Ames) 3991 (ii).

——— Protest from Japan *re* Statements, &c.: Ques. (Mr. Reid) 186 (i).

——— Transfer to Holland: Remarks (Mr. R. L. Borden) 5999, 6656 (iv).

Preventive Service, Customs : in Com. of Sup., 611 (i).

Prince Albert and Hudson Bay Ry. Co.: *See* 'B. No. 62.'

Prince Albert Public Building: in Com. of Sup., 1555 (i).

P.E.I., Cape Breton and Newfoundland SS. Subvention: in Com. of Sup., 6652 (iv).

P.E.I. Winter Communication with Mainland, on M. for Sup. (Mr. Warburton) 6448 (iv).

P.E.I. Ry., Harmony-Elmira Branch: in Com. of Sup., 2952 (ii).

See 'Railways.'

Prince Rupert, B.C. and Jedway, Queen Charlotte Island SS. Subventions: in Com. of Sup., 6652 (iv).
Prince Rupert Quarantine Station: in Com. of Sup., 2081 (ii).
Printing and Stationery, Salaries: in Com. of Sup., 804 (i).
Prisoners paroled or pardoned, Cost of Ret., &c.: Ques. (Mr. Foster) 673 (i).
Private Bills, Apptmt. of Com. to revise Rules: M. (Sir Wilfrid Laurier) 5351 (iii).
——— Extension of Hour for considering: M. (Sir Wilfrid Laurier) 5774 (iii).
——— Payment of Fees, 14th Rep. of Com. M. (Mr. Guthrie) 4986 (iii).
Private Bills, Refund of Fees: M. (Mr. Ethier) to conc., in 8th Rep. of Com., 5889, 5997 (iv).
——— M. (Sir Wilfrid Laurier) to amend Rules of Hse *re*, 6120 (iv).
Privilege, Ques. of, *re* Bribing Deptl. Offiials, &c. (Mr. Campbell) 6777 (iv).
Privilege, Ques, of (Mr. Conmee) *re* 'Special Trains,' &c., 4290 (iii).
——— Order, Ques. of (Mr. Foster) 4291 (iii). *See* 'Question,' &c.
Proportional Representation in House of Commons: Prop. Res. (Mr. Monk) 2598; Amt. (Mr. Fielding) 2624; Agreed to, 2625 (ii).
Prorogation: Mess. from His. Ex., 7086 (iv).
Protection of Coast Line and Seaports, &c.: Notice of Prop. Res. (Mr. Foster) 482 (i). *See* 'Naval.'
Provincial Rights: *See* 'B. No. 34.'
Prudential Life Ins. Co. of Can.: *See* 'B. No. 188.'
Prudential Trust Co. Ltd.: *See* 'B. No. 91.'
Public Accounts Com., Calling of Meetings: Remarks (Mr. R. L. Borden) 663, 1188 (i).
——— M. to ref. Aud. Gen.'s Rep., Public Accounts, &c., to Com. (Mr. A. H. Clarke) 1479 (i)
Public Accounts Com., 12th and 14th Reps.: M. (Mr. A. H. Clarke) to conc., 6559 (iv).
Public Health Bureau, Establishment of by Govt.: Prop. Res. (Mr. Black) 1081 (i).
Public Works, Deptl. Rep.: Presented (Mr. Pugsley) 464 (i).
Public Works, Hours of Labour: *See* 'B. No. 22.'
Public Works, Hours of Labour B. 35 (Mr. Verville): M. to dsch. from Order Paper, 4990 (iii).
PUBLIC WORKS:
Amherst Public Building, Improvements: in Com. of Sup., 1282 (i).
Annapolis Ice Piers, Construction: in Com. of Sup., 2338 (ii).
PUBLIC WORKS—*Con.*
Anse a la Barbe Breakwater: in Com. of Sup., 2512 (ii).
Anse à l'Ilot: in Com. of Sup., 2513 (ii).
Arisaig Harbour Wharf: in Com. of Sup., 3233 (ii).
Assiniboine River Improvements: in Com. of Sup., 3332 (ii).
——— Cost per yard for Sept. and Oct.: Ques. (Mr. Meighen) 1239 (i).
Avonport Piers Repairs: in Com. of Sup., 2453 (ii).
Baddeck Wharf Improvements: in Com. of Sup., 2453 (ii).
Bailey's Brook Harbour Improvements: in Com. of Sup., 3234 (ii).
Batiscan Dredging Channel: in Com. of Sup., 3274 (ii).
Bay St. Lawrence Harbour: in Com. of Sup., 2455 (ii).
Beaver Harbour Wharf: in Com. of Sup., 1622 (i).
Belleville Armoury: in Com. of Sup., 1356 (i).
Big Bras d'Or Wharf: in Com. of Sup., 2455 (ii).
Blanche River Improvements: in Com. of Sup., 2966 (ii).
Blind River Wharf: in Com. of Sup., 3292 (ii).
Blue Rocks Harbour Improvements: in Com. of Sup., 2455 (ii).
Boat Harbour, Pictou Co., N.S., Total Expenditure, Completion, &c.: Ques. (Mr. Rhodes) 2318 (ii).
Boat Harbour, Skinner's Cove, Yearly Expenditure, Completion, &c.: (Mr. Maddin) 2817 (ii).
Bonaventure Public Works, Amount expended prior to 1900, &c.: M. for Ret.* (Mr. Lennox) 173, 353 (i).
——— Inquiry (Mr. Lennox) for Ret. 1320 (i).
Bonaventure River, Training Pier: in Com. of Sup., 2559, 3277 (ii).
Breton Cove Breakwater Extension: in Com. of Sup. 2456 (ii).
Bridgewater Public Building: in Com. of Sup., 1283 (i).
Brule Wharf: Remarks (Mr. Stanfield) in Com. of Sup. 2460 (ii).
Buctouche Channel: in Com. of Sup., 1623 (i).
Burlington Channel Piers Construction: in Com. of Sup., 2966 (ii).
Campbellton Deep Water Wharf: in Com. of Sup., 1625 (i).
Cape Bald Breakwater: in Com. of Sup., 1625 (i).

PUBLIC WORKS—*Con.*

Cape Tormentine Breakwater: in Com. of Sup., 1625 (i).

Cap St. Ignace Wharf: in Com. of Sup., 2522 (ii).

Cariboo Breakwater or Causeway, Yearly Expenditure, &c.: (Mr. Crosby) 2152 (ii).

Charlottetown Post Office, Sidewalk Construction, Tenders, *re*: Ques. (Mr. Geo. Taylor) 4228 (ii).

Chesley Post Office, Amount of Vote *re*: Ques. (Mr. Donnelly) 543 (i).

Cheverie Breakwater Extension: in Com. of Sup., 2456 (ii).

Chicoutimi Harbour Improvements: in Com. of Sup., 2523 (ii).

Chicoutimi Pier, Contract of T. Desbiens, Reps., &c.: M. for Copies* (Mr. Ames) 2161 (ii).

Chicoutimi Wharf, Expropriation of Land, Prices paid, &c.: Ques. (Mr. Girard) 4222 (iii).

Chilliwack Post Office Site, Plans, Tenders, &c.: Ques. (Mr. J. D. Taylor) 1414 (i).

Chilliwack Public Buildings: in Com. of Sup., 2090 (ii).

Church Point Wharf Repairs: in Com. of Sup., 2457 (ii).

Clarke City, Seven Islands Wharf Improvements: in Com. of Sup., 2526, 2540, 2887 (ii).

Clark's Harbour Protection Works: in Com. of Sup., 2462 (ii).

Cobourg Breakwater Extension: in Com. of Sup., 2967 (ii).

Cobourg Harbour, Expenditure for 1908, Contracts, &c.: Ques. (Mr. Thornton) 3988 (ii).

Collingwood Harbour, Improvements: in Com. of Sup. 3294 (ii).

——— Payments to Mr. Battle: in Com. of Sup., 3294 (ii).

Cookshire Post Office Building: in Com. of Sup., 1293 (i).

Cornwall Public Building: in Com. of Sup., 1359 (i).

Courtenay Bay Dredging Contracts: in Com. of Sup., 2109 (ii).

Cow Bay, Port Morien Harbour Improvements: in Com. of Sup., 2463 (ii).

Cow Bay Run and Osbornes: in Com. of Sup., 2473 (ii).

Cribbin's Point Wharf: in Com. of Sup., 2473 (ii).

Cummings Cove, Deer Island Wharf: in Com. of Sup., 1625 (i).

Dauphin Public Building: in Com. of Sup., 1543 (i).

PUBLIC WORKS—*Con.*

Digby Harbour Improvements: in Com. of Sup., 2173 (ii).

Disraeli Wharf: Remarks (Mr. Blain) in Com. of Sup., 2350 (ii).

Dorchester Wharf Addition: in Com. of Sup., 3237 (ii).

Doucet's Landing, Pile Wharf: in Com. of Sup., 2543 (ii).

Douglastown Pier Addition: in Com. of Sup., 2516 (ii).

Dover Wharfs on Petitcodiac River: in Com. of Sup., 1625 (i).

Dredge, Govt.-owned, employed in N. S. under Contracts, Arangements, &c.: Ques. (Mr. Foster) 2320 (ii).

Dredges owned by Govt., Number, Construction, Price, &c.: M. (Mr. German) for Ret.*, 2596 (ii).

Dredges purchased by Public Works Dept., Tenders, &c.: Ques. (Mr. Foster) 145 (i).

Dredging, Generally: in Com. of Sup., 6534 (iv).

——— Mar. Provs., Generally: in Com. of Sup., 6553 (iv).

——— Mar. Provs., Plants, Contracts, &c.: in Com. of Sup., 3339 (ii).

Dredging Plant for St. Lawrence River: in Com. of Sup., 6885 (iv).

Dredging Vessels, Repairs, &c.: in Com. of Sup., 3338 (ii).

East Huron Public Works Expenditure during 20 years: Ques. (Mr. Chisholm) 3477 (ii).

Eastville Subway Crossing: in Com. of Sup., 2951 (ii).

Eatonville Wharf, Expenditure *re*: Ques. (Mr. Rhodes) 4638 (iii).

Economy Wharf: Remarks (Mr. Stanfield) in Com. of Sup., 2460 (ii).

Father Point Wharf Repairs: in Com. of Sup., 2548 (ii).

Fraser River, Flooding at Delta, Rep. of Mr. Coste, &c.: Ques. (Mr. J. D. Taylor) 2587 (ii).

Garthby Wharf, Lake Aylmer: in Com. of Sup., 2549 (ii).

Gaspe Deep Water Wharf: in Com. of Sup., 2550 (ii).

Georgetown Public Building, P.E.I.: in Com. of Sup., 1292 (i).

Glace Bay, Harbour Improvements: in Com. of Sup., 3234 (ii).

——— Public Building: in Com. of Sup., 1287 (i).

Glencoe Public Building: in Com. of Sup., 1361, 1366 (i).

Goderich Harbour, Repairs to Piers: in Com. of Sup., 2968 (ii).

PUBLIC WORKS—*Con.*

Graham's Pond, P.E.I.: in Com. of Sup., 2507 (ii).

Grand Bend Dock, Approaches, &c.: Ques. (Mr. Armstrong) 2586 (ii).

Grand Etang, Channel Protection Works: in Com. of Sup., 3234 (ii).

Gravenhurst Wharf Repairs: Remarks (Mr. Wright) in Com. of Sup., 2980 (ii).

Greenwood and Grand Forks Post Office Sites, Options *re*: Ques. (Mr. Burrell) 814 (i).

Gretna Quarantine Building, Total Cost, Price of Land, &c.: Ques. (Mr. Wm. H. Sharpe) 824 (i).

Guysborough Public Building, Improvements: in Com. of Sup., 1288 (i).

Guysborough County Public Works, Expenditure of Votes, &c.: Ques. (Mr. Rhodes) 819 (i).

Halifax, Customs House, Total Cost, Contract, &c.: Ques. (Mr. Crosby) 815 (i).

——— Dom. Buildings, Repairs, &c.: in Com. of Sup., 1288 (i).

——— Post Office, Contract *re* Reconstruction, &c.: Ques. (Mr. Crosby) 814 (i).

Harbours and Rivers and Bridges, Generally, Man.: in Com. of Sup., 2985 (ii).

Harbours and Rivers, N.S.: in Com. of Sup., 1621 (i), 2118, 2474 (ii).

——— Ont., General Repairs: in Com. of Sup., 2968 (ii).

——— P.E.I., General Improvements: in Com. of Sup., 2507 (ii).

——— Quebec, General Repairs: in Com. of Sup., 3243 (ii).

Harbours and River Works, Piers, &c., Govt. Procedure *re* Construction by Day Labour: Remarks (Mr. Foster) in Com. of Sup., 2513 (ii).

Harvey Bank Wharf: in Com. of Sup., 1626 (i).

Heron Island Wharf: in Com. of Sup., 1626 (i).

Honora Dock, Manitoulin, Construction, Dimensions, &c., Expenditure *re*: Ques. (Mr. Smyth) 6408 (iv).

House of Commons, New Wing, Payments to Deptl. Staff: Ques. (Mr. Foster) 2149 (ii).

Icelander River Dredging, Total Cost: Ques. (Mr. Bradbury) 347 (i).

Indian Point Dredging, Tenders *re*, &c.: Ques. (Mr. Crocket) 2763 (ii).

——— Total Cost, &c.: Ques. (Mr. Crocket) 1397 (i).

Inverness Harbour, C.B., Improvement, Purchase of Land, &c.: Ques. (Mr. Geo. Taylor) 4637 (iii).

PUBLIC WORKS—*Con.*

Jesus River Dredging, Amount of Expropriation, Contract, &c.: Ques. (Mr. C. A. Wilson) 1069 (i).

Joggins Mines Wharf: in Com. of Sup., 2477 (ii).

Joliette Armoury: in Com. of Sup., 1293 (i).

Kingston Royal Military College Buildings: in Com. of Sup., 1507 (i).

——— M. in Conc. to reduce Vote (Mr. Pugsley) 4049 (iii).

——— Cottages, Estimated Cost, Specifications, &c.: Ques. (Mr. Edwards) 2319 (ii).

——— College Stables, Tenders *re*: Ques. (Mr. Edwards) 1732 (i).

——— Military Buildings: M. for Original Tenders (Mr. Edwards) 1922 (i).

Kingston Veterinary Hospital: in Com. of Sup., 1534 (i).

——— Tenders for Construction, &c.: Ques. (Mr. Edwards) 2149 (ii).

Kouchibougouac Harbour Improvements: in Com. of Sup., 1626 (i).

Lac du Bonnet Bridge: Remarks (Mr. Bradbury) in Com. of Sup., 2116 (ii).

Lachute Public Building: in Com. of Sup., 1301 (i).

Lake Dauphin, Mossy River Obstructions: in Com. of Sup., 2997 (ii).

Lakefield Wharf, Amount of Expenditure, Completion, &c.: Ques. (Mr. Sexsmith) 1063 (i).

Lake Nipissing Floods, Claims of Settlers, &c.: Ques. (Mr. Geo. Gordon) 817 (i).

Lake Nipissing, Improvement of Narrows to Monetville: in Com. of Sup., 3308 (ii).

Lake St. Francis (Beauce) Wharfs: in Com. of Sup., 2554 (ii).

Lake St. John Dredging: in Com. of Sup., 2556 (ii).

Lameque Wharf Improvements: in Com. of Sup., 1626 (i).

Lansdowne Drill Shed, Tenders, Contract *re* Repairs, &c.: Ques. (Mr. Geo. Taylor) 5630 (iii).

Laprairie Ice Piers: in Com. of Sup., 2899 (ii).

Leamington Public Building: in Com. of Sup., 1386 (i).

Leonardsville, Deer Island Wharf: in Com. of Sup., 1626 (i).

Lethbridge Public Building: in Com. of Sup., 1551 (i).

Lévis Harbour, Deep Water Wharf: in Com. of Sup., 2094 (ii).

Lismore Wharf, Construction, Unpaid Accounts, &c.: Ques. (Mr. Rhodes) 1079 (i).

Little Current, Improvement of Northern Channel: in Com. of Sup., 2973, 3302 (ii).

PUBLIC WORKS—*Con.*

Little Current Dredging, Depth, Amount expended, &c.: Ques. (Mr. Smyth) 7072 (iv).

Little Narrows Wharf: in Com. of Sup., 2477 (ii).

Little River, Harbour Wharf: in Com. of Sup., 3234 (ii).

——— Amount expended, Estimated Cost: Ques. (Mr. Jameson) 476 (i).

Lorneville Breakwater Wharf: in Com of Sup., 1626 (i).

McGregor's Creek Bank Protection: in Com of Sup., 2974 (ii).

Maganatawan River Improvements, Amount expended, Estimated Cost: Ques. (Mr. Arthurs) 476 (i).

Maritime Dredging Co., Tenders *re* St. John Harbour: Ques. (Mr. Daniel) 6787 (iv).

Markham Post Office, Total Cost *re*: Ques (Mr. Wallace) 6406 (iv).

Markham Public Building: in Com. of Sup., 1386 (i).

Meaford Harbour Improvements: in Com. of Sup., 3313 (ii).

Michipicoten Wharf, Expenditures, Estimated Cost, &c.: Ques. (Mr. Boyce) 338 (i).

Middle River Shear Dam: in Com. of Sup., 2477 (ii).

Mill's Point Wharf: in Com. of Sup., 1626 (i).

Minasville Wharf: in Com. of Sup., 2479 (ii).

Mission River Piers, Advertisement for Tenders: Remarks (Mr. R. L. Borden) 6919 (iv).

Mistook Wharf Repairs: in Com of Sup., 2557 (ii).

Moncton Wharf, Enlargement: in Com. of Sup., 1627 (i).

Montreal River, Improvements at Latchford: in Com. of Sup., 2975 (ii).

Mossy River Dredging, Expenditure of Appropriation, Delays, &c.: Ques. (Mr. Campbell) 816 (i).

Nanaimo Public Building: in Com. of Sup., 3224 (ii).

Napanee River Dredging, Surveys, Cost, &c.: Ques. (Mr. U. Wilson) 333 (i).

Naufrage Pond: in Com. of Sup., 2508, 2512 (ii).

——— Protection Works: Remarks (Mr. Fraser) in Com. of Sup., 2461 (ii).

New Glasgow Public Building, Improvements: in Com. of Sup., 1290 (i).

New Liskeard Wharf, Construction *re*: Remarks (Mr. Geo. Gordon) in Com. of Sup., 2553 (ii).

Nicolet Harbour, Repairs to Jetty: in Com. of Sup., 3246 (ii).

Nipigon River Dredging, Expenditure for 1908: Ques. (Mr. Boyce) 3653 (ii).

PUBLIC WORKS—*Con.*

Nipigon River Dredging, Estimated Quantity, &c.: Ques. (Mr. Boyce) 5635 (iii).

North Head, Grand Manan Breakwater Wharf: in Com. of Sup., 1629 (i).

Okanagan River Improvements: in Com. of Sup., 6544 (iv).

Oromocto Wharf, Total Cost, Completion, &c.: Ques. (Mr. Crocket) 2319 (ii).

Oshawa Harbour, Negotiations *re* Acquisition by Govt.: Ques. (Mr. Hughes) 1918 (i), 2372 (ii).

Otonabee River Dredging, Name of Contractor, Expenditure, &c.: Ques. (Mr Bradbury) 3044 (ii).

——— Amounts paid, Quantity done, &c.: Ques. (Mr. Bradbury) 4221 (iii).

Owen Sound Harbour Dredging and Protection Works: in Com. of Sup., 3315 (ii).

Owen Sound Post Office, Original and Present Cost, Change of Plans, &c.: Ques. (Mr. Middlebro) 247 (i).

Panmure Island Wharf, Purchase of Right-of-way, &c.: Ques. (Mr. Fraser) 6403 (iv).

Peswick Wharf: in Com. of Sup., 2474 (ii).

Peterborough West, Expenditure *re* Public Works for twenty years: Ques. (Mr. T. Chisholm) 4636 (iii).

Petewawa Dock: Remarks (Mr. Gerald White) in Com. of Sup., 3307 (ii).

Pictou Public Buildings, Renewals, &c.: in Com. of Sup., 1291 (i).

Piers on Lake St. Peter, &c.: in Com. of Sup., 6887 (iv).

Pink Rock Wharf, Shepody Bay: in Com. of Sup., 1629 (i).

Pointe du Chene Breakwater Repairs: in Com. of Sup., 1629 (i).

Pointe-aux-Trembles Wharf, Contract Price, Extras, &c.: Ques. (Mr. Monk) 818 (i).

——— Repairs to, &c.: Ques. (Mr. C. A. Wilson) 1557 (i).

Point Tupper Improvements: in Com. of Sup., 2951 (ii).

Port Arthur and Fort William Harbour Improvements: in Com. of Sup., 2091 (ii).

Port Arthur Harbour and Mission River Dredging, Contractors, Inspectors, &c.: Ques. (Mr. Boyce) 5775 (iii).

Port Bruce Harbour, Amount of Expenditure, &c.: Ques. (Mr. Marshall) 818 (i).

Port Hastings Wharf: in Com. of Sup., 2479 (ii).

Port Hood Improvements: in Com. of Sup., 6543 (iv).

——— Expenditure *re*: Ques. (Mr. Geo. Taylor) 4892 (iii)

Port Stanley Groynes: in Com. of Sup., 2977 (ii).

PUBLIC WORKS—*Con.*

Port Stanley Pier, Delay in Paying Labourers Wages: Remarks (Mr. Crothers) 4047 (iii).

——— Ques. (Mr. Marshall) 342 (i).

Portuguese Cove Breakwater: in Com. of Sup., 2479, 3234 (ii).

Prince Albert Public Building: in Com. of Sup., 1555 (i).

Public Works Dept., Salaries: in Com. of Sup., 613 (i), 3665 (ii).

——— Contingencies: in Com. of Sup., 3672 (ii).

——— Deptl. Salaries, O. C. *re* Increases: Ques. (Mr. Foster) 1074 (i).

——— Supplies, Notice to Agents *re* Purchases: Letter laid on Table (Mr. Pugsley) 3650 (ii).

——— Works by Marine Dept., Tenders *re*: Ques. (Mr. J. A. Currie) 2765 (ii).

Public Works, Expenditure *re* Byng Inlet, &c.: Ques. (Mr. Arthurs) 1178 (i).

Public Works Expenditures, Promises during Elections: Remarks (Mr. Blain) in Com. of Sup., 1357 (i).

Public Works Health Act: in Com. of Sup., 810 (i).

Public Works in Middlesex, Expenditure for twenty years: Ques. (Mr. T. Chisholm) 4228 (iii).

Public Works in South Wellington, Expenditure for last 20 years: Ques. (Mr. T. Chisholm) 3655 (ii).

Quaco Harbour Pier: in Com. of Sup., 1629 (i).

Quebec Harbour, Levis: in Com. of Sup., 2091 (ii).

Queens and Sunbury Wharfs, Construction, Estimated Cost, &c.: Ques. (Mr. Crocket) 2320 (ii).

Quesnel Telegraph Station Supplies, Contracts *re*: Ques. (Mr. Burrell) 1919 (i).

Richard's Landing, St. Joseph's Island Pier: in Com. of Sup., 2978 (ii).

Richelieu River Improvements: in Com. of Sup., 2559 (ii).

——— Improvements Office: Ques. (Mr. Monk) 1185 (i).

Richibucto Cape, Breakwater Wharf: in Com. of Sup., 1629 (i).

Richibucto Harbour, Claims of John Jardine: in Com. of Sup., 3237 (ii).

Richibucto Harbour Breakwater: Conc., 4049 (iii).

Rimouski Wharf Sheathing West Side: in Com. of Sup., 2557 (ii).

Riviere du Loup Dredging: in Com. of Sup., 3284 (ii).

PUBLIC WORKS—*Con.*

Rivière du Moulin Pier, Pets., Reps. *re* Construction: M. for Copies* (Mr. Ames) 2161 (ii).

Rondeau Harbour, Improvements: in Com. of Sup., 2979 (ii).

Royal Military College Cottages, Estimated total Cost: Ques. (Mr. Edwards) 1732 (i). *See* 'Kingston.'

St. Alphonse de Bagotville Wharf: in Com. of Sup., 2900 (ii).

St. Alphonse Wharf, Removal of Rocks: in Com. of Sup., 2901 (ii).

St. Andrew's Wharf: in Com. of Sup., 1645 (i).

Ste. Anne des Monts, Harbour Improvements: in Com. of Sup., 2906, 3287 (ii).

St. Charles River, Estuary Extension: in Com. of Sup., 2095 (ii).

St. Francis du Lac, Landing Pier: in Com. of Sup., 3285 (ii).

St. Francis River: in Com. of Sup., 2898 (ii).

St. Fulgence Wharf: in Com. of Sup., 2906 (ii).

St. Jacques River, Ice Piers: in Com. of Sup., 3287 (ii).

St. Jean des Chaillons Wharf: in Com. of Sup., 2906 (ii).

St. John Drill Hall, N.B.: in Com. of Sup., 1293 (i).

St. John Harbour Improvements: in Com. of Sup., 1645 (i), 2109 (ii).

——— Dredging, Apptmt. of Supt., &c.: Ques. (Mr. Daniel) 5632 (iii).

——— Dredging, Contracts, Surveys, &c.: Ques. (Mr. Foster) 1917 (i), 2158 (ii).

St. John River, Construction of Tidal Waters Wharfs: in Com. of Sup., 1633 (i), 3238 (ii).

——— Contribution of Local Govt.: in Com. of Sup., 1638 (i).

St. Johns, P.Q., Contract for Wharf Extension: Ques. (Mr. Monk) 2770 (ii).

——— Public Building: in Com. of Sup., 1317 (i).

——— Richelieu River Improvements, Estimates, &c.: Ques. (Mr. Monk) 2817 (ii).

——— Wharf, Expenditure, Tenders, &c.: Ques. (Mr. Monk) 2768 (ii).

St. Joseph's Island Wharfs, Expenditure *re*: Ques. (Mr. Boyce) 337 (i).

St. Joseph Wharf, Expenditure in 1908: Ques. (Mr. Armstrong) 2586 (ii).

St. Lawrence River Channel at Kingston, Improvement: in Com. of Sup., 2979 (ii).

St. Maurice River: Grande Piles Channel: in Com. of Sup., 2900 (ii).

St. Michel, Yamaska, Landing Pier: in Com. of Sup., 3247, 3262 (ii).

PUBLIC WORKS—*Con.*

St. Nicholas Wharf Repairs: in Com. of Sup., 2908 (ii).

Saguenay River Booms, Construction of by Govt.: Ques. (Mr. Girard) 4222 (ii).

Saguenay River, Dredging and Improvements: in Com. of Sup., 2802, 2878 (ii).

Saguenay River Wharf: in Com. of Sup, 3284 (ii).

Sandy Cove Breakwater: in Com. of Sup, 3235 (ii).

—— Remarks (Mr. Jameson) in Com. of Sup., 2475 (ii).

Sandy Cove Breakwater Construction, Payments to Contractors: Ques. (Mr. Jameson) 1419 (i).

—— Amounts owing for Labour &c., Names, &c.: Ques. (Mr. Jameson) 1728 (i)

Sault Ste. Marie Wharf: in Com. of Sup., 2980 (ii).

—— Dredging Approaches: in Com. of Sup., 3316 (ii).

Scotch Cove Breakwater: in Com. of Sup., 3234 (ii).

Sea Gull Wharf, Amount expended, &c.: Ques. (Mr. Boyce) 338 (i).

Seal Cove, Grand Manan Island Breakwater Pier: in Com. of Sup., 1645 (i).

Selkirk Post Office, Estimated Cost, Tenders, &c.: Ques. (Mr. Bradbury) 347, 530 (i).

—— Completion of, Total Cost, &c.: Ques. (Mr. Worthington) 5643 (iii).

Shelburne Public Building: in Com. of Sup., 1291 (i).

Shell River Bridge, Original Estimated Cost: Ques. (Mr. Roche) 529 (i).

Sherbrooke Drill Hall: in Com. of Sup., 1317 (i).

—— Contract *re*: Ques. (Mr. Edwards) 3478 (ii).

Shippegan Harbour Improvements: in Com. of Sup., 1645 (i).

Silver Centre Wharf: in Com. of Sup., 3317 (ii).

Simcoe Public Building: in Com. of Sup., 1392 (i).

Snag Boat at Selkirk, Total Cost: Ques. (Mr. Bradbury) 474 (i).

Sorel Deep Water Wharf: in Com. of Sup., 2909, 3289 (ii).

Sorel Ship Yard, Purchase of Property: in Com. of Sup., 6885 (iv).

Souris Dredging, P.E.I.: in Com. of Sup., 6554 (iv).

Southampton Dock Extension: in Com. of 3317 (ii).

—— Repairs: in Com. of Sup., 2980 (ii).

PUBLIC WORKS—*Con.*

South Lake, Lakevale Channel, Protection Works: in Com. of Sup., 2480, 3235 (ii).

Spanish River Improvements: in Com. of Sup., 3324 (ii).

Spry Bay Wharf: in Com. of Sup., 2474 (ii).

—— Expenditures *re*: Ques. (Mr. Crosby) 4895 (iii).

Stony Lake Wharfs Number, Cost, &c.: Ques. (Mr. Sexsmith) 1064 (i).

Strathcona Public Building: in Com. of Sup., 3224 (ii).

Sturgeon Falls and Sudbury Public Buildings, Purchase of Land, &c.: Ques. (Mr. Geo. Gordon) 817 (i).

Sturgeon's Pier, Enlargement: in Com. of Sup., 2510 (ii).

—— Tenders, Contracts, &c., for raising: Ques. (Mr. Fraser) 1241 (i).

Sydenham River, Clearing East Branch: in Com. of Sup. 3324 (ii).

Tangier Harbour Wharf Extension: in Com. of Sup., 2484 (ii).

Tatamagouche Bay Wharf, Expenditure for Oct. and Nov., &c.: Ques. (Mr. Stanfield) 185 (i).

—— Remarks (Mr. Stanfield) in Com. of Sup., 1621 (ii).

Tatamagouche River Bridge: Remarks (Mr. Maddin) in Com. of Sup., 2365 (ii).

Tenby Bay Wharf, Warehouse Construction, &c.: Ques. (Mr. Boyce) 339 (i).

Three Rivers Public Building: in Com. of Sup., 1318 (i).

Tiffin Harbour Improvements: in Com. of Sup., 2115 (ii).

Tignish Pier Extension: in Com. of Sup. 2510 (ii).

Toronto Harbour Improvements: in Com. of Sup., 3317 (ii).

—— Delay *re* Payments to Men: Ques. (Mr. Macdonell) 544 (i).

—— Western Entrance: in Com. of Sup., 2980 (ii).

Upper Prospect Breakwater: in Com. of Sup., 3235 (ii).

Vancouver Public Building: in Com. of Sup., 2082 (ii).

Vernon, B.C., Public Building; in Com. of Sup., 2075 (ii).

Vernon River Bridge: in Com. of Sup., 2511 (ii).

Victoria Harbour Improvements, Ont.: in Com. of Sup., 2117 (ii).

Victoria Immigration Buildings, B.C.: in Com. of Sup., 2082 (ii).

Wallace Bridge Wharf: in Com. of Sup., 2484 (ii).

PUBLIC WORKS—*Con.*
Wallace Bridge Wharf, Contract *re* Construction, &c.: Ques. (Mr. Rhodes) 1916 (i).
Welchpool, Campobello Island Wharf: in Com. of Sup., 1646 (i).
Welland County, Expenditures *re* Public Works: Ques. (Mr. T. Chisholm) 3990 (ii).
Westport Landing Pier: Remarks (Mr. Jameson) in Com. of Sup., 2457 (ii).
—— Amount expended, Estimated Cost, &c: Ques. (Mr. Jameson) 475 (i).
Westville Post Office, Contract Price, Inspector, &c.: Ques. (Mr. Crosby) 2755 (ii).
Westville Public Building: in Com. of Sup., 1292 (i).
Wharfs in N. S., N. B. and B. C., Amount expended since 1906, &c.: Ques. (Mr. Barnard) 348 (i).
—— M. for Ret.* (Mr. Barnard) 1190 (i).
Wharfs in Queens and Sunbury, Tenders called for in Oct. 1908, Estimated Cost, &c.: (Mr. Crocket) 2374 (ii).
Wharfs at St. Zotique, Amounts of Repairs, &c.: Ques. (Mr. Lortie) 1400 (i).
See 'Public Works,' &c. ,
Whitby Harbour, Negotiations *re* Acquisition by Govt.: Ques. (Mr. Hughes) 2372 (ii).
Whitby Public Building: in Com. of Sup., 1393 (i).
—— Advertisements for Tenders: Read in Com. of Sup., 1514 (i).
Whitehead, Grand Manan Wharf: in Com. of Sup., 1646 (i).
Windsor, N.S., Post Office, Tenders *re* Renovating, &c.: Ques. (Mr. Black) 4288 (iii).
Winnipeg Post Office Building: in Com. of Sup., 1549 (i).
Yamaska Landing Pier: in Com. of Sup., 2909 (ii).
Yamaska River Dredging: in Com. of Sup., 3291 (ii).
Yarmouth Harbour Improvements: in Com. of Sup., 2484 (ii).
Pulp, Paper, &c., Negotiations with U. S., *re* Duty: Remarks (Mr. R. L. Borden) 2384 (ii).
Pulp and Paper produced in Canada, Quantity exported to G. B. and U. S.: Ques. (Mr. Béland) 3048 (ii).
Quaco Harbour Pier: in Com. of Sup., 1629 (i).
Qu'Appelle Electoral District, Voters' Lists, &c.: M. for Copies* (Mr. Lake) 1191 (i).
Qu'Appelle, Long Lake and Saskatchewan Ry. Land Grant, Location, &c.: Ques. (Mr. McCraney) 468 (i).
Quarantine, General Expenditure: in Com. of Sup., 3193 (ii).
—— Partridge Island Water Service: in Com. of Sup., 3206 (ii).
Quarantine, Steamers 'Challenger,' &c.: in Com. of Sup., 5883 (iii).
Quebec and Blanc Sablon SS. Subventions: in Com. of Sup., 6653 (iv).
Quebec Bridge Co., Payments to Stockholders, &c.: Ques. (Mr. Foster) 163 (i).
—— M. for Ret.* (Mr. Foster) 353 (i).
Quebec Bridge Rebuilding, Estimated Total Cost, &c.: Ques. (Mr. R. L. Borden) 165 (i).
—— Plans, &c.: in Com. of Sup., 2050, 3421 (ii).
Quebec Bridge Report, French Translation: Ques. (Mr. Boyer) 1722 (i).
Quebec Bridge, Res. *re* Sub-Marine Viaduct, Construction of: Ques. (Mr. Lennox) 2321 (ii).
Quebec Camps of Instruction, Date of, Regiments attending, &c.: Ques. (Mr. Worthington) 5641 (iii).
Quebec Citadel, Refurnishing, &c., for Tercentenary: in Com. of Sup., 3211 (ii).
Quebec Detention Hospital in Savard Park: in Com. of Sup., 3221 (ii).
Quebec Harbour, Lévis: in Com. of Sup., 2094 (ii).
Quebec Harbours and Rivers, General Repairs: in Com. of Sup., 3243 (ii).
Quebec Judges, now receiving Pensions, Date of Apptmts.: Ques. (Mr. Delisle) 5634 (iii).
Quebec and New Brunswick Ry. Co.: *See* 'B. No. 171.'
Quebec Oriental Ry. Co.: *See* 'B. No. 138.'
Quebec Post Office, Elevators, &c.: in Com. of Sup., 1317 (i).
Quebec Tercentenary, Amount subscribed, Expenditure, &c.: Ques. (Mr. Foster) 1721 (i).
Quebracho Extract, Quantity imported, Pet. *re* Duty: Ques. (Mr. Arthurs) 1178 (i).
Queens and Sunbury Mail Service, Established in Oct., 1908: Ques. (Mr. Crocket) 2375 (ii).
Queens and Sunbury Wharfs, Construction, Estimated Cost, &c.: Ques. (Mr. Crocket) 2320 (ii).
Quesnelle and Fort George Improvements: Remarks (Mr. Burrell) in Com. of Sup., 6544 (iv).
Quesnel Telegraph Station Supplies, Contract *re*: Ques. (Mr. Burrell) 1919 (i).
Ques. of Privilege, Insulting Members: Par. in Toronto 'World' (Mr. M. Clarke) 3941 (ii).
See 'Privilege.'
Quinze and Blanche River Ry. Co.: *See* 'B. No. 119.'
Ry. Act Amt.: *See* 'Bills 2, 3, 6, 21, 32, 39, 54, 65, 72, 99, 106, 111 and 172.'
Railway Aid in Alberta, Representations *re*: Ques. (Mr. McCarthy) 676 (i).

Ry. Charters and Mileage Construction: *See* 'B. No. 65.'
Ry. Commission's Powers: *See* 'B. No. 39.'
Ry. Subsidies, 1908, Clerical Error: *See* 'B. No. 174.'
Ry. Trainmen on Locomotives: *See* 'B. No. 172.'
Railway Act (level crossings) Amt. B. No. 3 (Mr. Bickerdike): Remarks *re* M. for 2°, 555
RAILWAYS:
Alberta and Saskatchewan, Number of Miles in Operation: Ques. (Mr. McCarthy) 3049 (ii).
—— Aid in Alberta, Representations *re* Ques. (Mr .McCarthy) 676 (i).
Algoma Steel Co., N.T.R. Contracts *re* Rails, &c.: Ques. (Mr. Boyce) 336 (i).
Arbitrations and Awards: in Com. of Sup., 2054 (ii).
Aylen, Mr. J., Emplymt. by Transcontinental Ry. Co.: Ques. (Mr. Lennox) 5096 (iii).
B.C. Railway Belt, Litigation between Dom. and B.C.: Ques. (Mr. J. D. Taylor) 3043 (ii).
Brockville, Westport and Northwestern Ry., Names of Stockholders, Passenger Rates, Freight Rates, &c.: Ques. (Mr. Geo. Taylor) 3473 (ii).
Buell, Mr., Legal Work before Ry. Commission *re* Express Companies: Remarks (Mr. S. Sharpe) 3002 (ii).
—— Ques. (Mr. S. Sharpe) 3252 (ii).
Caledonia and Liverpool Ry. Lines, Construction, &c.: M. for Cor.* (Mr. R. L. Borden) 1734 (i).
Canada Eastern Railway, Original Price, Expenditure *re* Repairs, Value, &c.: Ques. (Mr. Ames) 2149, 2579 (ii).
—— Cost of: Corrected Answer (Mr. Graham) 3363 (ii).
C.P.R. Additional Stock, Distribution of: Remarks (Mr. W. F. Maclean) on M. for Sup., 416 (i).
—— O.Cs. *re*: M. for Copy* (Mr. W. F. Maclean) 685 (i).
—— O.Cc., &c.: Read (Mr. W. F. Maclean) 780 (i).
—— O.Cs.: on M. for Sup. (Mr. W. F. Maclean) 1321 (i).
—— Ref. to Courts, &c.: Remarks (Mr. W. F. Maclean) 882 (i).
C.P.R., Closing of Law Suit: Remarks (Mr. Turriff) on M. for Sup., 2920 (ii).
—— Gimli Branch Subsidy: Remarks (Mr. Bradbury) in Com. of Sup., 2965 (ii).
Canadian Railways, Improved Service, &c.: Remarks (Mr. W. F. Maclean) on M. for Sup., 626 (i).
RAILWAYS—*Con.*
Capitalization of Stock, Regulations by Ry. Commissioners: Remarks (Mr. R. L. Borden) 1187 (i).
Cattle Guards at Ry. Crossings, Complaints *re*: Ques. (Mr. S. Sharpe) 1409, 1724 (i).
Central Ry. of N. B., Rep. of Commission *re*: Remarks (Mr. Foster) 4125 (iii).
See 'N.B. Central,' &c.
Charters, Lapsed Powers, Date of Charters, &c.: M. for Ret.* (Mr. Magrath) 1190 (i).
Crossing, Accident near Kingston: Remarks (Mr. Edwards) 251 (i).
Crossings of Rys., Methods adopted by Ry. Board *re* Protection, Expenditure, &c.: M. for Ret.* (Mr. Lennox) 827 (i).
Crossings, Number of Accidents, Time, Cause, &c.: M. for Ret.* (Mr. Lennox) 158 (1).
—— Inquiry for Ret. (Mr. Lennox) 548, 1320 (i).
Crossings, Cor. with Ry. Commission: Remarks (Mr. Lennox) 291 (i).
—— Legislation *re*: Remarks (Mr. Lennox) 1977 (i).
—— Preventions *re* Accidents: Prop. Res. (Mr. Lennox) 1192 (i).
—— Width of Opening, &c.: Remarks (Mr. W. McIntyre) 3568 (ii).
Dominion Atlantic Ry., Examination by Govt.: Remarks (Mr. Black) in Com. of Sup., 2927 (ii).
—— Interview with Manager: Remarks (Mr. Black) 3003 (ii).
Expropriation of Ry. Lands, Complaints *re*: Remarks (Mr. McKenzie) 4802 (iii).
French Language used by Ry. Cos., Telephone Cos., &c.: M. for Cor.* (Mr. Paquet) 1421 (i).
G. T. Ry., Indebtedness to Canada: M. for O.Cs. (Mr. Geo. Taylor) 3056 (ii).
—— Ques. (Mr. Geo. Taylor) 2759 (ii).
—— Ques. (Mr. Cowan) 3046 (ii).
G.T. Ry., Level Crossings, Cost of Protection, &c.: Ques. (Mr. Lennox) 1913 (i).
G.T. Ry., Madoc-Eldorado Branch Ry., &c.: Ques. (Mr. Northrup) 245 (i).
G. T. Ry., Major's Hill Park, Conveyance by Govt., O.Cs., Reps., &c.: M. for Ret.* (Mr. R. L. Borden) 352 (i).
—— Remarks (Mr. R. L. Borden) 13 (i).
G. T. Stock, Outstanding, Rate of Interest, Total Liabilities, &c.: Ques. (Mr. Middleboro) 3651 (ii).
Grant to McGill College: in Com. of Sup., 2071 (ii).
Halifax and Southwestern Ry. Subsidy, Negotiations *re* Construction, &c.: Ques. (Mr. Graham) 1561 (i).

RAILWAYS—*Con.*

Harmony-Elmira Branch of P. E. I. Ry., Tenders *re* Construction: Ques. (Mr. Fraser) 1243 (i).

Highways, Removal of Planks, Instructions from Ry. Commissioners: Remarks (Mr. Schaffner) 1022 (i).

Hudson Bay Ry. Surveys: in Com. of Sup., 2960 (ii).

——— M. for Ret. (Mr. Meighen) 685 (i).

Hudson Bay Ry., Total Expenditure, Number of Employees: Ques. (Mr. Meighen) 1055 (i).

Lake St. John Ry., Colonization Subsidy Grant, Amounts, &c.: Ques. (Mr. Paquet) 678 (i).

Level Crossing Accident Ret., Par. in Ottawa 'Citizen': Remarks (Mr. Lennox) 1116 (i).

Level Crossings, Orders of Ry. Com. of Privy Council: Inquiry for (Mr. R. L. Borden) 549 (i).

See 'Crossings.'

Lussier, J. A., Payments to by Ry. Dept.: Ques. (Mr. Monk) 3990 (ii).

Mail Cars, Recommendation of Ry. Commissioners *re* Changes: Ques. (Mr. Sproule) 3652 (ii).

Mail Clerks: in Com. of Sup., 1699 (i), 3432 (ii).

Mail Clerks, Furois, Dorais and Wathen, Dates of Examination for Promotions, &c.: Ques. (Mr. Gauvreau) 3253 (ii).

Mail Clerks, Increase of Salaries: Ques. (Mr. Boyce) 4223 (iii).

Mail Service, Increases, &c.: Ques. (Mr. Macdonell) 336 (i).

Mileage of Ry. Construction from 1888 to 1908, Authorized by Charters: Ques. (Mr. Middlebro) 1076 (i).

N. B. Central Ry. Commission, Rep., Printing: Remarks (Mr. Foster) 4236 (iii).

——— Statement *re*: Remarks (Mr. Foster) 4296 (iii).

N. B. Central Ry. Commissioners' Report, O.Cs., &c.: M. (Mr. Foster) to lay on Table, 5634 (iii).

N. B. Central Ry. Commissioners' Rep. and Hon. Mr. Pugsley; Amt. (Mr. Crothers) to Com. of Sup., 5645; Neg. (Y. 63; N. 90) 5830 (iii).

——— Ques. of Priv. (Mr. Pugsley) 6058 (iv).

Payne, J. Lambert, Duties, Salary, Hours of Work, &c.: Ques. (Mr. McKenzie) 1726 (i).

Pembroke Ry. Crossing, Cost of Protection by Public Works Dept.: Ques. (Mr. Lennox) 2159 (ii).

RAILWAYS—*Con.*

P.E.I. Ry., Charlottetown, Increased Accommodation: in Com. of Sup., 2959 (ii).

——— Elmira and Harmony Branch Ry., Contract *re* Construction: Ques. (Mr. Fraser) 6787 (iv).

——— Harmony-Elmira Branch: in Com. of Sup., 2952 (ii).

——— Montague Branch, Land Claims: in Com. of Sup., 3420 (ii).

——— Souris Wharf Extension: in Com. of Sup., 3418 (ii).

Qu'Appelle, Long Lake and Saskatchewan Ry. Land Grant, Location, &c.: Ques. (Mr. (McCraney 468 (i).

Railways and Canals Dept., Consulting Engineer: in Com. of Sup., 386 (i).

——— Deptl. Rep.: Inquiry for (Mr. Emmerson) 1250 (i).

——— Deptl. Rep.: Presented (Mr. Graham) 1318 (i).

——— Litigation Expenses: in Com. of Sup., 2055 (ii).

——— Miscellaneous Works: in Com. of Sup., 2054 (ii).

——— Salaries: in Com. of Sup., 461 (i).

——— Surveys, &c.: in Com. of Sup., 2055 (ii).

Railway Commissioners, Report: Presented (Mr. Graham) 289 (i).

——— Board, Pet. *re* Vacancy: Ques. (Mr. Staples) 529 (i).

——— Legal Expenses: in Com. of Sup., 2056, 2068 (ii).

——— Maintenance: in Com. of Sup., 2044 (ii).

——— Vacancy, Apptmt. of Practical Farmer from N.W.: Prop. Res. (Mr. Staples) 2625; Amt. (Mr. W. M. Martin) 2659; Agreed to (Y. 94; N. 54) 2668 (ii).

Ry. Subsidy c. 40, Edward VII., Reps., &c.: M. for Cor.* (Mr. Ames) 2161 (ii).

Railways, Telegraphs, &c., Com., 14th Rep. *re* Private Bills Payments, M. (Mr. Guthrie) to conc., 4986 (iii).

Saskatchewan, Number of Miles in Operation from 1896 to 1908: Ques. (Mr. Lake) 3475 (ii).

Telegraph and Telephone Tariffs, Regulations by Ry. Board: Ques. (Mr. Lennox) 2764 (ii).

Telephone Companies, O.C. *re* Control by Ry. Commission: Ques. (Mr. A. K. Maclean) 1072 (i).

——— Provincial Control by Ry. Commission: Ques. (Mr. Daniel) 1418 (i).

Telephone Lines crossing Rys., Applications, Refusals, &c.: Ques. (Mr. Barr) 335 (i).

——— M. for Ret.* (Mr. Barr) 353 (i).

RAILWAYS—*Con.*
Two-Cent Fares, Refund by G. T. Ry., Letter Read (Mr. W. F. Maclean) on M. for Sup., 2911 (ii).
Rama Indians Trust Fund, Amount held by Govt., &c.: Ques. (Mr. S. Sharpe) 543 (i).
Rama Township, Expenditures on Roads and Bridges: Ques. (Mr. S. Sharpe) 677 (i).
Rand, Dr. F. A., Payments *re* Indians: Stmnt (Mr. Oliver) in Com. of Sup., 1168 (i).
Red Cross Society: *See* 'B. No. 160.'
Red River Expedition, Land Grants to Officers, &c.: Ques. (Mr. Boyce) 3990 (ii).
Red River Settlers, Deputation *re* Land Grants: Remarks (Mr. Bradbury) in Com. of Sup., 6278 (iv).
Registered Letters: *See* 'B. No. 19.'
Registered Stock, Arrangements *re* Importation from U. S., Regulations *re* : Ques. (Mr. J. D. Taylor) 2379 (ii).
Regulations and Treaty *re* Fisheries, Prof. Jordan's Communication, &c.: to Ont. Govt.: Remarks (Mr. Brodeur) in Com. of Sup., 6963 (iv).
Representation in House of Commons: *See* 'Proportional.'
Restaurant Com., 2nd Rep.: M. (Mr. Pugsley) 290 (i).
——— Interim Rep.: Remarks (Mr. Foster) 402 (i).
See 'House of Commons.'
Returns: Inquiry for (Mr. Foster) 1718 (i), 2218, 2493, 2674, 3110, 3202 (ii).
Returns, Inquiry for (Mr. Lennox) 6412 (iv).
Revenue Details *re* Amount of $699,235.52 in December, 1908: M. for Ret.* (Mr. Ames) 158 (i).
Revenue for December, Details of 'Miscellaneous Expenditure': Ques. (Mr. R. L. Borden) 149 (i).
Richard's Landing, St. Joseph's Island Pier : in Com. of Sup., 2978 (ii).
'Richelieu' Dredge, Removal of Captain, &c.: Ques. (Mr. Monk) 1185 (i).
Richelieu River Improvements, Office: Ques. (Mr. Monk) 1185 (i).
Richelieu River Improvements: in Com. of Sup. 2559 (ii).
Richibucto Cape Breakwater Wharf: in Com. of Sup., 1629 (i).
Richibucto Harbour, Breakwater: Conc., 4049 (iii).
——— Claims of John Jardine: in Com. of Sup., 3237 (ii).
Richmond Rifle Range, Protection *re* Target Shooting: Ques. (Mr. J. D. Taylor) 1722 (i).
Rideau Canal Improvements: in Com. of Sup., 3420 (ii).
——— Jones' Falls Bridge: in Com. of Sup., 2030 (ii).
Rideau Hall, Fuel Allowance: in Com. of Sup., 1611 (i).
——— Grounds, Improvements: in Com. of Sup., 1611 (i), 3232-3 (ii).
Riding Mountain Timber Reserve, Compensation to Squatters, &c.: Ques. (Mr. Roche) 530 (i).
Ridout, John Grant, Relief of: *See* 'B. No. 121.'
Rifles, Swiss and Foreign, Regulations *re* Importation into Canada: Ques. (Mr. Worthington) 2381 (ii).
Rimouski Wharf, Sheathing West Side: in Com. of Sup., 2557 (ii).
Riviere du Loup, Dredging: in Com. of Sup., 3284 (ii).
——— Machine Shops, I.C.R.: in Com. of Sup., 2949 (ii).
Riviere du Moulin Pier, Pets., Reps. *re* Construction: M. for Copies* (Mr. Ames) 2161
River St. John Wharfs, Contribution of Local Govt.: in Com. of Sup. 1638 (i).
See 'St. John,' &c.
Robertson, Thos., Suspension by Pilotage Board, B.C.: Remarks (Mr. Barnard) on M. for Sup., 6855 (iv).
Roblin Bridge: Remarks (Mr. Roche) in Com. of Sup., 2995 (ii).
Roblin and Forest Mills Mail Route, Carrier, Remuneration, &c.: Ques. (Mr. U. Wilson) 333 (i).
Rondeau Harbour, Improvements: in Com. of Sup., 2979 (ii).
Roof Garden, New Wing, H. of C.: Remarks (Mr. Lennox) 7074 (iv).
Ross Rifle, Authority *re* Adoption by Can. Govt.: Ques. (Mr. Worthington) 1072 (i).
——— Bayonet Contracts, Cost of, &c.: Ques. (Mr. Worthington) 344 (i).
——— Bayonets at Factory, Installments of Machinery, &c.: Ques. (Mr. Worthington) 670 (i).
——— Bisley Competitions, Description of: Ques. (Mr. Worthington) 343 (i).
——— Claims for Damages *re* Accidents, &c.: Remarks *re* former Answer (Sir Frederick Borden) 548 (i).
Ross Rifle Factory, Number of Employees, Inspection *re* Standards: Ques. (Mr. Northrup) 1411 (i).
Ross Rifles, Mark I., and Mark II., used by Canada at Bisley, Description, &c.: M. for Ret.* (Mr. Worthington) 684 (i).
——— Number accepted and rejected by Militia Dept.: Ques. (Mr. Northrup) 245, 329 (i).
——— Reps. *re* Merits and Demerits, Cor., &c.: M. for Ret.* (Mr. Worthington) 1189 (i).
——— Rep. of Small Arms Com., Date of last Contract: Ques. (Mr. Worthington) 471 (i).

Ross Rifle, Weight, Length, Diameter, &c.: Ques. (Mr. J. A. Currie) 4891 (iii).
Royal Canadian Accident Insurance Co.: *See* 'B. No. 63.'
Royal Canadian Dragoons, Contract *re* Supplies: Ques. (Mr. Monk) 2767 (ii).
Royal Casualty and Surety Co. of Can.: *See* 'B. No. 51.'
Royal Guardians: *See* 'B. No. 95.'
Royal Military College: in Com. of Sup., 3423 (ii).
Royal Military College, Kingston, Additional Buildings: in Com. of Sup., 1381 (i).
—— Commandant: Remarks (Mr. Lancaster) in Com., 6660 (iv).
—— Estimated Total Cost: Ques. (Mr. Edwards) 1732 (i), 2319 (ii).
Royal Military College Stables, Tenders *re*: Ques. (Mr. Edwards) 1732, 1733 (i).
Royal Military College, Water Supply, Defects, &c.: Ques. (Mr. Hughes) 682 (i).
Royal Mint, Coins manufactured. Sale and Purchase of Silver, &c.: M. for Ret.* (Mr. Armstrong) 244, 354 (i).
—— Guard House, Gates, &c.: in Com. of Sup., 3205 (ii).
—— Refining Machinery: in Com. of Sup., 1271 (i).
—— Total Cost, Expenditure, Amount of Silver, &c.: M. for Ret.* (Mr. Foster) 352 (i).
—— Ques. (Mr. Foster) 146 (i).
R.N.W.M. Police Barracks Grounds, Transfer to Ry. Corporations, &c.: Ques. (Mr. McCarthy) 819 (i).
See 'N.W.M.P.'
Royal Victoria Life Insurance Co.: *See* 'B. No. 177.'
Rural Free Mail Delivery: on M. for Sup. (Mr. Armstrong) 2774 (ii).
—— Number of Routes, &c.: Ques (Mr. (Armstrong) 6408 (iv).
Rural Mail Boxes, Number delivered in Dufferin County: Ques. (Mr .Barr) 341 (i).
Rural Mail Delivery: in Com. of Sup., 1714 (i), 3423 (ii).
Rural Mail Delivery, Alberta: M. for Cor.* (Mr. McCarthy) 3056 (ii).
Rural Mails in East Northumberland, &c.: Ques. (Mr. Owen) 3480 (ii).
—— Establishment of in Grey County: Ques. (Mr. Middlebro) 671 (i).
—— Prince Edward County, Establishment of: Ques. (Mr. Porter) 1077 (i).
Rural Mail Delivery, Location of Routes, Non-delivery, &c.: Ques. (Mr. Armstrong) 347 (i).
—— Purchase of Boxes, Duty, &c.: Ques. (Mr. Armstrong) 179 (i).
—— System, &c.: Ques. (Mr. R. L. Borden) 148 (i).
Rural Mail Delivery, Total Expenditure on Routes: Ques. (Mr. Armstrong) 677 (i).
Rutherford Bay Island, Dispute *re* Ownership, &c.: Ques. (Mr. Smyth) 6408 (iv).
Rutherford, Dr. J. S., Resignation, Salary, &c.: Ques. (Mr. Monk) 1720 (i).
St. Alphonse de Bagotville Wharf: in Com. of Sup., 2900 (ii).
St. Alphonse Wharf, Removal of Rocks: in Com. of Sup., 2901 (ii).
St. Andrew's Bridge Repairs: Remarks (Mr. Bradbury) in Com. of Sup., 3000 (ii).
—— Contract re Approaches: Ques. (Mr. Bradbury) 2159 (ii).
St. Andrew's Lock Construction, Number of Employees, &c.: Ques. (Mr. Bradbury) 531 (i).
St. Andrew's Rapids Locks, &c.: in Com. of Sup., 2097 (ii).
St. Andrew's Wharf: in Com. of Sup., 1645 (i).
Ste Anne de Bellevue Locks, Pets. *re* Dredging, &c.: Ques. (Mr. Boyer) 3483 (ii).
Ste. Anne Des Monts Harbour Improvements: in Com. of Sup., 2906, 3287 (ii).
St. Anne's Lock, Renewing Bridges: in Com of Sup., 2029 (ii).
St. Boniface Immigration Hospital: in Com of Sup., 7035 (iv).
St. Charles River, Estuary Extension: in Com. of Sup., 2095 (ii).
St. Francis du Lac Landing Pier: in Com. of Sup., 3285 (ii).
St. Francis River: in Com. of Sup., 2898 (ii).
St. Fulgence Wharf: in Com. of Sup., 2906 (ii).
St. Helen's Island Wharf: Remarks (Mr. Gervais) in Com. of Sup., 3243 (ii).
St. Jacques River, Ice Piers: in Com. of Sup., 3287 (ii).
St. Jean des Chaillons Wharf: in Com. of Sup., 2906 (ii).
St. John Drill Hall, N.B.: in Com. of Sup., 1293 (i).
St. John Harbour and Courtney Bay, Surveys and Borings, Cor., Reps., Advertisements *re* Tenders, &c.: M. for Ret.* (Mr. Daniel) 826 (i).
St. John Dredging, Apptmt. of Supt., &c.: Ques. (Mr. Daniel) 5632 (iii).
St. John Harbour, Dredging Contract, Payments to Mayes *re* Dredging: Ques. (Mr. Foster) 1181 (i).
—— Contracts, Surveys, &c.: Ques. (Mr. Foster) 1917 (i).
—— Contract for Wharf Extension: Ques. (Mr. Monk) 2770 (ii).
—— Date of beginning, Contracts, &c.: Ques (Mr. Foster) 2158 (ii).

St. John Harbour, Improvements: in Com. of Sup., 1645 (i), 2109 (ii).

——Surveys, Election Promises: Remarks (Mr. Crocket) in Com. of Sup., 1642 (i). *See* 'Mayes,' &c.

St. John Hospital, Fitting of Martello Building: in Com. of Sup., 3210 (ii).

St. John Lighthouse, Purchase of Land, &c.: in Com. of Sup., 6915 (iv).

St. John and Minas Basin SS. Subvention: in Com. of Sup., 6654 (iv).

St. John Postmaster, Superannuation of, Aptmt. of Successor, &c.: Ques. (Mr. Daniel) 871 (i).

St. John River, Channel Survey, Rep., Letters, Instruction, &c.: M. for Ret.* (Mr Crocket) 881 (i).

—— Construction of Tidal Waters Wharfs: in Com. of Sup., 5238 (ii).

—— Survey between Fredericton and Woodstock: in Com. of Sup., 1641 (i).

——Surveys: Inquiry for Papers (Mr. Crocket) 3254 (ii), 5249 (iii).

—— Tributaries, Wharf construction in Tidal Waters: in Com. of Sup., 1653 (i).

St. Johns Military Buildings, Lease, Rental, &c.: Ques. (Mr. Monk) 672 (i).

—— Public Building: in Com. of Sup., 1317 (i).

St. Johns, Richelieu River Improvements, Estimates, &c.: Ques. (Mr. Monk) 2817 (ii).

St. Johns Wharf, Expenditure, Tenders, &c.: Ques. (Mr. Monk) 2768 (ii).

St. Joseph's Hospital, Victoria, B.C., Arrangements for Sick Mariners, &c.: Ques. (Mr. Barnard) 3197 (ii).

St. Joseph's Island Wharfs, Expenditures *re* Ques. (Mr. Boyce) 337 (i).

St Joseph Wharf, Expenditure in 1908: Ques. (Mr. Armstrong) 2586 (ii).

St. Justine Mail Delivery, Complaints *re*: Ques. (Mr. Boyer) 3480 (ii).

St. Lawrence Canals: in Com. of Sup., 1572 (i).

St. Lawrence Channel, Expenditure *re* Dredging, Continuation of Work, &c.: Ques. (Mr. Ecrement) 2150 (ii).

—— Channel at Kingston, Improvements: in Com. of Sup., 2979 (ii).

St. Lawrence Ship Canal: in Com. of Sup., 6877 (iv).

St. Mary's and Milk River Diversions by U.S.: in Com. of Sup., 6238 (iv). *See* 'Waterways.'

St. Mary's and Western Ontario Ry. Co.: *See* 'B. No. 70.'

St. Maurice and Eastern Ry. Co.: *See* 'B. No 176.'

St. Maurice River, Grande Piles Channel: in Com. of Sup., 2900 (ii).

St. Michel, Yamaska Landing Pier: in Com. of Sup., 3247, 3262 (ii).

St. Nicholas Indian Island, Disposal of by Govt.: Ques. (Mr. Boyce) 1410 (i).

St. Nicholas Wharf Repairs: in Com. of Sup., 2908 (ii).

St. Peters Indian Reserve, Instructions of Mr. Vaughan, Cor., &c.: M. for Copies* (Mr. Bradbury) 354 (i).

—— Patents *re* Surrender: M. for Ret.* (Mr. Bradbury) 1191 (i).

—— Removal to Fisher's Lake: in Com. of Sup., 3462 (ii).

—— Surrender, &c.: Remarks (Mr. Bradbury) in Com. of Sup., 1017, 1139 (i).

St. Peters Indian Treaty, Cor., Instructions, &c.: M. for Copies* (Mr. Bradbury) 1421 (i).

Ste. Philomene Mail Contract, Annual Cost, &c.: Ques. (Mr. Monk) 2770 (ii).

St. Pierre River Drainage, Floods, &c.: M. (Mr. Monk) to adjn., 4229 (iii).

St. Polycarpe Post Office, Complaints *re* Officials, Change of Site, &c.: Ques. (Mr. Lortie) 4894 (iii).

Ste. Rosalie Improvements: in Com. of Sup., 2948 (ii).

St. Vincent de Paul Penitentiary, Contract with J. G. Herous *re* Timber, &c.: Ques. (Mr. Monk) 6404 (iv).

—— Furniture Making: Remarks (Mr. Monk) in Com. of Sup., 900 (i).

—— Ques. (Mr. Monk) 673 (i).

—— Insufficient Number of Guards, &c.: Ques. (Mr. C. A. Wilson) 1417 (i).

St. Williams Landing Pier: Remarks (Mr. McCall) in Com. of Sup., 3332 (ii).

Sackville Improvements, I.C.R.: in Com. of Sup., 2934 (ii).

Saguenay River Booms, Construction of by Govt.: Ques. (Mr. Girard) 4222 (iii).

Saguenay River Dredging and Improvements: in Com. of Sup., 2802, 2878 (ii).

Saguenay River Wharf: in Com. of Sup., 3284 (ii).

Salaries of Civil Servants. *See* 'B. Nos. 137, 138 and 187.'

Salaries of Letter Carriers. *See* 'B. No. 136.'

Salisbury and Harvey Railroad Co. *See* 'B. No. 35.'

Salvation Army Council. *See* 'B No. 142.'

Sandy Cove Breakwater, Amounts owing for Labour, &c., Names, &c.: Ques. (Mr. Jameson) 1728 (i).

Sandy Cove Breakwater, Payments to Contractors: Ques. (Mr. Jameson) 1419 (i).
——— Remarks (Mr. Jameson) in Com. of Sup., 2475, 3235 (ii).
Sanitary Conditions on Rys.: *See* 'B. No. 111.'
Saturday Sittings: M. (Sir Wilfrid Laurier) 5644 (iii).
Sault Ste. Marie Channels, Contracts *re* Buoys, &c.: Ques. (Mr. Boyce) 3482 (ii).
Sault Ste. Marie, Construction : in Com. of Sup., 1909 (i).
——— Dredging: in Com. of Sup., 1909 (i).
Sault Ste. Marie Farm and Garden Imports, Value, &c.: Ques. (Mr. Boyce) 339 (i).
Sault Ste. Marie Wharf: in Com. of Sup., 2980 (ii).
——— Dredging Approaches: in Com. of Sup., 3316 (ii).
Savings Bank Deposits, Increase of Interest: Ques. (Mr. T. Chisholm) 1396 (i).
Savings Deposits and Loans, 3 per cent, &c., Amounts, &c.: Ques. (Mr. S. Sharpe) 679 (i). *See* 'Loans.'
School Lands, Alberta, Total Area, Fund, Payments, &c.: Ques. (Mr. McCarthy) 7072 (iv).
Scotch Cove Breakwater: in Com. of Sup., 3234 (ii).
Scotch Farmers, Report *re* Visit to Canada : Remarks (Mr. R. L. Borden) 6060 (iv).
'Scotia' SS., Subsidy Terms, &c.: Ques. (Mr. Crosby) 4895 (iii).
Sea Gull Wharf, Amount expended, &c.: Ques. (Mr. Boyce) 338 (i).
Seal Cove, Grand Manan Island Breakwater Pier: in Com. of Sup., 1645 (i).
Secretary of State, Date of Resignation, Apptmt. of Successor, &c.: Ques. (Mr. Boyce) 185 (i).
——— Deptl. Rep.: Presented (Mr. Murphy) 14 (i).
Sec. of State, Salaries: in Com. of Sup., 458 (i).
Security Life Insurance Co., of Canada : *See* 'B. No. 188.'
Seed Grain, Distribution to Settlers: in Com. of Sup., 3464 (ii).
——— Expenditure, &c.: Ques. (Mr. Foster) 144 (i).
——— M. for Ret.* (Mr. Foster) 352 (i).
Seed Grain, Relief, &c.: Indians: in Com. of Sup., 998 (i).
Seed Oats purchased for Alberta, Complaints *re*: Ques. (Mr. W. H. Sharpe) 1420 (i).
Seed Wheat, Number of Bushels purchased, Price paid, &c.: M. for Ret.* (Mr. W. H. Sharpe) 1734 (i).
Seed Wheat, &c.: Ques. (Mr. W. H. Sharpe) 1419 (i).
Seizures by Inland Revenue, Number for 1904-5-6-7-8, Dates, Amounts, realized, &c.: M. for Ret.* (Mr. Barr) 685 (i).
Selkirk Post Office, Estimated Cost, Tenders, &c.: Ques. (Mr. Bradbury) 347, 530 (i).
Senate, Abolition of : Prop. Res. (Mr. Lancaster) 1421 (i).
Senatorships, Commercial Negotiations *re*: ref. to in debate on Address (Mr. Foster) 52 (i).
Sergeant-at-Arms, Classification *re* C. S. Bill: *See* 'House of Commons, Staff,' &c.
Sessional Allowances, Deductions *re* Assent to Bills: Remarks (Mr. Taylor) 4119 (iii).
Sessional Messengers appointed or dismissed since 1880: M. for Ret.* (Mr. Paquet) 521 (i).
Sessions of Parlt., Length of, Ref. to in debate on Address (Mr. R. L. Borden) 27 (i).
Shad Fisheries, N.S., Rep. of Prof. Prince: Inquiry for (Mr. Stanfield) 3254 (ii).
'Shanghaiing' in Vancouver, Investigation *re*, Rep. &c.: Ques. (Mr. Cowan) 3481 (ii).
Shelburne Public Building: in Com. of Sup., 1291 (i).
Shell River Bridge, Original Estimated Cost: Ques. (Mr. Roche) 529 (i).
Sherbrooke Armoury, Completion of, Total Cost, &c.: Ques. (Mr. Worthington) 5643 (iii).
——— Contract *re*: Ques. (Mr. Edwards) 3478 (ii).
Sherbrooke Drill Hall: in Com. of Sup., 1317 (i), 3222 (ii).
Sherbrooke New Regiment, Construction, Appropriations *re* Band: Ques. (Mr. Worthington) 5643 (iii).
Shippegan Harbour Improvements: in Com. of Sup., 1645 (i).
Shipping Act Amt.: *See* 'B. Nos. 131 and 179.'
Ships Inspection: *See* 'B. No. 73.'
Ships' Water Lines: *See* 'B. No. 45.'
Shipping Drawbacks, Amounts paid from 1898 to 1908: Ques. (Mr. Sinclair) 167 (i).
Sillsville and The Pines Mail Route, Carrier, Remuneration, &c.: Ques. (Mr. U. Wilson) 333 (i).
Silver Centre Wharf: in Com. of Sup., 3317 (ii).
Silver Currency coined in Canada for 1905-6-7-8, Profits, U.S. Silver circulated in Can., &c.: Ques. (Mr. Beattie) 868 (i).
Simcoe and Couchiching Lakes, Expenditure *re* Lowering Waters: Ques. (Mr. S. Sharpe) 543 (i).
Simcoe Public Building: in Com. of Sup., 1392 (i).
Sissiboo River Bridge, Construction, &c.: Remarks (Mr. Jameson) on M. for Sup., 6834 (iv).
Smith, John Denison, Relief of: *See* 'B. No. 157.'

Smith, Thomas L., Patent of: *See* 'B. No. 71.'
Snag Boat at Selkirk, Total Cost: Ques. (Mr. Bradbury) 474 (i).
Snider Rifles, Disposition of Old Ones: Ques. (Mr. Worthington) 2381 (ii).
Somerville, Thos., Payments to by P.O. Dept.: (Mr. Wallace) 1559 (i).
Sorel Deep Water Wharf: in Com. of Sup., 2909, 3289 (ii).
Sorel Ship Yard, Purchase of Property: in Com. of Sup., 6885 (iv).
——— Repairs of Boats owned by Marine Officials: Ques. (Mr. Geo. Taylor) 4702 (iii).
Soulanges Canal, Amount expended for Repairs, Suspension of Mr. A. Sauve: Ques. (Mr. Lortie) 1404 (i).
——— Fire Proof Building: in Com. of Sup., 1569 (i).
——— Number of Employees, Names, Salaries, &c.: Ques. (Mr. Boyer) 869 (i).
——— Slope Trimmings: in Com. of Sup., 1569 (i).
Soulanges County Wharfs, Repairs, Valuations &c.: M. for Ret.* (Mr. Lortie) 3055 (ii).
Soulanges Island, Change of Name: Ques. (Mr. Lortie) 2757 (ii).
Souris, Man., Postmaster, Dismissal of Mr. J. Dolmage, Investigation *re*: Ques. (Mr. Schaffner) 1915 (i).
——— Remarks (Mr. Schaffner) on M. for Sup. 6847 (iv).
Souris Dredging, P. E. I.: in Com. of Sup., 6554 (iv).
Souris Wharf Extension, P. E. I. Ry.: in Com. of Sup., 3418 (ii).
S. A. Bounty Act, Regulations *re*: Remarks (Mr. Lennox) on M. for Sup., 2219 (ii).
South African Land Grants, Changes *re* Regulations as to Residence, &c.: Ques. (Mr. W. H. Sharpe) 541 (i).
——— Conditions of Entry, &c.: Ques. (Mr. Hughes) 1179 (i).
——— Number located, Apptmts. of Substitute, &c.: Ques. (Mr. Daniel) 6404 (iv).
——— Land Scrip, Sale of to Govt. Employees: Ques. (Mr. Foster) 143 (i).
——— Remarks (Mr. Lake) in Com. of Sup., 6273 (iv).
——— Land Grant to Teachers, &c.: Ques. (Mr. Ames) 3986 (ii).
——— Homesteads issued, &c.: Ques. (Mr. Edwards) 2818 (ii).
S. A. Patriotic Fund, Names of Beneficiaries, &c.: Ques. (Mr. Wallace) 2157 (ii).
Southampton Dock, Repairs: in Com. of Sup., 2980 (ii).
——— Dock Extension: in Com. of Sup., 3317 (ii).
Southern Central Pacific Ry. Co.: *See* 'B. No. 36.'
South Lake, Lakevale opening Channel: in Com. of Sup., 2480 (ii).
——— Protection Works: in Com. of Sup., 3235 (ii).
Spanish River Improvements: in Com. of Sup., 3324 (ii).
Speaker, Election of, 2 (i).
Speaker, Dep., Apptmt. of: M. (Sir Wilfrid Laurier) 140 (i).
Specie Reserve, Date of Last Inspection, &c.: Ques. (Mr. Perley) 869 (i).
Speech from Throne: Read (Mr. Speaker) 9 (i).
Spry Bay Govt. Wharf, Expenditures *re*: Ques. (Mr. Crosby) 4895 (iii).
Spry Bay Wharf: in Com. of Sup., 2474 (ii).
Squatters Claims on Dauphin Reserve: Remarks (Mr. Campbell) in Com. of Sup., 6287 (iv).
——— Burning of Buildings, &c.: Ques. (Mr. Campbell) 3045 (ii).
Stamps, Special, &c.: in Com. of Sup., 3432 (ii).
Standing Orders Com., 1st Rep. of Com.: M. (Mr. A. H. Clarke) to conc., 2019 (ii).
'Stanley' and 'Minto' Strs., Names and Residences of Officers: Ques. (Mr. Fraser) 674 (i).
——— Total Expenditure from 1894 to 1908: M. for Ret.* (Mr. Maddin) 1922 (i).
Statistical and Special Information Publications, Number issued by Depts., Cost, &c.: M. for Ret.* (Mr. Foster) 157 (i).
Statutes, French Translation, Designation of Titles: Remarks (Mr. Paquet) on M. for Sup. 2020 (ii).
Statutes for 1908, Delay in Publishing, &c.: Ques. (Mr. Macdonell) 183 (i).
Steamers on Lake Winnipeg for Indian Dept. Lease, Cost, &c.: Ques. (Mr. Bradbury) 1403 (i).
Steamship Subsidies: *See* 'B. No. 146.'
SS. Subventions, Contingent Fund: in Com. of Sup., 6655 (iv).
Steel Cars, Introduction of on I.C.R., &c.: (Mr. Sproule) 481 (i).
Steel Importations from 31st March, 1908, to Jan. 31, 1909: M. for Ret. (Mr. Boyce) 355 (i).
Stellarton Station, I.C.R., Area of Concrete Walks, &c.: Ques. (Mr. Sexsmith) 5630 (iii).
Stone, Broken and Rough for Marine Dept., Tenders, Contracts, Prices, &c.: Ques. (Mr. Blondin) 2593 (ii).
Stony Lake Property, Damage *re* Floods: Ques. (Mr. Sexsmith) 825 (i).
——— M. for Ret.* (Mr. Sexsmith) 1190 (i)
Stony Lake Wharfs, Number, Cost, &c.: Ques. (Mr. Sexsmith) 1064 (i).
Stony Mountain, Penitentiary Supplies: in Com. of Sup., 918 (i).

Stork, W. W., Inspector of Animals, Details *re* Travelling Expenses: Ques. (Mr. Barr) 6092 (iv).

Strachan, A. A., Land Patent, Homestead Duties, &c.: M. for Cor.* (Mr. Lake) 3992 (ii).

Strathcona, Lord, Gift to Dom. *re* Drilling of School Children: Letter read (Sir Frederick Borden) 3198; M. (Sir Wilfrid Laurier) of Thanks, 3200; Seconded (Mr. R. L. Borden) 3201 (ii).

Strathcona Public Building: in Com. of Sup., 3224 (ii).

Street Car Traffic on Sundays, Dom. Legislation *re*: Ques. (Mr. Beattie) 1414 (ii).

Sturgeon Breeding in Lac du Bonnet, Sale of Fish, &c.: Ques. (Mr. Bradbury) 531 (i).
See 'Lac du Bonnet.'

Sturgeon Falls and Sudbury Public Buildings, Purchase of Land, &c.: Ques. (Mr. Geo Gordon) 817 (i).

Sturgeon's Pier, Enlargement: in Com. of Sup., 2510 (ii).

Sturgeon Pier, P.E.I., Tenders, Contracts, &c., for raising: Ques. (Mr. Fraser) 1241 (i).

Submarine Co.'s Patent: *See* 'B. No. 77.'

Sugar: *See* 'Ways and Means.'

Superior and Western Ry. Co.: *See* 'B. No. 78.'

Supplies for Marine and Public Works Depts., Purchase by Tender, &c.: Ques. (Mr. Foster) 141 (i).

Supply Bills: *See* 'Bills 117 and 195.'

Supply: M. for Com. (Mr. Paterson) 140 (i).

Supply, Conc. Reading of Items: Remarks (Mr. John Haggart) 4048 (iii).

——— One-fourth Estimates voted: Remarks (Mr. Fielding) 3936 (ii)

SUPPLY:

Committee:

Adulteration of Food:
General vote, 455 (i).

Administration of Justice: *See* 'Justice.'

Arts, Agriculture and Statistics:
Archives, 688 (i).
Census and Statistics, 696 (i).
Cold Storage for Fruit, 6983 (iv).
Dairying Industry, &c., 3187 (ii).
Electric Ry. to Ottawa Farm, 3192 (ii)
Exhibitions, 727 (i).
Experimental Farms, 5947 (iv).
Fumigation Stations, 809 (i).
Hog Commission, 6984 (iv).
Gold and Silver Marking Act, 809 (i)
International Institute, 5882 (ii).
Live Stock Industry, 5833 (iii).
Patent Record, 696 (i), 3186 (ii).
Seed Control Act, 5880 (ii).
Tobacco Industry, 5881 (iii).
Year Book, 701, 726 (i), 3186 (ii)

Charges of Management:
General Vote, 399 (i).

SUPPLY—*Con.*

Committee—*Con.*

Civil Government:
Agriculture, 643 (i), 6982 (iv).
Auditor General's Office, 383 (i), 3434 (ii).
Civil Service Commission, 386, 705 (i), 7065 (iv).
Customs, 590 (i).
External Affairs, 7064 (iv).
Finance, 384 (i), 3436 (ii).
Gen. Consulting Engineer, 386 (i).
Gov. Gen.'s Sec.'s Office, 398 (i), 3434 (ii)
High Commissioner's Office, 385 (i).
Indian Affairs, 971 (i).
Inland Revenue, 428, 444 (i)
Interior, 6247 (iv).
Justice, 440 (i).
Labour, 651 (i)
Marine and Fisheries, 386 (i), 3436, 3687 (ii).
Militia and Defence, 2244, 2306 (ii)
Mines, 3673 (ii).
Post Office, 613, 720 (i).
Printing Bureau, 804 (i).
Privy Council Office, 380 (i).
Public Works, 613 (i), 3665 (ii).
Railways and Canals, 461 (i).
Secretary of State, 458 (i).
Trade and Commerce, 385 (i).

Customs:
Miscellaneous, 609 (i).
Preventive Service, 611 (i)
Salaries, Contingencies, &c., 581, 591 (i).

Dominion Lands:
Contingencies, &c., 6285 (iv).
Hydrographic Surveys, 6284 (iv).
Salaries, 6284 (iv).
Surveys, &c., 3463 (ii), 6273 (iv).
Timber Protection, 6283 (iv).

Excise:
Methylated Spirits, 448 (i)
Salaries, &c., 436 (i).
Stamps, 437, 447 (i).
Travelling Expenses, &c., 433, 447 (i)
Weights and Measures:
Electric Power Export, 455 (i).
General Vote, 447 (i).
Metric System, 454 (i).
Salaries *re* Light Inspection, 452 (i).

Fisheries:
Biological Stations, 3438 (ii), 6953 (iv).
Cold Storage for Bait, &c., 6959 (iv).
Dog Fish, 6950 (iv).
Educational Establishments, 6952 (iv).
Fish-breeding Establishments, 6943 (iv).
Fishery Commissions, 6957 (iv).
Fresh Fish, Conservation, &c., 6955 (iv).
International Fisheries Commission, 3439 (ii), 6960 (iv).
Oyster Culture, 6949 (iv).
Protection Service, 6947 (iv).
Provincial Rights, &c., 6958 (iv).
U. S. Vessels Licenses, 6958 (iv).
W. S. Young, 6932 (iv).

Geological Survey:
Assay Office, Vancouver, 7063 (iv).
Mines Branch, 7062 (iv).
Victoria Memorial Museum, Specimens 7063 (i)

SUPPLY—*Con.*
Committee—*Con.*
Govt. of Northwest Territories:
Generally, 1171 (i).
Govt. of Yukon Territory:
Maintenance of Roads, 6273 (iv).
Salaries, &c., 6272 (iv).
Immigration :
Agents' Salaries, &c., 6994 (iv).
Contingencies, &c., 7014 (iv).
Hospitals, 7034 (iv).
Indians :
British Columbia, 1139-1160 (i).
Generally, 1161-1167 (i).
Man. and N.W.T., &c., 1002, 1016 (i), 3462 (ii).
Maritime Provs., 976, 989 (i).
New Brunswick, 999 (i), 3462 (ii).
Nova Scotia, 998 (i), 3462 (ii).
Ont. and Que., 976, 989 (i), 3461 (ii).
Prince Edward Island, 1000 (i).
Yukon, 1160 (i).
Legislation :
Debates, 3437 (ii).
General Vote, 6775 (iv).
Increases in Salaries, 3437 (ii).
Permanent Messenger, 3436 (ii).
Senate, 7065 (iv).
Voters' Lists, 3436 (ii).
Lighthouse and Coast Service:
Agencies, Rents, &c., 6889 (iv).
Aids to Navigation, 6904 (iv).
Ice-breaking, 6915 (iv).
Lime Kiln Crossing, 3437 (ii).
Maintenance and Repairs, 6902 (iv).
Payment to Mrs. A. G. Clarke, 6981 (iv).
Pension to Pilot, 3437 (ii).
Purchase of Land at St. John, N.B., 6915 (iv).
Salaries and Allowances to Keepers, 6889, 6981 (iv).
Vancouver Island, West Trail 6981 (iv).
Mail Subsidies and SS. Subventions:
Chinese Immigration Act, 6655 (iv).
Commercial Agencies, 6656 (iv).
General Vote, 3437 (ii), 6650-6654 (iv).
Old Age Pensions Act, 6660 (iv).
Marine Hospitals:
Care of Sick Seamen, 3438 (ii), 6946 (iv).
Militia:
Annual Drill, 2311, 3422 (ii).
Contingencies, 2313 (ii).
Gratuities, 2313 (ii).
Military Properties, 2314 (ii).
Ordnance, &c., 2307 (ii).
Pay and Allowances, 2316, 3422 (ii), 6660 (iv).
Royal Military College, 3423 (ii).
Transport, 3423 (ii).
Warlike Stores, 2317 (ii).
Miscellaneous:
Arrest of Chinese at Sydney, 3466 (ii).
Banff Park, 1171 (i).
Can. and West Indies, Trade Relations, 6556 (iv).
Conservation Commission, 7064 (iv).
Hague Tribunal, 7057 (iv).
Industrial Disputes Act, 655 (i).
Injuries to N.W.M.P., 3664 (ii).

SUPPLY—*Con.*
Committee—*Con.*
Miscellaneous—*Con.*
Labour Dept., 652 (i), 3433 (ii).
Litigated Matters, 1172 (i).
Marine and Fisheries Investigation, 3449 (ii).
Opium Conference, 3433 (ii).
Park Reservations, 6391 (iv).
Patent Medicines, 458 (i).
Parliamentary Companion, 7064 (iv).
Printing Maps, 3466 (ii), 6289 (iv).
Seed Grain, 3464 (ii).
Seizure of Schooner 'Evolution,' 3450 (ii).
Mounted Police:
General Vote, 3656 (ii).
Ocean and River Service :
Ice-breaker, 3437 (ii), 6673 (iv).
Life Saving, 6675 (iv).
Maintenance and Repairs, 6669 (iv).
Naval Militia, 6683 (iv).
Patrolling Northern Waters, 6682 (iv).
Removal of Obstructions, 6679 (iv).
Tidal Service, 6679 (iv).
Wreck Investigations, 6679 (iv).
Wrecking Plant, 6680 (iv).
Penitentiaries:
B.C., 924 (i), 7035 (iv).
Dorchester, 916 (i).
General Vote, 884 (i).
Kingston, 886 (i).
Manitoba, 918 (i).
St. Vincent de Paul, 914 (i).
Pensions, 812, 883 (i).
Post Office:
Mail Service, 1714 (i), 3423 (ii).
Miscellaneous, 1715 (i), 3431 (ii).
Salaries and Allowances, &c., 1649, 1696 (i); 3204 (ii).
Public Works—Capital :
Buildings:
Astronomical Observatory, 617 (i).
New Buildings, 1250 (i).
Parlt. Buildings, Additions, &c., 1253 (i), 3204 (ii).
Royal Mint, 1271 (i), 3205 (ii).
Victoria Memorial Museum, 1275 (i).
Harbours and Rivers :
Lévis, Deep Water Wharf, 2094 (ii).
Port Arthur, &c., Improvements, 2091 (ii).
Quebec Harbour, 2095 (ii).
Red River Improvements, 2097 (ii)
St. John Harbour, 2109 (ii).
Tiffin Harbour, 2115 (ii).
Victoria Harbour, 2117 (ii).
Public Works—Income :
Buildings:
British Columbia, 2075—2090, 3224 (ii).
Generally, 1598 (i).
Manitoba, 1543—1550 (i), 3332 (ii).
New Brunswick, 1293 (i), 3206—3210, 3237 (ii).
Nova Scotia, 1282-1292 (i).
Ontario, 1356-1361, 1366-1393, 1493-1543 (i), 3223, 3233-35, 3292-3325 (ii).
Prince Edward Island, 1292 (i).
Quebec, 1293-1318 (i), 3210-3222, 3243-3249, 3262-3291 (ii).

SUPPLY—*Con.*
Committee—*Con.*
Public Works—*Con.*
Buildings—*Con.*
Rents, Repairs, &c., 1599-1620 (i), 2452, 3225-3233 (ii).
Saskatchewan, Alberta and Northwest Territories, 1551-1555 (i), 3224 (ii).
Yukon Territory, 1592, 1620 (i), 3224 (ii)
Dredging:
General Vote, 6534, 6553 (iv).
Mar. Provs., 3339 (ii).
Ont. and Que., 3347 (ii).
Repairs, 3338 (ii).
Harbours and Rivers:
British Columbia, 6544 (iv).
Manitoba, 2985-3001 (ii).
Maritime Provinces, 2511 (ii).
New Brunswick, 1622-1646 (i).
Nova Scotia, 1621 (i), 2338-2371, 2453-2484 (ii), 6543 (iv).
Ontario, 2966-2980 (ii). 6543 (iv).
Prince Edward Island, 2507-2512 (ii).
Quebec, 2512-2529, 2540-2554, 2802-2814, 2878-2909 (ii).
Marine Dept.:
Dredging Plant, 6885 (iv).
Permanent Piers, Lake St. Peter, 6887 (iv).
St. Lawrence Ship Channel, 6877 (iv).
Sorel Property, 6885 (iv).
Miscellaneous:
Compensation to Wm. Julien, 3349 (ii).
Generally, 6543 (iv).
Slides and Booms:
General Vote, 6542 (iv).
Telegraph Lines:
B.C., 3348 (ii).
Yukon, 3348, 3349 (ii).
Transportation Facilities:
Montreal Harbour, 3361 (ii).
Quarantine:
Further Amount, 3193 (ii).
Steamers, 5883 (iii).
Tracadie, &c., 809 (i).
Railways and Canals:
Canals:
Beauharnois, 1910 (i).
Carillon and Grenville, 2029, 3420 (ii).
Chambly, 1571 (i).
Cornwall, 2029 (ii).
Galops, 2029 (ii).
Generally, 2071 (ii).
Lachine, 786, 1563 (i), 1910, 3420 (ii).
Quebec Canals,, 1910 (i).
Rideau, 2030, 3420 (ii).
St. Anne's Lock, 2029 (ii).
St. Lawrence Canals, Office, 1572 (i).
Sault Ste. Marie, 1909 (i).
Soulanges, 1569 (i).
Trent, 1577, 1886 (i), 2030, 2074, 3177 (ii).
Welland, 1903 (i), 2030-2041 (ii).
Miscellaneous:
A. Brunet, Remuneration, 2042 (ii).
Arbitrations and Awards, 2054 (ii).
Costs of Litigation, 2055 (ii).
G.T.P. Ry. Inspection, 2048 (ii).
McGill College, Contribution, 2071 (ii).
L
SUPPLY—*Con.*
Committee—*Con.*
Railways and Canals—*Con.*
Miscellaneous—*Con*
Miscellaneous Works, 2054 (ii).
Quebec Bridge Plans, 2050, 3421 (ii).
Railway Commission, 2044, 2056, 2068 (ii).
Surveys and Inspections, 2055 (ii).
Railways:
Intercolonial Railway, 2753, 2921-2949, 2951, 3415-3418 (ii), 6557, 6985 (iv).
National Transcontinental Railway, 6985 (iv).
Prince Edward Island Railway, 2952-2959, 3418 (ii).
Scientific Institutions:
General Vote, 6263 (iv).
Hydrographic Surveys, 6916 (iv).
New Steamer, 6917 (iv).
Meteorological Service, 6915, 6982 (iv).
Water Rights on International Rivers, 6268 (iv).
Unprovided Items:
General Vote, 3466 (ii).
Supply, Concurrence, 4048 (iii), 7074 (iv).
Surveys by Mr. Vaughan: Inquiry for Ret. (Mr. Bradbury) 2128 (ii).
Sussex Street Govtl. Buildings, Architects Plans, Ownership of: Ques. (Mr. Wright) 4038 (iii).
Swan Lake Indian Reserve, Purchase by Govt., Sales, &c.: Ques. (Mr. Staples) 477 (i).
—— Surrender of Land: Remarks (Mr. W. H. Sharpe) in Com. of Sup., 1010 (i).
Sydenham River, Clearing East Branch: in Com. of Sup., 3324 (ii).
Sydney Free Mail Delivery: Remarks (Mr. Maddin) in Com. of Sup., 1706 (i).
Sydney Mines Diversion Line: in Com. of Sup., 2036 (ii).
Tadousac and Rivière du Loup, Winter Navigation: Ques. (Mr. Gauvreau) 344 (i).
Tangier Harbour, Wharf Extension: in Com. of Sup., 2184 (ii).
Tariff, The: *See* 'B. No. 162.'
Tariff Changes *re* Tin: Remarks (Mr. Monk) 4126 (iii).
Tariff, Protection, &c.: Remarks in Com. of Sup., on Live Stock Industry, 5833 (iii).
Tatamagouche Bay, Expenditure *re*: Remarks (Mr. Stanfield) in Com. of Sup, 1621 (i).
Tatamagouche Bay Wharf, Expenditure for Oct. and Nov., &c.: Ques. (Mr. Stanfield) 185 (i).
Tatamagouche River Bridge: Remarks (Mr. Maddin) in Com. of Sup., 2365 (ii).
Telegraph Lines, &c., across Rys.: *See* 'B. No. 32.'
Telegraph Lines, B.C.: in Com. of Sup., 3348 (ii).
Telegraph Operators' Hours: *See* 'B. No. 72.'

Telegraph and Telephone Tariffs, Regulations by Ry. Board: Ques. (Mr. Lennox) 2764 (ii).
Telephone Companies, O.C. *re* Control by Ry. Commission: Ques. (Mr. A. K. Maclean) 1072 (i).
Telephone Lines crossing Rys., Applications, Refusals, &c.: Ques. (Mr. Barr) 335 (i).
—— M. for Ret.* (Mr. Barr) 353 (i).
Telephones, Ottawa Buildings: in Com of Sup., 3229 (ii).
Telephones, &c., Provincial Control by Ry. Commission: Ques. (Mr. Daniel) 1418 (i).
Telephone Rates in Canada, Legislation *re*: Prop. Res. (Mr. Lennox) 1761 (i), Amt. (Mr. Carvell) agreed to (Y. 101; N. 47) 1811 (i).
Telephone Stations between Montreal and Quebec *re* Navigation: Ques. (Mr. Ecrement) 2594 (ii).
Telephone and Telegraph Special Com. of 1905, Expenditure *re*: Ques. (Mr. Lennox) 153 (i).
Tenby Bay Wharf, Warehouse Construction, &c.: Ques. (Mr. Boyce) 339 (i).
Tercentenary Postage Stamps, Total Amount *re* Sale: Ques. (Mr. Perley) 3654 (ii).
Thedford, Arkona and Fort Frank Rural Mail Delivery, Delays in Establishing: Ques. (Mr. Armstrong) 476 (i).
Thessalon and Northern Ry. Co.: *See* 'B. No. 104.'
Thirty-Sixth Regiment, Payments for Storage of Arms: Ques. (Mr. Barr) 4894 (iii).
See 'Militia,' &c.
Thompson Municipality Land Patent, &c.: Remarks (Mr. Staples) in Com. of Sup., 6280 (iv).
Three Rivers Public Building: in Com. of Sup., 1318 (i).
Thunder Bay, Ice Breaking Steamer: in Com. of Sup., 6915 (iv).
Tidal Surveys, &c.: in Com. of Sup., 6679 (iv).
Tiffin Harbour Improvements: in Com. of Sup. 2115 (ii).
Tignish Pier Extension: in Com. of Sup., 2510 (ii).
Tilsonburg, Lake Erie and Pacific Ry. Co.: *See* 'B. No. 41.'
Timber Berth No. 1122, Original Applications, Tenders, &c.: M. for Ret.* (Mr. Campbell) 353 (i).
—— Nos. 1216, &c., Applications, &c.: M. for Copies* (Mr. Bradbury) 2162 (ii).
Timber Inspectors' Travelling Expenses: in Com. of Sup., 1161 (i).
Timber Lands in Alberta, Revenue due, Payable, &c.: Ques. (Mr. Herron) 3193 (ii).
Timber Limit Regulations, Suspension, &c.: Ques. (Mr. Lalor) 342 (i).
Timber Protection, Dom. Lands: in Com. of Sup., 6286 (iv).
Tobacco, Canadian, Encouragement of: in Com. of Sup., 5881 (iii).
Tobacco Stamps: in Com. of Sup., 437, 447 (i).
Tomkins, Hannah Ella, Relief of: *See* 'B. No. 135.'
Toronto Barracks, Delay *re* Erection on Humber River Site: Ques. (Mr. Macdonell) 183
Toronto Drill Hall: in Com. of Sup., 1504 (i)
Toronto, Harbour Improvements: in Com. of Sup., 3317 (ii).
—— Western Entrance: in Com. of Sup., 2980 (ii).
Toronto Harbour Works, Delay *re* Payment to Men: Ques. (Mr. Macdonell) 544 (i).
Toronto Meteorological Observatory: in Com. of Sup., 1505 (i).
Toronto Military Barracks: in Com. of Sup., 1505 (i).
See 'Garrison.'
Toronto, New Post Office, Delay in Constructing: Ques. (Mr. Macdonell) 336 (i).
Toronto, Niagara and Western Ry. Co.: *See* 'B. No. 42.'
Toronto Old Fort, Condition of, &c.: Remarks (Mr. Foster) 6415 (iv).
—— Pets. *re* Transfer, &c.: Remarks (Mr. Foster) 4122 (iii).
—— Reclamation of Land from Park Blackwell Co., Restoration, &c.: Ques. (Mr. Foster) 3984 (ii).
Towers in Dufferin County, Completion, &c.: Ques. (Mr. Barr) 341 (i).
Tracadie Lazaretto: in Com. of Sup., 809 (i).
Trade and Commerce: in Com. of Sup., 6655 (iv).
Trade and Commerce, Part I: Presented (Mr. Paterson) 176 (i).
—— Deptl. Rep.: Presented (Sir Wilfrid Laurier) 2001, 3936 (ii).
Trade Commissioners and Commercial Agencies: in Com. of Sup., 6656 (iv).
Trade Commissioner at Shanghai, Vacancy, Apptmt., &c: Ques. (Mr. Barnard) 2320 (ii).
Trade Relations with Germany, Improvement *re*, Total Exports, &c.: Ques. (Mr. Armstrong) 482 (i).
Transcontinental Ry. Commission, Official Ret.: Remarks (Mr. Graham) 2494 (ii).
—— Rep.: Presented (Mr. Graham) 289 (i).
—— Inquiry for Ret. (Mr. Lennox) 6000 (iv).
—— Inquiry for Ret. (Mr. Foster) 6412 (iv).
See 'G.T.P.'
Transportation Problem: Remarks (Mr. Monk) in Com. of Sup., 2888 (ii).
Treaties between U.S. and G.B., of April 11, 1908, O.C. Regulations, &c.: M. for Copies* (Mr. R. L. Borden) 1081 (i).
See 'Waterways,' 'Germany,' &c.

Trent Canal: in Com. of Sup., 1886 (i).
——— Construction: in Com. of Sup., 1577 (i), 2074 (ii).
——— Improvements: in Com. of Sup., 2030 (ii).
Trent Canal, Damages in Peterborough County Inquiry for Stmnt. (Mr. R. L. Borden) 5777 (iii).
——— Fish Slides: Remarks (Mr. Porter) 2972 (ii).
——— Land Damages, Amounts paid *re*: Ques. (Mr. Sexsmith) 4641 (iii).
——— Land Values, &c., Expropriations, &c.: in Com. of Sup., 3177 (ii).
Trent Canal, Newmarket: Amt. (Mr. J. A. Currie) Neg. (Y. 52; N. 80) 4049 (iii).
Trent Valley Waterways, Extension to Georgian Bay, &c.: Ques. (Mr. Currie) 473 (i).
See 'Holland River,' &c.
Triennial Clothing, Indians: in Com. of Sup., 1014 (i).
Truro Armoury, Apptmt. of Caretaker, &c.: Ques. (Mr. Stanfield) 186 (i).
Truro I. C. R., Increased Accommodation: in Com. of Sup., 2754 (ii).
See 'I. C. R.'
Tuberculosis, International Congress, Delegates to: Ques. (Mr. Perley) 1186 (i).
Tuck, ex-Chief Justice, Rep. *re* Offer of a Knighthood: Ques. (Mr. Lennox) 154 (i).
Turtle Mountain Squatters, Removal, Compensation, &c.: Ques. (Mr. Schaffner) 1417 (i).
Unclaimed Balances in Banks: *See* 'B. No. 155.'
University Drill Corps, Establishment of, &c.: Ques. (Mr. Hughes) 683 (i).
Unprovided Items: in Com. of Sup., 3465 (ii).
Upper Prospect Breakwater: in Com. of Sup., 3235 (ii).
Usury Act, 1908, Prosecutions, Penalties, &c.: Ques. (Mr. Staples) 481 (i).
Uxbridge Post Office, Options *re* Sites, &c.: Ques. (Mr. S. Sharpe) 181, 1731 (i), 6091 (iv).
Vancouver Bank: *See* 'B. No. 52.'
Vancouver Election Officials, Delay in Payments to: Ques. (Mr. Cowan) 1418 (i).
Vancouver, Fraser Valley and Southern Ry. Co.: *See* 'B. No. 57.'
Vancouver Public Building: in Com. of Sup., 2082 (ii).
Vancouver, Westminster and Yukon Ry. Co.: *See* 'B. No. 58.'
Vautelet, H. A., Emplymt. as Architect, Payments to, &c.: Ques. (Mr. Northrup) 1412 (i).
Ventilation and Fire Escapes of New H. of C. Wing: Remarks (Mr. Hughes) 6781 (iv).
Vernon River Bridge: in Com. of Sup., 2511 (ii).
Vernon, B.C., Public Building: in Com. of Sup., 2075 (ii).
Veterans of 1866, Land Grants to: Ques. (Mr. Edwards) 668 (i).
Victoria and Barkley Sound Ry. Co.: *See* 'B. No. 59.'
Victoria Harbour Improvements, Ont.: in Com. of Sup., 2117 (ii).
Victoria Immigration Buildings, B.C.: in Com. of Sup., 2082 (ii).
Victoria Post Office, Pet. from Letter Carriers: Remarks (Mr. Barnard) in Com. of Sup., 1712 (i).
Victoria, Vancouver and Skagway SS. Subventions: in Com. of Sup., 6654 (iv).
Villa Lots in Section 14, Twp. 21, Applications *re* Transfer, Cor., &c.: M. for Copies* (Mr. McCarthy) 685 (i).
Voters' Lists, Electoral District of Thunder Bay, Cost of, &c.: Ques. (Mr. Boyce) 349 (i).
——— Parry Sound, Cost of Revision, &c.: Ques. (Mr. Arthurs) 669 (i).
Voters' Lists, Printing, &c.: in Com. of Sup., 3436 (ii).
Wake, John, Relief of: *See* 'B. No. 178.'
Walkerton and Lucknow Ry. Co.: *See* 'B. No. 53.'
Wallace Bridge Wharf: in Com. of Sup., 2484 (ii).
——— Contracts *re* Construction, &c.: Ques. (Mr. Rhodes) 1916 (i).
Wallberg, Mr., Claims *re* Moneys due him: Ques. (Mr. S. Sharpe) 3989 (ii).
——— Contract of, &c.: Ques. (Mr. Crocket) 3475 (ii).
Ward, Fleetwood Howard, Relief of: *See* 'B. No. 182.'
Warlike Stores: in Com. of Sup., 2317 (ii).
Warships discarded by G. B., Offer to Fisheries Protection Service: Ques. (Mr. Barnard) 2379 (ii).
Water Carriage of Goods: *See* 'B. No. 105.'
Water Carriage of Goods between Can. and G.B., Regulations *re*: Ques. (Mr. Sproule) 2764 (ii).
Water Carriage of Goods, Discussion *re* Bill: Remarks (Mr. Perley) 6846 (iv).
Water Lines of Ships: *See* 'B. No. 45.'
Water Powers: *See* 'B. No. 21.'
Water Power, Leases on Canadian Canals: Remarks in Com. of Sup., 2037 (ii).
Waterways Treaty, Acceptance of U.S. Senate Amts.: Remarks (Mr. R. L. Borden) 4471 (iii).
——— Amendment of U.S. Senate, Ratification by Govt.: Ques. (Mr. Boyce) 4288 (iii).
Waterways Treaty with U.S.: Changes in Draft Treaty *re* Intersection of Islands: Remarks (Mr. J. A. Currie) on M. for Sup., 1490 (i).
——— Explanation (Sir Wilfrid Laurier) 1562 (i).

Waterways Treaty, Conditional Ratification: Remarks (Mr. Boyce) 2335 (ii).
—— Date of Signing and Receipt: Ques. (Mr. R. L. Borden) 1074 (i).
—— Delay in placing before Can. Parlt.: Remarks (Mr. R. L. Borden) 174 (i).
—— Despatch from Sec. of State for Colonies: Remarks (Mr. R. L. Borden) on M. for Sup., 633 (i).
—— Discussion by Mr. Gibbons: Remarks (Mr. R. L. Borden) 1563 (i).
—— Further Information: Remarks (Mr. R. L. Borden) 292 (i).
—— Inquiry for Papers (Mr. R. L. Borden) 7, 158, 292, 402 (i).
—— International and N.B. Fisheries, Par. in St. John 'Globe.': Remarks (Mr. Daniel) 1243 (i).
—— O.Cs. Cor. Reps., &c.: M. for Copies* (Mr. R. L. Borden) 1081 (i).
—— Presentation of: Remarks (Sir Wilfrid Laurier) 2494 (ii).
—— Publication by Newspapers: Remarks (Mr. R. L. Borden) 1187 (i).
—— Ratification by U.S. Senate: on M. for Sup. (Mr. Boyce) 1353 (i).
—— U. S. Rider *re* St. Mary's River and Milk River: M. (Mr. Magrath) to Com. of Sup., 6583 (iv).
Waterways and Boundaries Treaty, and Welland Canal Enlargement: Ques. (Mr. Macdonell) 6292 (iv).
Watson, R. J., Emplymt. by Govt.: Ques. (Mr. Sexsmith) 2158 (ii).
Ways and Means: M. for Com. (Mr. Paterson) 140 (i).
—— The Budget (Mr. Fielding) 4546 (iii). *See* 'Budget.'
Ways and Means, Sugar: in Com. on Tariff, 5099 (iii).
Weapons, Carrying of: *See* 'B. Nos. 83 and 101.'
Weights and Measures, Discussion of Estimates: Remarks (Mr. J. A. Currie) in Com. of Sup., 3683 (ii).
—— Inspection: in Com. of Sup., 447 (i).
Welchpool, Campobello Island Wharf: in Com. of Sup., 1646 (i).
Welland Canal, Electric Power Plant: in Com. of Sup., 1903 (i).
—— Employees, Number for Sept. and Oct.: Ques. (Mr. Lancaster) 470 (i).
—— Feeder Bridges: in Com. of Sup., 2036 (ii).
—— Number of Employees, Total Salaries, Revenue, &c.: Ques. (Mr. Lalor) 815 (i).
—— Port Maitland Piers: in Com. of Sup., 2030 (ii).
—— Repairs: in Com. of Sup., 2034 (ii).
Welland Canal, Steel Gate Lifter: in Com. of Sup., 2036 (ii).
—— Surveys: in Com. of Sup., 1909 (i).
—— Total Cost, Tonnage, &c.: Ques. (Mr. McCall) 2154 (ii).
—— Widening: in Com. of Sup., 1903 (i).
Welland County, Expenditures re Public Works: Ques. (Mr. T. Chisholm) 3990 (ii).
Wells, Judge, Apptmt. in Westmoreland County, Absence with and without Leave, &c.: Ques. (Mr. McAllister) 4897 (iii).
Western Canadian Life Assurance Co.: *See* 'B. No. 37.'
West Coast Trail on Vancouver Island: in Com. of Sup., 6981 (iv).
Westport Landing Pier: Remarks (Mr. Jameson) in Com. of Sup., 2457 (ii).
Westport Wharf, Amount expended, Estimated Cost, &c.: Ques. (Mr. Jameson) 475 (i).
Westville Post Office, Area of Concrete Walks, &c.: Ques. (Mr. Sexsmith) 6085 (iv).
—— Contract Price, Inspector, &c.: Ques. (Mr. Crosby) 2755 (ii).
Westville Public Building: in Com. of Sup., 1292 (i).
Weymouth Bridge: Remarks (Mr. Jameson) in Com. of Sup., 2360 (ii).
Weymouth P.O., Change of Name, &c.: M. for Cor.* (Mr. Jameson) 3055 (ii).
Wharfs and Piers Act: *See* 'B. No. 89.'
Wharfs between Longue Pointe and Pointe-aux-Trembles, Pets. *re*: Ques. (Mr. C. A. Wilson) 1068 (i).
Wharfs in Inland Rivers: Remarks (Mr. Wright) in Com. of Sup., 3331 (ii).
Wharfs in N.S., N.B. and B.C., Amount expended since 1906: Ques. (Mr. Barnard) 348 (i).
—— M. for Ret.* (Mr. Barnard) 1190 (i).
Wharfs in Queens and Sunbury, Tenders called for in Oct., 1908, Estimated Cost, &c.: Ques. (Mr. Crocket) 2374 (ii).
Wharfs at St. Zotique, Amounts of Repairs, &c.: Ques. (Mr. Lortie) 1400 (i).
Wheat: *See* 'Seed.'
Whitby Harbour, Negotiations *re* Acquisition by Govt.: Ques. (Mr. Hughes) 2372 (ii).
Whitby Public Building: in Com. of Sup., 1393 (i).
—— Advertisements for Tenders: Read in Com. of Sup., 1514 (i).
Whitefish Spawn for Lake Winnipegosis, Contract *re*: Ques. (Mr. Campbell) 1403 (i).
Whitefish, Sturgeon, Winter and Summer caught, Quantity, Value exported, &c.: M. for Ret.* (Mr. Bradbury) 826 (i).
Whitehead, Grand Manan Wharf: in Com. of Sup., 1646 (i).

Williams Head Quarantine Station: in Com. of Sup., 2090 (ii).
Williams, Thos., Emplymt. on I.C.R. at Moncton, Superannuation, &c.: Ques. (Mr. Emmerson) 330 (i).
Windsor Branch, I.C.R. Maintenance: in Com. of Sup., 3421 (ii).
Windsor, Essex and Lake Shore Rapid Ry. Co.: *See* 'B. No. 120.'
Windsor, N.S., Post Office, Tenders *re* Renovating, &c.: Ques. (Mr. Black) 4288 (iii).
Wingfield Basin Dredging: Remarks (Mr. Middlebro) in Com. of Sup., 3347 (ii).
Wingham Post Office Clock, Completion of: Ques. (Mr. T. Chisholm) 4637 (iii).
Winnipeg, Bank of: *See* 'B. No. 158.'
Winnipeg Beach Pier, Removal of Obstruction in Manitou Rapids, &c.: Ques. (Mr. Bradbury) 335 (i).
Winnipeg Beach Protection: Remarks (Mr. Bradbury) in Com. of Sup., 2986 (ii).
Winnipeg 'Free Press.' Total Amount paid by Govt., 1906-9: M. for Ret.* (Mr. Herron) 354 (i).
—— Inquiry for Ret. (Mr. Herron) 1978 (i).
Winnipeg and Northwestern Ry. Co.: *See* 'B. No. 29.'
Winnipeg P.O. and Ry. Station Mail Contract, Tenders, Charges, &c.: Ques. (Mr. Bradbury) 869 (i).
Winnipeg Post Office Building: in Com. of Sup., 1549 (i).
Winnipegosis Fish Hatchery, Total Expenditure, &c.: Ques. (Mr. Campbell) 1402 (i).
Wire Fencing, Advertisements for Tenders, &c.: M. for Ret.* (Mr. Geo. Taylor) 354 (i).
—— Ques. (Mr. Taylor) 245 (i).
Wire Fencing, I.C.R.: Inquiry for Ret. (Mr. Taylor) 1321 (i).
Wireless Telegraphy on Ships: *See* 'B. No. 74.'
Wolfe Island Canal, Bridge, &c.: Remarks (Mr. Edwards) in Com. of Sup., 3302 (ii).
—— Construction, Contribution *re* Maintenance: Ques. (Mr. Edwards) 3043 (ii).
Wood Alcohol, Quantity purchased, Price, Cost, &c.: Ques. (Mr. Miller) 1396 (i).
Wood and Wood Pulp, Negotiations *re* Tariff Increase: Ques. (Mr. Jameson) 1241 (i).
Woodstock Armoury, Bowling Alley Operations: Ques. (Mr. Crocket) 5157 (iii).
Woollen Industry and Tariff Changes: M. (Mr. Lennox) 4126 (iii).
Woollen Mills, Number, Quantity of Canadian Wool used, &c.: Ques. (Mr. Lennox) 150 (i).
Wool, Raw, Quantity imported into Canada for 1907, Duty, &c.: Ques. (Mr. Lennox) 149 (i).
Wrecks, Investigations: in Com. of Sup., 6679 (iv).
Wrecking Plant Subsidy, &c.: in Com. of Sup., 6680 (iv).
Yamaska Landing Pier: in Com. of Sup., 2909 (ii).
Yamaska River Dredging: in Com. of Sup., 3291 (ii).
Yarmouth Harbour Buoys, Displacement of: Remarks (Mr. Jameson) on M. to adjn., 1114 (i).
Yarmouth Harbour Improvements: in Com. of Sup., 2484 (ii).
Year-Book: in Com. of Sup., 701 (i), 3186 (ii).
Young, W. S., Payment *re* Collection of Whitefish Eggs: in Com. of Sup., 6982 (iv).
Yukon Act Amt.: *See* 'B. No. 156.'
Yukon Buildings, Rents, &c.: in Com. of Sup, 1620 (i).
Yukon, Commissioner's Residence, Dawson: in Com. of Sup., 1592 (i), 3224 (ii).
—— Buildings, Rents, &c.: in Com. of Sup., 1620 (i).
—— Commissioner's Residence: in Com. of Sup., 1592 (i), 3224 (ii).
—— Northwest Mounted Police: in Com. of Sup., 3659 (ii).
Yukon Govt., Administration of: in Com. of Sup., 6272 (iv).
Yukon Ordinances: Prop. Res. (Mr. Oliver) 7075 (iv).
—— Beer Tax (prop. res.) 5892 (iv).
—— Roads, Maintenance, &c.: in Com. of Sup., 6273 (iv).
—— Telegraph Lines: in Com. of Sup., 3348 (ii).
'Zaidee' and 'Gladiator,' Govt. Strs., Privileges *re* Towing, &c.: Ques. (Mr. Paterson) 5631 (iii).
Zinc Mines, Discovery in Albermarle Twp., Govt. Bounty to: Ques. (Mr. Beattie) 1077 (i).